

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2249

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO
2 ALLOW JUSTICE COURT JUDGES TO CARRY A CONCEALED WEAPON WITHOUT A
3 PERMIT ON THE SAME BASIS AS OTHER JUDGES; AND FOR RELATED
4 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 who are not sworn law enforcement
13 officers, agents or employees of a patrol service, guard service,
14 or a company engaged in the business of transporting money,
15 securities or other valuables, while actually engaged in the
16 performance of their duties as such, provided that such persons
17 have made a written application and paid a nonrefundable permit
18 fee of One Hundred Dollars (\$100.00) to the Department of Public
19 Safety.

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

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

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

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

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

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

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

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

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