

By: Senator(s) McCaughn

To: Judiciary, Division B

SENATE BILL NO. 2119

1 AN ACT TO AMEND SECTION 97-37-5, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT THE POSSESSION OF MULTIPLE WEAPONS SHALL SUBJECT AN
3 OFFENDER TO ONE CHARGE PER WEAPON; AND FOR RELATED PURPOSES.

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

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

7 97-37-5. (1) It shall be unlawful for any person who has
8 been convicted of a felony under the laws of this state, any other
9 state, or of the United States to possess * * * a firearm or * * *
10 a bowie knife, dirk knife, butcher knife, switchblade knife,
11 metallic knuckles, blackjack, or * * * a muffler or silencer for
12 any firearm unless such person has received a pardon for such
13 felony, has received a relief from disability pursuant to Section
14 925(c) of Title 18 of the United States Code, or has received a
15 certificate of rehabilitation pursuant to subsection (3) of this
16 section.

17 (2) Any person violating this section shall be guilty of a
18 felony and, upon conviction thereof, shall be fined not more than



19 Five Thousand Dollars (\$5,000.00), or committed to the custody of
20 the State Department of Corrections for not less than one (1) year
21 nor more than ten (10) years, or both.

22 (3) A person who has been convicted of a felony under the
23 laws of this state, under the laws of another state, under federal
24 law or in state military court may apply for a certificate of
25 rehabilitation as provided in this section. If the person was
26 convicted of a felony under the laws of this state, he or she may
27 apply to the court in which he was convicted for a certificate of
28 rehabilitation. If the person was convicted of a felony under the
29 laws of another state, under federal law or in state military
30 court, he or she may apply to the court in the person's county of
31 residence for a certificate of rehabilitation. A person convicted
32 of a felony under the laws of another state, under federal law or
33 in state military court shall attach a certified copy of his or
34 her judgment and a certified copy of his or her completion of
35 sentence to the petition for a certificate of rehabilitation. The
36 court may grant such certificate in its discretion upon a showing
37 to the satisfaction of the court that the applicant has been
38 rehabilitated and has led a useful, productive and law-abiding
39 life since the completion of his or her sentence and upon the
40 finding of the court that he or she will not be likely to act in a
41 manner dangerous to public safety.

42 (4) (a) A person who is discharged from court-ordered
43 mental health treatment may petition the court which entered the



44 commitment order for an order stating that the person qualifies
45 for relief from a firearms disability.

46 (b) In determining whether to grant relief, the court
47 must hear and consider evidence about:

48 (i) The circumstances that led to imposition of
49 the firearms disability under 18 USCS, Section 922(d)(4);

50 (ii) The person's mental history;

51 (iii) The person's criminal history; and

52 (iv) The person's reputation.

53 (c) A court may not grant relief unless it makes and
54 enters in the record the following affirmative findings:

55 (i) That the person is no longer likely to act in
56 a manner dangerous to public safety; and

57 (ii) Removing the person's disability to purchase
58 a firearm is not against the public interest.

59 **SECTION 2.** This act shall take effect and be in force from
60 and after July 1, 2023.

