HOUSE BILL NO. 506
(As Passed the House)

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE ALL PROSECUTORS AND PUBLIC DEFENDERS TO CARRY CONCEALED
3 WEAPONS; TO AUTHORIZE CERTAIN PERSONS WHO HAVE HAD FIREARMS
4 TRAINING TO CARRY WEAPONS; AND FOR RELATED 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
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 Highway 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.

(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, criminal investigators employed by the district attorneys, all prosecutors, public defenders, 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, justice 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. A person licensed under Section 45-9-101 to carry a concealed pistol, who has voluntarily completed an instructional course in the safe handling and use of firearms offered by an instructor certified by a nationally recognized organization that customarily offers
firearms training, or by any other organization approved by the
Department of Public Safety, shall also be authorized to carry
weapons in courthouses except in courtrooms during a judicial
proceeding, and any location listed in subsection (13) of Section
45-9-101, except any place of nuisance as defined in Section
95-3-3, any police, sheriff or highway patrol station or any
detention facility, prison or jail. The department shall
promulgate rules and regulations allowing concealed pistol permit
holders to obtain an endorsement on their permit indicating that
they have completed the aforementioned course and have the
authority to carry in these locations. 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 2. This act shall take effect and be in force from
and after July 1, 2011.