

By: Representative Henderson

To: Judiciary B

HOUSE BILL NO. 1050

1 AN ACT TO REQUIRE FIREARMS TRAINING FOR PRIVATE SECURITY  
2 PERSONNEL; TO PROVIDE THE COURSEWORK AND EXAMINATION FOR ARMED AND  
3 UNARMED PRIVATE SECURITY PERSONNEL; TO PROVIDE REQUIREMENTS FOR  
4 INSTRUCTORS AND TRAINERS; TO PROVIDE FOR THE TYPES OF WEAPONS  
5 WHICH PRIVATE SECURITY PERSONNEL MAY USE; TO AMEND SECTION  
6 97-37-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF  
7 THIS ACT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) Prior to issuance of the employment firearm  
10 permit, the Mississippi Department of Public Safety shall require  
11 the applicant to complete at least sixteen (16) hours of training  
12 administered by a "certified trainer," and pass an examination,  
13 covering at least, but not limited to, the following subjects:

14 (a) Orientation.

15 (b) Complete at least eight (8) hours of classroom  
16 training administered by a certified trainer:

17 (i) Handling a firearm;

18 (ii) Safety and maintenance;

19 (iii) Legal limitations of the use of a firearm;

20 and

21 (iv) Emergency procedures.

22 (c) Complete at least four (4) hours of marksmanship  
23 training administered by a certified trainer, and achieve a  
24 minimum of seventy percent (70%) on approved silhouette targets.

25 A statement from a certified trainer certifying the completion of  
26 the training required herein must be submitted to the Department  
27 of Public Safety within thirty (30) days of employment.

28 (d) Complete at least two (2) hours regarding legal  
29 powers and limitation of a security officer or guard.



30 (e) Complete at least two (2) hours regarding emergency  
31 procedures.

32 (2) Prior to issuance of a registration card the applicant  
33 for an unarmed security permit must complete at least eight (8)  
34 hours of training administered by a certified trainer, and pass an  
35 examination, covering at least, but not limited to, the following  
36 subjects:

- 37 (a) Orientation;
- 38 (b) General duties;
- 39 (c) Legal powers of a security officer/guard; and
- 40 (d) Safety and emergency procedures.

41 (3) The requirements of subsection (1) and (2) do not apply  
42 to applicants for registration who are a sworn peace officers and  
43 certified by the Board on Law Enforcement Officer Standards and  
44 Training. The Department of Public Safety may issue a temporary  
45 registration card to such officer upon the department's  
46 verification of the officer certification.

47 **SECTION 2.** (1) An individual is eligible to become a  
48 certified trainer only if such individual:

- 49 (a) Is at least twenty-one (21) years of age;
- 50 (b) Has at least one (1) year of supervisory experience  
51 satisfactory to the commissioner with a contract security company  
52 or proprietary security organization, or who has any federal,  
53 United States military, state, county, or municipal law  
54 enforcement agency certification; and
- 55 (c) Is personally qualified to conduct the training  
56 required by the act.

57 (2) A certified trainer may, in such trainer's discretion,  
58 instruct personally or use a combination of personal instruction,  
59 audio or visual training aids.

60 (3) To assist in the implementation of the training program,  
61 the certified trainer may appoint as an instructor any individual  
62 who:



63           (a) Is at least twenty-one (21) years of age; and  
64           (b) Has at least one (1) year of experience with any  
65 federal, United States military, state, county, or municipal law  
66 enforcement agency, or with a contract security company or a  
67 proprietary security organization.

68           (4) A certified trainer may be an employee of a contract  
69 security company or proprietary security organization.

70           (5) The certified trainer shall certify to the successful  
71 completion of training required by this act and shall submit such  
72 certification to the Department of Public Safety prior to the  
73 issuance of a registration card, or renewal thereof, in case of  
74 armed security guards or officers.

75           (6) The Department of Public Safety shall charge and collect  
76 an annual fee in such amount as set by the Department of Public  
77 Safety for certification of a trainer under this section.

78           (7) Certifications may be renewed up to three (3) months  
79 after the expiration by payment of the renewal fee, plus a penalty  
80 established by the commissioner for each month or portion thereof,  
81 which elapses before payment is tendered.

82           **SECTION 3.** (1) An armed security officer or guard may carry  
83 only such types of firearm as the Department of Public Safety, by  
84 rules and regulations, prescribe in the performance of such  
85 person's duties. A security officer or guard may carry a firearm  
86 only if certified to carry such firearm. With proper  
87 certification, an unarmed or armed security officer or guard may  
88 carry any other type of weapon to include, but not limited to,  
89 batons, clubs, stun guns, chemical weapons known as mace or pepper  
90 spray or any other tool or weapon that the department may  
91 prescribe.

92           (2) For applicants for private security officer or guard who  
93 will carry a club, stun gun, chemical spray, night stick, or other  
94 less than lethal devise, the commissioner shall require  
95 appropriate training specific to such device by a certified



96 trainer who is certified to instruct for such specific device. It  
97 shall be the employers' responsibility to keep training records of  
98 their employees for such specific device. The security officer or  
99 guard shall also have in such person's possession a certification  
100 card issued by an instructor or trainer who is certified to  
101 instruct or train in the legal use of such specific device, and  
102 shall, exhibit such card upon demand by the Department of Public  
103 Safety or the instructor or trainer's duly authorized agent or any  
104 law enforcement officer.

105       **SECTION 4.** Section 97-37-7, Mississippi Code of 1972, is  
106 amended as follows:

107       97-37-7. (1) It shall not be a violation of Section 97-37-1  
108 or any other statute for pistols, firearms or other suitable and  
109 appropriate weapons to be carried by duly constituted bank guards,  
110 company guards, watchmen, railroad special agents or duly  
111 authorized representatives, agents or employees of a patrol  
112 service, guard service, or a company engaged in the business of  
113 transporting money, securities or other valuables, while actually  
114 engaged in the performance of their duties as such, provided that  
115 such persons are under bond in a sum of not less than One Thousand  
116 Dollars (\$1,000.00) for the lawful and faithful performance of  
117 their duties, the cost of which bond shall be paid by the employer  
118 of such persons; and further provided that such persons have first  
119 made written application and obtained an annual permit so to do  
120 from the sheriff of the county in which they are employed and the  
121 Department of Public Safety. Provided, however, that where the  
122 duties of any person covered by the provisions of this paragraph  
123 may carry him into more than one (1) county, such person may file  
124 a bond in the sum of Two Thousand Dollars (\$2,000.00) with the  
125 Commissioner of Public Safety, for the lawful and faithful  
126 performance of his duties, the cost of the bond shall be paid by  
127 the employer of such person, and provided further that such person  
128 has first made written application with and obtained a permit so



129 to do from the Commissioner of Public Safety, and said permit  
130 shall be valid as a statewide permit. No such permit shall be  
131 issued to any person who has ever been convicted of a felony under  
132 the laws of this or any other state or of the United States.

133 (2) It shall further not be a violation of this or any other  
134 statute for pistols, firearms or other suitable and appropriate  
135 weapons to be carried by Department of Wildlife, Fisheries and  
136 Parks law enforcement officers, investigators employed by the  
137 Attorney General, district attorneys, legal assistants to district  
138 attorneys, criminal investigators employed by the district  
139 attorneys, investigators or probation officers employed by the  
140 Department of Corrections, employees of the State Auditor who are  
141 authorized by the State Auditor to perform investigative  
142 functions, or any deputy fire marshal or investigator employed by  
143 the State Fire Marshal, while engaged in the performance of their  
144 duties as such, or by fraud investigators with the Department of  
145 Human Services, or by judges of the Mississippi Supreme Court,  
146 Court of Appeals, circuit, chancery, county and municipal courts.  
147 Before any person shall be authorized under this subsection to  
148 carry a weapon, he shall complete a weapons training course  
149 approved by the Board of Law Enforcement Officer Standards and  
150 Training. Before any criminal investigator employed by a district  
151 attorney shall be authorized under this section to carry a pistol,  
152 firearm or other weapon, he shall have complied with Section  
153 45-6-11 or any training program required for employment as an  
154 agent of the Federal Bureau of Investigation. A law enforcement  
155 officer, as defined in Section 45-6-3, shall be authorized to  
156 carry weapons in courthouses in performance of his official  
157 duties. This section shall in no way interfere with the right of  
158 a trial judge to restrict the carrying of firearms in the  
159 courtroom.

160 (3) It shall not be a violation of this or any other statute  
161 for pistols, firearms or other suitable and appropriate weapons,



162 to be carried by any out-of-state, full-time commissioned law  
163 enforcement officer who holds a valid commission card from the  
164 appropriate out-of-state law enforcement agency and a photo  
165 identification. The provisions of this subsection shall only  
166 apply if the state where the out-of-state officer is employed has  
167 entered into a reciprocity agreement with the state that allows  
168 full-time commissioned law enforcement officers in Mississippi to  
169 lawfully carry or possess a weapon in such other states. The  
170 Commissioner of Public Safety is authorized to enter into  
171 reciprocal agreements with other states to carry out the  
172 provisions of this subsection.

173       **SECTION 5.** This act shall take effect and be in force from  
174 and after July 1, 2002.

