MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Hines

To: Judiciary B;
Accountability, Efficiency,
Transparency; Rules

HOUSE BILL NO. 40

AN ACT TO REQUIRE A PURCHASING PERMIT AND A MENTAL EVALUATION TO PURCHASE AUTOMATIC WEAPONS; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) A person may not purchase an automatic weapon until the person complies with the following requirements:

(a) The person must receive a purchasing permit from the Department of Public Safety authorizing such purchase, which permit may not be issued less than thirty (30) days after the application for the permit. During this waiting period, the Department of Public Safety shall conduct a background check of the applicant to determine if the applicant is entitled legally to purchase an automatic weapon. The permit must be presented to the seller of the automatic weapon.

(b) The applicant must have a mental evaluation performed by a licensed psychologist or physician and provide proof to the seller of the automatic weapon that the applicant does not suffer from any mental disorder.

(2) (a) Any person who provides false proof of a mental evaluation or a false purchasing permit is guilty of a felony and, upon conviction, must be imprisoned in the custody of the Mississippi Department of Corrections for not more than three (3) years or fined not more than Fifty Thousand Dollars ($50,000.00), or both.

(b) Any seller who sells an automatic weapon without receiving a purchasing permit and proof of a mental evaluation is guilty of a felony and, upon conviction, must be imprisoned in the custody of the Mississippi Department of Corrections for not more than three (3) years or fined not more than Fifty Thousand Dollars ($50,000.00), or both.

(3) A seller of automatic weapons shall submit the name and address of each person who purchased or otherwise received an automatic weapon to the law enforcement agency of the jurisdiction where the transaction took place. Failure to submit this information is a felony, and, upon conviction, any person guilty of violating this subsection must be imprisoned in the custody of the Mississippi Department of Corrections for not more than three (3) years or fined not more than Fifty Thousand Dollars ($50,000.00), or both.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.