

By: Representatives Horan, McLean

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1441

1 AN ACT TO AMEND SECTION 97-37-37, MISSISSIPPI CODE OF 1972,
2 TO INCREASE TERM OF IMPRISONMENT FOR USE OF A SEMI-AUTOMATIC
3 FIREARM DURING THE COMMISSION OF A FELONY; AND FOR RELATED
4 PURPOSES.

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

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

8 97-37-37. (1) Except to the extent that a greater minimum
9 sentence is otherwise provided by any other provision of law, any
10 person who uses or displays a firearm during the commission of any
11 felony shall, in addition to the punishment provided for such
12 felony, be sentenced to an additional term of imprisonment in the
13 custody of the Department of Corrections of five (5) years, which
14 sentence shall not be reduced or suspended.

15 (2) Except to the extent that a greater minimum sentence is
16 otherwise provided by any other provision of law, any convicted
17 felon who uses or displays a firearm during the commission of any
18 felony shall, in addition to the punishment provided for such
19 felony, be sentenced to an additional term of imprisonment in the



20 custody of the Department of Corrections of ten (10) years, to run
21 consecutively, not concurrently, which sentence shall not be
22 reduced or suspended.

23 (3) (a) Except to the extent that a greater minimum
24 sentence is otherwise provided by any other provision of law, any
25 person who uses or displays a semi-automatic or automatic firearm
26 capable of accepting a large capacity magazine during the
27 commission of a felony for a violent crime as defined by Section
28 97-3-2 shall be sentenced, in addition to punishment provided for
29 such felony and the enhancements listed in subsections (1) and (2)
30 of this section, to an additional term of imprisonment in the
31 custody of the Department of Corrections for twenty (20) years
32 which shall run consecutively, not concurrently, and shall not be
33 reduced or suspended.

34 (b) Except to the extent that a greater minimum
35 sentence is otherwise provided by any other provision of law, any
36 person who uses or displays a semi-automatic or automatic firearm
37 capable of accepting a large capacity magazine during the
38 commission of a felony for a nonviolent crime shall be sentenced,
39 in addition to punishment provided for such felony and the
40 enhancements listed in subsections (1) and (2) of this section, to
41 an additional term of imprisonment in the custody of the
42 Department of Corrections for five (5) years which shall run
43 consecutively, not concurrently, and shall not be reduced or
44 suspended.



45 (c) For purposes of this subsection, the term
46 "semi-automatic or automatic firearm capable of accepting a large
47 capacity magazine" means a firearm that has a magazine device that
48 can accept more than fifteen (15) rounds of ammunition; or a
49 magazine or similar device that could accept more than fifteen
50 (15) rounds of ammunition and the person was in close proximity to
51 the firearm during the commission of a crime.

52 **SECTION 2.** This act shall take effect and be in force from
53 and after July 1, 2024.

