

By: Representative Fleming

To: Judiciary B

HOUSE BILL NO. 116

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY RECIPROCITY ALLOWING LAW ENFORCEMENT OFFICERS TO CARRY
3 WEAPONS IN OTHER STATES; 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 who are not sworn law enforcement
12 officers, agents or employees of a patrol service, guard service,
13 or a company engaged in the business of transporting money,
14 securities or other valuables, while actually engaged in the
15 performance of their duties as such, provided that such persons
16 have made a written application and paid a nonrefundable permit
17 fee of One Hundred Dollars (\$100.00) to the Department of Public
18 Safety.

19 (b) No permit shall be issued to any person who has
20 ever been convicted of a felony under the laws of this or any
21 other state or of the United States. To determine an applicant's
22 eligibility for a permit, the person shall be fingerprinted. If
23 no disqualifying record is identified at the state level, the
24 fingerprints shall be forwarded by the Department of Public Safety
25 to the Federal Bureau of Investigation for a national criminal
26 history record check. The department shall charge a fee which
27 includes the amounts required by the Federal Bureau of

28 Investigation and the department for the national and state
29 criminal history record checks and any necessary costs incurred by
30 the department for the handling and administration of the criminal
31 history background checks. In the event a legible set of
32 fingerprints, as determined by the Department of Public Safety and
33 the Federal Bureau of Investigation, cannot be obtained after a
34 minimum of three (3) attempts, the Department of Public Safety
35 shall determine eligibility based upon a name check by the
36 Mississippi Highway Safety Patrol and a Federal Bureau of
37 Investigation name check conducted by the Mississippi Safety
38 Patrol at the request of the Department of Public Safety.

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

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

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

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

64 (2) It shall not be a violation of this or any other statute
65 for pistols, firearms or other suitable and appropriate weapons to
66 be carried by Department of Wildlife, Fisheries and Parks law
67 enforcement officers, railroad special agents who are sworn law
68 enforcement officers, investigators employed by the Attorney
69 General, district attorneys, legal assistants to district
70 attorneys, criminal investigators employed by the district
71 attorneys, investigators or probation officers employed by the
72 Department of Corrections, employees of the State Auditor who are
73 authorized by the State Auditor to perform investigative
74 functions, or any deputy fire marshal or investigator employed by
75 the State Fire Marshal, while engaged in the performance of their
76 duties as such, or by fraud investigators with the Department of
77 Human Services, or by judges of the Mississippi Supreme Court,
78 Court of Appeals, circuit, chancery, county and municipal courts.
79 Before any person shall be authorized under this subsection to
80 carry a weapon, he shall complete a weapons training course
81 approved by the Board of Law Enforcement Officer Standards and
82 Training. Before any criminal investigator employed by a district
83 attorney shall be authorized under this section to carry a pistol,
84 firearm or other weapon, he shall have complied with Section
85 45-6-11 or any training program required for employment as an
86 agent of the Federal Bureau of Investigation. A law enforcement
87 officer, as defined in Section 45-6-3, shall be authorized to
88 carry weapons in courthouses in performance of his official
89 duties. This section shall in no way interfere with the right of
90 a trial judge to restrict the carrying of firearms in the
91 courtroom.

92 (3) It shall not be a violation of this or any other statute
93 for pistols, firearms or other suitable and appropriate weapons,
94 to be carried by any out-of-state, full-time commissioned law
95 enforcement officer who holds a valid commission card from the
96 appropriate out-of-state law enforcement agency and a photo
97 identification. The provisions of this subsection shall only
98 apply if the state where the out-of-state officer is employed has
99 entered into a reciprocity agreement with the state that allows
100 full-time commissioned law enforcement officers, as defined in
101 Section 45-6-3, in Mississippi to lawfully carry or possess a
102 weapon in such other states. The Commissioner of Public Safety is
103 authorized to enter into reciprocal agreements with other states
104 to carry out the provisions of this subsection.

105 **SECTION 2.** This act shall take effect and be in force from
106 and after July 1, 2004.