

By: Representatives Baker, Brown (20th),
Arnold, Turner, Horne, Shirley, Staples,
Carpenter, Byrd

To: Judiciary A

HOUSE BILL NO. 485

1 AN ACT TO CREATE SECTION 25-61-11.1, MISSISSIPPI CODE OF
2 1972, TO EXEMPT INFORMATION REGARDING PERSONS WITH A WEAPON PERMIT
3 FROM THE MISSISSIPPI PUBLIC RECORDS ACT OF 1983; TO AMEND SECTION
4 45-9-101, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** The following shall be codified as Section
8 25-61-11.1, Mississippi Code of 1972:

9 25-61-11.1. The name, home address, any telephone number or
10 other private information of any person who possesses a weapon
11 permit issued under Section 45-9-101 or Section 97-37-7 shall be
12 exempt from the Mississippi Public Records Act of 1983.

13 **SECTION 2.** Section 45-9-101, Mississippi Code of 1972, is
14 amended as follows:

15 45-9-101. (1) (a) The Department of Public Safety is
16 authorized to issue licenses to carry stun guns, concealed pistols
17 or revolvers to persons qualified as provided in this section.
18 Such licenses shall be valid throughout the state for a period of
19 five (5) years from the date of issuance. Any person possessing a



20 valid license issued pursuant to this section may carry a stun
21 gun, concealed pistol or concealed revolver.

22 (b) The licensee must carry the license, together with
23 valid identification, at all times in which the licensee is
24 carrying a stun gun, concealed pistol or revolver and must display
25 both the license and proper identification upon demand by a law
26 enforcement officer. A violation of the provisions of this
27 paragraph (b) shall constitute a noncriminal violation with a
28 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
29 by summons.

30 (2) The Department of Public Safety shall issue a license if
31 the applicant:

32 (a) Is a resident of the state and has been a resident
33 for twelve (12) months or longer immediately preceding the filing
34 of the application. However, this residency requirement may be
35 waived, provided the applicant possesses a valid permit from
36 another state, is active military personnel stationed in
37 Mississippi, or is a retired law enforcement officer establishing
38 residency in the state;

39 (b) Is twenty-one (21) years of age or older;

40 (c) Does not suffer from a physical infirmity which
41 prevents the safe handling of a stun gun, pistol or revolver;

42 (d) Is not ineligible to possess a firearm by virtue of
43 having been convicted of a felony in a court of this state, of any



44 other state, or of the United States without having been pardoned
45 for same;

46 (e) Does not chronically or habitually abuse controlled
47 substances to the extent that his normal faculties are impaired.
48 It shall be presumed that an applicant chronically and habitually
49 uses controlled substances to the extent that his faculties are
50 impaired if the applicant has been voluntarily or involuntarily
51 committed to a treatment facility for the abuse of a controlled
52 substance or been found guilty of a crime under the provisions of
53 the Uniform Controlled Substances Law or similar laws of any other
54 state or the United States relating to controlled substances
55 within a three-year period immediately preceding the date on which
56 the application is submitted;

57 (f) Does not chronically and habitually use alcoholic
58 beverages to the extent that his normal faculties are impaired.
59 It shall be presumed that an applicant chronically and habitually
60 uses alcoholic beverages to the extent that his normal faculties
61 are impaired if the applicant has been voluntarily or
62 involuntarily committed as an alcoholic to a treatment facility or
63 has been convicted of two (2) or more offenses related to the use
64 of alcohol under the laws of this state or similar laws of any
65 other state or the United States within the three-year period
66 immediately preceding the date on which the application is
67 submitted;



68 (g) Desires a legal means to carry a stun gun,
69 concealed pistol or revolver to defend himself;

70 (h) Has not been adjudicated mentally incompetent, or
71 has waited five (5) years from the date of his restoration to
72 capacity by court order;

73 (i) Has not been voluntarily or involuntarily committed
74 to a mental institution or mental health treatment facility unless
75 he possesses a certificate from a psychiatrist licensed in this
76 state that he has not suffered from disability for a period of
77 five (5) years;

78 (j) Has not had adjudication of guilt withheld or
79 imposition of sentence suspended on any felony unless three (3)
80 years have elapsed since probation or any other conditions set by
81 the court have been fulfilled;

82 (k) Is not a fugitive from justice; and

83 (l) Is not disqualified to possess or own a weapon
84 based on federal law.

85 (3) The Department of Public Safety may deny a license if
86 the applicant has been found guilty of one or more crimes of
87 violence constituting a misdemeanor unless three (3) years have
88 elapsed since probation or any other conditions set by the court
89 have been fulfilled or expunction has occurred prior to the date
90 on which the application is submitted, or may revoke a license if
91 the licensee has been found guilty of one or more crimes of
92 violence within the preceding three (3) years. The department



93 shall, upon notification by a law enforcement agency or a court
94 and subsequent written verification, suspend a license or the
95 processing of an application for a license if the licensee or
96 applicant is arrested or formally charged with a crime which would
97 disqualify such person from having a license under this section,
98 until final disposition of the case. The provisions of subsection
99 (7) of this section shall apply to any suspension or revocation of
100 a license pursuant to the provisions of this section.

101 (4) The application shall be completed, under oath, on a
102 form promulgated by the Department of Public Safety and shall
103 include only:

104 (a) The name, address, place and date of birth, race,
105 sex and occupation of the applicant;

106 (b) The driver's license number or social security
107 number of applicant;

108 (c) Any previous address of the applicant for the two
109 (2) years preceding the date of the application;

110 (d) A statement that the applicant is in compliance
111 with criteria contained within subsections (2) and (3) of this
112 section;

113 (e) A statement that the applicant has been furnished a
114 copy of this section and is knowledgeable of its provisions;

115 (f) A conspicuous warning that the application is
116 executed under oath and that a knowingly false answer to any



117 question, or the knowing submission of any false document by the
118 applicant, subjects the applicant to criminal prosecution; and

119 (g) A statement that the applicant desires a legal
120 means to carry a stun gun, concealed pistol or revolver to defend
121 himself.

122 (5) The applicant shall submit only the following to the
123 Department of Public Safety:

124 (a) A completed application as described in subsection
125 (4) of this section;

126 (b) A full-face photograph of the applicant taken
127 within the preceding thirty (30) days in which the head, including
128 hair, in a size as determined by the Department of Public Safety;

129 (c) A nonrefundable license fee of One Hundred Dollars
130 (\$100.00). Costs for processing the set of fingerprints as
131 required in paragraph (d) of this subsection shall be borne by the
132 applicant. Honorably retired law enforcement officers shall be
133 exempt from the payment of the license fee;

134 (d) A full set of fingerprints of the applicant
135 administered by the Department of Public Safety; and

136 (e) A waiver authorizing the Department of Public
137 Safety access to any records concerning commitments of the
138 applicant to any of the treatment facilities or institutions
139 referred to in subsection (2) and permitting access to all the
140 applicant's criminal records.



141 (6) (a) The Department of Public Safety, upon receipt of
142 the items listed in subsection (5) of this section, shall forward
143 the full set of fingerprints of the applicant to the appropriate
144 agencies for state and federal processing.

145 (b) The Department of Public Safety shall forward a
146 copy of the applicant's application to the sheriff of the
147 applicant's county of residence and, if applicable, the police
148 chief of the applicant's municipality of residence. The sheriff
149 of the applicant's county of residence and, if applicable, the
150 police chief of the applicant's municipality of residence may, at
151 his discretion, participate in the process by submitting a
152 voluntary report to the Department of Public Safety containing any
153 readily discoverable prior information that he feels may be
154 pertinent to the licensing of any applicant. The reporting shall
155 be made within thirty (30) days after the date he receives the
156 copy of the application. Upon receipt of a response from a
157 sheriff or police chief, such sheriff or police chief shall be
158 reimbursed at a rate set by the department.

159 (c) The Department of Public Safety shall, within
160 forty-five (45) days after the date of receipt of the items listed
161 in subsection (5) of this section:

162 (i) Issue the license;

163 (ii) Deny the application based solely on the
164 ground that the applicant fails to qualify under the criteria
165 listed in subsections (2) and (3) of this section. If the



166 Department of Public Safety denies the application, it shall
167 notify the applicant in writing, stating the ground for denial,
168 and the denial shall be subject to the appeal process set forth in
169 subsection (7); or

170 (iii) Notify the applicant that the department is
171 unable to make a determination regarding the issuance or denial of
172 a license within the forty-five-day period prescribed by this
173 subsection, and provide an estimate of the amount of time the
174 department will need to make the determination.

175 (d) In the event a legible set of fingerprints, as
176 determined by the Department of Public Safety and the Federal
177 Bureau of Investigation, cannot be obtained after a minimum of two
178 (2) attempts, the Department of Public Safety shall determine
179 eligibility based upon a name check by the Mississippi Highway
180 Safety Patrol and a Federal Bureau of Investigation name check
181 conducted by the Mississippi Highway Safety Patrol at the request
182 of the Department of Public Safety.

183 (7) (a) If the Department of Public Safety denies the
184 issuance of a license, or suspends or revokes a license, the party
185 aggrieved may appeal such denial, suspension or revocation to the
186 Commissioner of Public Safety, or his authorized agent, within
187 thirty (30) days after the aggrieved party receives written notice
188 of such denial, suspension or revocation. The Commissioner of
189 Public Safety, or his duly authorized agent, shall rule upon such
190 appeal within thirty (30) days after the appeal is filed and



191 failure to rule within this thirty-day period shall constitute
192 sustaining such denial, suspension or revocation. Such review
193 shall be conducted pursuant to such reasonable rules and
194 regulations as the Commissioner of Public Safety may adopt.

195 (b) If the revocation, suspension or denial of issuance
196 is sustained by the Commissioner of Public Safety, or his duly
197 authorized agent pursuant to paragraph (a) of this subsection, the
198 aggrieved party may file within ten (10) days after the rendition
199 of such decision a petition in the circuit or county court of his
200 residence for review of such decision. A hearing for review shall
201 be held and shall proceed before the court without a jury upon the
202 record made at the hearing before the Commissioner of Public
203 Safety or his duly authorized agent. No such party shall be
204 allowed to carry a stun gun, concealed pistol or revolver pursuant
205 to the provisions of this section while any such appeal is
206 pending.

207 (8) The Department of Public Safety shall maintain an
208 automated listing of license holders and such information shall be
209 available online, upon request, at all times, to all law
210 enforcement agencies through the Mississippi Crime Information
211 Center. However, the records of the department relating to
212 applications for licenses to carry stun guns, concealed pistols or
213 revolvers and records relating to license holders shall be exempt
214 from the provisions of the Mississippi Public Records Act of 1983

215 * * *.



216 (9) Within thirty (30) days after the changing of a
217 permanent address, or within thirty (30) days after having a
218 license lost or destroyed, the licensee shall notify the
219 Department of Public Safety in writing of such change or loss.
220 Failure to notify the Department of Public Safety pursuant to the
221 provisions of this subsection shall constitute a noncriminal
222 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
223 be enforceable by a summons.

224 (10) In the event that a stun gun, concealed pistol or
225 revolver license is lost or destroyed, the person to whom the
226 license was issued shall comply with the provisions of subsection
227 (9) of this section and may obtain a duplicate, or substitute
228 thereof, upon payment of Fifteen Dollars (\$15.00) to the
229 Department of Public Safety, and furnishing a notarized statement
230 to the department that such license has been lost or destroyed.

231 (11) A license issued under this section shall be revoked if
232 the licensee becomes ineligible under the criteria set forth in
233 subsection (2) of this section.

234 (12) (a) No less than ninety (90) days prior to the
235 expiration date of the license, the Department of Public Safety
236 shall mail to each licensee a written notice of the expiration and
237 a renewal form prescribed by the department. The licensee must
238 renew his license on or before the expiration date by filing with
239 the department the renewal form, a notarized affidavit stating
240 that the licensee remains qualified pursuant to the criteria



241 specified in subsections (2) and (3) of this section, and a full
242 set of fingerprints administered by the Department of Public
243 Safety or the sheriff of the county of residence of the licensee.
244 The first renewal may be processed by mail and the subsequent
245 renewal must be made in person. Thereafter every other renewal
246 may be processed by mail to assure that the applicant must appear
247 in person every ten (10) years for the purpose of obtaining a new
248 photograph.

249 (i) Except as provided in this subsection, a
250 renewal fee of Fifty Dollars (\$50.00) shall also be submitted
251 along with costs for processing the fingerprints;

252 (ii) Honorably retired law enforcement officers
253 shall be exempt from the renewal fee; and

254 (iii) The renewal fee for a Mississippi resident
255 aged sixty-five (65) years of age or older shall be Twenty-five
256 Dollars (\$25.00).

257 (b) The Department of Public Safety shall forward the
258 full set of fingerprints of the applicant to the appropriate
259 agencies for state and federal processing. The license shall be
260 renewed upon receipt of the completed renewal application and
261 appropriate payment of fees.

262 (c) A licensee who fails to file a renewal application
263 on or before its expiration date must renew his license by paying
264 a late fee of Fifteen Dollars (\$15.00). No license shall be
265 renewed six (6) months or more after its expiration date, and such



266 license shall be deemed to be permanently expired. A person whose
267 license has been permanently expired may reapply for licensure;
268 however, an application for licensure and fees pursuant to
269 subsection (5) of this section must be submitted, and a background
270 investigation shall be conducted pursuant to the provisions of
271 this section.

272 (13) No license issued pursuant to this section shall
273 authorize any person to carry a stun gun, concealed pistol or
274 revolver into any place of nuisance as defined in Section 95-3-1,
275 Mississippi Code of 1972; any police, sheriff or highway patrol
276 station; any detention facility, prison or jail; any courthouse;
277 any courtroom, except that nothing in this section shall preclude
278 a judge from carrying a concealed weapon or determining who will
279 carry a concealed weapon in his courtroom; any polling place; any
280 meeting place of the governing body of any governmental entity;
281 any meeting of the Legislature or a committee thereof; any school,
282 college or professional athletic event not related to firearms;
283 any portion of an establishment, licensed to dispense alcoholic
284 beverages for consumption on the premises, that is primarily
285 devoted to dispensing alcoholic beverages; any portion of an
286 establishment in which beer or light wine is consumed on the
287 premises, that is primarily devoted to such purpose; any
288 elementary or secondary school facility; any junior college,
289 community college, college or university facility unless for the
290 purpose of participating in any authorized firearms-related



291 activity; inside the passenger terminal of any airport, except
292 that no person shall be prohibited from carrying any legal firearm
293 into the terminal if the firearm is encased for shipment, for
294 purposes of checking such firearm as baggage to be lawfully
295 transported on any aircraft; any church or other place of worship;
296 or any place where the carrying of firearms is prohibited by
297 federal law. In addition to the places enumerated in this
298 subsection, the carrying of a stun gun, concealed pistol or
299 revolver may be disallowed in any place in the discretion of the
300 person or entity exercising control over the physical location of
301 such place by the placing of a written notice clearly readable at
302 a distance of not less than ten (10) feet that the "carrying of a
303 pistol or revolver is prohibited." No license issued pursuant to
304 this section shall authorize the participants in a parade or
305 demonstration for which a permit is required to carry a stun gun,
306 concealed pistol or revolver.

307 (14) A law enforcement officer as defined in Section 45-6-3,
308 chiefs of police, sheriffs and persons licensed as professional
309 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
310 1972, shall be exempt from the licensing requirements of this
311 section.

312 (15) Any person who knowingly submits a false answer to any
313 question on an application for a license issued pursuant to this
314 section, or who knowingly submits a false document when applying
315 for a license issued pursuant to this section, shall, upon



316 conviction, be guilty of a misdemeanor and shall be punished as
317 provided in Section 99-19-31, Mississippi Code of 1972.

318 (16) All fees collected by the Department of Public Safety
319 pursuant to this section shall be deposited into a special fund
320 hereby created in the State Treasury and shall be used for
321 implementation and administration of this section. After the
322 close of each fiscal year, the balance in this fund shall be
323 certified to the Legislature and then may be used by the
324 Department of Public Safety as directed by the Legislature.

325 (17) All funds received by a sheriff or police chief
326 pursuant to the provisions of this section shall be deposited into
327 the general fund of the county or municipality, as appropriate,
328 and shall be budgeted to the sheriff's office or police department
329 as appropriate.

330 (18) Nothing in this section shall be construed to require
331 or allow the registration, documentation or providing of serial
332 numbers with regard to any stun gun or firearm. Further, nothing
333 in this section shall be construed to allow the open and
334 unconcealed carrying of any stun gun or a deadly weapon as
335 described in Section 97-37-1, Mississippi Code of 1972.

336 (19) Any person holding a valid unrevoked and unexpired
337 license to carry stun guns, concealed pistols or revolvers issued
338 in another state shall have such license recognized by this state
339 to carry stun guns, concealed pistols or revolvers. The
340 Department of Public Safety is authorized to enter into a



341 reciprocal agreement with another state if that state requires a
342 written agreement in order to recognize licenses to carry stun
343 guns, concealed pistols or revolvers issued by this state.

344 (20) The provisions of this section shall be under the
345 supervision of the Commissioner of Public Safety. The
346 commissioner is authorized to promulgate reasonable rules and
347 regulations to carry out the provisions of this section.

348 (21) For the purposes of this section, the term "stun gun"
349 means a portable device or weapon from which an electric current,
350 impulse, wave or beam may be directed, which current, impulse,
351 wave or beam is designed to incapacitate temporarily, injure,
352 momentarily stun, knock out, cause mental disorientation or
353 paralyze.

354 **SECTION 3.** This act shall take effect and be in force from
355 and after July 1, 2013.

