

By: Representatives Formby, Chism, Crawford, To: Judiciary B
Guice, Martinson, Moore, Pigott, Rushing

HOUSE BILL NO. 467

1 AN ACT TO PROHIBIT ENFORCEMENT OF FEDERAL LAW REGARDING
2 FIREARMS, ACCESSORIES OR AMMUNITION MANUFACTURED IN THE STATE THAT
3 REMAINS WITHIN THE BORDERS OF THE STATE; TO PROVIDE THAT ANY
4 FEDERAL LAW WHICH ATTEMPTS TO BAN A SEMI-AUTOMATIC FIREARM OR TO
5 LIMIT THE SIZE OF A MAGAZINE OF A FIREARM OR OTHER LIMITATION ON
6 FIREARMS IN THIS STATE SHALL BE UNENFORCEABLE IN THE STATE; TO
7 PROVIDE A PENALTY FOR VIOLATIONS OF THIS ACT; TO AMEND SECTIONS
8 45-9-101, 97-37-5, 97-37-7, 97-37-31, 97-37-103 AND 97-37-105,
9 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) No public servant or dealer selling any
12 firearm in this state shall enforce or attempt to enforce any act,
13 law, statute, rule or regulation of the United States government
14 relating to a personal firearm, firearm accessory or ammunition
15 that is owned or manufactured commercially or privately in
16 Mississippi and that remains exclusively within the borders of
17 Mississippi.

18 (2) Any official, agent or employee of the United States
19 government who enforces or attempts to enforce any act, order,
20 law, statute, rule or regulation of the United States government
21 upon a personal firearm, a firearm accessory or ammunition that is



22 owned or manufactured commercially or privately in Mississippi and
23 that remains exclusively within the borders of Mississippi shall
24 be guilty of a felony and, upon conviction, shall be subject to
25 imprisonment for not less than one (1) year and one (1) day or
26 more than five (5) years, a fine of not more than Five Thousand
27 Dollars (\$5,000.00), or both.

28 (3) The Attorney General may defend a citizen of Mississippi
29 who is prosecuted by the United States government for violation of
30 a federal law relating to the manufacture, sale, transfer or
31 possession of a firearm, a firearm accessory or ammunition owned
32 or manufactured and retained exclusively within the borders of
33 Mississippi.

34 (4) Any federal law, rule, regulation or order created or
35 effective on or after January 1, 2013, shall be unenforceable
36 within the borders of Mississippi if the law, rule, regulation or
37 order attempts to:

38 (a) Ban or restrict ownership of a semi-automatic
39 firearm or any magazine of a firearm; or

40 (b) Require any firearm, magazine or other firearm
41 accessory to be registered in any manner.

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

44 45-9-101. (1) (a) The Department of Public Safety is
45 authorized to issue licenses to carry stun guns, concealed pistols
46 or revolvers to persons qualified as provided in this section.



Such licenses shall be valid throughout the state for a period of five (5) years from the date of issuance. Any person possessing a valid license issued pursuant to this section may carry a stun gun, concealed pistol or concealed revolver.

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

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

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

(b) (i) Is twenty-one (21) years of age or older; or
(ii) Is at least eighteen (18) years of age but
not yet twenty-one (21) years of age and the applicant:



71 1. Is a member or veteran of the United
72 States Armed Forces; and

73 2. Holds a valid Mississippi driver's license
74 or identification card with the "Veteran" designation issued by
75 the Department of Public Safety.

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

78 (d) Is not ineligible to possess a firearm by virtue of
79 having been convicted of a felony in a court of this state, of any
80 other state, or of the United States without having been pardoned
81 for same;

82 (e) Does not chronically or habitually abuse controlled
83 substances to the extent that his normal faculties are impaired.
84 It shall be presumed that an applicant chronically and habitually
85 uses controlled substances to the extent that his faculties are
86 impaired if the applicant has been voluntarily or involuntarily
87 committed to a treatment facility for the abuse of a controlled
88 substance or been found guilty of a crime under the provisions of
89 the Uniform Controlled Substances Law or similar laws of any other
90 state or the United States relating to controlled substances
91 within a three-year period immediately preceding the date on which
92 the application is submitted;

93 (f) Does not chronically and habitually use alcoholic
94 beverages to the extent that his normal faculties are impaired.
95 It shall be presumed that an applicant chronically and habitually



96 uses alcoholic beverages to the extent that his normal faculties
97 are impaired if the applicant has been voluntarily or
98 involuntarily committed as an alcoholic to a treatment facility or
99 has been convicted of two (2) or more offenses related to the use
100 of alcohol under the laws of this state or similar laws of any
101 other state or the United States within the three-year period
102 immediately preceding the date on which the application is
103 submitted;

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

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

109 (i) Has not been voluntarily or involuntarily committed
110 to a mental institution or mental health treatment facility unless
111 he possesses a certificate from a psychiatrist licensed in this
112 state that he has not suffered from disability for a period of
113 five (5) years;

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

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



119 (1) Except as otherwise provided in Section 1 of House
120 Bill No. 467, 2014 Regular Session is not disqualified to
121 possess * * * a weapon based on federal law.

122 (3) The Department of Public Safety may deny a license if
123 the applicant has been found guilty of one or more crimes of
124 violence constituting a misdemeanor unless three (3) years have
125 elapsed since probation or any other conditions set by the court
126 have been fulfilled or expunction has occurred prior to the date
127 on which the application is submitted, or may revoke a license if
128 the licensee has been found guilty of one or more crimes of
129 violence within the preceding three (3) years. The department
130 shall, upon notification by a law enforcement agency or a court
131 and subsequent written verification, suspend a license or the
132 processing of an application for a license if the licensee or
133 applicant is arrested or formally charged with a crime which would
134 disqualify such person from having a license under this section,
135 until final disposition of the case. The provisions of subsection
136 (7) of this section shall apply to any suspension or revocation of
137 a license pursuant to the provisions of this section.

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

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



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

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

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

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

(f) A conspicuous warning that the application is executed under oath and that a knowingly false answer to any question, or the knowing submission of any false document by the applicant, subjects the applicant to criminal prosecution; and

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

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

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

(b) A full-face photograph of the applicant taken within the preceding thirty (30) days in which the head, including hair, in a size as determined by the Department of Public Safety, except that an applicant who is younger than twenty-one (21) years of age must submit a photograph in profile of the applicant;



168 (c) A nonrefundable license fee of One Hundred Dollars
169 (\$100.00). Costs for processing the set of fingerprints as
170 required in paragraph (d) of this subsection shall be borne by the
171 applicant. Honorably retired law enforcement officers shall be
172 exempt from the payment of the license fee;

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

175 (e) A waiver authorizing the Department of Public
176 Safety access to any records concerning commitments of the
177 applicant to any of the treatment facilities or institutions
178 referred to in subsection (2) and permitting access to all the
179 applicant's criminal records.

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

184 (b) The Department of Public Safety shall forward a
185 copy of the applicant's application to the sheriff of the
186 applicant's county of residence and, if applicable, the police
187 chief of the applicant's municipality of residence. The sheriff
188 of the applicant's county of residence and, if applicable, the
189 police chief of the applicant's municipality of residence may, at
190 his discretion, participate in the process by submitting a
191 voluntary report to the Department of Public Safety containing any
192 readily discoverable prior information that he feels may be



pertinent to the licensing of any applicant. The reporting shall be made within thirty (30) days after the date he receives the copy of the application. Upon receipt of a response from a sheriff or police chief, such sheriff or police chief shall be reimbursed at a rate set by the department.

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

(i) Issue the license;

(ii) Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsections (2) and (3) of this section. If the Department of Public Safety denies the application, it shall notify the applicant in writing, stating the ground for denial, and the denial shall be subject to the appeal process set forth in subsection (7); or

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

(d) 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 two (2) attempts, the Department of Public Safety shall determine



218 eligibility based upon a name check by the Mississippi Highway
219 Safety Patrol and a Federal Bureau of Investigation name check
220 conducted by the Mississippi Highway Safety Patrol at the request
221 of the Department of Public Safety.

222 (7) (a) If the Department of Public Safety denies the
223 issuance of a license, or suspends or revokes a license, the party
224 aggrieved may appeal such denial, suspension or revocation to the
225 Commissioner of Public Safety, or his authorized agent, within
226 thirty (30) days after the aggrieved party receives written notice
227 of such denial, suspension or revocation. The Commissioner of
228 Public Safety, or his duly authorized agent, shall rule upon such
229 appeal within thirty (30) days after the appeal is filed and
230 failure to rule within this thirty-day period shall constitute
231 sustaining such denial, suspension or revocation. Such review
232 shall be conducted pursuant to such reasonable rules and
233 regulations as the Commissioner of Public Safety may adopt.

234 (b) If the revocation, suspension or denial of issuance
235 is sustained by the Commissioner of Public Safety, or his duly
236 authorized agent pursuant to paragraph (a) of this subsection, the
237 aggrieved party may file within ten (10) days after the rendition
238 of such decision a petition in the circuit or county court of his
239 residence for review of such decision. A hearing for review shall
240 be held and shall proceed before the court without a jury upon the
241 record made at the hearing before the Commissioner of Public
242 Safety or his duly authorized agent. No such party shall be



243 allowed to carry a stun gun, concealed pistol or revolver pursuant
244 to the provisions of this section while any such appeal is
245 pending.

246 (8) The Department of Public Safety shall maintain an
247 automated listing of license holders and such information shall be
248 available online, upon request, at all times, to all law
249 enforcement agencies through the Mississippi Crime Information
250 Center. However, the records of the department relating to
251 applications for licenses to carry stun guns, concealed pistols or
252 revolvers and records relating to license holders shall be exempt
253 from the provisions of the Mississippi Public Records Act of 1983
254 for a period of forty-five (45) days from the date of the issuance
255 of the license or the final denial of an application.

256 (9) Within thirty (30) days after the changing of a
257 permanent address, or within thirty (30) days after having a
258 license lost or destroyed, the licensee shall notify the
259 Department of Public Safety in writing of such change or loss.
260 Failure to notify the Department of Public Safety pursuant to the
261 provisions of this subsection shall constitute a noncriminal
262 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
263 be enforceable by a summons.

264 (10) In the event that a stun gun, concealed pistol or
265 revolver license is lost or destroyed, the person to whom the
266 license was issued shall comply with the provisions of subsection
267 (9) of this section and may obtain a duplicate, or substitute



thereof, upon payment of Fifteen Dollars (\$15.00) to the Department of Public Safety, and furnishing a notarized statement to the department that such license has been lost or destroyed.

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

(12) (a) No less than ninety (90) days prior to the expiration date of the license, the Department of Public Safety shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the department. The licensee must renew his license on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3) of this section, and a full set of fingerprints administered by the Department of Public Safety or the sheriff of the county of residence of the licensee. The first renewal may be processed by mail and the subsequent renewal must be made in person. Thereafter every other renewal may be processed by mail to assure that the applicant must appear in person every ten (10) years for the purpose of obtaining a new photograph.

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



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

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

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

(c) A licensee who fails to file a renewal application on or before its expiration date must renew his license by paying a late fee of Fifteen Dollars (\$15.00). No license shall be renewed six (6) months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees pursuant to subsection (5) of this section must be submitted, and a background investigation shall be conducted pursuant to the provisions of this section.

(13) No license issued pursuant to this section shall authorize any person to carry a stun gun, concealed pistol or revolver into any place of nuisance as defined in Section 95-3-1, Mississippi Code of 1972; any police, sheriff or highway patrol station; any detention facility, prison or jail; any courthouse;



317 any courtroom, except that nothing in this section shall preclude
318 a judge from carrying a concealed weapon or determining who will
319 carry a concealed weapon in his courtroom; any polling place; any
320 meeting place of the governing body of any governmental entity;
321 any meeting of the Legislature or a committee thereof; any school,
322 college or professional athletic event not related to firearms;
323 any portion of an establishment, licensed to dispense alcoholic
324 beverages for consumption on the premises, that is primarily
325 devoted to dispensing alcoholic beverages; any portion of an
326 establishment in which beer or light wine is consumed on the
327 premises, that is primarily devoted to such purpose; any
328 elementary or secondary school facility; any junior college,
329 community college, college or university facility unless for the
330 purpose of participating in any authorized firearms-related
331 activity; inside the passenger terminal of any airport, except
332 that no person shall be prohibited from carrying any legal firearm
333 into the terminal if the firearm is encased for shipment, for
334 purposes of checking such firearm as baggage to be lawfully
335 transported on any aircraft; any church or other place of worship;
336 or any place where the carrying of firearms is prohibited by
337 federal law. In addition to the places enumerated in this
338 subsection, the carrying of a stun gun, concealed pistol or
339 revolver may be disallowed in any place in the discretion of the
340 person or entity exercising control over the physical location of
341 such place by the placing of a written notice clearly readable at



a distance of not less than ten (10) feet that the "carrying of a pistol or revolver is prohibited." No license issued pursuant to this section shall authorize the participants in a parade or demonstration for which a permit is required to carry a stun gun, concealed pistol or revolver.

(14) A law enforcement officer as defined in Section 45-6-3, chiefs of police, sheriffs and persons licensed as professional bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of 1972, shall be exempt from the licensing requirements of this section. The licensing requirements of this section do not apply to the carrying by any person of a stun gun, pistol or revolver, knife, or other deadly weapon that is not concealed as defined in Section 97-37-1.

(15) Any person who knowingly submits a false answer to any question on an application for a license issued pursuant to this section, or who knowingly submits a false document when applying for a license issued pursuant to this section, shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 99-19-31, Mississippi Code of 1972.

(16) All fees collected by the Department of Public Safety pursuant to this section shall be deposited into a special fund hereby created in the State Treasury and shall be used for implementation and administration of this section. After the close of each fiscal year, the balance in this fund shall be



certified to the Legislature and then may be used by the
Department of Public Safety as directed by the Legislature.

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

(18) Nothing in this section shall be construed to require
or allow the registration, documentation or providing of serial
numbers with regard to any stun gun or firearm. * * *

(19) Any person holding a valid unrevoked and unexpired
license to carry stun guns, concealed pistols or revolvers issued
in another state shall have such license recognized by this state
to carry stun guns, concealed pistols or revolvers. The
Department of Public Safety is authorized to enter into a
reciprocal agreement with another state if that state requires a
written agreement in order to recognize licenses to carry stun
guns, concealed pistols or revolvers issued by this state.

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

(21) For the purposes of this section, the term "stun gun"
means a portable device or weapon from which an electric current,
impulse, wave or beam may be directed, which current, impulse,



wave or beam is designed to incapacitate temporarily, injure, momentarily stun, knock out, cause mental disorientation or paralyze.

SECTION 3. Section 97-37-5, Mississippi Code of 1972, is amended as follows:

97-37-5. (1) It shall be unlawful for any person who has been convicted of a felony under the laws of this state, any other state, or of the United States to possess any firearm or any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, or any muffler or silencer for any firearm unless such person has received a pardon for such felony, has received a relief from disability pursuant to Section 925(c) of Title 18 of the United States Code, or has received a certificate of rehabilitation pursuant to subsection (3) of this section.

(2) Any person violating this section shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not less than one (1) year nor more than ten (10) years, or both.

(3) A person who has been convicted of a felony under the laws of this state may apply to the court in which he was convicted for a certificate of rehabilitation. The court may grant such certificate in its discretion upon a showing to the satisfaction of the court that the applicant has been rehabilitated and has led a useful, productive and law-abiding



life since the completion of his sentence and upon the finding of the court that he will not be likely to act in a manner dangerous to public safety.

(4) (a) A person who is discharged from court-ordered mental health treatment may petition the court which entered the commitment order for an order stating that the person qualifies for relief from a firearms disability.

(b) In determining whether to grant relief, the court must hear and consider evidence about:

(i) The circumstances that led to imposition of the firearms disability under 18 USCS, Section 922(d)(4);

(ii) The person's mental history;

(iii) The person's criminal history; and

(iv) The person's reputation.

(c) A court may not grant relief unless it makes and enters in the record the following affirmative findings:

(i) That the person is no longer likely to act in a manner dangerous to public safety; and

(ii) Removing the person's disability to purchase a firearm is not against the public interest.

(5) The provisions of this section shall be subject to the provisions of Section 1 of House Bill No. 467, 2014 Regular Session.

SECTION 4. Section 97-37-7, Mississippi Code of 1972, is amended as follows:



97-37-7. (1) (a) It shall not be a violation of Section 97-37-1 or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by duly constituted bank guards, company guards, watchmen, railroad special agents or duly authorized representatives who are not sworn law enforcement officers, agents or employees of a patrol service, guard service, or a company engaged in the business of transporting money, securities or other valuables, while actually engaged in the performance of their duties as such, provided that such persons have made a written application and paid a nonrefundable permit fee of One Hundred Dollars (\$100.00) to the Department of Public Safety.

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



490 (ii) Renewal of the permit shall be required every
491 four (4) years. The permit of a qualified renewal applicant shall
492 be renewed upon receipt of the completed renewal application and
493 appropriate payment of fees.

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

498 (2) It shall not be a violation of this or any other statute
499 for pistols, firearms or other suitable and appropriate weapons to
500 be carried by Department of Wildlife, Fisheries and Parks law
501 enforcement officers, railroad special agents who are sworn law
502 enforcement officers, investigators employed by the Attorney
503 General, criminal investigators employed by the district
504 attorneys, all prosecutors, public defenders, investigators or
505 probation officers employed by the Department of Corrections,
506 employees of the State Auditor who are authorized by the State
507 Auditor to perform investigative functions, or any deputy fire
508 marshal or investigator employed by the State Fire Marshal, while
509 engaged in the performance of their duties as such, or by fraud
510 investigators with the Department of Human Services, or by judges
511 of the Mississippi Supreme Court, Court of Appeals, circuit,
512 chancery, county, justice and municipal courts, or by coroners.
513 Before any person shall be authorized under this subsection to
514 carry a weapon, he shall complete a weapons training course



515 approved by the Board of Law Enforcement Officer Standards and
516 Training. Before any criminal investigator employed by a district
517 attorney shall be authorized under this section to carry a pistol,
518 firearm or other weapon, he shall have complied with Section
519 45-6-11 or any training program required for employment as an
520 agent of the Federal Bureau of Investigation. A law enforcement
521 officer, as defined in Section 45-6-3, shall be authorized to
522 carry weapons in courthouses in performance of his official
523 duties. A person licensed under Section 45-9-101 to carry a
524 concealed pistol, who has voluntarily completed an instructional
525 course in the safe handling and use of firearms offered by an
526 instructor certified by a nationally recognized organization that
527 customarily offers firearms training, or by any other organization
528 approved by the Department of Public Safety, shall also be
529 authorized to carry weapons in courthouses except in courtrooms
530 during a judicial proceeding, and any location listed in
531 subsection (13) of Section 45-9-101, except any place of nuisance
532 as defined in Section 95-3-1, any police, sheriff or highway
533 patrol station or any detention facility, prison or jail. The
534 department shall promulgate rules and regulations allowing
535 concealed pistol permit holders to obtain an endorsement on their
536 permit indicating that they have completed the aforementioned
537 course and have the authority to carry in these locations. This
538 section shall in no way interfere with the right of a trial judge
539 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.

(4) The provisions of this section shall be subject to the provisions of Section 1 of House Bill No. , 2014 Regular Session.

SECTION 5. Section 97-37-31, Mississippi Code of 1972, is amended as follows:

97-37-31. Except as otherwise provided in Sections 1 and 2 of House Bill No. , 2014 Regular Session, it shall be unlawful for any person, persons, corporation or manufacturing establishment, not duly authorized under federal law, to make, manufacture, sell or possess any instrument or device which, if used on firearms of any kind, will arrest or muffle the report of said firearm when shot or fired or armor piercing ammunition as



defined in federal law. Any person violating this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned in the Penitentiary not more than thirty (30) days, or both. All such instruments or devices shall be registered with the Department of Public Safety and any law enforcement agency in possession of such instruments or devices shall submit an annual inventory of such instruments and devices to the Department of Public Safety. The Commissioner of Public Safety shall document the information required by this section.

SECTION 6. Section 97-37-103, Mississippi Code of 1972, is amended as follows:

97-37-103. * * * Except as otherwise provided in Section 1 of House Bill No. , 2014 Regular Session, for purposes of Sections 97-37-101 through 97-37-105:

(a) "Licensed dealer" means a person who is licensed pursuant to 18 USCS, Section 923, to engage in the business of dealing in firearms.

(b) "Private seller" means a person who sells or offers for sale any firearm or ammunition.

(c) "Ammunition" means any cartridge, shell or projectile designed for use in a firearm.

(d) "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.



590 **SECTION 7.** Section 97-37-105, Mississippi Code of 1972, is
591 amended as follows:

592 97-37-105. (1) Except as otherwise provided in Section 1 of
593 House Bill No. , 2014 Regular Session, any person who
594 knowingly solicits, persuades, encourages or entices a licensed
595 dealer or private seller of firearms or ammunition to transfer a
596 firearm or ammunition under circumstances which the person knows
597 would violate the laws of this state or the United States is
598 guilty of a felony.

599 (2) Any person who provides to a licensed dealer or private
600 seller of firearms or ammunition what the person knows to be
601 materially false information with intent to deceive the dealer or
602 seller about the legality of a transfer of a firearm or ammunition
603 is guilty of a felony.

604 (3) Any person found guilty of violating the provisions of
605 this section shall be punished by a fine not exceeding Five
606 Thousand Dollars (\$5,000.00) or imprisoned in the custody of the
607 Department of Corrections for not more than three (3) years, or
608 both.

609 (4) This section does not apply to a law enforcement officer
610 acting in the officer's official capacity or to a person acting at
611 the direction of a law enforcement officer.

612 **SECTION 8.** This act shall take effect and be in force from
613 and after July 1, 2014.

