

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 2439

1 AN ACT TO CREATE THE OFFENSE OF POSSESSION OF HOMEMADE
2 WEAPONS WHILE ON THE PREMISES OF A PENAL INSTITUTION; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** The following shall be codified as Section
6 97-37-37, Mississippi Code of 1972:

7 97-37-37. (1) It is a felony for any person to possess or
8 carry, whether openly or concealed, any homemade weapon or the
9 components of any homemade weapon while on the premises of any
10 penal institution or correctional facility.

11 (2) The homemade weapons prohibited by this section include,
12 but are not limited to: club, zip gun, knife, shank, shiv,
13 nunchaku, shuriken, shobi-zue, or any instrument or weapon of the
14 kind commonly known as a blackjack, slungshot, billy, sandclub,
15 sap or sandbag.

16 (3) The following words shall have the meanings ascribed to
17 them, unless the context clearly requires otherwise:

18 (a) "Club" means an instrument that is specially
19 designed, made or adapted for the purpose of inflicting serious
20 bodily injury or death by striking a person with the instrument.

21 (b) "Zip gun" means any of the following:

22 (i) Any firearm of crude and extemporized
23 manufacture;

24 (ii) Any device, including without limitation, a
25 starter pistol, that is not designed as a firearm, but that is
26 specially adapted for use as a firearm;



27 (iii) Any industrial tool, signaling device, or
28 safety device or other device or combination of devices that is
29 not designed as a firearm, but that as designed is capable of use
30 as such, when possessed, carried or used as a firearm or is
31 adapted to expel a projectile by using the energy generated by an
32 explosion or burning substance.

33 (c) "Knife," "shank" or "shiv" means any hand
34 instrument designed to cut or stab another that is capable of
35 inflicting serious bodily injury or death by cutting or stabbing a
36 person with the instrument.

37 (d) "Nunchaku" means an instrument consisting of two
38 (2) or more sticks, clubs, bars or rods to be used as handles,
39 connected by a rope, cord, wire or chain, in the nature of a
40 weapon used in connection with the practice of a system of
41 self-defense such as karate.

42 (e) "Shuriken" means any instrument, without handles,
43 consisting of a metal plate having three (3) or more radiating
44 points with one or more sharp edges and designed in the shape of a
45 polygon, trefoil, cross, star, diamond or other geometric shape
46 for use as a weapon for throwing.

47 (f) "Shobi-zue" means a staff, crutch, stick, rod or
48 pole concealing a knife or blade within it which may be exposed by
49 a flip of the wrist or by a mechanical action.

50 (3) Any person convicted under this section is guilty of a
51 felony and shall be committed to the custody of the Department of
52 Corrections for a period not to exceed twenty (20) years.

53 **SECTION 2.** This act shall take effect and be in force from
54 and after its passage.

