

By: Senator(s) Blackwell, Tate, Younger,
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To: Judiciary, Division B

SENATE BILL NO. 2246

1 AN ACT TO ENACT THE MISSISSIPPI SUPPRESSOR FREEDOM ACT; TO
2 DEFINE TERMS; TO STATE LEGISLATIVE FINDINGS; TO PROVIDE THAT A
3 FIREARM SUPPRESSOR SHALL BE CONSIDERED TO BE MANUFACTURED IN THIS
4 STATE IF IT IS MANUFACTURED IN THIS STATE WITHOUT REGARD TO
5 WHETHER A FIREARM IMPORTED INTO THIS STATE FROM ANOTHER STATE IS
6 ATTACHED TO OR USED IN CONJUNCTION WITH THE FIREARM SUPPRESSOR; TO
7 REQUIRE CERTAIN MARKINGS ON A FIREARM SUPPRESSOR MANUFACTURED AND
8 SOLD IN THIS STATE; TO REQUIRE THE ATTORNEY GENERAL TO SEEK A
9 DECLARATORY JUDGMENT FROM A FEDERAL DISTRICT COURT IN THIS STATE
10 THAT THIS ACT IS CONSISTENT WITH THE PROVISIONS OF THE UNITED
11 STATES CONSTITUTION UPON THE RECEIPT OF WRITTEN NOTIFICATION OF A
12 PERSON'S INTENT TO MANUFACTURE A FIREARM SUPPRESSOR UNDER THE
13 AUTHORITY OF THIS ACT; TO PROHIBIT THE STATE, ITS POLITICAL
14 SUBDIVISION OR A GOVERNMENTAL ENTITY FROM ADOPTING A RULE, ORDER,
15 ORDINANCE, OR POLICY UNDER WHICH THE ENTITY ENFORCES, OR BY
16 CONSISTENT ACTION ALLOWING THE ENFORCEMENT OF, A FEDERAL STATUTE,
17 ORDER, RULE, OR REGULATION THAT PURPORTS TO REGULATE A FIREARM
18 SUPPRESSOR IF THE STATUTE, ORDER, RULE, OR REGULATION IMPOSES A
19 PROHIBITION, RESTRICTION, OR OTHER REGULATION THAT DOES NOT EXIST
20 UNDER THE LAWS OF THIS STATE; TO PROVIDE A REMEDY AGAINST CERTAIN
21 GOVERNMENTAL ENTITIES; TO REPEAL SECTION 97-37-31, MISSISSIPPI
22 CODE OF 1972, WHICH CRIMINALIZES THE MANUFACTURE OF SILENCERS ON
23 FIREARMS WITHOUT AUTHORIZATION UNDER FEDERAL LAW; AND FOR RELATED
24 PURPOSES.

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

26 **SECTION 1.** This act shall be known and may be cited as the
27 "Mississippi Suppressor Freedom Act."



28 **SECTION 2.** As used in this act, the following terms shall
29 have the meaning herein ascribed unless the context clearly
30 requires otherwise:

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

33 (b) "Generic part" means an item that has manufacturing
34 or consumer product applications other than inclusion in a firearm
35 suppressor. The term "generic part" shall include, but is not
36 limited to, a spring, screw, nut and pin.

37 (c) "Governmental entity" means any branch, department,
38 agency or instrumentality of state government, or any official or
39 other person acting under color of state law, or any political
40 subdivision of this state.

41 (d) "Manufacture" includes forging, casting, machining,
42 fabricating or working a material.

43 (e) "Manufactured in this state" means manufactured at
44 a location wholly within the geographic boundaries of this state
45 from basic materials without the inclusion of any part imported
46 from another state other than a generic part.

47 (f) "Political subdivision" has the meaning provided in
48 Section 11-46-1.

49 **SECTION 3.** (1) The Legislature finds that a firearm
50 suppressor that is manufactured in this state and remains in this
51 state is not subject to federal law or federal regulation,



52 including registration, under the authority of the United States
53 Congress to regulate interstate commerce.

54 (2) The Legislature finds that a basic material or generic
55 part from which a firearm suppressor is manufactured in this
56 state, including unmachined steel, is not a firearm suppressor and
57 is not subject to federal regulation under the authority of the
58 United States Congress to regulate interstate commerce as if it is
59 actually a firearm suppressor.

60 **SECTION 4.** (1) A firearm suppressor shall be considered to
61 be manufactured in this state if it is manufactured in this state
62 without regard to whether a firearm imported into this state from
63 another state is attached to or used in conjunction with the
64 firearm suppressor.

65 (2) A firearm suppressor manufactured and sold in this state
66 shall be stamped clearly with the words "Made in Mississippi".

67 **SECTION 5.** On written notification to the Attorney General
68 by a resident of Mississippi who is a United States citizen of the
69 resident's intent to manufacture a firearm suppressor in this
70 state in compliance with this act, the Attorney General shall seek
71 a declaratory judgment from a federal district court in this state
72 that this act is consistent with the provisions of the United
73 States Constitution.

74 **SECTION 6.** (1) The state, its political subdivisions or a
75 governmental entity shall not adopt a rule, order, ordinance, or
76 policy under which the entity enforces, or by consistent action



77 allow the enforcement of, a federal statute, order, rule, or
78 regulation that purports to regulate a firearm suppressor if the
79 statute, order, rule, or regulation imposes a prohibition,
80 restriction, or other regulation that does not exist under the
81 laws of this state.

82 (2) The state, its political subdivisions or a governmental
83 entity and no person employed by or otherwise under the direction
84 or control of any governmental entity may enforce or attempt to
85 enforce any federal statute, order, rule, or regulation described
86 by subsection (1) of this section.

87 **SECTION 7.** (1) Any person who is a United States citizen
88 and resides in the jurisdiction of an entity described in Section
89 6 of this act may file a complaint with the Attorney General
90 against the entity if the person offers evidence to support an
91 allegation that the entity has adopted a rule, order, ordinance,
92 or policy under which the entity enforces a federal law described
93 by Section 6(1) of this act or that the entity, by consistent
94 action, allows the enforcement of federal law described by Section
95 6(1) of this act. The complainant must include with the complaint
96 any evidence the complainant has in support of the complaint.

97 (2) (a) If the Attorney General determines that a complaint
98 filed under subsection (1) of this section is valid, the Attorney
99 General shall file a petition for a writ of mandamus or apply for
100 other appropriate equitable relief in a district court in Hinds



101 County or in a county in which the principal office of the entity
102 is located to compel the entity's compliance with this act.

103 (b) The Attorney General may recover reasonable
104 expenses incurred obtaining relief under this subsection,
105 including court costs, reasonable attorney's fees, investigative
106 costs, witness fees and deposition costs.

107 (c) An appeal of a suit brought under this section
108 shall be governed by the procedures for accelerated appeals in
109 civil cases under the Mississippi Rules of Appellate Procedure.
110 The appellate court shall render its final order or judgment with
111 the least possible delay.

112 (3) For the fiscal year following the year in which a final
113 judicial determination in an action brought under this section is
114 made that the entity has violated Section 6(1) of this act, the
115 entity shall not be granted any appropriations requests other than
116 those requests necessary to maintain the entity's minimum
117 functions.

118 **SECTION 8.** Section 97-37-31, Mississippi Code of 1972, which
119 criminalizes the manufacture of silencers on firearms without
120 authorization under federal law, is hereby repealed. If on the
121 effective date of this act a criminal action is pending for an
122 offense described by Section 97-37-31, the action shall be
123 dismissed. A conviction for an offense described by Section
124 97-37-31 entered on the docket before the effective date of this
125 act shall be unaffected by this act.



126 **SECTION 9.** This act shall take effect and be in force from
127 and after its passage.

