

CHAPTER 50

UNLAWFUL DISCHARGE OF FIREARMS

- (1) It shall be unlawful for any person to discharge guns, pistols or any kind of firearms and/or air rifles of any description within the city without legal justification for said discharge.
- (2) *Castle Doctrine Exception:* This Section does not apply to circumstances where discharge of a firearm is authorized under the Castle Doctrine pursuant to *Miss. Code Ann. § 97-3-15(3)*.
- (3) *Small Game Hunting Exception:* This Section does not apply to circumstances where the Mississippi Legislature has authorized hunting in or adjacent to a municipality by statute under *Miss. Code Ann. §45-9-53*.
- (4) *Law Enforcement Exception:* This Section does not apply to police officers in the performance of their duties as law enforcement officers.
- (5) *Special Permit Required:* The following events shall not be conducted without a special permit from the mayor and board of alderman. Sponsors or Event Coordinators must timely submit an application with (1) adequate provision for indemnification of the city by the sponsor, (2) provision for general liability insurance and for security and safety measures, as may be required by the board of aldermen, and (3) assurance by the sponsor to the board of compliance with all other applicable requirements, regulations or laws of the state and federal agencies having jurisdiction thereof:

- a. *Military Funeral.* When acting as a military escort at a funeral, a duly organized and authorized military company may enter a city cemetery or other public property with their arms and fire a salute;
- b. *Shooting Events.* Any bona fide skeet, trap, or other shooting events involving the discharge of firearms, shotguns, or pistols wherein the purpose of the event is the proficiency of firearms skill or other similar firearms event, as determined by the Board of Aldermen.

(6) Penalties for Violation of this Section:

- a. Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof for a first offense, shall be fined a minimum of \$500.00 and imprisoned in the Bolivar County Regional Correctional Facility for a term of thirty (30) days. Any person convicted of a second or subsequent violation of the provisions of this section shall be fined \$1,000.00 and imprisoned in the Bolivar County Regional Correctional Facility for a period of ninety (90) days.
- b. Any person convicted for a first offense may, upon written petition, request sentence mitigation with the Municipal Court. The Court shall include by written Order any sentence mitigation providing substantial and compelling reasons (1) why the mandatory sentence should be

mitigated; (2) reasons the offender can be safely supervised by the community; (3) reasons as to why the court does not believe the offender poses a threat to the community; and, (4) whether the weapon used in violation of this Section has been surrendered to the court pursuant to *Miss. Code Ann.* §45-9-53(6)(a). If such a finding is not made, the Court shall impose the mandatory 30-day term without suspension or mitigation. Any subsequent or second offender shall not be eligible for sentence mitigation.

- c. A second or subsequent offender shall be defined as any person having been convicted of violating this ordinance within a 5-year period. This 5-year period shall commence from the date of conviction, not the date of the offense.
- d. Any weapon used in violation of this Section shall be seized by the arresting officer, may be introduced into evidence, and in the event of a conviction, shall be ordered to be forfeited and disposed of in accordance with *Miss. Code Ann.* §97-37-3 and the laws of the State of Mississippi.