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To: Accountability,
Efficiency, Transparency

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2394

1 AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972,
2 TO DECREASE CERTAIN FEES FOR LICENSEES UNDER THE CONCEALED WEAPONS
3 LAW; TO EXEMPT ACTIVE DUTY MEMBERS OF THE ARMED FORCES OF THE
4 UNITED STATES FROM PAYMENT OF THE LICENSE FEE AND RENEWAL FEE; AND
5 FOR RELATED PURPOSES.

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

132 (c) A nonrefundable license fee of * * * Eighty Dollars
133 (\$80.00). Costs for processing the set of fingerprints as
134 required in paragraph (d) of this subsection shall be borne by the
135 applicant. Honorably retired law enforcement officers * * *,
136 disabled veterans and active duty members of the Armed Forces of
137 the United States shall be exempt from the payment of the license
138 fee;

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

141 (e) A waiver authorizing the Department of Public
142 Safety access to any records concerning commitments of the



143 applicant to any of the treatment facilities or institutions
144 referred to in subsection (2) and permitting access to all the
145 applicant's criminal records.

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

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

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

167 (i) Issue the license;



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

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

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

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



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

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

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



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

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

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

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

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



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

255 (i) Except as provided in this subsection, a
256 renewal fee of * * * Forty Dollars (\$40.00) shall also be
257 submitted along with costs for processing the fingerprints;

258 (ii) Honorably retired law enforcement
259 officers * * *, disabled veterans and active duty members of the
260 Armed Forces of the United States shall be exempt from the renewal
261 fee; and

262 (iii) The renewal fee for a Mississippi resident
263 aged sixty-five (65) years of age or older shall be * * * Twenty
264 Dollars (\$20.00).

265 (b) The Department of Public Safety shall forward the
266 full set of fingerprints of the applicant to the appropriate
267 agencies for state and federal processing. The license shall be



268 renewed upon receipt of the completed renewal application and
269 appropriate payment of fees.

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

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



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

315 (14) A law enforcement officer as defined in Section 45-6-3,
316 chiefs of police, sheriffs and persons licensed as professional
317 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of



318 1972, shall be exempt from the licensing requirements of this
319 section. The licensing requirements of this section do not apply
320 to the carrying by any person of a stun gun, pistol or revolver,
321 knife, or other deadly weapon that is not concealed as defined in
322 Section 97-37-1.

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

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

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



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

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

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

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

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

