



# Mississippi

## Summary of State Firearms Law

Last updated October 24, 2011

### Overview

In its publication [\*Gun Laws Matter: A Comparison of State Firearms Laws and Statistics\*](#), LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. Mississippi ranked 47 out of 50, having some of the weakest guns laws in the country.

Mississippi does **not**:

- Require a background check prior to the transfer of a firearm [between private parties](#);
- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#), or [large capacity ammunition magazines](#);
- License or significantly regulate [firearms dealers](#);
- Limit the number of firearms that may be [purchased at one time](#);
- Regulate [unsafe handguns](#);
- Afford local law enforcement discretion in issuing [concealed carry licenses](#);
- Require the [licensing of gun owners](#); or
- Impose [registration requirements](#) on firearms.

Local governments in Mississippi generally [lack authority](#) to regulate firearms and ammunition, and local law enforcement must issue a [concealed handgun permit](#) to any applicant who meets basic qualifications.

## Statistics

### Gun Deaths in Mississippi

Mississippi ranks 2<sup>nd</sup> among the states in number of gun deaths per capita. In 2007, 535 people died from firearm-related injuries in Mississippi.<sup>1</sup> A recent study conducted by the Violence Policy Center found that states with the highest number of gun deaths per capita, including Mississippi, have the weakest gun laws and highest gun ownership rate.<sup>2</sup> According to the study, Mississippi has the fourth highest rate of gun ownership per household in the nation, with firearms in 54.3% of all households in Mississippi.<sup>3</sup>

### Crime Guns in Mississippi

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). Compared with other states, in 2009, [Mississippi](#) supplied the highest number of crime guns to other states per capita. Mississippi exports considerably more crime guns than it imports.<sup>4</sup>

### Number of Federally Licensed Firearms Dealers in Mississippi

There are 834 federally licensed firearms dealers and pawnbrokers in Mississippi.<sup>5</sup>

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<sup>1</sup> National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Injury Mortality Reports, 1999-2007*, at [http://webappa.cdc.gov/sasweb/ncipc/mortrate10\\_sy.html](http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html).

<sup>2</sup> Press Release, Violence Policy Center, *States With Higher Gun Ownership and Weak Gun Laws Lead Nation in Gun Death* (Oct. 24, 2011), at <http://vpc.org/press/1110gundeath.htm>.

<sup>3</sup> *Id.*

<sup>4</sup> For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

<sup>5</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (Aug. 2011), at <http://www.atf.gov/about/foia/ffl-list.html>.

## State “Right to Bear Arms”

The Mississippi Constitution provides for the keeping and bearing of arms, but permits some firearm-related regulation. See [Mississippi’s State Right to Bear Arms Provisions](#) for more-detailed information.

## **Local Authority to Regulate Firearms**

Mississippi has preempted most areas of local firearms regulation. See the [Mississippi State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

## State Firearms Policies

To view the sections of the Mississippi Statutes provided in the summary below, search for the citation using the [Mississippi Code](#).

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

## Persons Prohibited from Firearm Possession

### Prohibited Purchasers Generally

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

In addition, Mississippi incorporates some of the federal prohibitions as state offenses. Mississippi prohibits the possession of a firearm by any person convicted of a felony under federal law or the laws of any state.<sup>6</sup> Mississippi also prohibits transferring to any person who is known to be intoxicated any of the following:

- A deadly weapon;
- A weapon the carrying of which concealed is prohibited; or
- A pistol cartridge.<sup>7</sup>

For information on the background check process used to enforce these provisions, see the [Mississippi Background Checks](#) section.

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

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<sup>6</sup> Miss. Code Ann. § 97-37-5(1).

<sup>7</sup> Miss. Code Ann. § 97-37-13.

## Minimum Age to Purchase / Possess

No person under age 18 may knowingly possess a handgun unless he or she is:

- Participating in a hunter's or a firearms safety course;
- At a lawful shooting range or organized competition;
- Hunting or trapping, when licensed to do so;
- Traveling with an unloaded handgun to or from the aforementioned activities;
- On private property under the control of an adult who has granted permission to the underage individual to possess a handgun; or
- Using a handgun to defend himself or herself from imminent danger.<sup>8</sup>

An applicant for a license to carry a concealed handgun must be 21 years of age or older.<sup>9</sup>

Mississippi prohibits the transfer of: 1) any deadly weapon; 2) any weapon that may not by law be carried concealed; and 3) a pistol cartridge, to any person who is under 18 years of age.<sup>10</sup>

There is no minimum age to possess a rifle or shotgun in Mississippi. Federal law, however, prohibits firearms dealers from selling or delivering a shotgun or rifle, or ammunition for a shotgun or rifle, to any person the dealer knows or has reasonable cause to believe is under the age of 18.<sup>11</sup> Dealers are prohibited from selling or delivering other firearms (*e.g.*, handguns) or ammunition for those firearms to any person the dealer knows or has reasonable cause to believe is under the age of 21.<sup>12</sup>

Federal law provides less stringent age restrictions with respect to sales by unlicensed persons. Unlicensed persons generally may not sell, deliver or otherwise transfer a handgun or handgun ammunition to any person the transferor knows or has reasonable cause to believe is under the age of 18.<sup>13</sup> Federal law provides no age limitations with respect to the sale of a long gun by an unlicensed person.

See [\*Regulating Guns in America: Minimum Age to Purchase / Possess Firearms\*](#) for a comprehensive discussion of this issue.

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<sup>8</sup> Miss. Code Ann. § 97-37-14.

<sup>9</sup> Miss. Code Ann. § 45-9-101(2)(b).

<sup>10</sup> Miss. Code Ann. § 97-37-13.

<sup>11</sup> 18 U.S.C. § 922(b)(1), (c)(1).

<sup>12</sup> *Id.*

<sup>13</sup> 18 U.S.C. § 922(x)(1), (3) and (5).

## Domestic Violence and Firearms

### Firearm Prohibitions for Domestic Violence Misdemeanants

There is no law in Mississippi prohibiting individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition. Federal law, however, prohibits the purchase and possession of firearms and ammunition by persons who have been convicted of a “misdemeanor crime of domestic violence.”<sup>14</sup> Federal law defines a “misdemeanor crime of domestic violence” as an offense that is a federal, state or tribal law misdemeanor and has the use or attempted use of physical force or threatened use of a deadly weapon as an element, if the offender:

- Was a current or former spouse, parent, or guardian of the victim;
- Shares a child in common with the victim;
- Was a current or former cohabitant with the victim as a spouse, parent or guardian; or
- Was similarly situated to a spouse, parent or guardian of the victim.<sup>15</sup>

### Firearm Prohibitions for Persons Subject to Domestic Violence Restraining/Protective Orders

There is no law in Mississippi prohibiting individuals subject to domestic violence protective orders from possessing firearms or ammunition. Federal law prohibits the purchase and possession of firearms and ammunition by a person subject to a protective order issued after notice to the abuser and a hearing, however, if the order protects an “intimate partner” of the abuser, or a child of the abuser or intimate partner.<sup>16</sup> Federal law defines an “intimate partner” as a current or former spouse, a parent of a child in common with the abuser, or an individual with whom the abuser cohabits or has cohabited.<sup>17</sup>

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Mississippi Background Checks](#) and the [Mississippi Prohibited Purchasers Generally](#) sections.

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<sup>14</sup> 18 U.S.C. § 922(g)(9).

<sup>15</sup> 18 U.S.C. § 921(a)(33).

<sup>16</sup> 18 U.S.C. § 922(g)(8).

<sup>17</sup> 18 U.S.C. § 921(a)(32).

## **Disarming Prohibited Persons**

Mississippi has no laws requiring the disarming of prohibited persons.

## Sales & Transfers

### Background Checks

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

Mississippi is not a point of contact state for the NICS. Mississippi has no law requiring firearms dealers to conduct background checks prior to transferring a firearm. In Mississippi, firearms dealers must conduct the background check required by federal law directly through the FBI, which enforces the federal purchaser prohibitions referenced above.<sup>18</sup>

Firearms transfers by private sellers (non-firearms dealers) are not subject to background checks in Mississippi, although federal and state purchaser prohibitions still apply. See the [Mississippi Private Sales](#) section.

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

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<sup>18</sup> Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map> (last visited Oct. 26, 2011).

## Mental Health Reporting

Federal law prohibits any person from selling or otherwise transferring a firearm or ammunition to any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”<sup>19</sup> No federal law, however, requires states to report the identities of these individuals to the National Instant Criminal Background Check System (NICS) database, which the FBI uses to perform background checks prior to firearm transfers.

There is no law in Mississippi requiring the reporting of mental health information to NICS.

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Mississippi Background Checks](#) and [Mississippi Prohibited Purchasers Generally](#) sections.

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

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<sup>19</sup> 18 U.S.C. § 922(d)(4).

## **Multiple Purchases / Sales of Firearms**

Mississippi has no law limiting the number of firearms that may be purchased or sold.

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

## Retention of Sales / Background Check Records

Every dealer, merchant or pawnbroker that sells pistols is required to keep a record of all pistol sales.<sup>20</sup> The record must describe the pistols sold, and list the name of the purchaser and the date of sale.<sup>21</sup> For additional information, see the [Mississippi Dealer Regulations](#) section.

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

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<sup>20</sup> Miss. Code Ann. § 97-37-11.

<sup>21</sup> *Id.*

## **Waiting Periods**

Mississippi has no law imposing a waiting period prior to the purchase of a firearm.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

## Gun Dealers & Other Sellers

### Dealer Regulations

Mississippi does not license firearms dealers. Any person dealing in deadly weapons (including handguns, but not long guns) must pay a one-time “privilege tax” of \$100, however.<sup>22</sup> In addition, firearms dealers are subject to state laws governing gun sales generally. See the [Mississippi Private Sales](#) section for further information.

Pursuant to the [Brady Act](#), federally licensed firearms dealers must conduct background checks on prospective purchasers each time the dealer transfers a firearm. See the [Mississippi Background Checks](#) section.

Every dealer, merchant or pawnbroker that sells pistols is required to keep a record of all pistol sales.<sup>23</sup> For additional information, see the [Mississippi Retention of Sales / Background Check Records](#) section.

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

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<sup>22</sup> Miss. Code Ann. §§ 27-17-9, 27-17-415.

<sup>23</sup> Miss. Code Ann. § 97-37-11.

## Private Sales

Private firearms transfers (i.e., transfers by non-firearms dealers) are not subject to a background check requirement in Mississippi, although federal and state purchaser prohibitions still apply. See the [Mississippi Background Checks](#) section.

Mississippi prohibits the transfer of any deadly weapon, any weapon the carrying of which concealed is prohibited, or a pistol cartridge, to any person who is known to be under 18 years of age or who is known to be intoxicated.<sup>24</sup> Mississippi also prohibits any person from knowingly or intentionally transferring, or attempting to transfer, a stolen firearm.<sup>25</sup>

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

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<sup>24</sup> Miss. Code Ann. § 97-37-13.

<sup>25</sup> Miss. Code Ann. § 97-37-35(2).

## **Gun Shows**

Mississippi does not regulate gun shows. See the [Mississippi Private Sales](#) section for state laws that may apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

## Immunity Statutes

Mississippi law provides that:

The authority to bring an action against any firearms or ammunition manufacturer, distributor or dealer duly licensed under federal law on behalf of any governmental entity created by or pursuant to an act of the Mississippi Legislature or the Mississippi Constitution of 1890, or any department, agency or authority thereof, for damages, abatement, injunctive relief or any other relief or remedy resulting from or relating to the lawful design, manufacture, distribution or sale of firearms, firearm components, silencers, ammunition or ammunition components to the public, shall be exclusively reserved to the state. This section shall not prohibit a political subdivision from bringing an action against a firearm or ammunition manufacturer, distributor or dealer for breach of contract or warranty as to firearms or ammunition purchased by the political subdivision, or for injuries resulting from a firearm malfunction due to defects in materials or workmanship.<sup>26</sup>

There is no case law interpreting this provision.

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

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<sup>26</sup> Miss. Code Ann. § 11-1-67(1).

## **Gun Owner Responsibilities**

### **Licensing of Gun Owners or Purchasers**

Mississippi does not require a license to purchase or possess a firearm or ammunition.

See [\*Regulating Guns in America: Licensing of Gun Owners or Purchasers\*](#) for a comprehensive discussion of this issue.

## Registration of Firearms

Mississippi does not require gun owners to register their firearms.

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

## **Reporting Lost or Stolen Firearms**

Mississippi does not require firearms owners to report the loss or theft of a firearm.

See [\*Regulating Guns in America: Reporting Lost or Stolen Firearms\*](#) for a comprehensive discussion of this issue.

## Concealed Weapons Permitting

See [\*Regulating Guns in America: Carrying Concealed Weapons\*](#) for a comprehensive discussion of this issue.

Mississippi is a “shall issue” state, meaning that local law enforcement must issue a concealed handgun license if the applicant meets certain qualifications. A license to carry concealed handguns must be issued by the Department of Public Safety (DPS), if the applicant:

- Has been a resident of the state for at least 12 months (this requirement may be waived if the applicant possesses a valid permit from another state, is on active military duty and stationed in the state, or is a retired law enforcement officer residing in the state);
- Is 21 years of age or older;
- Does not suffer from a physical infirmity which prevents the safe handling of a pistol or revolver;
- Has not been convicted of a felony in a court of any state or of the United States without having been pardoned;
- Does not chronically or habitually use alcoholic beverages or abuse controlled substances to the extent that his or her normal faculties are impaired;<sup>27</sup>
- Desires a legal means to carry a concealed handgun to defend himself or herself;
- Has not been adjudicated mentally incompetent, or has waited five years from the date of his or her restoration of mental capacity by court order;
- Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility, unless he or she possesses a certificate from a psychiatrist licensed in Mississippi stating that he or she has not suffered from disability for a period of five years;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless three years have elapsed since probation or any other conditions set by the court have been fulfilled;
- Is not a fugitive from justice; and
- Is not disqualified from possessing or owning a weapon under federal law.<sup>28</sup>

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<sup>27</sup> See Miss. Code Ann. § 45-9-101(1)(e), (f) for crimes or events that qualify.

<sup>28</sup> Miss. Code Ann. § 45-9-101(2).

However, DPS may deny a license if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor unless three years have elapsed since any conditions set by the court have been fulfilled.<sup>29</sup>

The fee for processing the background check is \$100.<sup>30</sup> Costs of processing the fingerprints must also be borne by the applicant.<sup>31</sup>

Except as permitted under state law, Mississippi penalizes the concealed carrying of any “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. . . .”<sup>32</sup> Notwithstanding the foregoing, it is not a violation of state law for any person over the age of 18 to carry a concealed firearm:

- Within the confines of his or her own home, place of business, on real property associated with the home or business or within any motor vehicle; or
- 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.<sup>33</sup>

### **Firearm Safety Training**

Mississippi does not require firearm safety training as a prerequisite to possessing, purchasing or carrying a firearm.

However, in Mississippi a concealed weapons licensee may carry his or her concealed weapon in locations in which concealed weapons are generally prohibited if he or she completes a firearms safety training course taught by a certified, nationally-recognized organization that normally offers such courses, or by any other organization approved by the DPS.<sup>34</sup>

### **Duration & Renewal**

Mississippi licenses to carry concealed handguns are valid for five years.<sup>35</sup>

Ninety days prior to the expiration date of a license, DPS shall mail to a licensee a written notice of the upcoming expiration and a renewal form.<sup>36</sup> The licensee must renew his or her license on

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<sup>29</sup> Miss. Code. Ann. § 45-9-101(3). Additional application and background check requirements, as well as permit suspension or disqualification information, are outlined in state law. Miss. Code. Ann. § 45-9-101.

<sup>30</sup> Miss. Code. Ann. § 45-9-101(5)(c).

<sup>31</sup> *Id.*

<sup>32</sup> Miss. Code. Ann. § 97-37-1; *see also* Miss. Code Ann. § 45-9-101.

<sup>33</sup> Miss. Code. Ann. § 97-37-1(2), (3).

<sup>34</sup> Miss. Code Ann. §97-37-7(2).

<sup>35</sup> Miss. Code. Ann. § 45-9-101(1)(a).

or before the expiration date by filing a renewal form, a notarized affidavit stating that the licensee remains qualified to carry a concealed weapon under state law,<sup>37</sup> a full set of fingerprints, a \$50 renewal fee, plus costs of processing the fingerprints.<sup>38</sup> If a licensee fails to file a renewal application on or before the license's expiration date, he or she must renew the license by paying an additional \$15 late fee.<sup>39</sup>

A license will be deemed "permanently expired" if it is not renewed six months after its expiration date.<sup>40</sup> A person whose license has permanently expired may reapply for licensure, but is required by state law to complete a new application and submit to a new background investigation.<sup>41</sup>

### **Disclosure or Use of Information**

DPS maintains an automated listing of license holders that is available on-line, upon request, at all times, to all law enforcement agencies through the Mississippi Crime Information Center.<sup>42</sup> Records relating to applications for licenses or license holders, however, are exempt from the provisions of the Mississippi Public Records Act of 1983 for a period of 45 days from the date of the issuance of the license or the final denial of an application.<sup>43</sup>

### **Reciprocity**

If a person holds a valid license to carry a concealed handgun issued in another state, that license will be recognized as valid in Mississippi, provided the issuing state authorizes Mississippi license holders to carry concealed handguns in that state and has communicated that fact to DPS.<sup>44</sup>

### **Brady Exemption**

Under federal law, persons who have been issued state permits to purchase or possess firearms are exempt from background checks if those permits were issued: 1) within the previous five years in the state in which the transfer is to take place; and 2) after an authorized government official has conducted a background investigation, including a search of the NICS database, to verify that possession of a firearm would not be unlawful.<sup>45</sup> Holders of concealed handgun licenses in Mississippi are exempt from background checks when purchasing a firearm according to the [Bureau of Alcohol, Tobacco, Firearms and Explosives \(ATF\) chart](#) that outlines those permits that qualify as alternatives to the federal [Brady Act](#). Please note that ATF's exempt status determination is subject to change without notice.

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<sup>36</sup> Miss. Code Ann. § 45-9-101(12)(a).

<sup>37</sup> See Miss. Code Ann. § 45-9-101(2) and (3).

<sup>38</sup> Miss. Code Ann. § 45-9-101(12)(a).

<sup>39</sup> Miss. Code Ann. § 45-9-101(12)(c).

<sup>40</sup> *Id.*

<sup>41</sup> Miss. Code Ann. § 45-9-101(12)(c), (5).

<sup>42</sup> Miss. Code Ann. § 45-9-101(8).

<sup>43</sup> *Id.*

<sup>44</sup> Miss. Code Ann. § 45-9-101(19).

<sup>45</sup> 18 U.S.C. § 922(t)(3), 27 C.F.R. § 478.102(d).

## Open Carrying

Mississippi permits the [open carrying](#) of handguns on the person without a permit or license.

Mississippi allows for the open carrying of long guns in public without a permit or license.

Nonetheless, Mississippi prohibits any person who has or is carrying a deadly weapon from exhibiting the weapon in a rude, angry, or threatening manner in the presence of three or more persons.<sup>46</sup> A person who is found guilty is subject either to a \$500 fine, three months in county jail, or both.<sup>47</sup> The state need not prove that the gun or weapon was charged, loaded, or in condition to be discharged for prosecution under this statute.<sup>48</sup>

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<sup>46</sup> Miss. Code Ann. § 97-37-19.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

## Location Restrictions

### Guns in Vehicles

Mississippi permits the open carrying of a long gun in a motor vehicle without a permit or license.

Mississippi permits the open carrying of a handgun in a motor vehicle without a permit or license.

The Attorney General of Mississippi has opined that a person may legally transport a weapon within a vehicle, whether or not he or she has obtained a permit.<sup>49</sup> Furthermore, any person over the age of 18 years may carry a concealed weapon within a motor vehicle anywhere within the state without violating the concealed weapon law.<sup>50</sup>

Mississippi prohibits public and private employers from establishing or enforcing any policy or rule that has the effect of prohibiting a person from transporting or storing a firearm in a locked vehicle in any parking lot, parking garage or other designated parking area.<sup>51</sup> Private employers may prohibit employees from transporting or storing firearms in a vehicle in a parking lot, parking garage or other parking area provided for employees to which access is restricted by a gate, security station or other means to limit public access.<sup>52</sup> These provisions do not authorize the transportation or storage of a firearm on any premises where gun possession is prohibited by federal or state law.<sup>53</sup>

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<sup>49</sup> 1991 Miss. AG LEXIS 951 (Dec. 4, 1991).

<sup>50</sup> Op. Att’y Gen. 1999-0304, 1999 Miss. AG LEXIS 199 (June 18, 1999).

<sup>51</sup> Miss. Code Ann. § 45-9-55(1).

<sup>52</sup> Miss. Code Ann. § 45-9-55(2).

<sup>53</sup> Miss. Code Ann. § 45-9-55(4).

## Guns in Schools

Mississippi prohibits any person from carrying, whether openly or concealed, any firearm on educational property.<sup>54</sup> Exceptions include:

- Persons who are not students, possessing a firearm within a motor vehicle which he or she does not brandish, exhibit or display in any careless, angry or threatening manner;
- A firearm used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority; and
- Competitors while participating in organized shooting events.<sup>55</sup>

In addition, Mississippi makes it a felony for “any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind . . . on educational property.”<sup>56</sup>

Mississippi requires that any student who possesses a firearm in any school be automatically expelled for a calendar year by the superintendent or principal of the school in which the student is enrolled.<sup>57</sup> The superintendent of the school is authorized to modify the period of time for such expulsion on a case-by-case basis.<sup>58</sup>

Mississippi prohibits concealed carry licenses from possessing a concealed handgun in any: 1) elementary or secondary school facility; 2) any junior college, community college, college or university facility unless for the purpose of participating in any authorized firearms-related activity; or 3) any school, college or professional athletic event not related to firearms.<sup>59</sup>

See [LCAV's policy page on Guns in Schools](#) for further information.

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<sup>54</sup> Miss. Code Ann. § 97-37-17(2). “Educational property” is defined under Miss. Code Ann. § 97-37-17(1)(a) as any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, college or university board of trustees, or directors for the administration of any public or private educational institution or during a school-related activity.

<sup>55</sup> Miss. Code Ann. § 97-37-17(6), (7).

<sup>56</sup> Miss. Code Ann. § 97-37-17(3).

<sup>57</sup> Miss. Code Ann. § 37-11-18.

<sup>58</sup> *Id.*

<sup>59</sup> Miss. Code Ann. § 45-9-101(13); *see also* Miss. Code Ann. § 97-37-17(2).

## Other Location Restrictions

Mississippi prohibits any person, other than a concealed weapons licensee, from unlawfully possessing at any of the following intellectual disability and illness centers or facilities, or passing to any resident, patient, employee or officer of these centers or facilities, any firearm or deadly weapon:

- The North Mississippi Regional Center;<sup>60</sup>
- The Ellisville State School;<sup>61</sup>
- The Boswell Regional Center;<sup>62</sup>
- The South Mississippi Regional Center;<sup>63</sup>
- The Hudspeth Regional Center;<sup>64</sup>
- The North Mississippi State Hospital and South Mississippi State Hospital;<sup>65</sup>
- The Central Mississippi Residential Center;<sup>66</sup>
- The Specialized Treatment Facility in Harrison County;<sup>67</sup> and
- The Juvenile Rehabilitation Center in Brookhaven.<sup>68</sup>

Mississippi licenses to carry concealed handguns do not authorize a person to carry a concealed handgun into:

- Any “place of nuisance”;<sup>69</sup>
- Any police, sheriff or highway patrol station;
- Any detention facility, prison or jail;

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<sup>60</sup> Miss. Code Ann. § 41-19-15(3).

<sup>61</sup> Miss. Code Ann. § 41-19-116(c).

<sup>62</sup> Miss. Code Ann. § 41-19-211(c).

<sup>63</sup> Miss. Code Ann. § 41-19-155(3).

<sup>64</sup> Miss. Code Ann. § 41-19-243(c).

<sup>65</sup> Miss. Code Ann. § 41-19-261(c).

<sup>66</sup> Miss. Code Ann. § 41-19-279.

<sup>67</sup> Miss. Code Ann. § 41-19-291(7)(c).

<sup>68</sup> Miss. Code Ann. § 41-19-301(7)(c).

<sup>69</sup> “Place of nuisance” is defined under Miss. Code Ann. § 95-3-1 as any place where lewdness or prostitution is conducted or permitted or where controlled substances are unlawfully used, possessed, sold or delivered more than once.

- Any courthouse or courtroom, except that a judge may carrying a concealed weapon and determine who may carry a concealed weapon in a courtroom;
- Any polling place or meeting place of the governing body of any governmental entity;
- Any meeting of the Legislature or a legislative committee;
- Any school, college or professional athletic event not related to firearms;
- Any portion of an establishment, licensed to dispense alcoholic beverages for consumption on the premises, that is primarily devoted to dispensing alcoholic beverages;
- Any elementary or secondary school facility, and any junior college, community college, college or university facility, unless it is for the purpose of participating in any authorized firearm-related activity;
- Inside the passenger terminal of any airport, subject to limited exceptions;
- Any church or other place of worship;
- Any place where the carrying of firearms is prohibited by federal law; or
- Any place for which the person or entity exercising control over the location places a written notice clearly readable at a distance of not less than ten feet, stating that the “carrying of a pistol or revolver is prohibited.”<sup>70</sup>

Additionally, a concealed carry license does not authorize a participant in a parade or demonstration for which a permit is required to carry a concealed handgun.<sup>71</sup>

However, a concealed handgun licensee who voluntarily completes a firearms safety training course offered by a certified, nationally-recognized organization that normally offers such courses, or by any other organization approved by the DPS, may carry his or her concealed handgun into any of the above-listed locations in which the carrying of concealed weapons is generally prohibited, except that he or she may not carry a concealed weapon into:

- Any courtroom during a judicial proceeding or when otherwise prohibited by a judge;
- Any place of nuisance;
- Any police, sheriff, or highway patrol station; or
- Any detention facility, prison, or jail.<sup>72</sup>

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<sup>70</sup> Miss. Code Ann. § 45-9-101(13).

<sup>71</sup> *Id.*

Mississippi has no statutes prohibiting firearms in the following places, although administrative regulations may apply:

- Sports arenas; or
- Gambling facilities.

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<sup>72</sup> Miss. Code. Ann. §97-37-7(2).

## **Consumer & Child Safety**

### **Design Safety Standards for Handguns**

Mississippi does not require handguns to meet design safety standards.

See [\*Regulating Guns in America: Design Safety Standards for Handguns\*](#) for a comprehensive discussion of this issue.

## Locking Devices

Mississippi does not require a locking device to accompany the sale of a firearm (although [Federal Law](#) applies). Mississippi also does not require firearm owners to lock their weapons.

For measures related to safe storage of firearms, see the [Mississippi Child Access Prevention](#) section.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

## **Personalized / Owner-Authorized Firearms**

Mississippi does not require firearms to be personalized.

See [Regulating Guns in America: Personalized Firearms](#) for a comprehensive discussion of this issue.

## Child Access Prevention

Except when a minor is defending himself or herself from imminent danger as permitted by Mississippi law, any parent, guardian or child custodian who knowingly permits any child under age 18 to own or carry concealed a concealable firearm shall be criminally liable for a misdemeanor, carrying a maximum fine of \$1,000, and may be imprisoned in a county jail for not more than six months.<sup>73</sup>

Mississippi also prohibits any person from causing, encouraging or aiding a minor (person under age 18) to carry, whether openly or concealed, any firearm on educational property.<sup>74</sup> Any person violating this provision shall be criminally liable for a felony, subject to a fine of not more than \$5,000 or commitment to the custody of the State Department of Corrections for not more than three years, or both.<sup>75</sup>

State administrative regulations may govern storage of firearms in certain locations.

See [\*Regulating Guns in America: Child Access Prevention\*](#) for a comprehensive discussion of this issue.

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<sup>73</sup> Miss. Code Ann. § 97-37-15; *see also* Miss. Code Ann. § 97-37-14.

<sup>74</sup> Miss. Code Ann. § 97-37-17(3).

<sup>75</sup> *Id.*

## **Classes of Weapons / Ammunition**

### **Assault Weapons**

Mississippi does not regulate assault weapons.

See [\*Regulating Guns in America: Assault Weapons\*](#) for a comprehensive discussion of this issue.

## Large Capacity Ammunition Magazines

Mississippi does not regulate large capacity ammunition magazines.

See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

## **Fifty Caliber Rifles**

Mississippi does not regulate fifty caliber rifles.

See [\*Regulating Guns in America: Fifty Caliber Rifles\*](#) for a comprehensive discussion of this issue.

## **Machine Guns/Automatic Firearms**

Mississippi does not regulate machine guns or automatic weapons.

Federal law generally allows the possession of machine guns manufactured prior to May 19, 1986, so long as they are registered.

See [\*LCAV's policy page on Machine Guns\*](#) for further information.

## Non-Powder Guns

Mississippi prohibits anyone from possessing or carrying, whether openly or concealed, any BB gun, air rifle, or air pistol on educational property.<sup>76</sup> Similarly, Mississippi prohibits anyone from causing, encouraging or aiding a minor who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun, air rifle, or air pistol on educational property.<sup>77</sup>

Mississippi does not otherwise regulate non-powder guns.

See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

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<sup>76</sup> Miss. Code Ann. §97-37-17(4). “Educational property” is defined under Miss. Code Ann. § 97-37-17(1)(a) as any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, college or university board of trustees, or directors for the administration of any public or private educational institution or during a school-related activity, and shall include the facility and property of the Oakley Youth Development Center, operated by the Department of Human Services; provided, however, that the term “educational property” shall not include any sixteenth section school land or lieu land on which is not located a school building, school campus, recreational area or athletic field.

<sup>77</sup> Miss. Code Ann. §97-37-17(5).

## Ammunition Regulation

### Regulation of Unreasonably Dangerous Ammunition

Mississippi prohibits any person or corporation not duly authorized under federal law from making, manufacturing, selling or possessing armor piercing ammunition as defined by federal law.<sup>78</sup>

In addition, the [federal prohibition on certain kinds of armor-piercing ammunition](#) applies. Mississippi also prohibits any person or entity not authorized under federal law from making, manufacturing, selling or possessing armor-piercing ammunition.<sup>79</sup>

Mississippi does **not**:

- Require a license for the sale of ammunition;
- Require sellers of ammunition to maintain a record of the purchasers;
- License persons who purchase or possess ammunition; or
- Prohibit persons who are ineligible to purchase or possess firearms under state law from purchasing or possessing ammunition, although the [federal ammunition purchaser prohibitions](#) apply.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

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<sup>78</sup> Miss. Code Ann. § 97-37-31; *see also* 18 U.S.C. § 921(a)(17)(B), (C).

<sup>79</sup> Miss. Code Ann. § 97-37-31.

## **Crime Gun Investigation**

### **Microstamping/Ballistic Identification**

Mississippi has no laws requiring microstamping or ballistic identification.

See [\*Regulating Guns in America: Ballistic Identification\*](#) for a comprehensive discussion of this issue.

## Trafficking

Mississippi prohibits any person from knowingly or intentionally transferring, or attempting to transfer, a stolen firearm.<sup>80</sup> Furthermore, Mississippi prohibits the transfer of a deadly weapon, concealed weapon, or pistol cartridge to any person who is known to be under 18 years of age or who is known to be intoxicated.<sup>81</sup> For additional information, see the [Mississippi Minimum Age to Purchase / Possess](#) and [Mississippi Private Sales](#) sections.

Mississippi prohibits any person, other than a concealed weapons licensee, from unlawfully passing any firearm or deadly weapon to any resident, patient, employee or officer of certain intellectual disability and illness centers or facilities.<sup>82</sup> For additional information, see the [Mississippi Other Location Limits](#) section.

Finally, Mississippi makes it a felony for “any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind . . . on educational property.”<sup>83</sup> For additional information, see the [Mississippi Guns in Schools](#) section.

See [LCAV's policy page on Firearms Trafficking](#) for further information.

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<sup>80</sup> Miss. Code Ann. § 97-37-35(2).

<sup>81</sup> Miss. Code Ann. § 97-37-13.

<sup>82</sup> See Miss. Code Ann. §41-19 *et seq.*

<sup>83</sup> Miss. Code Ann. § 97-37-17(3).

## State Links

[Bureau of Alcohol, Tobacco, Firearms and Explosives, New Orleans Field Division \(AR, LA, MS\)](#)

[Office of the Attorney General, State of Mississippi](#)

[Mississippi State Department of Health – Injury and Violence Prevention Branch](#)

[Mississippi Coalition Against Domestic Violence](#)