

By: Representative Bondurant

To: Judiciary B

HOUSE BILL NO. 1112

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE JUSTICE COURT JUDGES TO CARRY CONCEALED WEAPONS; AND FOR  
3 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, justice and municipal  
79 courts. Before any person shall be authorized under this  
80 subsection to carry a weapon, he shall complete a weapons training  
81 course approved by the Board of Law Enforcement Officer Standards  
82 and Training. Before any criminal investigator employed by a  
83 district attorney shall be authorized under this section to carry  
84 a pistol, firearm or other weapon, he shall have complied with  
85 Section 45-6-11 or any training program required for employment as  
86 an agent of the Federal Bureau of Investigation. A law  
87 enforcement officer, as defined in Section 45-6-3, shall be  
88 authorized to carry weapons in courthouses in performance of his  
89 official duties. This section shall in no way interfere with the  
90 right of 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 in Mississippi to  
101 lawfully carry or possess a weapon in such other states. The  
102 Commissioner of Public Safety is authorized to enter into  
103 reciprocal agreements with other states to carry out the  
104 provisions of this subsection.

105           **SECTION 2.** This act shall take effect and be in force from  
106 and after July 1, 2005.