

By: Representative Formby

To: Judiciary A

HOUSE BILL NO. 178

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 that has not been duly adopted by the United States Congress and
 15 signed by the President of the United States of America relating
 16 to a personal firearm, firearm accessory or ammunition that is
 17 owned or manufactured commercially or privately in Mississippi and
 18 that remains exclusively within the borders of Mississippi.

19 (2) Any official, agent or employee of the United States
 20 government who enforces or attempts to enforce any act, order,
 21 law, statute, rule or regulation of the United States government



22 that has not been duly adopted by the United States Congress and
23 signed by the President of the United States of America upon a
24 personal firearm, a firearm accessory or ammunition that is owned
25 or manufactured commercially or privately in Mississippi and that
26 remains exclusively within the borders of Mississippi shall be
27 guilty of a felony and, upon conviction, shall be subject to
28 imprisonment for not less than one (1) year and one (1) day or
29 more than five (5) years, a fine of not more than Five Thousand
30 Dollars (\$5,000.00), or both.

31 (3) The Attorney General may defend a citizen of Mississippi
32 who is prosecuted by the United States government for violation of
33 a federal law that has not been duly adopted by the United States
34 Congress and signed by the President of the United States of
35 America relating to the manufacture, sale, transfer or possession
36 of a firearm, a firearm accessory or ammunition owned or
37 manufactured and retained exclusively within the borders of
38 Mississippi.

39 (4) Any federal law, rule, regulation or order that has not
40 been duly adopted by the United States Congress and signed by the
41 President of the United States of America and created or effective
42 on or after January 1, 2015, shall be unenforceable within the
43 borders of Mississippi if the law, rule, regulation or order
44 attempts to:

45 (a) Ban or restrict ownership of a semi-automatic
46 firearm or any magazine of a firearm; or



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

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

51 45-9-101. (1) (a) The Department of Public Safety is
52 authorized to issue licenses to carry stun guns, concealed pistols
53 or revolvers to persons qualified as provided in this section.
54 Such licenses shall be valid throughout the state for a period of
55 five (5) years from the date of issuance. Any person possessing a
56 valid license issued pursuant to this section may carry a stun
57 gun, concealed pistol or concealed revolver.

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

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

68 (a) Is a resident of the state and has been a resident
69 for twelve (12) months or longer immediately preceding the filing
70 of the application. However, this residency requirement may be
71 waived, provided the applicant possesses a valid permit from



72 another state, is active military personnel stationed in
73 Mississippi, or is a retired law enforcement officer establishing
74 residency in the state;

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

76 (ii) Is at least eighteen (18) years of age but
77 not yet twenty-one (21) years of age and the applicant:

78 1. Is a member or veteran of the United
79 States Armed Forces; and

80 2. Holds a valid Mississippi driver's license
81 or identification card with the "Veteran" designation issued by
82 the Department of Public Safety;

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

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

89 (e) Does not chronically or habitually abuse controlled
90 substances to the extent that his normal faculties are impaired.
91 It shall be presumed that an applicant chronically and habitually
92 uses controlled substances to the extent that his faculties are
93 impaired if the applicant has been voluntarily or involuntarily
94 committed to a treatment facility for the abuse of a controlled
95 substance or been found guilty of a crime under the provisions of
96 the Uniform Controlled Substances Law or similar laws of any other



97 state or the United States relating to controlled substances
98 within a three-year period immediately preceding the date on which
99 the application is submitted;

100 (f) Does not chronically and habitually use alcoholic
101 beverages to the extent that his normal faculties are impaired.
102 It shall be presumed that an applicant chronically and habitually
103 uses alcoholic beverages to the extent that his normal faculties
104 are impaired if the applicant has been voluntarily or
105 involuntarily committed as an alcoholic to a treatment facility or
106 has been convicted of two (2) or more offenses related to the use
107 of alcohol under the laws of this state or similar laws of any
108 other state or the United States within the three-year period
109 immediately preceding the date on which the application is
110 submitted;

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

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

116 (i) Has not been voluntarily or involuntarily committed
117 to a mental institution or mental health treatment facility unless
118 he possesses a certificate from a psychiatrist licensed in this
119 state that he has not suffered from disability for a period of
120 five (5) years;



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

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

126 (l) Except as otherwise provided in Section 1 of House
127 Bill No. , 2015 Regular Session, is not disqualified to possess
128 a weapon based on federal law.

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



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

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

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

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

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

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

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

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

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

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



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

175 (c) A nonrefundable license fee of One Hundred Dollars
176 (\$100.00). Costs for processing the set of fingerprints as
177 required in paragraph (d) of this subsection shall be borne by the
178 applicant. Honorably retired law enforcement officers and
179 disabled veterans shall be exempt from the payment of the license
180 fee;

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

183 (e) A waiver authorizing the Department of Public
184 Safety access to any records concerning commitments of the
185 applicant to any of the treatment facilities or institutions
186 referred to in subsection (2) and permitting access to all the
187 applicant's criminal records.

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

192 (b) The Department of Public Safety shall forward a
193 copy of the applicant's application to the sheriff of the
194 applicant's county of residence and, if applicable, the police



195 chief of the applicant's municipality of residence. The sheriff
196 of the applicant's county of residence and, if applicable, the
197 police chief of the applicant's municipality of residence may, at
198 his discretion, participate in the process by submitting a
199 voluntary report to the Department of Public Safety containing any
200 readily discoverable prior information that he feels may be
201 pertinent to the licensing of any applicant. The reporting shall
202 be made within thirty (30) days after the date he receives the
203 copy of the application. Upon receipt of a response from a
204 sheriff or police chief, such sheriff or police chief shall be
205 reimbursed at a rate set by the department.

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

209 (i) Issue the license;

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

217 (iii) Notify the applicant that the department is
218 unable to make a determination regarding the issuance or denial of
219 a license within the forty-five-day period prescribed by this



220 subsection, and provide an estimate of the amount of time the
221 department will need to make the determination.

222 (d) In the event a legible set of fingerprints, as
223 determined by the Department of Public Safety and the Federal
224 Bureau of Investigation, cannot be obtained after a minimum of two
225 (2) attempts, the Department of Public Safety shall determine
226 eligibility based upon a name check by the Mississippi Highway
227 Safety Patrol and a Federal Bureau of Investigation name check
228 conducted by the Mississippi Highway Safety Patrol at the request
229 of the Department of Public Safety.

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

242 (b) If the revocation, suspension or denial of issuance
243 is sustained by the Commissioner of Public Safety, or his duly
244 authorized agent pursuant to paragraph (a) of this subsection, the



245 aggrieved party may file within ten (10) days after the rendition
246 of such decision a petition in the circuit or county court of his
247 residence for review of such decision. A hearing for review shall
248 be held and shall proceed before the court without a jury upon the
249 record made at the hearing before the Commissioner of Public
250 Safety or his duly authorized agent. No such party shall be
251 allowed to carry a stun gun, concealed pistol or revolver pursuant
252 to the provisions of this section while any such appeal is
253 pending.

254 (8) The Department of Public Safety shall maintain an
255 automated listing of license holders and such information shall be
256 available online, upon request, at all times, to all law
257 enforcement agencies through the Mississippi Crime Information
258 Center. However, the records of the department relating to
259 applications for licenses to carry stun guns, concealed pistols or
260 revolvers and records relating to license holders shall be exempt
261 from the provisions of the Mississippi Public Records Act of 1983,
262 and shall be released only upon order of a court having proper
263 jurisdiction over a petition for release of the record or records.

264 (9) Within thirty (30) days after the changing of a
265 permanent address, or within thirty (30) days after having a
266 license lost or destroyed, the licensee shall notify the
267 Department of Public Safety in writing of such change or loss.
268 Failure to notify the Department of Public Safety pursuant to the
269 provisions of this subsection shall constitute a noncriminal



270 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
271 be enforceable by a summons.

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

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

282 (12) (a) No less than ninety (90) days prior to the
283 expiration date of the license, the Department of Public Safety
284 shall mail to each licensee a written notice of the expiration and
285 a renewal form prescribed by the department. The licensee must
286 renew his license on or before the expiration date by filing with
287 the department the renewal form, a notarized affidavit stating
288 that the licensee remains qualified pursuant to the criteria
289 specified in subsections (2) and (3) of this section, and a full
290 set of fingerprints administered by the Department of Public
291 Safety or the sheriff of the county of residence of the licensee.
292 The first renewal may be processed by mail and the subsequent
293 renewal must be made in person. Thereafter every other renewal
294 may be processed by mail to assure that the applicant must appear



295 in person every ten (10) years for the purpose of obtaining a new
296 photograph.

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

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

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

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

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



320 (13) No license issued pursuant to this section shall
321 authorize any person to carry a stun gun, concealed pistol or
322 revolver into any place of nuisance as defined in Section 95-3-1,
323 Mississippi Code of 1972; any police, sheriff or highway patrol
324 station; any detention facility, prison or jail; any courthouse;
325 any courtroom, except that nothing in this section shall preclude
326 a judge from carrying a concealed weapon or determining who will
327 carry a concealed weapon in his courtroom; any polling place; any
328 meeting place of the governing body of any governmental entity;
329 any meeting of the Legislature or a committee thereof; any school,
330 college or professional athletic event not related to firearms;
331 any portion of an establishment, licensed to dispense alcoholic
332 beverages for consumption on the premises, that is primarily
333 devoted to dispensing alcoholic beverages; any portion of an
334 establishment in which beer or light wine is consumed on the
335 premises, that is primarily devoted to such purpose; any
336 elementary or secondary school facility; any junior college,
337 community college, college or university facility unless for the
338 purpose of participating in any authorized firearms-related
339 activity; inside the passenger terminal of any airport, except
340 that no person shall be prohibited from carrying any legal firearm
341 into the terminal if the firearm is encased for shipment, for
342 purposes of checking such firearm as baggage to be lawfully
343 transported on any aircraft; any church or other place of worship;
344 or any place where the carrying of firearms is prohibited by



345 federal law. In addition to the places enumerated in this
346 subsection, the carrying of a stun gun, concealed pistol or
347 revolver may be disallowed in any place in the discretion of the
348 person or entity exercising control over the physical location of
349 such place by the placing of a written notice clearly readable at
350 a distance of not less than ten (10) feet that the "carrying of a
351 pistol or revolver is prohibited." No license issued pursuant to
352 this section shall authorize the participants in a parade or
353 demonstration for which a permit is required to carry a stun gun,
354 concealed pistol or revolver.

355 (14) A law enforcement officer as defined in Section 45-6-3,
356 chiefs of police, sheriffs and persons licensed as professional
357 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
358 1972, shall be exempt from the licensing requirements of this
359 section. The licensing requirements of this section do not apply
360 to the carrying by any person of a stun gun, pistol or revolver,
361 knife, or other deadly weapon that is not concealed as defined in
362 Section 97-37-1.

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



369 (16) All fees collected by the Department of Public Safety
370 pursuant to this section shall be deposited into a special fund
371 hereby created in the State Treasury and shall be used for
372 implementation and administration of this section. After the
373 close of each fiscal year, the balance in this fund shall be
374 certified to the Legislature and then may be used by the
375 Department of Public Safety as directed by the Legislature.

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

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

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

392 (20) The provisions of this section shall be under the
393 supervision of the Commissioner of Public Safety. The



394 commissioner is authorized to promulgate reasonable rules and
395 regulations to carry out the provisions of this section.

396 (21) For the purposes of this section, the term "stun gun"
397 means a portable device or weapon from which an electric current,
398 impulse, wave or beam may be directed, which current, impulse,
399 wave or beam is designed to incapacitate temporarily, injure,
400 momentarily stun, knock out, cause mental disorientation or
401 paralyze.

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

404 97-37-5. (1) It shall be unlawful for any person who has
405 been convicted of a felony under the laws of this state, any other
406 state, or of the United States to possess any firearm or any bowie
407 knife, dirk knife, butcher knife, switchblade knife, metallic
408 knuckles, blackjack, or any muffler or silencer for any firearm
409 unless such person has received a pardon for such felony, has
410 received a relief from disability pursuant to Section 925(c) of
411 Title 18 of the United States Code, or has received a certificate
412 of rehabilitation pursuant to subsection (3) of this section.

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



418 (3) A person who has been convicted of a felony under the
419 laws of this state may apply to the court in which he was
420 convicted for a certificate of rehabilitation. The court may
421 grant such certificate in its discretion upon a showing to the
422 satisfaction of the court that the applicant has been
423 rehabilitated and has led a useful, productive and law-abiding
424 life since the completion of his sentence and upon the finding of
425 the court that he will not be likely to act in a manner dangerous
426 to public safety.

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

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

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

435 (ii) The person's mental history;

436 (iii) The person's criminal history; and

437 (iv) The person's reputation.

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

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



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

444 (5) The provisions of this section shall be subject to the
445 provisions of Section 1 of House Bill No. , 2015 Regular
446 Session.

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

449 97-37-7. (1) (a) It shall not be a violation of Section
450 97-37-1 or any other statute for pistols, firearms or other
451 suitable and appropriate weapons to be carried by duly constituted
452 bank guards, company guards, watchmen, railroad special agents or
453 duly authorized representatives who are not sworn law enforcement
454 officers, agents or employees of a patrol service, guard service,
455 or a company engaged in the business of transporting money,
456 securities or other valuables, while actually engaged in the
457 performance of their duties as such, provided that such persons
458 have made a written application and paid a nonrefundable permit
459 fee of One Hundred Dollars (\$100.00) to the Department of Public
460 Safety.

461 (b) No permit shall be issued to any person who has
462 ever been convicted of a felony under the laws of this or any
463 other state or of the United States. To determine an applicant's
464 eligibility for a permit, the person shall be fingerprinted. If
465 no disqualifying record is identified at the state level, the
466 fingerprints shall be forwarded by the Department of Public Safety



467 to the Federal Bureau of Investigation for a national criminal
468 history record check. The department shall charge a fee which
469 includes the amounts required by the Federal Bureau of
470 Investigation and the department for the national and state
471 criminal history record checks and any necessary costs incurred by
472 the department for the handling and administration of the criminal
473 history background checks. In the event a legible set of
474 fingerprints, as determined by the Department of Public Safety and
475 the Federal Bureau of Investigation, cannot be obtained after a
476 minimum of three (3) attempts, the Department of Public Safety
477 shall determine eligibility based upon a name check by the
478 Mississippi Highway Safety Patrol and a Federal Bureau of
479 Investigation name check conducted by the Mississippi Highway
480 Safety Patrol at the request of the Department of Public Safety.

481 (c) A person may obtain a duplicate of a lost or
482 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
483 replacement fee to the Department of Public Safety, if he
484 furnishes a notarized statement to the department that the permit
485 has been lost or destroyed.

486 (d) (i) No less than ninety (90) days prior to the
487 expiration date of a permit, the Department of Public Safety shall
488 mail to the permit holder written notice of expiration together
489 with the renewal form prescribed by the department. The permit
490 holder shall renew the permit on or before the expiration date by
491 filing with the department the renewal form, a notarized affidavit



492 stating that the permit holder remains qualified, and the renewal
493 fee of Fifty Dollars (\$50.00); provided, however, that honorably
494 retired law enforcement officers shall be exempt from payment of
495 the renewal fee. A permit holder who fails to file a renewal
496 application on or before its expiration date shall pay a late fee
497 of Fifteen Dollars (\$15.00).

498 (ii) Renewal of the permit shall be required every
499 four (4) years. The permit of a qualified renewal applicant shall
500 be renewed upon receipt of the completed renewal application and
501 appropriate payment of fees.

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

506 (2) It shall not be a violation of this or any other statute
507 for pistols, firearms or other suitable and appropriate weapons to
508 be carried by Department of Wildlife, Fisheries and Parks law
509 enforcement officers, railroad special agents who are sworn law
510 enforcement officers, investigators employed by the Attorney
511 General, criminal investigators employed by the district
512 attorneys, all prosecutors, public defenders, investigators or
513 probation officers employed by the Department of Corrections,
514 employees of the State Auditor who are authorized by the State
515 Auditor to perform investigative functions, or any deputy fire
516 marshal or investigator employed by the State Fire Marshal, while



517 engaged in the performance of their duties as such, or by fraud
518 investigators with the Department of Human Services, or by judges
519 of the Mississippi Supreme Court, Court of Appeals, circuit,
520 chancery, county, justice and municipal courts, or by coroners.
521 Before any person shall be authorized under this subsection to
522 carry a weapon, he shall complete a weapons training course
523 approved by the Board of Law Enforcement Officer Standards and
524 Training. Before any criminal investigator employed by a district
525 attorney shall be authorized under this section to carry a pistol,
526 firearm or other weapon, he shall have complied with Section
527 45-6-11 or any training program required for employment as an
528 agent of the Federal Bureau of Investigation. A law enforcement
529 officer, as defined in Section 45-6-3, shall be authorized to
530 carry weapons in courthouses in performance of his official
531 duties. A person licensed under Section 45-9-101 to carry a
532 concealed pistol, who has voluntarily completed an instructional
533 course in the safe handling and use of firearms offered by an
534 instructor certified by a nationally recognized organization that
535 customarily offers firearms training, or by any other organization
536 approved by the Department of Public Safety, shall also be
537 authorized to carry weapons in courthouses except in courtrooms
538 during a judicial proceeding, and any location listed in
539 subsection (13) of Section 45-9-101, except any place of nuisance
540 as defined in Section 95-3-1, any police, sheriff or highway
541 patrol station or any detention facility, prison or jail. The



542 department shall promulgate rules and regulations allowing
543 concealed pistol permit holders to obtain an endorsement on their
544 permit indicating that they have completed the aforementioned
545 course and have the authority to carry in these locations. This
546 section shall in no way interfere with the right of a trial judge
547 to restrict the carrying of firearms in the courtroom.

548 (3) It shall not be a violation of this or any other statute
549 for pistols, firearms or other suitable and appropriate weapons,
550 to be carried by any out-of-state, full-time commissioned law
551 enforcement officer who holds a valid commission card from the
552 appropriate out-of-state law enforcement agency and a photo
553 identification. The provisions of this subsection shall only
554 apply if the state where the out-of-state officer is employed has
555 entered into a reciprocity agreement with the state that allows
556 full-time commissioned law enforcement officers in Mississippi to
557 lawfully carry or possess a weapon in such other states. The
558 Commissioner of Public Safety is authorized to enter into
559 reciprocal agreements with other states to carry out the
560 provisions of this subsection.

561 (4) The provisions of this section shall be subject to the
562 provisions of Section 1 of House Bill No. , 2015 Regular
563 Session.

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



566 97-37-31. Except as otherwise provided in Sections 1 and 2
567 of House Bill No. , 2015 Regular Session, it shall be unlawful
568 for any person, persons, corporation or manufacturing
569 establishment, not duly authorized under federal law, to make,
570 manufacture, sell or possess any instrument or device which, if
571 used on firearms of any kind, will arrest or muffle the report of
572 said firearm when shot or fired or armor piercing ammunition as
573 defined in federal law. Any person violating this section shall
574 be guilty of a misdemeanor and, upon conviction, shall be fined
575 not more than Five Hundred Dollars (\$500.00), or imprisoned in the
576 Penitentiary not more than thirty (30) days, or both. All such
577 instruments or devices shall be registered with the Department of
578 Public Safety and any law enforcement agency in possession of such
579 instruments or devices shall submit an annual inventory of such
580 instruments and devices to the Department of Public Safety. The
581 Commissioner of Public Safety shall document the information
582 required by this section.

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

585 97-37-103. Except otherwise provided in Section 1 of House
586 Bill No. , 2015 Regular Session, for purposes of Sections
587 97-37-101 through 97-37-105:

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



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

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

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

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

600 97-37-105. (1) Except as otherwise provided in Section 1 of
601 House Bill No. , 2015 Regular Session, any person who
602 knowingly solicits, persuades, encourages or entices a licensed
603 dealer or private seller of firearms or ammunition to transfer a
604 firearm or ammunition under circumstances which the person knows
605 would violate the laws of this state or the United States is
606 guilty of a felony.

607 (2) Any person who provides to a licensed dealer or private
608 seller of firearms or ammunition what the person knows to be
609 materially false information with intent to deceive the dealer or
610 seller about the legality of a transfer of a firearm or ammunition
611 is guilty of a felony.

612 (3) Any person found guilty of violating the provisions of
613 this section shall be punished by a fine not exceeding Five
614 Thousand Dollars (\$5,000.00) or imprisoned in the custody of the



615 Department of Corrections for not more than three (3) years, or
616 both.

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

620 **SECTION 8.** This act shall take effect and be in force from
621 and after July 1, 2015.

