MISSISSIPPI LEGISLATURE REGULAR SESSION 2012

By: Representative Formby To: Judiciary B

HOUSE BILL NO. 596

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

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

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

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

97-37-1. (1) Except as otherwise provided in Section 45-9-101 and Section 1 of House Bill No. , 2012 Regular Session, any person who carries, concealed, in whole or in part, any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, slingshot, pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or any muffler or silencer for any firearm, whether or not it is accompanied by a firearm, or uses or attempts to use against

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

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

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

(c) By confinement in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, for the third or subsequent conviction under this section.

(d) By confinement in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years for any person previously convicted of any felony who is convicted under this section.

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

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

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

ST: Pistol or revolver; authorize to carry unless specifically prohibited by law.