

By: Senator(s) Hickman

To: Judiciary, Division B

SENATE BILL NO. 2626

1 AN ACT TO AMEND SECTION 97-37-5, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE ANY PERSON CONVICTED OF A NONVIOLENT FELONY TO POSSESS  
3 AND USE FIREARMS AND DEADLY WEAPONS UPON THE COMPLETION OF ALL  
4 SENTENCING REQUIREMENTS, INCLUDING THE PAYMENT OF ORDERED  
5 RESTITUTION; AND FOR RELATED PURPOSES.

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

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

9 97-37-5. (1) (a) Except as otherwise provided in paragraph  
10 (b) of this section, It shall be unlawful for any person who has  
11 been convicted of a felony under the laws of this state, any other  
12 state, or of the United States to possess any firearm or any bowie  
13 knife, dirk knife, butcher knife, switchblade knife, metallic  
14 knuckles, blackjack, or any muffler or silencer for any firearm  
15 unless such person has received a pardon for such felony, has  
16 received a relief from disability pursuant to Section 925(c) of  
17 Title 18 of the United States Code, or has received a certificate  
18 of rehabilitation pursuant to subsection (3) of this section.



19           (b) (i) It shall be lawful for any person who has been  
20 convicted of a nonviolent felony under the laws of this state, any  
21 other state, or of the United States to possess and use any  
22 firearm or any bowie knife, dirk knife, butcher knife, switchblade  
23 knife, metallic knuckles, blackjack, or any muffler or silencer  
24 provided that the person has completed all terms of the sentence,  
25 including the payment of all ordered restitution.

26           (ii) For purposes of this paragraph, "nonviolent  
27 felony" shall mean a felony other than those felonies listed in  
28 Section 97-3-2(1) or designated as violent by the judge at  
29 sentencing under Section 97-3-2(2).

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

35           (3) A person who has been convicted of a felony under the  
36 laws of this state, under the laws of another state, under federal  
37 law or in state military court may apply for a certificate of  
38 rehabilitation as provided in this section. If the person was  
39 convicted of a felony under the laws of this state, he or she may  
40 apply to the court in which he was convicted for a certificate of  
41 rehabilitation. If the person was convicted of a felony under the  
42 laws of another state, under federal law or in state military  
43 court, he or she may apply to the court in the person's county of



44 residence for a certificate of rehabilitation. A person convicted  
45 of a felony under the laws of another state, under federal law or  
46 in state military court shall attach a certified copy of his or  
47 her judgment and a certified copy of his or her completion of  
48 sentence to the petition for a certificate of rehabilitation. The  
49 court may grant such certificate in its discretion upon a showing  
50 to the satisfaction of the court that the applicant has been  
51 rehabilitated and has led a useful, productive and law-abiding  
52 life since the completion of his or her sentence and upon the  
53 finding of the court that he or she will not be likely to act in a  
54 manner dangerous to public safety.

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

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

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

63 (ii) The person's mental history;

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

65 (iv) The person's reputation.

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



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

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

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

