

By: Representatives Hulum, Clark, Johnson,
Taylor, Nelson

To: Judiciary B

HOUSE BILL NO. 1254

1 AN ACT TO CREATE THE MISSISSIPPI FIREARMS PARENTAL AMNESTY
2 ACT; TO PROVIDE CIVIL AND CRIMINAL IMMUNITY TO PARENTS OR LEGAL
3 GUARDIANS WHO VOLUNTARILY DELIVER FIREARMS OWNED, CONTROLLED OR IN
4 THE POSSESSION OF A MINOR TO LAW ENFORCEMENT; TO AMEND SECTION
5 45-9-53, MISSISSIPPI CODE OF 1972, TO CONFORM TO THESE PROVISIONS;
6 TO BRING FORWARD SECTIONS 97-37-1 AND 97-37-3, MISSISSIPPI CODE OF
7 1972, WHICH REGULATE POSSESSION OF DANGEROUS WEAPONS FOR PURPOSES
8 OF AMENDMENT; AND RELATED PURPOSES.

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

10 **SECTION 1.** (1) This act shall be known and may be cited as
11 the "Mississippi Firearms Parental Amnesty Act".

12 (2) Any parent or legal guardian of a minor who is less than
13 eighteen (18) years of age, and who voluntarily and peacefully
14 delivers and abandons any firearm that was owned by or in the
15 possession or control of the minor, regardless of whether the
16 firearm was used in the commission of a crime or not, shall be
17 immune from civil and criminal liability for any action taken with
18 use of the firearm, if any.

19 (3) Delivery and abandonment under this section may be made
20 at any police district, station, or central headquarters, agency



or by summoning a police officer to the person's residence or place of business.

(4) Every firearm to be delivered and abandoned to a law enforcement agency with the protections of this act shall be transported and/or disposed of in accordance with Section 45-9-53.

(5) No person who delivers and abandons a firearm, destructive device, or ammunition under this section shall be required to furnish identification, photographs, or fingerprints.

(6) No amount of money shall be paid for any firearm, destructive device, or ammunition delivered and abandoned under this section.

(7) Whenever any firearm, destructive device, or any other ammunition is surrendered under this section, the law enforcement agency that receives such shall inquire of the District Attorney or Mississippi Office of Attorney General whether such firearm is needed as evidence; provided, that if the same is not needed as evidence, it shall be destroyed.

(8) The provisions of this section shall not be construed to authorize prohibited contraband of inmates described in Sections 47-5-191 to 47-5-198.

SECTION 2. Section 45-9-53, Mississippi Code of 1972, is amended as follows:

45-9-53. (1) This section and Section 45-9-51 do not affect the authority that a county or municipality may have under another law:



46 (a) To require citizens or public employees to be armed
47 for personal or national defense, law enforcement, or another
48 lawful purpose;

49 (b) To regulate the discharge of firearms within the
50 limits of the county or municipality. A county or municipality
51 may not apply a regulation relating to the discharge of firearms
52 or other weapons in the extraterritorial jurisdiction of the
53 county or municipality or in an area annexed by the county or
54 municipality after September 1, 1981, if the firearm or other
55 weapon is:

56 (i) A shotgun, air rifle or air pistol, BB gun or
57 bow and arrow discharged:

58 1. On a tract of land of ten (10) acres or
59 more and more than one hundred fifty (150) feet from a residence
60 or occupied building located on another property; and

61 2. In a manner not reasonably expected to
62 cause a projectile to cross the boundary of the tract; or

63 (ii) A center fire or rimfire rifle or pistol or a
64 muzzle-loading rifle or pistol of any caliber discharged:

65 1. On a tract of land of fifty (50) acres or
66 more and more than three hundred (300) feet from a residence or
67 occupied building located on another property; and

68 2. In a manner not reasonably expected to
69 cause a projectile to cross the boundary of the tract;



70 (c) To regulate the use of property or location of
71 businesses for uses therein pursuant to fire code, zoning
72 ordinances, or land-use regulations, so long as such codes,
73 ordinances and regulations are not used to circumvent the intent
74 of Section 45-9-51 or paragraph (e) of this subsection;

75 (d) To regulate the use of firearms in cases of
76 insurrection, riots and natural disasters in which the city finds
77 such regulation necessary to protect the health and safety of the
78 public. However, the provisions of this section shall not apply
79 to the lawful possession of firearms, ammunition or components of
80 firearms or ammunition;

81 (e) To regulate the storage or transportation of
82 explosives in order to protect the health and safety of the
83 public, with the exception of black powder which is exempt up to
84 twenty-five (25) pounds per private residence and fifty (50)
85 pounds per retail dealer;

86 (f) To regulate the carrying of a firearm at: (i) a
87 public park or at a public meeting of a county, municipality or
88 other governmental body; (ii) a political rally, parade or
89 official political meeting; or (iii) a nonfirearm-related school,
90 college or professional athletic event; or

91 (g) To regulate the receipt of firearms by pawnshops.

92 (2) The exception provided by subsection (1)(f) of this
93 section does not apply if the firearm was in or carried to and
94 from an area designated for use in a lawful hunting, fishing or



other sporting event and the firearm is of the type commonly used in the activity.

(3) This section and Section 45-9-51 do not authorize a county or municipality or their officers or employees to act in contravention of Section 33-7-303.

(4) No county or a municipality may use the written notice provisions of Section 45-9-101(13) to prohibit concealed firearms on property under their control except:

(a) At a location listed in Section 45-9-101(13) indicating that a license issued under Section 45-9-101 does not authorize the holder to carry a firearm into that location, as long as the sign also indicates that carrying a firearm is unauthorized only for license holders without a training endorsement or that it is a location included in Section 97-37-7(2) where carrying a firearm is unauthorized for all license holders; and

(b) At any location under the control of the county or municipality aside from a location listed in subsection (1)(f) of this section or Section 45-9-101(13) indicating that the possession of a firearm is prohibited on the premises, as long as the sign also indicates that it does not apply to a person properly licensed under Section 45-9-101 or Section 97-37-7(2) to carry a concealed firearm or to a person lawfully carrying a firearm that is not concealed.



119 (5) (a) A citizen of this state, or a person licensed to
120 carry a concealed pistol or revolver under Section 45-9-101, or a
121 person licensed to carry a concealed pistol or revolver with the
122 endorsement under Section 97-37-7, who is adversely affected by an
123 ordinance or posted written notice adopted by a county or
124 municipality in violation of this section may file suit for
125 declarative and injunctive relief against a county or municipality
126 in the circuit court which shall have jurisdiction over the county
127 or municipality where the violation of this section occurs.

128 (b) Before instituting suit under this subsection, the
129 party adversely impacted by the ordinance or posted written notice
130 shall notify the Attorney General in writing of the violation and
131 include evidence of the violation. The Attorney General shall,
132 within thirty (30) days, investigate whether the county or
133 municipality adopted an ordinance or posted written notice in
134 violation of this section and provide the chief administrative
135 officer of the county or municipality notice of his findings,
136 including, if applicable, a description of the violation and
137 specific language of the ordinance or posted written notice found
138 to be in violation. The county or municipality shall have thirty
139 (30) days from receipt of that notice to cure the violation. If
140 the county or municipality fails to cure the violation within that
141 thirty-day time period, a suit under paragraph (a) of this
142 subsection may proceed. The findings of the Attorney General



shall constitute a "Public Record" as defined by the Mississippi Public Records Act of 1983, Section 25-61-1 et seq.

(c) If the circuit court finds that a county or municipality adopted an ordinance or posted written notice in violation of this section and failed to cure that violation in accordance with paragraph (b) of this subsection, the circuit court shall issue a permanent injunction against a county or municipality prohibiting it from enforcing the ordinance or posted written notice. Any elected county or municipal official under whose jurisdiction the violation occurred may be civilly liable in a sum not to exceed One Thousand Dollars (\$1,000.00), plus all reasonable attorney's fees and costs incurred by the party bringing the suit. Public funds may not be used to defend or reimburse officials who are found by the court to have violated this section.

(d) It shall be an affirmative defense to any claim brought against an elected county or municipal official under this subsection (5) that the elected official:

(i) Did not vote in the affirmative for the adopted ordinance or posted written notice deemed by the court to be in violation of this section;

(ii) Did attempt to take recorded action to cure the violation as noticed by the Attorney General in paragraph (b) of this subsection; or



(iii) Did attempt to take recorded action to rescind the ordinance or remove the posted written notice deemed by the court to be in violation of this section.

(6) No county or municipality or their officers or employees may participate in any program in which individuals are given a thing of value as provided in Section 1 of this act, provided by another individual or other entity in exchange for surrendering a firearm to the county, municipality or other governmental body unless:

(a) The county or municipality has adopted an ordinance authorizing the participation of the county or municipality, or participation by an officer or employee of the county or municipality in such a program; and

(b) Any ordinance enacted pursuant to this section must require that any firearm received shall be destroyed by the agency or offered for sale at auction as provided by Sections 19-3-85 and 21-39-21 to federally licensed firearms dealers, with the proceeds from such sale at auction reverting to the general operating fund of the county, municipality or other governmental body. Any firearm remaining in possession of the county, municipality or other governmental body after attempts to sell at auction * * * shall be * * * destroyed in a manner that the body deems appropriate.

SECTION 3. Section 97-37-1, Mississippi Code of 1972, is brought forward as follows:



192 **[Until the date that the conditions described in Section 7 of**
193 **Chapter 461, Laws of 2023, have been met, this section shall read**
194 **as follows:]**

195 97-37-1. (1) Except as otherwise provided in Section
196 45-9-101, any person who carries, concealed on or about one's
197 person, any bowie knife, dirk knife, butcher knife, switchblade
198 knife, metallic knuckles, blackjack, slingshot, pistol, revolver,
199 or any rifle with a barrel of less than sixteen (16) inches in
200 length, or any shotgun with a barrel of less than eighteen (18)
201 inches in length, machine gun or any fully automatic firearm or
202 deadly weapon, or any muffler or silencer for any firearm, whether
203 or not it is accompanied by a firearm, or uses or attempts to use
204 against another person any imitation firearm, shall, upon
205 conviction, be punished as follows:

206 (a) By a fine of not less than One Hundred Dollars
207 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
208 imprisonment in the county jail for not more than six (6) months,
209 or both, in the discretion of the court, for the first conviction
210 under this section.

211 (b) By a fine of not less than One Hundred Dollars
212 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
213 imprisonment in the county jail for not less than thirty (30) days
214 nor more than six (6) months, for the second conviction under this
215 section.



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

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

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

228 (3) It shall not be a violation of this section for any
229 person to carry a firearm or deadly weapon concealed if the
230 possessor of the weapon is then engaged in a legitimate
231 weapon-related sports activity or is going to or returning from
232 such activity. For purposes of this subsection, "legitimate
233 weapon-related sports activity" means hunting, fishing, target
234 shooting or any other legal activity which normally involves the
235 use of a firearm or other weapon.

236 (4) For the purposes of this section, "concealed" means
237 hidden or obscured from common observation and shall not include
238 any weapon listed in subsection (1) of this section, including,
239 but not limited to, a loaded or unloaded pistol carried upon the
240 person in a sheath, belt holster or shoulder holster that is



wholly or partially visible, or carried upon the person in a scabbard or case for carrying the weapon that is wholly or partially visible.

[From and after the date that the conditions described in Section 7 of Chapter 461, Laws of 2023, have been met, this section shall read as follows:]

97-37-1. (1) Except as otherwise provided in Section 45-9-101, any person who carries, concealed on or about one's person, any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or uses or attempts to use against another person any imitation firearm, shall, upon conviction, be punished as follows:

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

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



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

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

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

278 (3) It shall not be a violation of this section for any
279 person to carry a firearm or deadly weapon concealed if the
280 possessor of the weapon is then engaged in a legitimate
281 weapon-related sports activity or is going to or returning from
282 such activity. For purposes of this subsection, "legitimate
283 weapon-related sports activity" means hunting, fishing, target
284 shooting or any other legal activity which normally involves the
285 use of a firearm or other weapon.

286 (4) For the purposes of this section, "concealed" means
287 hidden or obscured from common observation and shall not include
288 any weapon listed in subsection (1) of this section, including,
289 but not limited to, a loaded or unloaded pistol carried upon the
290 person in a sheath, belt holster or shoulder holster that is



wholly or partially visible, or carried upon the person in a scabbard or case for carrying the weapon that is wholly or partially visible.

SECTION 4. Section 97-37-3, Mississippi Code of 1972, is brought forward as follows:

97-37-3. (1) Any weapon used in violation of Section 97-37-1, or used in the commission of any other crime, shall be seized by the arresting officer, may be introduced in evidence, and in the event of a conviction, shall be ordered to be forfeited, and shall be disposed of as ordered by the court having jurisdiction of such offense. In the event of dismissal or acquittal of charges, such weapon shall be returned to the accused from whom it was seized.

(2) (a) If the weapon to be forfeited is merchantable, the court may order the weapon forfeited to the seizing law enforcement agency.

(b) A weapon so forfeited to a law enforcement agency may be sold at auction as provided by Sections 19-3-85 and 21-39-21 to a federally-licensed firearms dealer, with the proceeds from such sale at auction to be used to buy bulletproof vests for the seizing law enforcement agency.

SECTION 5. This act shall take effect and be in force from and after July 1, 2025.

