

By: Representatives Hood, Miles, Crawford,
Brown (20th), Jennings, Hines

To: Judiciary B

HOUSE BILL NO. 1224
(As Passed the House)

1 AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY HOW A VETERAN IS REQUIRED TO PROVIDE PROOF OF
3 DISABILITY; TO REDUCE FEES FOR PERMITS TO CARRY CONCEALED WEAPONS;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 45-9-101, Mississippi Code of 1972, is
7 amended as follows:

8 45-9-101. (1) (a) The Department of Public Safety is
9 authorized to issue licenses to carry stun guns, concealed pistols
10 or revolvers to persons qualified as provided in this section.
11 Such licenses shall be valid throughout the state for a period of
12 five (5) years from the date of issuance. Any person possessing a
13 valid license issued pursuant to this section may carry a stun
14 gun, concealed pistol or concealed revolver.

15 (b) The licensee must carry the license, together with
16 valid identification, at all times in which the licensee is
17 carrying a stun gun, concealed pistol or revolver and must display
18 both the license and proper identification upon demand by a law
19 enforcement officer. A violation of the provisions of this



20 paragraph (b) shall constitute a noncriminal violation with a
21 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
22 by summons.

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

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

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

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

35 1. Is a member or veteran of the United
36 States Armed Forces; and

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

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 a weapon based on
84 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 except that an applicant who is younger than twenty-one (21) years
130 of age must submit a photograph in profile of the applicant;

131 (c) A nonrefundable license fee of * * * Seventy-five
132 Dollars (\$75.00). Costs for processing the set of fingerprints as
133 required in paragraph (d) of this subsection shall be borne by the
134 applicant. Honorably retired law enforcement officers and
135 disabled veterans shall be exempt from the payment of the license
136 fee;

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

139 (e) A waiver authorizing the Department of Public
140 Safety access to any records concerning commitments of the
141 applicant to any of the treatment facilities or institutions



142 referred to in subsection (2) and permitting access to all the
143 applicant's criminal records.

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

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

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

165 (i) Issue the license;



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

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

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

186 (7) (a) If the Department of Public Safety denies the
187 issuance of a license, or suspends or revokes a license, the party
188 aggrieved may appeal such denial, suspension or revocation to the
189 Commissioner of Public Safety, or his authorized agent, within
190 thirty (30) days after the aggrieved party receives written notice



191 of such denial, suspension or revocation. The Commissioner of
192 Public Safety, or his duly authorized agent, shall rule upon such
193 appeal within thirty (30) days after the appeal is filed and
194 failure to rule within this thirty-day period shall constitute
195 sustaining such denial, suspension or revocation. Such review
196 shall be conducted pursuant to such reasonable rules and
197 regulations as the Commissioner of Public Safety may adopt.

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

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



216 revolvers and records relating to license holders shall be exempt
217 from the provisions of the Mississippi Public Records Act of 1983,
218 and shall be released only upon order of a court having proper
219 jurisdiction over a petition for release of the record or records.

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

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

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

238 (12) (a) No less than ninety (90) days prior to the
239 expiration date of the license, the Department of Public Safety
240 shall mail to each licensee a written notice of the expiration and



241 a renewal form prescribed by the department. The licensee must
242 renew his license on or before the expiration date by filing with
243 the department the renewal form, a notarized affidavit stating
244 that the licensee remains qualified pursuant to the criteria
245 specified in subsections (2) and (3) of this section, and a full
246 set of fingerprints administered by the Department of Public
247 Safety or the sheriff of the county of residence of the licensee.
248 The first renewal may be processed by mail and the subsequent
249 renewal must be made in person. Thereafter every other renewal
250 may be processed by mail to assure that the applicant must appear
251 in person every ten (10) years for the purpose of obtaining a new
252 photograph.

253 (i) Except as provided in this subsection, a
254 renewal fee of * * * Thirty-seven Dollars (\$37.00) shall also be
255 submitted along with costs for processing the fingerprints;

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

258 (iii) The renewal fee for a Mississippi resident
259 aged sixty-five (65) years of age or older shall be * * * Fifteen
260 Dollars (\$15.00).

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



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

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



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

311 (14) A law enforcement officer as defined in Section 45-6-3,
312 chiefs of police, sheriffs and persons licensed as professional
313 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
314 1972, shall be exempt from the licensing requirements of this
315 section. The licensing requirements of this section do not apply



316 to the carrying by any person of a stun gun, pistol or revolver,
317 knife, or other deadly weapon that is not concealed as defined in
318 Section 97-37-1.

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

325 (16) All fees collected by the Department of Public Safety
326 pursuant to this section shall be deposited into a special fund
327 hereby created in the State Treasury and shall be used for
328 implementation and administration of this section. After the
329 close of each fiscal year, the balance in this fund shall be
330 certified to the Legislature and then may be used by the
331 Department of Public Safety as directed by the Legislature.

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

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



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

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

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

358 (22) A disabled veteran who seeks to qualify for an
359 exemption under this section, shall only be required to provide,
360 as proof of disability, a disability rating from a physician.

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

