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To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2394
(As Sent to Governor)

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; TO
5 REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO CREATE RULES AND
6 REGULATIONS FOR LICENSES ISSUED TO RETIRED LAW ENFORCEMENT
7 OFFICERS; TO PROVIDE GUIDELINES FOR RECEIPT OF SUCH LICENSES; AND
8 FOR RELATED PURPOSES.

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

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

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

20 (b) The licensee must carry the license, together with
21 valid identification, at all times in which the licensee is



22 carrying a stun gun, concealed pistol or revolver and must display
23 both the license and proper identification upon demand by a law
24 enforcement officer. A violation of the provisions of this
25 paragraph (b) shall constitute a noncriminal violation with a
26 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
27 by summons.

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

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

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

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

40 1. Is a member or veteran of the United
41 States Armed Forces; and

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

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



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

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

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



71 immediately preceding the date on which the application is
72 submitted;

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

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

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

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

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

88 (l) Is not disqualified to possess a weapon based on
89 federal law.

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



96 the licensee has been found guilty of one or more crimes of
97 violence within the preceding three (3) years. The department
98 shall, upon notification by a law enforcement agency or a court
99 and subsequent written verification, suspend a license or the
100 processing of an application for a license if the licensee or
101 applicant is arrested or formally charged with a crime which would
102 disqualify such person from having a license under this section,
103 until final disposition of the case. The provisions of subsection
104 (7) of this section shall apply to any suspension or revocation of
105 a license pursuant to the provisions of this section.

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

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

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

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

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

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



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

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

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

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

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

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

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



145 (e) A waiver authorizing the Department of Public
146 Safety access to any records concerning commitments of the
147 applicant to any of the treatment facilities or institutions
148 referred to in subsection (2) and permitting access to all the
149 applicant's criminal records.

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

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



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

171 (i) Issue the license;

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

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

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



192 (7) (a) If the Department of Public Safety denies the
193 issuance of a license, or suspends or revokes a license, the party
194 aggrieved may appeal such denial, suspension or revocation to the
195 Commissioner of Public Safety, or his authorized agent, within
196 thirty (30) days after the aggrieved party receives written notice
197 of such denial, suspension or revocation. The Commissioner of
198 Public Safety, or his duly authorized agent, shall rule upon such
199 appeal within thirty (30) days after the appeal is filed and
200 failure to rule within this thirty-day period shall constitute
201 sustaining such denial, suspension or revocation. Such review
202 shall be conducted pursuant to such reasonable rules and
203 regulations as the Commissioner of Public Safety may adopt.

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



216 (8) The Department of Public Safety shall maintain an
217 automated listing of license holders and such information shall be
218 available online, upon request, at all times, to all law
219 enforcement agencies through the Mississippi Crime Information
220 Center. However, the records of the department relating to
221 applications for licenses to carry stun guns, concealed pistols or
222 revolvers and records relating to license holders shall be exempt
223 from the provisions of the Mississippi Public Records Act of 1983,
224 and shall be released only upon order of a court having proper
225 jurisdiction over a petition for release of the record or records.

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

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



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

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

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

262 (ii) Honorably retired law enforcement
263 officers * * *, disabled veterans and active duty members of the
264 Armed Forces of the United States shall be exempt from the renewal
265 fee; and



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

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

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

284 (13) No license issued pursuant to this section shall
285 authorize any person to carry a stun gun, concealed pistol or
286 revolver into any place of nuisance as defined in Section 95-3-1,
287 Mississippi Code of 1972; any police, sheriff or highway patrol
288 station; any detention facility, prison or jail; any courthouse;
289 any courtroom, except that nothing in this section shall preclude
290 a judge from carrying a concealed weapon or determining who will



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



316 this section shall authorize the participants in a parade or
317 demonstration for which a permit is required to carry a stun gun,
318 concealed pistol or revolver.

319 (14) A law enforcement officer as defined in Section 45-6-3,
320 chiefs of police, sheriffs and persons licensed as professional
321 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
322 1972, shall be exempt from the licensing requirements of this
323 section. The licensing requirements of this section do not apply
324 to the carrying by any person of a stun gun, pistol or revolver,
325 knife, or other deadly weapon that is not concealed as defined in
326 Section 97-37-1.

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

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



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

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

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

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

360 (21) For the purposes of this section, the term "stun gun"
361 means a portable device or weapon from which an electric current,
362 impulse, wave or beam may be directed, which current, impulse,
363 wave or beam is designed to incapacitate temporarily, injure,



364 momentarily stun, knock out, cause mental disorientation or
365 paralyze.

366 (22) (a) From and after January 1, 2016, the Commissioner
367 of Public Safety shall promulgate rules and regulations which
368 provide that licenses authorized by this section for honorably
369 retired law enforcement officers and honorably retired
370 correctional officers from the Mississippi Department of
371 Corrections shall (i) include the words "retired law enforcement
372 officer" on the front of the license, and (ii) that the license
373 itself have a red background to distinguish it from other licenses
374 issued under this section.

375 (b) An honorably retired law enforcement officer and
376 honorably retired correctional officer shall provide the following
377 information to receive the license described in this section: (i)
378 a letter, with the official letterhead of the agency or department
379 from which such officer is retiring, which explains that such
380 officer is honorably retired, and (ii) a letter with the official
381 letterhead of the agency or department, which explains that such
382 officer has completed a certified law enforcement training
383 academy.

384 (23) A disabled veteran who seeks to qualify for an
385 exemption under this section shall be required to provide, as
386 proof of service-connected disability, verification from the
387 United States Department of Veterans Affairs.



388 (24) No license shall be required under this section for a
389 loaded or unloaded pistol or revolver carried in a purse, handbag,
390 satchel, other similar bag or briefcase or fully enclosed case.

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

