

By: Representative Denny

To: Judiciary B

HOUSE BILL NO. 353  
(As Sent to Governor)

1 AN ACT TO CREATE THE FELONY OFFENSE OF KNOWINGLY DECEIVING A  
2 LICENSED FIREARMS DEALER REGARDING FIREARM PURCHASES; TO PROVIDE  
3 PENALTIES FOR VIOLATIONS; AND FOR RELATED PURPOSES.

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

5 SECTION 1. This act shall be known and may be cited as the  
6 "Honesty in Purchasing Firearms Act."

7 SECTION 2. (1) For purposes of this section:

8 (a) "Licensed dealer" means a person who is licensed  
9 pursuant to 18 USCS, Section 923, to engage in the business of  
10 dealing in firearms.

11 (b) "Private seller" means a person who sells or offers  
12 for sale any firearm or ammunition.

13 (c) "Ammunition" means any cartridge, shell or  
14 projectile designed for use in a firearm.

15 (d) "Materially false information" means information  
16 that portrays an illegal transaction as legal or a legal  
17 transaction as illegal.

18 SECTION 3. (1) Any person who knowingly solicits,  
19 persuades, encourages or entices a licensed dealer or private  
20 seller of firearms or ammunition to transfer a firearm or  
21 ammunition under circumstances which the person knows would  
22 violate the laws of this state or the United States is guilty of a  
23 felony.

24 (2) Any person who provides to a licensed dealer or private  
25 seller of firearms or ammunition what the person knows to be  
26 materially false information with intent to deceive the dealer or



27 seller about the legality of a transfer of a firearm or ammunition  
28 is guilty of a felony.

29 (3) Any person found guilty of violating the provisions of  
30 this section shall be punished by a fine not exceeding Five  
31 Thousand Dollars (\$5,000.00) or imprisoned in the custody of the  
32 Department of Corrections for not more than three (3) years, or  
33 both.

34 (4) This section does not apply to a law enforcement officer  
35 acting in the officer's official capacity or to a person acting at  
36 the direction of a law enforcement officer.

37 **SECTION 4.** This act shall take effect and be in force from  
38 and after July 1, 2012.



# Council allows HPD to auction seized, surplus items

Haskel Burns, American Staff Writer 7:23 p.m. CST January 5, 2016



(Photo: American file photo)

Hattiesburg Police Department will be allowed to auction off several seized and abandoned surplus items, including 761 weapons in HPD's evidence department.

During Tuesday's meeting of Hattiesburg City Council, council members voted 4-1 to allow the sale of the items, which include not only guns but recovered items such as tools, appliances, lawnmowers and bicycles. The auction of the items — which would be done through Jeff Martin Auctioneers of Brooklyn — is expected to bring in about \$100,000, which council stipulated will go to HPD's fines and forfeitures fund, rather than the city's general fund.

"This is a means of income that helps our police department afford the things that they need to be able to protect us, the citizens of Hattiesburg," City Council President Kim Bradley said. "It would be neat if we had big, open coffers to buy everything they need from general fund, but it doesn't work that way.

"We depend on fines and forfeitures — we have for the 11 years I've been involved in the budget process. We've bought vehicles with that, we've bought vests, we've bought other things that otherwise, the general fund wouldn't have been able to afford to do. To destroy an asset of some \$100,000, I think would be irresponsible."

Ward 2 Councilwoman Deborah Delgado provided the only vote against the measure, saying she had too many concerns about the sale of the weapons. Delgado said when she looked at the list of items that would be auctioned, she saw pellet guns and BB guns, which brought to her mind the 2014 shooting of 12-year-old Tamir Rice in Cleveland, Ohio.

"(He) had a toy gun that was mistaken for a real weapon," she said. "And there are people who have great intentions when it comes to their advocacy of the right ... to bear arms, but things go wrong. Things don't go always according to the ideals that we embrace.

"I think of situations where people get involved in spur-of-the-moment, emotional actions — people who don't have a criminal background, people who will get into domestic situations and use a firearm. The availability of that weapon bothers me."

The issue was brought before City Council on Monday by HPD evidence technician Eric Proulx and HPD Chief Anthony Parker. Proulx told council members that the department brings in about 3,400 pieces of evidence a year, and although HPD officials try their best to match the items back up with their owners, the items are piling up and filling up the evidence room.

As for the guns, those would only be auctioned off to dealers with a Federal Firearms License.

"I am not a fan of guns — I don't like guns at all," Ward 4 Councilwoman Mary Dryden said. "In a perfect world, we wouldn't have any, and I would love it if we could get rid of every one of them.

"But the fact is, there are a lot of people who want to buy guns, and I think we have to stop and look at what we have control of. People are managing to find places to buy guns, so I don't think that disposing of these guns is going to cut down on how many guns are sold. I feel like with the things we have in place, the disposal is being done according to the law, and with as much regulation as there is."

In other action Tuesday, council:

Voted 5-0 to approve final payment to B.W. Sullivan Contracting in the amount of \$178,800 for construction services rendered on Jackie Dole Sherrill Community Center's foundation repair.

Voted 5-0 to ratify and confirm Mayor Johnny DuPree's appointment of Anthony Harris to the Hattiesburg Tourism Commission for a three-year term beginning Jan. 5. Harris will succeed the outgoing James Ratliff.