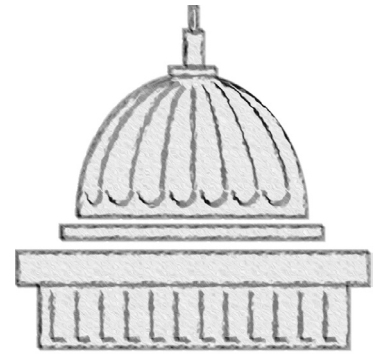


F. NRA / ILA Firearms Laws for

MISSISSIPPI

(As of June, 2006)



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A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	No	No
Registration of Firearms	No	No
Licensing of Owners	No	No
Permit to Carry	No	Yes

STATE CONSTITUTIONAL PROVISION

“The right of every citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the legislature may regulate or forbid carrying concealed weapons.” Article 3 Section 12.

PURCHASE

No state permit is required for the purchase of any rifle, shotgun or handgun.

It is unlawful for any person to sell, give or lend any firearm or pistol cartridge to any person whom he knows to be a minor or under the influence of alcohol.

A merchant, dealer or pawnbroker who sells pistols shall keep a record of all sales including a description of the firearm, the kind of caliber, the name of the purchaser and date of sale. This record is open for public inspection at any time.

POSSESSION

No state permit is required to possess a rifle, shotgun or handgun.

It is unlawful for a person convicted of a felony to possess a firearm, unless such person has received a pardon for such felony, has received a relief from disability under federal law, or has received a certificate of rehabilitation. A

person may apply to the court in which he was convicted for a certificate of rehabilitation. The court may grant a certificate upon a showing that the applicant has been rehabilitated and has led a useful, productive and law-abiding life since the completion of his sentence and upon the finding that he will not be likely to act in a manner dangerous to public safety.

CARRYING

It is unlawful to carry “concealed in whole or in part” any pistol, revolver, a rifle with a barrel of less than 16 inches in length, shotgun with a barrel of less than 18 inches in length, machine gun or any fully automatic weapon or any muffler or silencer for firearms, whether or not accompanied by a firearm.

It shall not be a violation for any person over 18 to carry a concealed firearm within his home, place of business, or real property associated with his home or place of business, or within his motor vehicle. It shall not be a violation for any person to carry a concealed firearm when engaged in a legitimate weapon-related sports activity or in going to or from such an activity, or who possesses a concealed carrying license issued by the Department of Public Safety.

A person indicted or charged with carrying a (concealed) firearm may show as a defense:

- That he was threatened, and had a good and sufficient reason to apprehend a serious attack from an enemy and that he was apprehensive;
- That he was traveling or setting out on a journey and was not a tramp;
- That he was a law enforcement or peace officer in charge of his duties;
- That he was discharging his duties as a mail carrier on duty;
- That he was transporting valuables for an express company or bank;
- That he was a member of the armed forces of

the United States, National Guard, State Militia, Emergency Management Corps, or that he was a guard or patrolman in a state or municipal institution while in the performance of his official duties;

- That he was in lawful pursuit of a felon; or
- That he was lawfully engaged in legitimate sports. It is incumbent on the accused to place himself within any one of these exceptions.

The Dept. of Public Safety “shall issue” a license to carry a concealed pistol or revolver to an applicant who is 21, been a resident of the state for over 12 months, or to a person with a valid out of state license, or is on active military duty, or a retired law enforcement officer seeking residency, and does not suffer from a physical infirmity which prevents the safe handling of a handgun, is not a drug or alcohol abuser, is not a convicted felon or fugitive from justice, has no mental problems, has no violent misdemeanor convictions within the last 3 years, and is not prohibited from possessing a firearm under federal law. The applicant must submit fingerprints, a full-face photograph, pay a fingerprint fee and \$100 license fee. The license must be issued within 120 days of application and is valid for 4 years. The Dept. of Public safety shall notify each licensee 90 days before the expiration of the license. The renewal fee is \$50 plus fingerprint fee.

Any person holding a valid un-revoked and unexpired license to carry concealed pistols or revolvers issued in another state shall have such license recognized by this state to carry concealed pistols or revolvers, provided that the issuing state authorizes license holders from this state to carry concealed pistols or revolvers in such issuing state and the appropriate authority has communicated that fact to the Department of Public Safety.

The license does not authorize the carrying of a handgun in a courthouse, detention or police facility, polling place, meeting of a government or legislative body, public park, school, college, professional athletic event, place of worship, parade or demonstration, premises posted “carrying of a pistol or revolver is prohibited,” or where prohibited by federal law. It is unlawful to carry a firearm in any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises that is primarily devoted to dispensing alcoholic beverages; any portion of an establishment in which beer or light wine is consumed on the premises, that is primarily devoted to such purpose; the passenger terminal of any airport, except if the firearm is encased for shipment.

It is lawful for concealed firearms¹ to be carried by

a game and fish law enforcement officer, an investigator employed by the Attorney General, and a deputy fire Marshall or investigator employed by the State Fire Marshall while engaged in the performance of their duties as such.

It is unlawful for any parent, guardian or custodian to knowingly permit any child under the age of eighteen (18) years of age to have, own or carry concealed, in whole or in part, any weapon the carrying of which concealed is prohibited.

ANTIQUES

Mississippi statutes are silent on antique and replica firearms. They are treated as ordinary firearms.

MACHINE GUNS

It is lawful to possess a machine gun that is legally registered and possessed in compliance with all federal laws and regulations.

MISCELLANEOUS

It shall be unlawful for any person “not duly authorized under federal law” to make, manufacture, sell or possess any firearm muffler or silencer or armor piercing ammunition “as defined in federal law.”

Generally no unit of local government may adopt an ordinance that restricts the possession, transportation, sale, transfer, or ownership of firearms or ammunition or their components. No local unit of government may regulate the discharge of shotguns, air guns BB guns or bow and arrow on tracts of land over 10 acres. No local unit of government may regulate the discharge of center-fire or rimfire rifles, pistols, revolvers or muzzleloaders on tracts of land over 50 acres in size.

Source: Miss. Code §97-37-1 et seq., §45-9-51, §45-9-101.

1 These firearms include: pistols, revolvers, rifles with barrels of less than 16 inches in length, shotguns with barrels of less than 18 inches in length, machine guns or any fully automatic firearms or a muffler or silencer for firearms.

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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