

By: Representative Formby

To: Judiciary B

HOUSE BILL NO. 1406

1 AN ACT TO PROVIDE THAT IT SHALL NOT BE UNLAWFUL FOR A PERSON
2 TO CARRY ANY PISTOL OR REVOLVER, WHETHER OR NOT CONCEALED IN WHOLE
3 OR IN PART, UPON ANY PUBLIC OR PRIVATE PROPERTY UNLESS
4 SPECIFICALLY PROHIBITED BY SOME OTHER VALID AND APPLICABLE
5 FEDERAL, STATE OR LOCAL LAW, RULE, REGULATION OR ORDINANCE; TO
6 AMEND SECTION 97-37-1, MISSISSIPPI CODE OF 1972, IN CONFORMITY;
7 AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** It shall not be unlawful for a person to carry
10 any pistol or revolver, whether or not concealed in whole or in
11 part, upon any public or private property unless specifically
12 prohibited by some other valid and applicable: (a) law of this
13 state or the United States, (b) rule or regulation of any agency
14 or institution of this state or of any federal agency, or (c) any
15 ordinance, order or resolution of any county, municipality or
16 political subdivision of the state.

17 **SECTION 2.** Section 97-37-1, Mississippi Code of 1972, is
18 amended as follows:

19 97-37-1. (1) Except as otherwise provided in Section
20 45-9-101 or Section 1 of House Bill No. _____, 2004 Regular Session,
21 any person who carries, concealed in whole or in part, any bowie
22 knife, dirk knife, butcher knife, switchblade knife, metallic
23 knuckles, blackjack, slingshot, pistol, revolver, or any rifle
24 with a barrel of less than sixteen (16) inches in length, or any
25 shotgun with a barrel of less than eighteen (18) inches in length,
26 machine gun or any fully automatic firearm or deadly weapon, or
27 any muffler or silencer for any firearm, whether or not it is
28 accompanied by a firearm, or uses or attempts to use against

29 another person any imitation firearm, shall upon conviction be
30 punished as follows:

31 (a) By a fine of not less than One Hundred Dollars
32 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
33 imprisonment in the county jail for not more than six (6) months,
34 or both, in the discretion of the court, for the first conviction
35 under this section.

36 (b) By a fine of not less than One Hundred Dollars
37 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
38 imprisonment in the county jail for not less than thirty (30) days
39 nor more than six (6) months, for the second conviction under this
40 section.

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

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

48 (2) It shall not be a violation of this section for any
49 person over the age of eighteen (18) years to carry a firearm or
50 deadly weapon concealed in whole or in part within the confines of
51 his own home or his place of business, or any real property
52 associated with his home or business or within any motor vehicle.

53 (3) It shall not be a violation of this section for any
54 person to carry a firearm or deadly weapon concealed in whole or
55 in part if the possessor of the weapon is then engaged in a
56 legitimate weapon-related sports activity or is going to or
57 returning from such activity. For purposes of this subsection,
58 "legitimate weapon-related sports activity" means hunting,
59 fishing, target shooting or any other legal sports activity which
60 normally involves the use of a firearm or other weapon.

61 **SECTION 3.** This act shall take effect and be in force from
62 and after July 1, 2004.