

By: Representative Moak

To: Military Affairs;
Judiciary B

HOUSE BILL NO. 237

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT HONORABLY DISCHARGED MEMBERS OF THE MILITARY FROM CERTAIN
3 TRAINING REQUIREMENTS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-37-7, Mississippi Code of 1972, is
6 amended as follows:

7 97-37-7. (1) (a) It shall not be a violation of Section
8 97-37-1 or any other statute for pistols, firearms or other
9 suitable and appropriate weapons to be carried by duly constituted
10 bank guards, company guards, watchmen, railroad special agents or
11 duly authorized representatives who are not sworn law enforcement
12 officers, agents or employees of a patrol service, guard service,
13 or a company engaged in the business of transporting money,
14 securities or other valuables, while actually engaged in the
15 performance of their duties as such, provided that such persons
16 have made a written application and paid a nonrefundable permit
17 fee of One Hundred Dollars (\$100.00) to the Department of Public
18 Safety.



19 (b) No permit shall be issued to any person who has
20 ever been convicted of a felony under the laws of this or any
21 other state or of the United States. To determine an applicant's
22 eligibility for a permit, the person shall be fingerprinted. If
23 no disqualifying record is identified at the state level, the
24 fingerprints shall be forwarded by the Department of Public Safety
25 to the Federal Bureau of Investigation for a national criminal
26 history record check. The department shall charge a fee which
27 includes the amounts required by the Federal Bureau of
28 Investigation and the department for the national and state
29 criminal history record checks and any necessary costs incurred by
30 the department for the handling and administration of the criminal
31 history background checks. In the event a legible set of
32 fingerprints, as determined by the Department of Public Safety and
33 the Federal Bureau of Investigation, cannot be obtained after a
34 minimum of three (3) attempts, the Department of Public Safety
35 shall determine eligibility based upon a name check by the
36 Mississippi Highway Safety Patrol and a Federal Bureau of
37 Investigation name check conducted by the Mississippi Highway
38 Safety Patrol at the request of the Department of Public Safety.

39 (c) A person may obtain a duplicate of a lost or
40 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
41 replacement fee to the Department of Public Safety, if he
42 furnishes a notarized statement to the department that the permit
43 has been lost or destroyed.



44 (d) (i) No less than ninety (90) days prior to the
45 expiration date of a permit, the Department of Public Safety shall
46 mail to the permit holder written notice of expiration together
47 with the renewal form prescribed by the department. The permit
48 holder shall renew the permit on or before the expiration date by
49 filing with the department the renewal form, a notarized affidavit
50 stating that the permit holder remains qualified, and the renewal
51 fee of Fifty Dollars (\$50.00); provided, however, that honorably
52 retired law enforcement officers shall be exempt from payment of
53 the renewal fee. A permit holder who fails to file a renewal
54 application on or before its expiration date shall pay a late fee
55 of Fifteen Dollars (\$15.00).

56 (ii) Renewal of the permit shall be required every
57 four (4) years. The permit of a qualified renewal applicant shall
58 be renewed upon receipt of the completed renewal application and
59 appropriate payment of fees.

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

64 (2) (a) It shall not be a violation of this or any other
65 statute for pistols, firearms or other suitable and appropriate
66 weapons to be carried by Department of Wildlife, Fisheries and
67 Parks law enforcement officers, railroad special agents who are
68 sworn law enforcement officers, investigators employed by the



69 Attorney General, criminal investigators employed by the district
70 attorneys, all prosecutors, public defenders, investigators or
71 probation officers employed by the Department of Corrections,
72 employees of the State Auditor who are authorized by the State
73 Auditor to perform investigative functions, or any deputy fire
74 marshal or investigator employed by the State Fire Marshal, while
75 engaged in the performance of their duties as such, or by fraud
76 investigators with the Department of Human Services, or by judges
77 of the Mississippi Supreme Court, Court of Appeals, circuit,
78 chancery, county, justice and municipal courts, or by coroners.
79 Before any person shall be authorized under this subsection to
80 carry a weapon, he shall complete a weapons training course
81 approved by the Board of Law Enforcement Officer Standards and
82 Training. Before any criminal investigator employed by a district
83 attorney shall be authorized under this section to carry a pistol,
84 firearm or other weapon, he shall have complied with Section
85 45-6-11 or any training program required for employment as an
86 agent of the Federal Bureau of Investigation. A law enforcement
87 officer, as defined in Section 45-6-3, shall be authorized to
88 carry weapons in courthouses in performance of his official
89 duties.

90 **(b)** A person licensed under Section 45-9-101 to carry a
91 concealed pistol, who has voluntarily completed an instructional
92 course in the safe handling and use of firearms offered by an
93 instructor certified by a nationally recognized organization that



94 customarily offers firearms training, or by any other organization
95 approved by the Department of Public Safety, shall also be
96 authorized to carry weapons in courthouses except in courtrooms
97 during a judicial proceeding, and any location listed in
98 subsection (13) of Section 45-9-101, except any place of nuisance
99 as defined in Section 95-3-1, any police, sheriff or highway
100 patrol station or any detention facility, prison or jail. The
101 department shall promulgate rules and regulations allowing a
102 concealed pistol permit * * * holder to obtain an endorsement
103 on * * * his permit indicating that * * * satisfactory completion
104 of the aforementioned course and to have the authority to carry in
105 these locations. Honorably discharged members of the military are
106 exempt from the instructional course requirement and may obtain
107 the endorsement under this paragraph (b) upon proof satisfactory
108 to the department as to the applicant's military status.

109 (c) This section shall in no way interfere with the
110 right of a trial judge to restrict the carrying of firearms in the
111 courtroom.

112 (3) It shall not be a violation of this or any other statute
113 for pistols, firearms or other suitable and appropriate weapons,
114 to be carried by any out-of-state, full-time commissioned law
115 enforcement officer who holds a valid commission card from the
116 appropriate out-of-state law enforcement agency and a photo
117 identification. The provisions of this subsection shall only
118 apply if the state where the out-of-state officer is employed has



119 entered into a reciprocity agreement with the state that allows
120 full-time commissioned law enforcement officers in Mississippi to
121 lawfully carry or possess a weapon in such other states. The
122 Commissioner of Public Safety is authorized to enter into
123 reciprocal agreements with other states to carry out the
124 provisions of this subsection.

125 **SECTION 2.** This act shall take effect and be in force from
126 and after July 1, 2015.

