HOUSE BILL NO. 1116

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

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

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

(a) Orientation.

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

(i) Handling a firearm;

(ii) Safety and maintenance;

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

and

(iv) Emergency procedures.

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

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

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

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

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

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

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

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

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

(3) To assist in the implementation of the training program, the certified trainer may appoint as an instructor any individual who:
(a) Is at least twenty-one (21) years of age; and

(b) Has at least one (1) year of experience with any federal, United States military, state, county, or municipal law enforcement agency, or with a contract security company or a proprietary security organization.

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

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

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

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

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

(2) For applicants for private security officer or guard who will carry a club, stun gun, chemical spray, night stick, or other less than lethal devise, the commissioner shall require appropriate training specific to such device by a certified
trainer who is certified to instruct for such specific device. It shall be the employers' responsibility to keep training records of their employees for such specific device. The security officer or guard shall also have in such person's possession a certification card issued by an instructor or trainer who is certified to instruct or train in the legal use of such specific device, and shall, exhibit such card upon demand by the Department of Public Safety or the instructor or trainer's duly authorized agent or any law enforcement officer.

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

97-37-7. (1) (a) It shall not be a violation of Section 97-37-1 or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by duly constituted bank guards, company guards, watchmen, railroad special agents or duly authorized representatives who are not sworn law enforcement officers, agents or employees of a patrol service, guard service, or a company engaged in the business of transporting money, securities or other valuables, while actually engaged in the performance of their duties as such, provided that such persons have made a written application and paid a nonrefundable permit fee of One Hundred Dollars ($100.00) to the Department of Public Safety.

(b) No permit shall be issued to any person who has ever been convicted of a felony under the laws of this or any other state or of the United States. To determine an applicant's eligibility for a permit, the person shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. The department shall charge a fee which includes the amounts required by the Federal Bureau of Investigation and the department for the national and state investigation and the department for the national and state
criminal history record checks and any necessary costs incurred by
the department for the handling and administration of the criminal
history background checks. In the event a legible set of
fingerprints, as determined by the Department of Public Safety and
the Federal Bureau of Investigation, cannot be obtained after a
minimum of three (3) attempts, the Department of Public Safety
shall determine eligibility based upon a name check by the
Mississippi Highway Safety Patrol and a Federal Bureau of
Investigation name check conducted by the Mississippi Safety
Patrol at the request of the Department of Public Safety.

(c) A person may obtain a duplicate of a lost or
destroyed permit upon payment of a Fifteen Dollar ($15.00)
replacement fee to the Department of Public Safety, if he
furnishes a notarized statement to the department that the permit
has been lost or destroyed.

(d) (i) No less than ninety (90) days prior to the
expiration date of a permit, the Department of Public Safety shall
mail to the permit holder written notice of expiration together
with the renewal form prescribed by the department. The permit
holder shall renew the permit on or before the expiration date by
filing with the department the renewal form, a notarized affidavit
stating that the permit holder remains qualified, and the renewal
fee of Fifty Dollars ($50.00); provided, however, that honorably
retired law enforcement officers shall be exempt from payment of
the renewal fee. A permit holder who fails to file a renewal
application on or before its expiration date shall pay a late fee
of Fifteen Dollars ($15.00).

(ii) Renewal of the permit shall be required every
four (4) years. The permit of a qualified renewal applicant shall
be renewed upon receipt of the completed renewal application and
appropriate payment of fees.

(iii) A permit cannot be renewed six (6) months or
more after its expiration date, and such permit shall be deemed to
be permanently expired; the holder may reapply for an original permit as provided in this section.

(e) Security officers shall comply with the provisions of Sections 1 through 3 of House Bill No.____, 2003 Regular Session.

(2) It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by Department of Wildlife, Fisheries and Parks law enforcement officers, railroad special agents who are sworn law enforcement officers, investigators employed by the Attorney General, district attorneys, legal assistants to district attorneys, criminal investigators employed by the district attorneys, investigators or probation officers employed by the Department of Corrections, employees of the State Auditor who are authorized by the State Auditor to perform investigative functions, or any deputy fire marshal or investigator employed by the State Fire Marshal, while engaged in the performance of their duties as such, or by fraud investigators with the Department of Human Services, or by judges of the Mississippi Supreme Court, Court of Appeals, circuit, chancery, county and municipal courts. Before any person shall be authorized under this subsection to carry a weapon, he shall complete a weapons training course approved by the Board of Law Enforcement Officer Standards and Training. Before any criminal investigator employed by a district attorney shall be authorized under this section to carry a pistol, firearm or other weapon, he shall have complied with Section 45-6-11 or any training program required for employment as an agent of the Federal Bureau of Investigation. A law enforcement officer, as defined in Section 45-6-3, shall be authorized to carry weapons in courthouses in performance of his official duties. This section shall in no way interfere with the right of a trial judge to restrict the carrying of firearms in the courtroom.
(3) It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons, to be carried by any out-of-state, full-time commissioned law enforcement officer who holds a valid commission card from the appropriate out-of-state law enforcement agency and a photo identification. The provisions of this subsection shall only apply if the state where the out-of-state officer is employed has entered into a reciprocity agreement with the state that allows full-time commissioned law enforcement officers in Mississippi to lawfully carry or possess a weapon in such other states. The Commissioner of Public Safety is authorized to enter into reciprocal agreements with other states to carry out the provisions of this subsection.

SECTION 5. This act shall take effect and be in force from and after July 1, 2003.