

By: Representatives Wallace, Miller,  
Straughter, Thornton

To: Judiciary B

## HOUSE BILL NO. 1045

1 AN ACT TO AMEND SECTION 97-37-1, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT ANY PERSON TWENTY-ONE YEARS OR OLDER MAY CARRY A  
3 FIREARM OR DEADLY WEAPON; TO PROVIDE THAT PERSONS OVER THE AGE OF  
4 EIGHTEEN, BUT UNDER THE AGE OF TWENTY-ONE MUST HAVE THEIR PARENTS  
5 CONSENT TO POSSESS A FIREARM OR DEADLY WEAPON; TO PROVIDE THAT THE  
6 PARENT GIVING CONSENT SHALL SIGN AN AFFIDAVIT STATING THAT HE IS  
7 GIVING CONSENT FOR THE MINOR TO POSSESS A FIREARM OR DEADLY  
8 WEAPON; TO PROVIDE THAT THE COMMISSIONER OF PUBLIC SAFETY SHALL  
9 PREPARE AND APPROVE THE FORM FOR THE AFFIDAVIT; AND FOR RELATED  
10 PURPOSES.

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

12 SECTION 1. Section 97-37-1, Mississippi Code of 1972, is  
13 amended as follows:

14 97-37-1. (1) Except as otherwise provided in Section  
15 45-9-101, any person who carries, concealed in whole or in part,  
16 any bowie knife, dirk knife, butcher knife, switchblade knife,  
17 metallic knuckles, blackjack, slingshot, pistol, revolver, or any  
18 rifle with a barrel of less than sixteen (16) inches in length, or  
19 any shotgun with a barrel of less than eighteen (18) inches in  
20 length, machine gun or any fully automatic firearm or deadly  
21 weapon, or any muffler or silencer for any firearm, whether or not  
22 it is accompanied by a firearm, or uses or attempts to use against  
23 another person any imitation firearm, shall upon conviction be  
24 punished as follows:

25 (a) By a fine of not less than One Hundred Dollars  
26 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by  
27 imprisonment in the county jail for not more than six (6) months,  
28 or both, in the discretion of the court, for the first conviction  
29 under this section.

30 (b) By a fine of not less than One Hundred Dollars

31 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and  
32 imprisonment in the county jail for not less than thirty (30) days  
33 nor more than six (6) months, for the second conviction under this  
34 section.

35 (c) By imprisonment in the State Penitentiary for not  
36 less than one (1) year nor more than five (5) years, for the third  
37 or more convictions under this section.

38 (d) By imprisonment in the State Penitentiary for not  
39 less than one (1) year nor more than five (5) years for any person  
40 previously convicted of any felony who is convicted under this  
41 section.

42 (2) It shall not be a violation of this section for any  
43 person who is the age of twenty-one (21) years or older to carry a  
44 firearm or deadly weapon concealed in whole or in part within the  
45 confines of his own home or his place of business, or any real  
46 property associated with his home or business or within any motor  
47 vehicle. However, any person over the age of eighteen (18), but  
48 under the age of twenty-one (21) may carry a firearm or deadly  
49 weapon in accordance with this subsection, if he has the consent  
50 of a parent or guardian. The parent or guardian giving consent  
51 must present, to the Department of Public Safety, a signed  
52 affidavit, his signature being witnessed and acknowledged by a  
53 notary public or other person authorized under the laws of this  
54 state to administer oaths, stating that he is the parent or  
55 guardian of the minor, and that he is giving his consent to allow  
56 the minor to possess a firearm or deadly weapon. The form for the  
57 affidavit is to be prepared and approved by the Commissioner of  
58 Public Safety.

59 (3) It shall not be a violation of this section for any  
60 person to carry a firearm or deadly weapon concealed in whole or  
61 in part if the possessor of the weapon is then engaged in a  
62 legitimate weapon-related sports activity or is going to or  
63 returning from such activity. For purposes of this subsection,

64 "legitimate weapon-related sports activity" means hunting,  
65 fishing, target shooting or any other legal sports activity which  
66 normally involves the use of a firearm or other weapon.

67 SECTION 2. This act shall take effect and be in force from  
68 and after July 1, 1999.