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To: Judiciary B

HOUSE BILL NO. 912
 (As Sent to Governor)

1 AN ACT TO PROVIDE THAT A FIREARM SUPPRESSOR MANUFACTURED AND
 2 REMAINING IN THE STATE OF MISSISSIPPI IS NOT SUBJECT TO FEDERAL
 3 LAWS AND REGULATIONS GOVERNING FIREARM SUPPRESSORS; TO PROHIBIT
 4 STATE AND LOCAL GOVERNMENTAL AUTHORITIES FROM ENFORCING FEDERAL
 5 REGULATIONS ON SUPPRESSORS MADE IN MISSISSIPPI; TO REQUIRE STATE
 6 FUNDING TO BE WITHHELD FROM ANY GOVERNMENTAL ENTITY THAT ADOPTS A
 7 RULE OR POLICY ENFORCING THE FEDERAL LAWS GOVERNING FIREARM
 8 SUPPRESSORS; TO REQUIRE THE DISMISSAL OF CHARGES OF ILLEGALLY
 9 CARRYING A MUFFLER OR SILENCER WHICH ARE PENDING ON JULY 1, 2023;
 10 TO AMEND SECTIONS 11-1-67 AND 97-37-1, MISSISSIPPI CODE OF 1972,
 11 IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO REPEAL SECTION
 12 97-37-31, MISSISSIPPI CODE OF 1972, WHICH CREATES THE MISDEMEANOR
 13 OFFENSE OF MAKING, MANUFACTURING, SELLING OR POSSESSING A DEVICE
 14 THAT WILL MUFFLE THE REPORT OF A FIREARM BY A PERSON NOT
 15 AUTHORIZED TO DO SUCH UNDER FEDERAL LAW; AND FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** (1) As used in this section, the following words
 18 and phrases have the meanings ascribed in this subsection unless
 19 the context clearly requires otherwise:

20 (a) "Firearm" means any device designed, made or
 21 adapted to expel a projectile through a barrel by using the energy
 22 generated by an explosion or burning substance or any device
 23 readily convertible to that use. "Firearm" does not include a



24 firearm that may have, as an integral part, a folding knife blade
25 or other characteristics of illegal weapons which are:

26 (i) An antique or curio firearm manufactured
27 before 1899; or

28 (ii) A replica of an antique or curio firearm
29 manufactured before 1899, but only if the replica does not use rim
30 fire or center fire ammunition.

31 (b) "Firearm suppressor" means any device designed,
32 made or adapted to muffle the report of a firearm.

33 (c) "Generic and insignificant part" means an item that
34 has manufacturing or consumer product applications other than
35 inclusion in a firearm suppressor. The term includes a spring,
36 screw, nut and pin.

37 (d) "Manufacture" includes forging, casting, machining
38 or another process for working a material.

39 (2) A firearm suppressor is considered to be manufactured in
40 this state if the item is manufactured:

41 (a) In this state from basic materials which shall
42 include iron, steel, stainless steel, aluminum, titanium, or metal
43 alloys which are either machined out of solid ingots or stamped
44 out of sheets; and

45 (b) Without the inclusion of any part imported from
46 another state other than a generic and insignificant part.

47 (3) A firearm suppressor is manufactured in this state if it
48 is manufactured as described in subsection (2) of this section



49 without regard to whether a firearm imported into this state from
50 another state is attached to or used in conjunction with the
51 suppressor.

52 (4) A firearm suppressor that is manufactured in this state
53 and remains in this state is not subject to federal law or federal
54 regulation, including registration, under the authority of the
55 United States Congress to regulate interstate commerce.

56 (5) Basic material from which a firearm suppressor is
57 manufactured in this state, including unmachined steel, is not a
58 firearm suppressor and is not subject to federal regulation under
59 the authority of the United States Congress to regulate interstate
60 commerce as if it actually were a firearm suppressor.

61 (6) A firearm suppressor manufactured and sold in this state
62 must have the words "Made in Mississippi" clearly stamped or
63 etched on it.

64 (7) This section applies only to a firearm suppressor that
65 is manufactured on or after July 1, 2023.

66 **SECTION 2.** (1) This section applies to:

67 (a) The State of Mississippi, including an agency,
68 department, commission, bureau, board, office, council, court or
69 other entity that is in any branch of state government and which
70 is created by the constitution or a statute of this state;

71 (b) The governing body of a municipality, county,
72 school district or other district;



73 (c) An officer, employee or body that is part of a
74 municipality, county, school district or other district, including
75 a sheriff, municipal police department, municipal attorney or
76 county attorney; and

77 (d) A district attorney or other prosecuting attorney.

78 (2) (a) An entity described in subsection (1) of this
79 section may not adopt a rule, regulation, order, ordinance or
80 policy under which the entity enforces, or by consistent action
81 allows the enforcement of, a federal statute, order, rule or
82 regulation that purports to regulate a firearm suppressor, as
83 defined in Section 1 of this act, if the rule, regulation, order,
84 ordinance or policy imposes a prohibition, restriction or other
85 regulation that does not exist under the laws of this state.

86 (b) An entity or person employed by or otherwise under
87 the direction or control of an entity described in subsection (1)
88 of this section may not enforce or attempt to enforce any federal
89 statute, order, rule or regulation described under paragraph (a)
90 of this subsection.

91 (3) (a) An entity described in subsection (1) of this
92 section may not receive state funds if the entity adopts a rule,
93 regulation, order, ordinance or policy under which the entity
94 enforces a federal law described under subsection (2) (a) of this
95 section or, by consistent action, allows the enforcement of a
96 federal law described under subsection (2) (a) of this section.



97 (b) State funds for the entity must be denied for the
98 fiscal year following the year in which a final judicial
99 determination in an action brought under this section is made that
100 the entity has violated subsection (2)(a) of this section.

101 **SECTION 3.** An alleged offense under Section 97-37-1, as it
102 existed on June 30, 2023, of concealed carrying of a muffler or
103 silencer for any firearm, or under Section 97-37-31, as it existed
104 on June 30, 2023, of possession of a device that is used to muffle
105 a firearm, may not be prosecuted on or after July 1, 2023. If on
106 July 1, 2023, a criminal action is pending for an offense
107 described in this section, the action is dismissed on that date.
108 However, a final conviction for an offense described in this
109 section which exists on July 1, 2023, is unaffected by this act.

110 **SECTION 4.** Section 11-1-67, Mississippi Code of 1972, is
111 amended as follows:

112 11-1-67. (1) The authority to bring an action against any
113 firearms or ammunition manufacturer, distributor or dealer duly
114 licensed under federal law on behalf of any governmental entity
115 created by or pursuant to an act of the Mississippi Legislature or
116 the Mississippi Constitution of 1890, or any department, agency or
117 authority thereof, for damages, abatement, injunctive relief or
118 any other relief or remedy resulting from or relating to the
119 lawful design, manufacture, distribution or sale of firearms,
120 firearm components, * * * ammunition or ammunition components to
121 the public, shall be exclusively reserved to the state. This



122 section shall not prohibit a political subdivision from bringing
123 an action against a firearm or ammunition manufacturer,
124 distributor or dealer for breach of contract or warranty as to
125 firearms or ammunition purchased by the political subdivision, or
126 for injuries resulting from a firearm malfunction due to defects
127 in materials or workmanship.

128 (2) "Political subdivision" and "governmental entity" shall
129 have the meanings ascribed in Section 11-46-1.

130 **SECTION 5.** Section 97-37-1, Mississippi Code of 1972, is
131 amended as follows:

132 97-37-1. (1) Except as otherwise provided in Section
133 45-9-101, any person who carries, concealed on or about one's
134 person, any bowie knife, dirk knife, butcher knife, switchblade
135 knife, metallic knuckles, blackjack, * * * pistol, revolver, or
136 any rifle with a barrel of less than sixteen (16) inches in
137 length, or any shotgun with a barrel of less than eighteen (18)
138 inches in length, machine gun or any fully automatic firearm or
139 deadly weapon, * * * or uses or attempts to use against another
140 person any imitation firearm, shall, upon conviction, be punished
141 as follows:

142 (a) By a fine of not less than One Hundred Dollars
143 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
144 imprisonment in the county jail for not more than six (6) months,
145 or both, in the discretion of the court, for the first conviction
146 under this section.



147 (b) By a fine of not less than One Hundred Dollars
148 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
149 imprisonment in the county jail for not less than thirty (30) days
150 nor more than six (6) months, for the second conviction under this
151 section.

152 (c) By confinement in the custody of the Department of
153 Corrections for not less than one (1) year nor more than five (5)
154 years, for the third or subsequent conviction under this section.

155 (d) By confinement in the custody of the Department of
156 Corrections for not less than one (1) year nor more than ten (10)
157 years for any person previously convicted of any felony who is
158 convicted under this section.

159 (2) It shall not be a violation of this section for any
160 person over the age of eighteen (18) years to carry a firearm or
161 deadly weapon concealed within the confines of his own home or his
162 place of business, or any real property associated with his home
163 or business or within any motor vehicle.

164 (3) It shall not be a violation of this section for any
165 person to carry a firearm or deadly weapon concealed if the
166 possessor of the weapon is then engaged in a legitimate
167 weapon-related sports activity or is going to or returning from
168 such activity. For purposes of this subsection, "legitimate
169 weapon-related sports activity" means hunting, fishing, target
170 shooting or any other legal activity which normally involves the
171 use of a firearm or other weapon.



172 (4) For the purposes of this section, "concealed" means
173 hidden or obscured from common observation and shall not include
174 any weapon listed in subsection (1) of this section, including,
175 but not limited to, a loaded or unloaded pistol carried upon the
176 person in a sheath, belt holster or shoulder holster that is
177 wholly or partially visible, or carried upon the person in a
178 scabbard or case for carrying the weapon that is wholly or
179 partially visible.

180 **SECTION 6.** Section 97-37-31, Mississippi Code of 1972, which
181 creates the misdemeanor offense of making, manufacturing, selling
182 or possessing a device that will muffle the report of a firearm by
183 a person not authorized to do such under federal law, is repealed.

184 **SECTION 7.** This act shall take effect and be in force from
185 and after the date that the United States Supreme Court rules in
186 favor of the Texas Attorney General and the State of Texas and its
187 passage and implementation of Texas House Bill 957, 2021 Regular
188 Session, in any appeal related to that certain case pending in the
189 United States District Court for the North District of Texas and
190 styled *Paxton et al v. Richardson* (4:22-cv-00143), or after ten
191 (10) days following the date of publication by the Attorney
192 General of Mississippi in the administrative bulletin published by
193 the Secretary of State as provided in Section 25-43-2.101,
194 Mississippi Code of 1972, that the Attorney General of Mississippi
195 has determined that the United States Supreme Court has rendered



196 binding precedent that it is reasonably probable that this act
197 would be upheld by the court as constitutional.

