

Senate Amendments to House Bill No. 912

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

21 (a) "Firearm" means any device designed, made or
22 adapted to expel a projectile through a barrel by using the energy
23 generated by an explosion or burning substance or any device
24 readily convertible to that use. "Firearm" does not include a
25 firearm that may have, as an integral part, a folding knife blade
26 or other characteristics of illegal weapons which are:

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

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

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

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

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

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

42 (a) In this state from basic materials; and

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

45 (3) A firearm suppressor is manufactured in this state if it
46 is manufactured as described in subsection (2) of this section
47 without regard to whether a firearm imported into this state from
48 another state is attached to or used in conjunction with the
49 suppressor.

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

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

59 (6) A firearm suppressor manufactured and sold in this state
60 must have the words "Made in Mississippi" clearly stamped on it.

61 (7) On written notification to the Attorney General by a
62 United States citizen who resides in this state of the citizen's
63 intent to manufacture a firearm suppressor to which subsection (4)
64 of this section applies, the Attorney General shall seek a
65 declaratory judgment from a federal district court in this state
66 that subsection (4) of this section is consistent with the United
67 States Constitution.

68 (8) This section applies only to a firearm suppressor that
69 is manufactured on or after July 1, 2023.

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

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

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

77 (c) An officer, employee or body that is part of a
78 municipality, county, school district or other district, including
79 a sheriff, municipal police department, municipal attorney or
80 county attorney; and

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

82 (2) (a) An entity described in subsection (1) of this
83 section may not adopt a rule, regulation, order, ordinance or
84 policy under which the entity enforces, or by consistent action

85 allows the enforcement of, a federal statute, order, rule or
86 regulation that purports to regulate a firearm suppressor, as
87 defined in Section 1 of this act, if the rule, regulation, order,
88 ordinance or policy imposes a prohibition, restriction or other
89 regulation that does not exist under the laws of this state.

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

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

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

105 (4) (a) Any citizen residing in the jurisdiction of an
106 entity described in subsection (1) of this section may file a
107 complaint with the Attorney General if the citizen offers evidence
108 to support an allegation that the entity has adopted a rule,
109 regulation, order, ordinance or policy under which the entity
110 enforces a federal law described under subsection (2)(a) or that

111 the entity, by consistent action, allows the enforcement of a
112 federal law described under subsection (2)(a) of this section.
113 The citizen must include with the complaint any evidence the
114 citizen has in support of the complaint.

115 (b) If the Attorney General determines that a complaint
116 filed under paragraph (a) of this subsection against an entity
117 described in subsection (1) of this section is valid, to compel
118 the entity's compliance with this section, the Attorney General
119 may file a petition for a writ of mandamus or apply for other
120 appropriate equitable relief in the chancery court in Hinds County
121 or in the county in which the principal office of the entity is
122 located. The Attorney General may recover reasonable expenses
123 incurred obtaining relief under this subsection, including court
124 costs, reasonable attorney's fees, investigative costs, witness
125 fees and deposition costs.

126 **SECTION 3.** An alleged offense under Section 97-37-1, as it
127 existed on June 30, 2023, of concealed carrying of a muffler or
128 silencer for any firearm, or under Section 97-37-5, as it existed
129 on June 30, 2023, of possession by a person who has been convicted
130 of a felony of a muffler or silencer for any firearm, or under
131 Section 97-37-31, as it existed on June 30, 2023, of possession of
132 a device that is used to muffle a firearm, may not be prosecuted
133 on or after July 1, 2023. If on July 1, 2023, a criminal action
134 is pending for an offense described in this section, the action is
135 dismissed on that date. However, a final conviction for an

136 offense described in this section which exists on July 1, 2023, is
137 unaffected by this act.

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

140 11-1-67. (1) The authority to bring an action against any
141 firearms or ammunition manufacturer, distributor or dealer duly
142 licensed under federal law on behalf of any governmental entity
143 created by or pursuant to an act of the Mississippi Legislature or
144 the Mississippi Constitution of 1890, or any department, agency or
145 authority thereof, for damages, abatement, injunctive relief or
146 any other relief or remedy resulting from or relating to the
147 lawful design, manufacture, distribution or sale of firearms,
148 firearm components, * * * ammunition or ammunition components to
149 the public, shall be exclusively reserved to the state. This
150 section shall not prohibit a political subdivision from bringing
151 an action against a firearm or ammunition manufacturer,
152 distributor or dealer for breach of contract or warranty as to
153 firearms or ammunition purchased by the political subdivision, or
154 for injuries resulting from a firearm malfunction due to defects
155 in materials or workmanship.

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

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

160 97-37-1. (1) Except as otherwise provided in Section
161 45-9-101, any person who carries, concealed on or about one's

162 person, any bowie knife, dirk knife, butcher knife, switchblade
163 knife, metallic knuckles, blackjack, slingshot, pistol, revolver,
164 or any rifle with a barrel of less than sixteen (16) inches in
165 length, or any shotgun with a barrel of less than eighteen (18)
166 inches in length, machine gun or any fully automatic firearm or
167 deadly weapon, * * * or uses or attempts to use against another
168 person any imitation firearm, shall, upon conviction, be punished
169 as follows:

170 (a) By a fine of not less than One Hundred Dollars
171 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
172 imprisonment in the county jail for not more than six (6) months,
173 or both, in the discretion of the court, for the first conviction
174 under this section.

175 (b) By a fine of not less than One Hundred Dollars
176 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
177 imprisonment in the county jail for not less than thirty (30) days
178 nor more than six (6) months, for the second conviction under this
179 section.

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

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

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

192 (3) It shall not be a violation of this section for any
193 person to carry a firearm or deadly weapon concealed if the
194 possessor of the weapon is then engaged in a legitimate
195 weapon-related sports activity or is going to or returning from
196 such activity. For purposes of this subsection, "legitimate
197 weapon-related sports activity" means hunting, fishing, target
198 shooting or any other legal activity which normally involves the
199 use of a firearm or other weapon.

200 (4) For the purposes of this section, "concealed" means
201 hidden or obscured from common observation and shall not include
202 any weapon listed in subsection (1) of this section, including,
203 but not limited to, a loaded or unloaded pistol carried upon the
204 person in a sheath, belt holster or shoulder holster that is
205 wholly or partially visible, or carried upon the person in a
206 scabbard or case for carrying the weapon that is wholly or
207 partially visible.

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

210 97-37-5. (1) It shall be unlawful for any person who has
211 been convicted of a felony under the laws of this state, any other
212 state, or of the United States to possess any firearm or any bowie

213 knife, dirk knife, butcher knife, switchblade knife, metallic
214 knuckles * * * or blackjack * * * unless such person has received
215 a pardon for such felony, has received a relief from disability
216 pursuant to Section 925(c) of Title 18 of the United States Code,
217 or has received a certificate of rehabilitation pursuant to
218 subsection (3) of this section.

219 (2) Any person violating this section shall be guilty of a
220 felony and, upon conviction thereof, shall be fined not more than
221 Five Thousand Dollars (\$5,000.00), or committed to the custody of
222 the State Department of Corrections for not less than one (1) year
223 nor more than ten (10) years, or both.

224 (3) A person who has been convicted of a felony under the
225 laws of this state, under the laws of another state, under federal
226 law or in state military court may apply for a certificate of
227 rehabilitation as provided in this section. If the person was
228 convicted of a felony under the laws of this state, he or she may
229 apply to the court in which he was convicted for a certificate of
230 rehabilitation. If the person was convicted of a felony under the
231 laws of another state, under federal law or in state military
232 court, he or she may apply to the court in the person's county of
233 residence for a certificate of rehabilitation. A person convicted
234 of a felony under the laws of another state, under federal law or
235 in state military court shall attach a certified copy of his or
236 her judgment and a certified copy of his or her completion of
237 sentence to the petition for a certificate of rehabilitation. The
238 court may grant such certificate in its discretion upon a showing

239 to the satisfaction of the court that the applicant has been
240 rehabilitated and has led a useful, productive and law-abiding
241 life since the completion of his or her sentence and upon the
242 finding of the court that he or she will not be likely to act in a
243 manner dangerous to public safety.

244 (4) (a) A person who is discharged from court-ordered
245 mental health treatment may petition the court which entered the
246 commitment order for an order stating that the person qualifies
247 for relief from a firearms disability.

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

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

252 (ii) The person's mental history;

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

254 (iv) The person's reputation.

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

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

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

261 **SECTION 7.** Section 97-37-31, Mississippi Code of 1972, which
262 creates the misdemeanor offense of making, manufacturing, selling
263 or possessing a device that will muffle the report of a firearm by
264 a person not authorized to do such under federal law, is repealed.

265 **SECTION 8.** This act shall take effect and be in force from
266 and after the date that the United States Supreme Court in *Paxton*
267 *et al v. Richardson* rules in favor of the Texas Attorney General
268 and the State of Texas and its passage and implementation of Texas
269 House Bill 957, 2021 Regular Session and shall stand repealed one
270 day before its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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, 97-37-1 AND 97-37-5, MISSISSIPPI CODE
11 OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO REPEAL
12 SECTION 97-37-31, MISSISSIPPI CODE OF 1972, WHICH CREATES THE
13 MISDEMEANOR OFFENSE OF MAKING, MANUFACTURING, SELLING OR
14 POSSESSING A DEVICE THAT WILL MUFFLE THE REPORT OF A FIREARM BY A
15 PERSON NOT AUTHORIZED TO DO SUCH UNDER FEDERAL LAW; AND FOR
16 RELATED PURPOSES.

SS26\HB912A.J

Eugene S. Clarke
Secretary of the Senate