

By: Representative Bomgar

To: Judiciary B

HOUSE BILL NO. 621

1 AN ACT TO REQUIRE A CHIEF LAW ENFORCEMENT OFFICER TO CERTIFY
 2 AN APPLICATION TO MAKE OR TRANSFER A FIREARM IF SUCH CERTIFICATION
 3 IS NECESSARY UNDER FEDERAL LAW UNLESS THE APPLICANT IS PROHIBITED
 4 FROM RECEIVING THE FIREARM; TO CREATE A PROCEDURE FOR APPEALS OF
 5 DENIALS OF CERTIFICATION BY A CHIEF LAW ENFORCEMENT OFFICER; AND
 6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** (1) When certification by a chief law
 9 enforcement officer is required by federal law or regulation for
 10 the transfer or making of a firearm, the chief law enforcement
 11 officer shall, within fifteen (15) days of receipt of a request
 12 for certification, provide such certification if the applicant is
 13 not prohibited by law from receiving the firearm or if the
 14 applicant is not the subject of a proceeding that could result in
 15 the applicant being prohibited by law from receiving the firearm.
 16 If the applicant is prohibited by law from receiving the firearm
 17 or if the applicant is the subject of a proceeding that could
 18 result in such prohibition, the chief law enforcement officer
 19 shall provide written notification to the applicant that



20 certification has been denied and state the reasons for such
21 findings.

22 (2) An applicant whose request for certification is denied
23 may appeal the decision of the chief law enforcement officer to
24 the circuit court that is located in the county in which the
25 applicant resides. The court shall review the decision of the
26 chief law enforcement officer to deny the certification de novo.
27 If the court finds that the applicant is not prohibited by law
28 from receiving the firearm or the applicant is not the subject of
29 a proceeding that could result in such prohibition, the court
30 shall order the chief law enforcement officer to issue the
31 certification and shall award court costs and reasonable
32 attorney's fees to the applicant.

33 (3) For the purposes of this section the following terms
34 shall have the meanings, unless the context clearly indicates
35 otherwise:

36 (a) "Certification" means the participation and assent
37 of the chief law enforcement officer necessary under federal law
38 or regulation for the approval of an application to transfer or
39 make a firearm.

40 (b) "Chief law enforcement officer" means any official
41 that the Bureau of Alcohol, Tobacco, Firearms and Explosives, or
42 any successor agency, identifies by regulation or otherwise as
43 eligible to provide any required certification for an application
44 to transfer or make a firearm.



45 (c) "Firearm" has the same meaning as provided for in
46 the National Firearms Act, 26 USCS 5845(a).

47 **SECTION 2.** This act shall take effect and be in force from
48 and after July 1, 2017.

