

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2619: Concealed-carry permit; revised enhanced.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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



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

45 (c) A person may obtain a duplicate of a lost or
46 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
47 replacement fee to the Department of Public Safety, if he
48 furnishes a notarized statement to the department that the permit
49 has been lost or destroyed.



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

62 (ii) Renewal of the permit shall be required every
63 four (4) years. The permit of a qualified renewal applicant shall
64 be renewed upon receipt of the completed renewal application and
65 appropriate payment of fees.

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

70 (2) It shall not be a violation of this or any other statute
71 for pistols, firearms or other suitable and appropriate weapons to
72 be carried by Department of Wildlife, Fisheries and Parks law
73 enforcement officers, railroad special agents who are sworn law
74 enforcement officers, investigators employed by the Attorney



75 General, criminal investigators employed by the district
76 attorneys, all prosecutors, public defenders, investigators or
77 probation officers employed by the Department of Corrections,
78 employees of the State Auditor who are authorized by the State
79 Auditor to perform investigative functions, or any deputy fire
80 marshal or investigator employed by the State Fire Marshal, while
81 engaged in the performance of their duties as such, or by fraud
82 investigators with the Department of Human Services, or by judges
83 of the Mississippi Supreme Court, Court of Appeals, circuit,
84 chancery, county, justice and municipal courts, or by coroners.
85 Before any person shall be authorized under this subsection to
86 carry a weapon, he shall complete a weapons training course
87 approved by the Board of Law Enforcement Officer Standards and
88 Training. Before any criminal investigator employed by a district
89 attorney shall be authorized under this section to carry a pistol,
90 firearm or other weapon, he shall have complied with Section
91 45-6-11 or any training program required for employment as an
92 agent of the Federal Bureau of Investigation. A law enforcement
93 officer, as defined in Section 45-6-3, shall be authorized to
94 carry weapons in courthouses in performance of his official
95 duties. A person licensed under Section 45-9-101 to carry a
96 concealed pistol, who (a) has voluntarily completed an
97 instructional course in the safe handling and use of firearms
98 offered by an instructor certified by a nationally recognized
99 organization that customarily offers firearms training, or by any



100 other organization approved by the Department of Public Safety,
101 (b) is a member or veteran of any active or reserve component
102 branch of the United States of America Armed Forces having
103 completed law enforcement or combat training with pistols or other
104 handguns as recognized by such branch after submitting an
105 affidavit attesting to have read, understand and agree to comply
106 with all provisions of the enhanced carry law, or (c) is an
107 honorably retired law enforcement officer or honorably retired
108 member or veteran of any active or reserve component branch of the
109 United States of America Armed Forces having completed law
110 enforcement or combat training with pistols or other handguns,
111 after submitting affidavit attesting to have read, understand and
112 agree to comply with all provisions of Mississippi enhanced carry
113 law shall also be authorized to carry weapons in courthouses
114 except in courtrooms during a judicial proceeding, and any
115 location listed in subsection (13) of Section 45-9-101, except any
116 place of nuisance as defined in Section 95-3-1, any police,
117 sheriff or highway patrol station or any detention facility,
118 prison or jail. For the purposes of this subsection (2),
119 component branch of the United States Armed Forces includes the
120 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
121 National Guard, the Army National Guard of the United States, the
122 Air National Guard or the Air National Guard of the United States,
123 as those terms are defined in Section 101, Title 10, United States
124 Code, and any other reserve component of the United States Armed



125 Forces enumerated in Section 10101, Title 10, United States Code.

126 The department shall promulgate rules and regulations allowing
127 concealed pistol permit holders to obtain an endorsement on their
128 permit indicating that they have completed the aforementioned
129 course and have the authority to carry in these locations. This
130 section shall in no way interfere with the right of a trial judge
131 to restrict the carrying of firearms in the courtroom.

132 (3) It shall not be a violation of this or any other statute
133 for pistols, firearms or other suitable and appropriate weapons,
134 to be carried by any out-of-state, full-time commissioned law
135 enforcement officer who holds a valid commission card from the
136 appropriate out-of-state law enforcement agency and a photo
137 identification. The provisions of this subsection shall only
138 apply if the state where the out-of-state officer is employed has
139 entered into a reciprocity agreement with the state that allows
140 full-time commissioned law enforcement officers in Mississippi to
141 lawfully carry or possess a weapon in such other states. The
142 Commissioner of Public Safety is authorized to enter into
143 reciprocal agreements with other states to carry out the
144 provisions of this subsection.

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

147 45-9-101. (1) (a) The Department of Public Safety is
148 authorized to issue licenses to carry stun guns, concealed pistols
149 or revolvers to persons qualified as provided in this section.



150 Such licenses shall be valid throughout the state for a period of
151 five (5) years from the date of issuance. Any person possessing a
152 valid license issued pursuant to this section may carry a stun
153 gun, concealed pistol or concealed revolver.

154 (b) The licensee must carry the license, together with
155 valid identification, at all times in which the licensee is
156 carrying a stun gun, concealed pistol or revolver and must display
157 both the license and proper identification upon demand by a law
158 enforcement officer. A violation of the provisions of this
159 paragraph (b) shall constitute a noncriminal violation with a
160 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
161 by summons.

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

164 (a) Is a resident of the state and has been a resident
165 for twelve (12) months or longer immediately preceding the filing
166 of the application. However, this residency requirement may be
167 waived * * * if the applicant possesses a valid permit from
168 another state, is active military personnel stationed in
169 Mississippi, or is a retired law enforcement officer establishing
170 residency in the state;

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

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



174 1. Is a member or veteran of the United
175 States Armed Forces, including National Guard or Reserve; and
176 2. Holds a valid Mississippi driver's license
177 or identification card * * * issued by the Department of Public
178 Safety;

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

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

185 (e) Does not chronically or habitually abuse controlled
186 substances to the extent that his normal faculties are impaired.
187 It shall be presumed that an applicant chronically and habitually
188 uses controlled substances to the extent that his faculties are
189 impaired if the applicant has been voluntarily or involuntarily
190 committed to a treatment facility for the abuse of a controlled
191 substance or been found guilty of a crime under the provisions of
192 the Uniform Controlled Substances Law or similar laws of any other
193 state or the United States relating to controlled substances
194 within a three-year period immediately preceding the date on which
195 the application is submitted;

196 (f) Does not chronically and habitually use alcoholic
197 beverages to the extent that his normal faculties are impaired.
198 It shall be presumed that an applicant chronically and habitually



199 uses alcoholic beverages to the extent that his normal faculties
200 are impaired if the applicant has been voluntarily or
201 involuntarily committed as an alcoholic to a treatment facility or
202 has been convicted of two (2) or more offenses related to the use
203 of alcohol under the laws of this state or similar laws of any
204 other state or the United States within the three-year period
205 immediately preceding the date on which the application is
206 submitted;

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

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

212 (i) Has not been voluntarily or involuntarily committed
213 to a mental institution or mental health treatment facility unless
214 he possesses a certificate from a psychiatrist licensed in this
215 state that he has not suffered from disability for a period of
216 five (5) years;

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

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

222 (l) Is not disqualified to possess a weapon based on
223 federal law.



224 (3) The Department of Public Safety may deny a license if
225 the applicant has been found guilty of one or more crimes of
226 violence constituting a misdemeanor unless three (3) years have
227 elapsed since probation or any other conditions set by the court
228 have been fulfilled or expunction has occurred prior to the date
229 on which the application is submitted, or may revoke a license if
230 the licensee has been found guilty of one or more crimes of
231 violence within the preceding three (3) years. The department
232 shall, upon notification by a law enforcement agency or a court
233 and subsequent written verification, suspend a license or the
234 processing of an application for a license if the licensee or
235 applicant is arrested or formally charged with a crime which would
236 disqualify such person from having a license under this section,
237 until final disposition of the case. The provisions of subsection
238 (7) of this section shall apply to any suspension or revocation of
239 a license pursuant to the provisions of this section.

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

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

245 (b) The driver's license number or social security
246 number of applicant;

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



249 (d) A statement that the applicant is in compliance
250 with criteria contained within subsections (2) and (3) of this
251 section;

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

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

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

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

263 (a) A completed application as described in subsection
264 (4) of this section;

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

270 (c) A nonrefundable license fee of One Hundred Dollars
271 (\$100.00). Costs for processing the set of fingerprints as
272 required in paragraph (d) of this subsection shall be borne by the
273 applicant. Honorably retired law enforcement officers and



274 disabled veterans shall be exempt from the payment of the license
275 fee;

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

278 (e) A waiver authorizing the Department of Public
279 Safety access to any records concerning commitments of the
280 applicant to any of the treatment facilities or institutions
281 referred to in subsection (2) and permitting access to all the
282 applicant's criminal records.

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

287 (b) The Department of Public Safety shall forward a
288 copy of the applicant's application to the sheriff of the
289 applicant's county of residence and, if applicable, the police
290 chief of the applicant's municipality of residence. The sheriff
291 of the applicant's county of residence and, if applicable, the
292 police chief of the applicant's municipality of residence may, at
293 his discretion, participate in the process by submitting a
294 voluntary report to the Department of Public Safety containing any
295 readily discoverable prior information that he feels may be
296 pertinent to the licensing of any applicant. The reporting shall
297 be made within thirty (30) days after the date he receives the
298 copy of the application. Upon receipt of a response from a



299 sheriff or police chief, such sheriff or police chief shall be
300 reimbursed at a rate set by the department.

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

304 (i) Issue the license;

305 (ii) Deny the application based solely on the
306 ground that the applicant fails to qualify under the criteria
307 listed in subsections (2) and (3) of this section. If the
308 Department of Public Safety denies the application, it shall
309 notify the applicant in writing, stating the ground for denial,
310 and the denial shall be subject to the appeal process set forth in
311 subsection (7); or

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

317 (d) In the event a legible set of fingerprints, as
318 determined by the Department of Public Safety and the Federal
319 Bureau of Investigation, cannot be obtained after a minimum of two
320 (2) attempts, the Department of Public Safety shall determine
321 eligibility based upon a name check by the Mississippi Highway
322 Safety Patrol and a Federal Bureau of Investigation name check



323 conducted by the Mississippi Highway Safety Patrol at the request
324 of the Department of Public Safety.

325 (7) (a) If the Department of Public Safety denies the
326 issuance of a license, or suspends or revokes a license, the party
327 aggrieved may appeal such denial, suspension or revocation to the
328 Commissioner of Public Safety, or his authorized agent, within
329 thirty (30) days after the aggrieved party receives written notice
330 of such denial, suspension or revocation. The Commissioner of
331 Public Safety, or his duly authorized agent, shall rule upon such
332 appeal within thirty (30) days after the appeal is filed and
333 failure to rule within this thirty-day period shall constitute
334 sustaining such denial, suspension or revocation. Such review
335 shall be conducted pursuant to such reasonable rules and
336 regulations as the Commissioner of Public Safety may adopt.

337 (b) If the revocation, suspension or denial of issuance
338 is sustained by the Commissioner of Public Safety, or his duly
339 authorized agent pursuant to paragraph (a) of this subsection, the
340 aggrieved party may file within ten (10) days after the rendition
341 of such decision a petition in the circuit or county court of his
342 residence for review of such decision. A hearing for review shall
343 be held and shall proceed before the court without a jury upon the
344 record made at the hearing before the Commissioner of Public
345 Safety or his duly authorized agent. No such party shall be
346 allowed to carry a stun gun, concealed pistol or revolver pursuant



347 to the provisions of this section while any such appeal is
348 pending.

349 (8) The Department of Public Safety shall maintain an
350 automated listing of license holders and such information shall be
351 available online, upon request, at all times, to all law
352 enforcement agencies through the Mississippi Crime Information
353 Center. However, the records of the department relating to
354 applications for licenses to carry stun guns, concealed pistols or
355 revolvers and records relating to license holders shall be exempt
356 from the provisions of the Mississippi Public Records Act of 1983,
357 and shall be released only upon order of a court having proper
358 jurisdiction over a petition for release of the record or records.

359 (9) Within thirty (30) days after the changing of a
360 permanent address, or within thirty (30) days after having a
361 license lost or destroyed, the licensee shall notify the
362 Department of Public Safety in writing of such change or loss.
363 Failure to notify the Department of Public Safety pursuant to the
364 provisions of this subsection shall constitute a noncriminal
365 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
366 be enforceable by a summons.

367 (10) In the event that a stun gun, concealed pistol or
368 revolver license is lost or destroyed, the person to whom the
369 license was issued shall comply with the provisions of subsection
370 (9) of this section and may obtain a duplicate, or substitute
371 thereof, upon payment of Fifteen Dollars (\$15.00) to the



372 Department of Public Safety, and furnishing a notarized statement
373 to the department that such license has been lost or destroyed.

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

377 (12) (a) No less than ninety (90) days prior to the
378 expiration date of the license, the Department of Public Safety
379 shall mail to each licensee a written notice of the expiration and
380 a renewal form prescribed by the department. The licensee must
381 renew his license on or before the expiration date by filing with
382 the department the renewal form, a notarized affidavit stating
383 that the licensee remains qualified pursuant to the criteria
384 specified in subsections (2) and (3) of this section, and a full
385 set of fingerprints administered by the Department of Public
386 Safety or the sheriff of the county of residence of the licensee.
387 The first renewal may be processed by mail and the subsequent
388 renewal must be made in person. Thereafter every other renewal
389 may be processed by mail to assure that the applicant must appear
390 in person every ten (10) years for the purpose of obtaining a new
391 photograph.

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

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



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

400 (b) The Department of Public Safety shall forward the
401 full set of fingerprints of the applicant to the appropriate
402 agencies for state and federal processing. The license shall be
403 renewed upon receipt of the completed renewal application and
404 appropriate payment of fees.

405 (c) A licensee who fails to file a renewal application
406 on or before its expiration date must renew his license by paying
407 a late fee of Fifteen Dollars (\$15.00). No license shall be
408 renewed six (6) months or more after its expiration date, and such
409 license shall be deemed to be permanently expired. A person whose
410 license has been permanently expired may reapply for licensure;
411 however, an application for licensure and fees pursuant to
412 subsection (5) of this section must be submitted, and a background
413 investigation shall be conducted pursuant to the provisions of
414 this section.

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



422 carry a concealed weapon in his courtroom; any polling place; any
423 meeting place of the governing body of any governmental entity;
424 any meeting of the Legislature or a committee thereof; any school,
425 college or professional athletic event not related to firearms;
426 any portion of an establishment, licensed to dispense alcoholic
427 beverages for consumption on the premises, that is primarily
428 devoted to dispensing alcoholic beverages; any portion of an
429 establishment in which beer or light wine is consumed on the
430 premises, that is primarily devoted to such purpose; any
431 elementary or secondary school facility; any junior college,
432 community college, college or university facility unless for the
433 purpose of participating in any authorized firearms-related
434 activity; inside the passenger terminal of any airport, except
435 that no person shall be prohibited from carrying any legal firearm
436 into the terminal if the firearm is encased for shipment, for
437 purposes of checking such firearm as baggage to be lawfully
438 transported on any aircraft; any church or other place of worship;
439 or any place where the carrying of firearms is prohibited by
440 federal law. In addition to the places enumerated in this
441 subsection, the carrying of a stun gun, concealed pistol or
442 revolver may be disallowed in any place in the discretion of the
443 person or entity exercising control over the physical location of
444 such place by the placing of a written notice clearly readable at
445 a distance of not less than ten (10) feet that the "carrying of a
446 pistol or revolver is prohibited." No license issued pursuant to



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

450 (14) A law enforcement officer as defined in Section 45-6-3,
451 chiefs of police, sheriffs and persons licensed as professional
452 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
453 1972, shall be exempt from the licensing requirements of this
454 section. The licensing requirements of this section do not apply
455 to the carrying by any person of a stun gun, pistol or revolver,
456 knife, or other deadly weapon that is not concealed as defined in
457 Section 97-37-1.

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

464 (16) All fees collected by the Department of Public Safety
465 pursuant to this section shall be deposited into a special fund
466 hereby created in the State Treasury and shall be used for
467 implementation and administration of this section. After the
468 close of each fiscal year, the balance in this fund shall be
469 certified to the Legislature and then may be used by the
470 Department of Public Safety as directed by the Legislature.



471 (17) All funds received by a sheriff or police chief
472 pursuant to the provisions of this section shall be deposited into
473 the general fund of the county or municipality, as appropriate,
474 and shall be budgeted to the sheriff's office or police department
475 as appropriate.

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

479 (19) Any person holding a valid unrevoked and unexpired
480 license to carry stun guns, concealed pistols or revolvers issued
481 in another state shall have such license recognized by this state
482 to carry stun guns, concealed pistols or revolvers. The
483 Department of Public Safety is authorized to enter into a
484 reciprocal agreement with another state if that state requires a
485 written agreement in order to recognize licenses to carry stun
486 guns, concealed pistols or revolvers issued by this state.

487 (20) The provisions of this section shall be under the
488 supervision of the Commissioner of Public Safety. The
489 commissioner is authorized to promulgate reasonable rules and
490 regulations to carry out the provisions of this section.

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



495 momentarily stun, knock out, cause mental disorientation or
496 paralyze.

497 **SECTION 3.** Section 97-37-31, Mississippi Code of 1972, is
498 amended as follows:

499 97-37-31. It shall be unlawful for any person, persons,
500 corporation or manufacturing establishment, not duly authorized
501 under federal law, to make, manufacture, sell or possess any
502 instrument or device which, if used on firearms of any kind, will
503 arrest or muffle the report of said firearm when shot or
504 fired * * *. Any person violating this section shall be guilty of
505 a misdemeanor and, upon conviction, shall be fined not more than
506 Five Hundred Dollars (\$500.00), or imprisoned in the Penitentiary
507 not more than thirty (30) days, or both. All such instruments or
508 devices shall be registered with the Department of Public Safety
509 and any law enforcement agency in possession of such instruments
510 or devices shall submit an annual inventory of such instruments
511 and devices to the Department of Public Safety. The Commissioner
512 of Public Safety shall document the information required by this
513 section.

514 **SECTION 4.** Section 45-9-53, Mississippi Code of 1972, is
515 amended as follows:

516 45-9-53. (1) This section and Section 45-9-51 do not affect
517 the authority that a county or municipality may have under another
518 law:



519 (a) To require citizens or public employees to be armed
520 for personal or national defense, law enforcement, or another
521 lawful purpose;

522 (b) To regulate the discharge of firearms within the
523 limits of the county or municipality. A county or municipality
524 may not apply a regulation relating to the discharge of firearms
525 or other weapons in the extraterritorial jurisdiction of the
526 county or municipality or in an area annexed by the county or
527 municipality after September 1, 1981, if the firearm or other
528 weapon is:

529 (i) A shotgun, air rifle or air pistol, BB gun or
530 bow and arrow discharged:

531 1. On a tract of land of ten (10) acres or
532 more and more than one hundred fifty (150) feet from a residence
533 or occupied building located on another property; and

534 2. In a manner not reasonably expected to
535 cause a projectile to cross the boundary of the tract; or

536 (ii) A center fire or rim fire rifle or pistol or
537 a muzzle-loading rifle or pistol of any caliber discharged:

538 1. On a tract of land of fifty (50) acres or
539 more and more than three hundred (300) feet from a residence or
540 occupied building located on another property; and

541 2. In a manner not reasonably expected to
542 cause a projectile to cross the boundary of the tract;



543 (c) To regulate the use of property or location of
544 businesses for uses therein pursuant to fire code, zoning
545 ordinances, or land-use regulations, so long as such codes,
546 ordinances and regulations are not used to circumvent the intent
547 of Section 45-9-51 or paragraph (e) of this subsection;

548 (d) To regulate the use of firearms in cases of
549 insurrection, riots and natural disasters in which the city finds
550 such regulation necessary to protect the health and safety of the
551 public. However, the provisions of this section shall not apply
552 to the lawful possession of firearms, ammunition or components of
553 firearms or ammunition;

554 (e) To regulate the storage or transportation of
555 explosives in order to protect the health and safety of the
556 public, with the exception of black powder which is exempt up to
557 twenty-five (25) pounds per private residence and fifty (50)
558 pounds per retail dealer;

559 (f) To regulate the carrying of a firearm at: (i) a
560 public park or at a public meeting of a county, municipality or
561 other governmental body; (ii) a political rally, parade or
562 official political meeting; or (iii) a nonfirearm-related school,
563 college or professional athletic event; or

564 (g) To regulate the receipt of firearms by pawnshops.

565 (2) The exception provided by subsection (1) (f) of this
566 section does not apply if the firearm was in or carried to and
567 from an area designated for use in a lawful hunting, fishing or



568 other sporting event and the firearm is of the type commonly used
569 in the activity.

570 (3) This section and Section 45-9-51 do not authorize a
571 county or municipality or their officers or employees to act in
572 contravention of Section 33-7-303.

573 (4) No county or a municipality may use the written notice
574 provisions of Section 45-9-101(13) to prohibit concealed firearms
575 on property under their control except * * *:

576 (a) At a location listed in Section 45-9-101(13)
577 indicating that a license issued under Section 45-9-101 does not
578 authorize the holder to carry a firearm into that location, as
579 long as the sign also indicates that carrying a firearm is
580 unauthorized only for license holders without a training
581 endorsement or that it is a location included in Section
582 97-37-7(2) where carrying a firearm is unauthorized for all
583 license holders; and

584 (b) At any location under the control of the county or
585 municipality aside from a location listed in subsection (1)(f) of
586 this section or Section 45-9-101(13) indicating that the
587 possession of a firearm is prohibited on the premises, as long as
588 the sign also indicates that it does not apply to a person
589 properly licensed under Section 45-9-101 or Section 97-37-7(2) to
590 carry a concealed firearm or to a person lawfully carrying a
591 firearm that is not concealed.



592 (5) (a) A citizen of this state, or a person licensed to
593 carry a concealed pistol or revolver under Section 45-9-101, or a
594 person licensed to carry a concealed pistol or revolver with the
595 endorsement under Section 97-37-7, who is adversely affected by an
596 ordinance or posted written notice adopted by a county or
597 municipality in violation of this section may file suit for
598 declarative and injunctive relief against a county or municipality
599 in the circuit court which shall have jurisdiction over the county
600 or municipality where the violation of this section occurs.

601 (b) Before instituting suit under this subsection, the
602 party adversely impacted by the ordinance or posted written notice
603 shall notify the Attorney General in writing of the violation and
604 include evidence of the violation. The Attorney General shall,
605 within thirty (30) days, investigate whether the county or
606 municipality adopted an ordinance or posted written notice in
607 violation of this section and provide the chief administrative
608 officer of the county or municipality notice of his findings,
609 including, if applicable, a description of the violation and
610 specific language of the ordinance or posted written notice found
611 to be in violation. The county or municipality shall have thirty
612 (30) days from receipt of that notice to cure the violation. If
613 the county or municipality fails to cure the violation within that
614 thirty-day time period, a suit under paragraph (a) of this
615 subsection may proceed. The findings of the Attorney General



616 shall constitute a "Public Record" as defined by the Mississippi
617 Public Records Act of 1983, Section 25-61-1 et seq.

618 (c) If the circuit court finds that a county or
619 municipality adopted an ordinance or posted written notice in
620 violation of this section and failed to cure that violation in
621 accordance with paragraph (b) of this subsection, the circuit
622 court shall issue a permanent injunction against a county or
623 municipality prohibiting it from enforcing the ordinance or posted
624 written notice. Any elected county or municipal official under
625 whose jurisdiction the violation occurred may be civilly liable in
626 a sum not to exceed One Thousand Dollars (\$1,000.00), plus all
627 reasonable attorney's fees and costs incurred by the party
628 bringing the suit. Public funds may not be used to defend or
629 reimburse officials who are found by the court to have violated
630 this section.

631 (d) It shall be an affirmative defense to any claim
632 brought against an elected county or municipal official under this
633 subsection (5) that the elected official:

634 (i) Did not vote in the affirmative for the
635 adopted ordinance or posted written notice deemed by the court to
636 be in violation of this section;

637 (ii) Did attempt to take recorded action to cure
638 the violation as noticed by the Attorney General in paragraph (b)
639 of this subsection; or



640 (iii) Did attempt to take recorded action to
641 rescind the ordinance or remove the posted written notice deemed
642 by the court to be in violation of this section.

643 (6) No county or municipality or their officers or employees
644 may participate in any program in which individuals are given a
645 thing of value provided by another individual or other entity in
646 exchange for surrendering a firearm to the county, municipality or
647 other governmental body unless:

648 (a) The county or municipality has adopted an ordinance
649 authorizing the participation of the county or municipality, or
650 participation by an officer or employee of the county or
651 municipality in such a program; and

652 (b) Any ordinance enacted pursuant to this section must
653 require that any firearm received shall be offered for sale at
654 auction as provided by Sections 19-3-85 and 21-39-21 to federally
655 licensed firearms dealers, with the proceeds from such sale at
656 auction reverting to the general operating fund of the county,
657 municipality or other governmental body. Any firearm remaining in
658 possession of the county, municipality or other governmental body
659 after attempts to sell at auction may be disposed of in a manner
660 that the body deems appropriate.

661 **SECTION 5.** This act shall take effect and be in force from
662 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**



1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE QUALIFICATION NECESSARY FOR AN ENHANCED CONCEALED-CARRY
3 PERMIT; TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO
4 CLARIFY THE DEFINITION OF ARMED SERVICES MEMBER FOR PURPOSES OF
5 ELIGIBILITY OF A MINOR FOR A CONCEALED-CARRY PERMIT; TO AMEND
6 SECTION 97-37-31, MISSISSIPPI CODE OF 1972, TO REMOVE THE
7 PROVISION PROHIBITING ARMOR PIERCING AMMUNITION; TO AMEND SECTION
8 45-9-53, MISSISSIPPI CODE OF 1972, TO CLARIFY CONCEALED CARRY OF
9 WEAPONS; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)
Montgomery

X (SIGNED)
Gandy

X (SIGNED)
Moran

CONFEREES FOR THE HOUSE

X (SIGNED)
Gipson

X (SIGNED)
Mims

X (SIGNED)
Hood

