

By: Representative Banks

To: Judiciary B

HOUSE BILL NO. 1059

1 AN ACT TO AMEND SECTION 97-37-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT A SEIZED WEAPON SHALL ONLY BE RETURNED TO AN ADULT
3 OWNER IF CHARGES ARE DISMISSED OR THE DEFENDANT IS ACQUITTED; AND
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 97-37-3, Mississippi Code of 1972, is
7 amended as follows:

8 97-37-3. (1) Any weapon used in violation of Section
9 97-37-1, or used in the commission of any other crime, shall be
10 seized by the arresting officer, may be introduced in evidence,
11 and in the event of a conviction, shall be ordered to be
12 forfeited, and shall be disposed of as ordered by the court having
13 jurisdiction of such offense. In the event of dismissal or
14 acquittal of charges, such weapon shall be returned to the owner
15 from whom it was seized if the owner is aged eighteen (18) years
16 or older.

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

20 (b) A weapon so forfeited to a law enforcement agency
21 may be sold at auction as provided by Sections 19-3-85 and
22 21-39-21 to a federally-licensed firearms dealer, with the
23 proceeds from such sale at auction to be used to buy bulletproof
24 vests for the seizing law enforcement agency.

25 **SECTION 2.** This act shall take effect and be in force from
26 and after July 1, 2005.