

By: Representative McBride

To: Judiciary B

HOUSE BILL NO. 844

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE GUARDS AND OTHER PERSONS AUTHORIZED TO CARRY CONCEALED
3 WEAPONS TO OBTAIN A PERMIT; TO PROVIDE FOR PERMIT FEES; TO REQUIRE
4 FINGERPRINTING; AND FOR RELATED PURPOSES.

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

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

8 97-37-7. (1) (a) It shall not be a violation of Section
9 97-37-1 or any other statute for pistols, firearms or other
10 suitable and appropriate weapons to be carried by duly constituted
11 bank guards, company guards, watchmen, railroad special agents or
12 duly authorized representatives, agents or employees of a patrol
13 service, guard service, or a company engaged in the business of
14 transporting money, securities or other valuables, while actually
15 engaged in the performance of their duties as such, provided that
16 such persons have made a written application and paid a
17 nonrefundable permit fee of One Hundred Dollars (\$100.00) to the
18 Department of Public Safety. The permit fee is payable to the
19 department every four (4) years. In addition, the companies who
20 have employed such persons must be under bond in a sum of not less
21 than One Thousand Dollars (\$1,000.00) for the lawful and faithful
22 performance of their duties, the cost of which bond shall be paid
23 by the employer of such persons; and further provided that such
24 persons have first made written application and obtained an annual
25 permit so to do from the sheriff of the county in which they are
26 employed. Provided, however, that where the duties of any person
27 covered by the provisions of this paragraph may carry him into
28 more than one (1) county, such person may file a bond in the sum



29 of Two Thousand Dollars (\$2,000.00) with the Commissioner of
30 Public Safety, for the lawful and faithful performance of his
31 duties, the cost of the bond shall be paid by the employer of such
32 person, and provided further that such person has first made
33 written application with and obtained a permit so to do from the
34 Commissioner of Public Safety, and said permit shall be valid as a
35 statewide permit. Proof of renewal of the bond shall be submitted
36 to the department every four (4) years.

37 (b) No such permit shall be issued to any person who
38 has ever been convicted of a felony under the laws of this or any
39 other state or of the United States. In order to determine an
40 applicant's eligibility for a permit, the person shall be
41 fingerprinted. If no disqualifying record is identified at the
42 state level, the fingerprints shall be forwarded by the Department
43 of Public Safety to the Federal Bureau of Investigation for a
44 national criminal history record check. The department is hereby
45 authorized to charge a fee which shall include the amounts
46 required by the Federal Bureau of Investigation and the department
47 for the national and state criminal history record checks and any
48 necessary costs incurred by the department for the handling and
49 administration of the criminal history background checks. In the
50 event a legible set of fingerprints, as determined by the
51 Department of Public Safety and the Federal Bureau of
52 Investigation, cannot be obtained after a minimum of three (3)
53 attempts, the Department of Public Safety shall determine
54 eligibility based upon a name check by the Mississippi Highway
55 Safety Patrol and a Federal Bureau of Investigation name check
56 conducted by the Mississippi Highway Safety Patrol at the request
57 of the Department of Public Safety.

58 (c) In the event that a permit is lost or destroyed,
59 the person to whom the permit was issued may obtain a duplicate,
60 or substitute thereof, upon payment of Fifteen Dollars (\$15.00) to
61 the Department of Public Safety, and furnishing a notarized



62 statement to the department that such permit has been lost or
63 destroyed.

64 (d) No less than ninety (90) days prior to the
65 expiration date of the permit, the Department of Public Safety
66 shall mail to each permit holder a written notice of the
67 expiration and a renewal form prescribed by the department. The
68 permit holder must renew his permit on or before the expiration
69 date by filing with the department the renewal form, a notarized
70 affidavit stating that the permit holder remains qualified, and a
71 renewal fee of Fifty Dollars (\$50.00); provided, however, that
72 honorably retired law enforcement officers shall be exempt from
73 this renewal fee. Renewal of the permit shall be required every
74 four (4) years. The permit shall be renewed upon receipt of the
75 completed renewal application and appropriate payment of fees.
76 Additionally, a permit holder who fails to file a renewal
77 application on or before its expiration date must renew his
78 license by paying a late fee of Fifteen Dollars (\$15.00). No
79 permit shall be renewed six (6) months or more after its
80 expiration date, and such permit shall be deemed to be permanently
81 expired. A person whose permit has been permanently expired may
82 reapply for a permit; however, an application and payment of fees
83 must be submitted, and a background investigation shall be
84 conducted pursuant to the subsection (1)(b) of this section.
85 Renewal of the permit must be made every four (4) years.

86 (2) It shall further not be a violation of this or any other
87 statute for pistols, firearms or other suitable and appropriate
88 weapons to be carried by Department of Wildlife, Fisheries and
89 Parks law enforcement officers, investigators employed by the
90 Attorney General, district attorneys, legal assistants to district
91 attorneys, criminal investigators employed by the district
92 attorneys, investigators or probation officers employed by the
93 Department of Corrections, employees of the State Auditor who are
94 authorized by the State Auditor to perform investigative



95 functions, or any deputy fire marshal or investigator employed by
96 the State Fire Marshal, while engaged in the performance of their
97 duties as such, or by fraud investigators with the Department of
98 Human Services, or by judges of the Mississippi Supreme Court,
99 Court of Appeals, circuit, chancery, county and municipal courts.
100 Before any person shall be authorized under this subsection to
101 carry a weapon, he shall complete a weapons training course
102 approved by the Board of Law Enforcement Officer Standards and
103 Training. Before any criminal investigator employed by a district
104 attorney shall be authorized under this section to carry a pistol,
105 firearm or other weapon, he shall have complied with Section
106 45-6-11 or any training program required for employment as an
107 agent of the Federal Bureau of Investigation. A law enforcement
108 officer, as defined in Section 45-6-3, shall be authorized to
109 carry weapons in courthouses in performance of his official
110 duties. This section shall in no way interfere with the right of
111 a trial judge to restrict the carrying of firearms in the
112 courtroom.

113 (3) It shall not be a violation of this or any other statute
114 for pistols, firearms or other suitable and appropriate weapons,
115 to be carried by any out-of-state, full-time commissioned law
116 enforcement officer who holds a valid commission card from the
117 appropriate out-of-state law enforcement agency and a photo
118 identification. The provisions of this subsection shall only
119 apply if the state where the out-of-state officer is employed has
120 entered into a reciprocity agreement with the state that allows
121 full-time commissioned law enforcement officers in Mississippi to
122 lawfully carry or possess a weapon in such other states. The
123 Commissioner of Public Safety is authorized to enter into
124 reciprocal agreements with other states to carry out the
125 provisions of this subsection.

126 **SECTION 2.** This act shall take effect and be in force from
127 and after July 1, 2002.

