MISSISSIPPI LEGISLATURE REGULAR SESSION 2024

By: Representative McKnight

To: Judiciary B

HOUSE BILL NO. 1433

AN ACT TO AMEND SECTION 97-37-37, MISSISSIPPI CODE OF 1972, TO INCLUDE A FIREARM ENHANCEMENT PROVISION SPECIFICALLY FOR ANY PERSON WHO USES OR DISPLAYS A FIREARM DURING THE COMMISSION OF ANY GANG-RELATED ACTIVITY; TO AMEND SECTION 97-44-19, MISSISSIPPI CODE OF 1972, TO ENHANCE PENALTIES FOR PARTICIPATING IN AND FURTHERING GANG ACTIVITY TO BE EQUAL TO THE PENALTY OF THE UNDERLYING OFFENSE; AND FOR RELATED PURPOSES.

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

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

97-37-37. (1) Except to the extent that a greater minimum sentence is otherwise provided by any other provision of law, any person who uses or displays a firearm during the commission of any felony shall, in addition to the punishment provided for such felony, be sentenced to an additional term of imprisonment in the custody of the Department of Corrections of five (5) years, which sentence shall not be reduced or suspended.

(2) Except to the extent that a greater minimum sentence is otherwise provided by any other provision of law, any convicted felon who uses or displays a firearm during the commission of any

felony shall, in addition to the punishment provided for such felony, be sentenced to an additional term of imprisonment in the custody of the Department of Corrections of ten (10) years, to run consecutively, not concurrently, which sentence shall not be reduced or suspended.

(3) Except to the extent that a greater minimum sentence is otherwise provided by any other provision of law, any person who uses or displays a firearm during the commission of any gang-related activity, as defined in Section 97-44-3(d), shall, in addition to the punishment provided for such gang-related activity, be sentenced to an additional term of imprisonment in the custody of the Department of Corrections of five (5) years, to run consecutively, not concurrently, which sentence shall not be reduced or suspended.

SECTION 2. Section 97-44-19, Mississippi Code of 1972, is amended as follows:

97-44-19. (1) Any person who intentionally directs, participates, conducts, furthers, or assists in the commission of illegal gang activity shall be punished by imprisonment for *** * *** an additional term equal to that imposed for that underlying offense and may be fined an amount not to exceed Ten Thousand Dollars ($10,000.00). Any sentence of imprisonment imposed pursuant to this section shall *** * *** run consecutively to any sentence imposed for the underlying offense.

(2) Any person who is convicted of a felony or an attempted felony which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the intent to promote, further, or assist in the affairs of a criminal gang, shall, upon conviction of that felony, *** * *** be imprisoned for *** * *** an additional term equal to the amount imposed for that underlying offense. Any sentence of imprisonment imposed pursuant to this section shall run consecutively to any sentence imposed for the underlying offense.

(3) Any person who is convicted of an offense other than a felony which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct or enterprise by gang members, shall *** * *** be imprisoned for *** * *** an additional term equal to the amount imposed for that underlying offense. Any sentence of imprisonment imposed pursuant to this section shall run consecutively to any sentence imposed for the underlying offense.

(4) Any person who knowingly and willfully sells or buys goods or performs services for a criminal street gang in furtherance of illegal activity shall be punished by imprisonment *** * *** an additional term equal to the amount imposed for that underlying offense and may be fined an amount not to exceed Ten Thousand Dollars ($10,000.00). Any sentence of

imprisonment imposed pursuant to this section shall run consecutively to any sentence imposed for the underlying offense.

(5) The court may elect to suspend all or a part of any additional mandatory punishment or enhanced punishment provided for in this chapter to impose alternative punishment in the form of properly supervised community service or placement in an appropriate adolescent offender program, if available, only in an unusual case where the interest of justice would best be served, and if the court specifies on the record and enters into the minutes the circumstances and reasons that the interests of justice would best be served by that suspension of enhanced punishment.

SECTION 3. This act shall take effect and be in force from and after July 1, 2024.