

By: Representative Henley

To: Judiciary B

HOUSE BILL NO. 734

1 AN ACT TO AMEND SECTION 97-7-37, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE QUALIFICATIONS NECESSARY FOR A MEMBER OR VETERAN OF ANY
3 ACTIVE OR RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES TO
4 RECEIVE AN ENHANCED CONCEALED FIREARM CARRY PERMIT; AND FOR
5 RELATED PURPOSES.

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

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

9 97-37-7. (1) (a) It shall not be a violation of Section
10 97-37-1 or any other statute for pistols, firearms or other
11 suitable and appropriate weapons to be carried by duly constituted
12 bank guards, company guards, watchmen, railroad special agents or
13 duly authorized representatives who are not sworn law enforcement
14 officers, agents or employees of a patrol service, guard service,
15 or a company engaged in the business of transporting money,
16 securities or other valuables, while actually engaged in the
17 performance of their duties as such, provided that such persons
18 have made a written application and paid a nonrefundable permit



19 fee of One Hundred Dollars (\$100.00) to the Department of Public
20 Safety.

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

41 (c) A person may obtain a duplicate of a lost or
42 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
43 replacement fee to the Department of Public Safety, if he



44 furnishes a notarized statement to the department that the permit
45 has been lost or destroyed.

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

58 (ii) Renewal of the permit shall be required every
59 four (4) years. The permit of a qualified renewal applicant shall
60 be renewed upon receipt of the completed renewal application and
61 appropriate payment of fees.

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

66 (2) It shall not be a violation of this or any other statute
67 for pistols, firearms or other suitable and appropriate weapons to
68 be carried by Department of Wildlife, Fisheries and Parks law



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



94 offered by an instructor certified by a nationally recognized
95 organization that customarily offers firearms training, or by any
96 other organization approved by the Department of Public Safety,
97 (b) is a member or honorably discharged or retired veteran of any
98 active or reserve component branch of the United States of America
99 Armed Forces * * *, or (c) is an honorably retired law enforcement
100 officer * * * having completed law enforcement * * * with pistols
101 or other handguns, after submitting an affidavit attesting to have
102 read, understand and agree to comply with all provisions of
103 Mississippi enhanced carry law shall also be authorized to carry
104 weapons in courthouses except in courtrooms during a judicial
105 proceeding, and any location listed in subsection (13) of Section
106 45-9-101, except any place of nuisance as defined in Section
107 95-3-1, any police, sheriff or highway patrol station or any
108 detention facility, prison or jail. For the purposes of this
109 subsection (2), component branch of the United States Armed Forces
110 includes the Army, Navy, Air Force, Coast Guard or Marine Corps,
111 or the Army National Guard, the Army National Guard of the United
112 States, the Air National Guard or the Air National Guard of the
113 United States, as those terms are defined in Section 101, Title
114 10, United States Code, and any other reserve component of the
115 United States Armed Forces enumerated in Section 10101, Title 10,
116 United States Code. The department shall promulgate rules and
117 regulations allowing concealed pistol permit holders to obtain an
118 endorsement on their permit indicating that they have completed



119 the aforementioned course and have the authority to carry in these
120 locations. This section shall in no way interfere with the right
121 of a trial judge to restrict the carrying of firearms in the
122 courtroom.

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

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

