

By: Representatives Horan, McLean

To: Judiciary B

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) Except to the extent that a greater minimum sentence is  
24 otherwise provided by any other provision of law, any person who  
25 uses or displays a semi-automatic or automatic firearm capable of  
26 accepting a large capacity magazine during the commission of a  
27 felony shall be, in additon to punishment provided for such felony  
28 and the enhancements listed in subsections (1) and (2) of this  
29 section, sentenced to an additional term of imprisonment in the  
30 custody of the Department of Corrections which shall run  
31 consecutively, not concurrently, and shall not be reduced or  
32 suspended. For purposes of this subsection, the term  
33 "semi-automatic or automatic firearm capable of accepting a large  
34 capacity magazine" means a firearm that has a magazine device that  
35 can accept more than fifteen (15) rounds of ammunition; or a  
36 magazine or similar device that could accept more than fifteen  
37 (15) rounds of ammunition and the person was in close proximity to  
38 the firearm during the commission of a crime.

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

