

By: Senator(s) Hickman

To: Judiciary, Division B

SENATE BILL NO. 2321

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 five (5) years after the successful completion of all terms and
25 conditions of the sentence for the conviction, including the
26 payment of all ordered fines, fees, assessments, and restitution
27 and the completion of any requirements of probation, parole, or
28 early release.

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

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

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



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

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

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

- 64 (i) The circumstances that led to imposition of
65 the firearms disability under 18 USCS, Section 922(d)(4);
66 (ii) The person's mental history;
67 (iii) The person's criminal history; and
68 (iv) The person's reputation.



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

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

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

75 **SECTION 2.** This act shall take effect and be in force from
76 and after July 1, 2025.

