

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2349

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, 2006.