

By: Representatives Criswell, Bomgar,  
Formby, Foster, Hale, Hopkins, Johnson  
(87th), Kinkade, Mettetal, Oliver, Rushing,  
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To: Judiciary B

HOUSE BILL NO. 1352

1 AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT NO LICENSE SHALL BE REQUIRED TO CARRY A PISTOL OR  
3 REVOLVER IN A HOLSTER THAT IS CONCEALED ON A PERSON'S BODY; AND  
4 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) Except as otherwise provided, the  
9 Department of Public Safety is authorized to issue licenses to  
10 carry stun guns, concealed pistols or revolvers to persons  
11 qualified as provided in this section. Such licenses shall be  
12 valid throughout the state for a period of five (5) years from the  
13 date of issuance. Any person possessing a valid license issued  
14 pursuant to this section may carry a stun gun, concealed pistol or  
15 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 if the applicant possesses a valid permit from another  
30 state, is active military personnel stationed in Mississippi, or  
31 is a retired law enforcement officer establishing residency in the  
32 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, including National Guard or Reserve; and

38 2. Holds a valid Mississippi driver's license  
39 or identification card issued by 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 Eighty Dollars  
132 (\$80.00). 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, disabled  
135 veterans and active duty members of the Armed Forces of the United  
136 States shall be exempt from the payment of the license 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 Forty Dollars (\$40.00) shall also be submitted  
255 along with costs for processing the fingerprints;

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

259 (iii) The renewal fee for a Mississippi resident  
260 aged sixty-five (65) years of age or older shall be Twenty Dollars  
261 (\$20.00).

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



265 renewed upon receipt of the completed renewal application and  
266 appropriate payment of fees.

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

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



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

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



315 1972, shall be exempt from the licensing requirements of this  
316 section. The licensing requirements of this section do not apply  
317 to the carrying by any person of a stun gun, pistol or revolver,  
318 knife, or other deadly weapon that is not concealed as defined in  
319 Section 97-37-1.

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

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

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



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

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

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

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

359 (22) (a) From and after January 1, 2016, the Commissioner  
360 of Public Safety shall promulgate rules and regulations which  
361 provide that licenses authorized by this section for honorably  
362 retired law enforcement officers and honorably retired



363 correctional officers from the Mississippi Department of  
364 Corrections shall (i) include the words "retired law enforcement  
365 officer" on the front of the license, and (ii) that the license  
366 itself have a red background to distinguish it from other licenses  
367 issued under this section.

368 (b) An honorably retired law enforcement officer and  
369 honorably retired correctional officer shall provide the following  
370 information to receive the license described in this section: (i)  
371 a letter, with the official letterhead of the agency or department  
372 from which such officer is retiring, which explains that such  
373 officer is honorably retired, and (ii) a letter with the official  
374 letterhead of the agency or department, which explains that such  
375 officer has completed a certified law enforcement training  
376 academy.

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

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

384 (25) No license shall be required under this section for a  
385 loaded or unloaded pistol or revolver which is carried and  
386 partially concealed in a holster, provided that such holster and





387 pistol or revolver are on the person's body and concealed from  
388 normal view.

389         **SECTION 2.** This act shall take effect and be in force from  
390 and after July 1, 2016.

