

By: Representative Formby

To: Judiciary B

HOUSE BILL NO. 194

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. , 2008 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 confinement in the custody of the Department of  
42 Corrections for not less than one (1) year nor more than five (5)  
43 years, for the third or subsequent conviction under this section.

44 (d) By confinement in the custody of the Department of  
45 Corrections for not less than one (1) year nor more than ten (10)  
46 years for any person previously convicted of any felony who is  
47 convicted under this 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, 2008.

