

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 2614

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PERSON PERMITTED TO CARRY A DEADLY WEAPON WITHOUT A
3 PERMIT; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 97-37-7, Mississippi Code of 1972, is
6 amended as follows:

7 97-37-7. (1) (a) It shall not be a violation of Section
8 97-37-1 or any other statute for pistols, firearms or other
9 suitable and appropriate weapons to be carried by duly constituted
10 bank guards, company guards, watchmen, railroad special agents or
11 duly authorized representatives, agents or employees of a patrol
12 service, guard service, or a company engaged in the business of
13 transporting money, securities or other valuables, while actually
14 engaged in the performance of their duties as such, provided that
15 such persons have made a written application and paid a
16 nonrefundable permit fee of One Hundred Dollars (\$100.00) to the
17 Department of Public Safety and are under bond in a sum of not
18 less than One Thousand Dollars (\$1,000.00) for the lawful and
19 faithful performance of their duties, the cost of which bond shall
20 be paid by the employer of such persons; and further provided that
21 such persons have first made written application and obtained an
22 annual permit so to do from the sheriff of the county in which
23 they are employed. Provided, however, that where the duties of
24 any person covered by the provisions of this paragraph may carry
25 him into more than one county, such person may file a bond in the
26 sum of Two Thousand Dollars (\$2,000.00) with the Commissioner of
27 Public Safety, for the lawful and faithful performance of his

28 duties, the cost of the bond shall be paid by the employer of such
29 person, and provided further that such person has first made
30 written application with and obtained a permit so to do from the
31 Commissioner of Public Safety, and said permit shall be valid as a
32 statewide permit. Proof of renewal of the bond shall be submitted
33 to the department every four (4) years.

34 (b) No such permit shall be issued to any person who has
35 ever been convicted of a felony under the laws of this or any
36 other state or of the United States. In order to determine a
37 person's eligibility for a permit, the person shall be
38 fingerprinted. If no disqualifying record is identified at the
39 state level, the fingerprints shall be forwarded by the Department
40 of Public Safety to the Federal Bureau of Investigation for a
41 national criminal history record check. The department is hereby
42 authorized to charge a fee which shall include the amounts
43 required by the Federal Bureau of Investigation and the department
44 for the national and state criminal history record checks and any
45 necessary costs incurred by the department for the handling and
46 administration of the criminal history background checks. A
47 renewal fee of Fifty Dollars (\$50.00) and a replacement fee of
48 Fifteen Dollars (\$15.00) shall be charged by the department.
49 Renewal of the permit shall be required every four (4) years.

50 (2) It shall further not be a violation of this or any other
51 statute for pistols, firearms or other suitable and appropriate
52 weapons to be carried by Department of Wildlife, Fisheries and
53 Parks law enforcement officers, investigators employed by the
54 Attorney General, criminal investigators employed by the district
55 attorneys, investigators or probation officers employed by the
56 Department of Corrections, employees of the State Auditor who are
57 authorized by the State Auditor to perform investigative
58 functions, or any deputy fire marshal or investigator employed by
59 the State Fire Marshal, while engaged in the performance of their
60 duties as such, or by fraud investigators with the Department of

61 Human Services, or by judges of the Mississippi Supreme Court,
62 Court of Appeals, circuit, chancery, county and municipal courts.
63 Before any person shall be authorized under this subsection to
64 carry a weapon, he shall complete a weapons training course
65 approved by the Board of Law Enforcement Officer Standards and
66 Training. Before any criminal investigator employed by a district
67 attorney shall be authorized under this section to carry a pistol,
68 firearm or other weapon, he shall have complied with Section
69 45-6-11 or any training program required for employment as an
70 agent of the Federal Bureau of Investigation. A law enforcement
71 officer, as defined in Section 45-6-3, shall be authorized to
72 carry weapons in courthouses in performance of his official
73 duties. This section shall in no way interfere with the right of
74 a trial judge to restrict the carrying of firearms in the
75 courtroom.

76 (3) It shall not be a violation of this or any other statute
77 for pistols, firearms or other suitable and appropriate weapons,
78 to be carried by any out-of-state, full-time commissioned law
79 enforcement officer who holds a valid commission card from the
80 appropriate out-of-state law enforcement agency and a photo
81 identification. The provisions of this subsection shall only
82 apply if the state where the out-of-state officer is employed has
83 entered into a reciprocity agreement with the state that allows
84 full-time commissioned law enforcement officers in Mississippi to
85 lawfully carry or possess a weapon in such other states. The
86 Commissioner of Public Safety is authorized to enter into
87 reciprocal agreements with other states to carry out the
88 provisions of this subsection.

89 (4) All fees collected by the Department of Public Safety
90 pursuant to this section shall be deposited into a special fund
91 hereby created in the State Treasury and shall be used for the
92 implementation and administration of this section. After the
93 close of each fiscal year, the balance in this fund shall be

94 certified to the Legislature and then may be used by the
95 department as directed by the Legislature.

96 SECTION 2. This act shall take effect and be in force from
97 and after July 1, 2001.