

By: Senator(s) Hill

To: Judiciary, Division A

SENATE BILL NO. 2576

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO
 2 CLARIFY ELIGIBILITY FOR AN INSTRUCTOR-CERTIFIED CONCEALED-CARRY
 3 LICENSE; TO AMEND SECTION 97-37-17, MISSISSIPPI CODE OF 1972, TO
 4 AUTHORIZE HOLDERS OF AN INSTRUCTOR-CERTIFIED CONCEALED-CARRY
 5 LICENSE TO CARRY A CONCEALED WEAPON ON EDUCATIONAL PROPERTY; TO
 6 AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO ALLOW A
 7 PERSON WHO IS AT LEAST 18 YEARS OF AGE TO OBTAIN AN
 8 INSTRUCTOR-CERTIFIED CONCEALED-CARRY LICENSE; AND FOR RELATED
 9 PURPOSES.

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

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. * * * If 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 enforcement
58 officers shall be exempt from payment of the renewal fee. A
59 permit holder who fails to file a renewal application on or before
60 its expiration date shall pay a late fee of Fifteen Dollars
61 (\$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) (a) (i) It shall not be a violation of this or any
71 other statute for pistols, firearms or other suitable and



72 appropriate weapons to be carried by Department of Wildlife,
73 Fisheries and Parks law enforcement officers, railroad special
74 agents who are sworn law enforcement officers, investigators
75 employed by the Attorney General, criminal investigators employed
76 by the district attorneys, all prosecutors, public defenders,
77 investigators or probation officers employed by the Department of
78 Corrections, employees of the State Auditor who are authorized by
79 the State Auditor to perform investigative functions, or any
80 deputy fire marshal or investigator employed by the State Fire
81 Marshal, while engaged in the performance of their duties as such,
82 or by fraud investigators with the Department of Human Services,
83 or by judges of the Mississippi Supreme Court, Court of Appeals,
84 circuit, chancery, county, justice and municipal courts, or by
85 coroners.

86 (ii) Before any person shall be authorized under
87 this * * * paragraph (a)(i) to carry a weapon, he shall complete a
88 weapons training course approved by the Board of Law Enforcement
89 Officer Standards and Training.

90 (iii) Before any criminal investigator employed by
91 a district attorney shall be authorized under this section to
92 carry a pistol, firearm or other weapon, he shall have complied
93 with Section 45-6-11 or any training program required for
94 employment as an agent of the Federal Bureau of Investigation.



95 (iv) A law enforcement officer, as defined in
96 Section 45-6-3, shall be authorized to carry weapons in
97 courthouses in performance of his official duties.

98 (b) A person licensed under Section 45-9-101 to carry a
99 concealed pistol, who (* * * i) has voluntarily completed an
100 instructional course in the safe handling and use of firearms
101 offered by an instructor certified by a nationally recognized
102 organization that customarily offers firearms training, or by any
103 other organization approved by the Department of Public Safety,
104 (* * * ii) is a member or veteran of any active or reserve
105 component branch of the United States of America Armed Forces
106 having completed law enforcement or combat training with pistols
107 or other handguns as recognized by such branch after submitting an
108 affidavit attesting to have read, understand and agree to comply
109 with all provisions of the enhanced carry law, or (* * * iii) is
110 an honorably retired law enforcement officer or honorably retired
111 member or veteran of any active or reserve component branch of the
112 United States of America Armed Forces having completed law
113 enforcement or combat training with pistols or other handguns,
114 after submitting an affidavit attesting to have read, understand
115 and agree to comply with all provisions of Mississippi enhanced
116 carry law shall also be authorized to carry weapons in courthouses
117 except in courtrooms during a judicial proceeding, and any
118 location listed in subsection (13) of Section 45-9-101, except any
119 place of nuisance as defined in Section 95-3-1, any police,



120 sheriff or highway patrol station or any detention facility,
121 prison or jail. For the purposes of this subsection (2),
122 component branch of the United States Armed Forces includes the
123 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
124 National Guard, the Army National Guard of the United States, the
125 Air National Guard or the Air National Guard of the United States,
126 as those terms are defined in Section 101, Title 10, United States
127 Code, and any other reserve component of the United States Armed
128 Forces enumerated in Section 10101, Title 10, United States Code.
129 The department shall promulgate rules and regulations allowing
130 concealed pistol permit holders to obtain an endorsement on their
131 permit indicating that they have completed the aforementioned
132 course and have the authority to carry in these locations. This
133 section shall in no way interfere with the right of a trial judge
134 to restrict the carrying of firearms in the courtroom.

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



145 Commissioner of Public Safety is authorized to enter into
146 reciprocal agreements with other states to carry out the
147 provisions of this subsection.

148 **SECTION 2.** Section 97-37-17, Mississippi Code of 1972, is
149 amended as follows:

150 97-37-17. (1) The following definitions apply to this
151 section:

152 (a) "Educational property" shall mean any public or
153 private school building or bus, public or private school campus,
154 grounds, recreational area, athletic field, or other property
155 owned, used or operated by any local school board, school, college
156 or university board of trustees, or directors for the
157 administration of any public or private educational institution or
158 during a school-related activity, and shall include the facility
159 and property of the Oakley Youth Development Center, operated by
160 the Department of Human Services; provided, however, that the term
161 "educational property" shall not include any sixteenth section
162 school land or lieu land on which is not located a school
163 building, school campus, recreational area or athletic field.

164 (b) "Student" shall mean a person enrolled in a public
165 or private school, college or university, or a person who has been
166 suspended or expelled within the last five (5) years from a public
167 or private school, college or university, or a person in the
168 custody of the Oakley Youth Development Center, operated by the



169 Department of Human Services, whether the person is an adult or a
170 minor.

171 (c) "Switchblade knife" shall mean a knife containing a
172 blade or blades which open automatically by the release of a
173 spring or a similar contrivance.

174 (d) "Weapon" shall mean any device enumerated in
175 subsection (2) or (4) of this section.

176 (2) It shall be a felony for any person to possess or carry,
177 whether openly or concealed, any gun, rifle, pistol or other
178 firearm of any kind, or any dynamite cartridge, bomb, grenade,
179 mine or powerful explosive on educational property. However, this
180 subsection does not apply to a BB gun, air rifle or air pistol.
181 Any person violating this subsection shall be guilty of a felony
182 and, upon conviction thereof, shall be fined not more than Five
183 Thousand Dollars (\$5,000.00), or committed to the custody of the
184 State Department of Corrections for not more than three (3) years,
185 or both.

186 (3) It shall be a felony for any person to cause, encourage
187 or aid a minor who is less than eighteen (18) years old to possess
188 or carry, whether openly or concealed, any gun, rifle, pistol or
189 other firearm of any kind, or any dynamite cartridge, bomb,
190 grenade, mine or powerful explosive on educational property.
191 However, this subsection does not apply to a BB gun, air rifle or
192 air pistol. Any person violating this subsection shall be guilty
193 of a felony and, upon conviction thereof, shall be fined not more



194 than Five Thousand Dollars (\$5,000.00), or committed to the
195 custody of the State Department of Corrections for not more than
196 three (3) years, or both.

197 (4) It shall be a misdemeanor for any person to possess or
198 carry, whether openly or concealed, any BB gun, air rifle, air
199 pistol, bowie knife, dirk, dagger, slingshot, leaded cane,
200 switchblade knife, blackjack, metallic knuckles, razors and razor
201 blades (except solely for personal shaving), and any sharp-pointed
202 or edged instrument except instructional supplies, unaltered nail
203 files and clips and tools used solely for preparation of food,
204 instruction and maintenance on educational property. Any person
205 violating this subsection shall be guilty of a misdemeanor and,
206 upon conviction thereof, shall be fined not more than One Thousand
207 Dollars (\$1,000.00), or be imprisoned not exceeding six (6)
208 months, or both.

209 (5) It shall be a misdemeanor for any person to cause,
210 encourage or aid a minor who is less than eighteen (18) years old
211 to possess or carry, whether openly or concealed, any BB gun, air
212 rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded
213 cane, switchblade, knife, blackjack, metallic knuckles, razors and
214 razor blades (except solely for personal shaving) and any
215 sharp-pointed or edged instrument except instructional supplies,
216 unaltered nail files and clips and tools used solely for
217 preparation of food, instruction and maintenance on educational
218 property. Any person violating this subsection shall be guilty of



219 a misdemeanor and, upon conviction thereof, shall be fined not
220 more than One Thousand Dollars (\$1,000.00), or be imprisoned not
221 exceeding six (6) months, or both.

222 (6) It shall not be a violation of this section for any
223 person to possess or carry, whether openly or concealed, any gun,
224 rifle, pistol or other firearm of any kind on educational property
225 if:

226 (a) (i) The person is not a student attending school
227 on any educational property;

228 (* * * ii) The firearm is within a motor vehicle;
229 and

230 (* * * iii) The person does not brandish, exhibit
231 or display the firearm in any careless, angry or threatening
232 manner * * *; or

233 (b) The person possesses an instructor-certified
234 concealed-carry license under Section 97-37-7(2)(b).

235 (7) This section shall not apply to:

236 (a) A weapon used solely for educational or
237 school-sanctioned ceremonial purposes, or used in a
238 school-approved program conducted under the supervision of an
239 adult whose supervision has been approved by the school authority;

240 (b) Armed Forces personnel of the United States,
241 officers and soldiers of the militia and National Guard, law
242 enforcement personnel, any private police employed by an
243 educational institution, State Militia or Emergency Management



244 Corps and any guard or patrolman in a state or municipal
245 institution, and any law enforcement personnel or guard at a state
246 juvenile training school, when acting in the discharge of their
247 official duties;

248 (c) Home schools as defined in the compulsory school
249 attendance law, Section 37-13-91;

250 (d) Competitors while participating in organized
251 shooting events;

252 (e) Any person as authorized in Section 97-37-7 while
253 in the performance of his official duties;

254 (f) Any mail carrier while in the performance of his
255 official duties; or

256 (g) Any weapon not prescribed by Section 97-37-1 which
257 is in a motor vehicle under the control of a parent, guardian or
258 custodian, as defined in Section 43-21-105, which is used to bring
259 or pick up a student at a school building, school property or
260 school function.

261 (8) All schools shall post in public view a copy of the
262 provisions of this section.

263 **SECTION 3.** Section 45-9-101, Mississippi Code of 1972, is
264 amended as follows:

265 45-9-101. (1) (a) Except as otherwise provided, the
266 Department of Public Safety is authorized to issue licenses to
267 carry stun guns, concealed pistols or revolvers to persons
268 qualified as provided in this section. Such licenses shall be



269 valid throughout the state for a period of five (5) years from the
270 date of issuance. Any person possessing a valid license issued
271 pursuant to this section may carry a stun gun, concealed pistol or
272 concealed revolver.

273 (b) The licensee must carry the license, together with
274 valid identification, at all times in which the licensee is
275 carrying a stun gun, concealed pistol or revolver and must display
276 both the license and proper identification upon demand by a law
277 enforcement officer. A violation of the provisions of this
278 paragraph (b) shall constitute a noncriminal violation with a
279 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
280 by summons.

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

283 (a) Is a resident of the state. However, this
284 residency requirement may be waived if the applicant possesses a
285 valid permit from another state, is active military personnel
286 stationed in Mississippi, or is a retired law enforcement officer
287 establishing residency in the state;

288 (b) (i) Is twenty-one (21) years of age or older; or
289 (ii) Is at least eighteen (18) years of age but
290 not yet twenty-one (21) years of age and the applicant:

291 1. Is a member or veteran of the United
292 States Armed Forces, including National Guard or Reserve; and



293 2. Holds a valid Mississippi driver's license
294 or identification card issued by the Department of Public Safety;
295 or

296 (iii) Is at least eighteen (18) years of age if
297 the person has otherwise qualified under Section 97-37-7(2) (b) for
298 an instructor-certified concealed-carry license;

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

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

305 (e) Does not chronically or habitually abuse controlled
306 substances to the extent that his normal faculties are impaired.
307 It shall be presumed that an applicant chronically and habitually
308 uses controlled substances to the extent that his faculties are
309 impaired if the applicant has been voluntarily or involuntarily
310 committed to a treatment facility for the abuse of a controlled
311 substance or been found guilty of a crime under the provisions of
312 the Uniform Controlled Substances Law or similar laws of any other
313 state or the United States relating to controlled substances
314 within a three-year period immediately preceding the date on which
315 the application is submitted;

316 (f) Does not chronically and habitually use alcoholic
317 beverages to the extent that his normal faculties are impaired.



318 It shall be presumed that an applicant chronically and habitually
319 uses alcoholic beverages to the extent that his normal faculties
320 are impaired if the applicant has been voluntarily or
321 involuntarily committed as an alcoholic to a treatment facility or
322 has been convicted of two (2) or more offenses related to the use
323 of alcohol under the laws of this state or similar laws of any
324 other state or the United States within the three-year period
325 immediately preceding the date on which the application is
326 submitted;

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

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

332 (i) Has not been voluntarily or involuntarily committed
333 to a mental institution or mental health treatment facility unless
334 he possesses a certificate from a psychiatrist licensed in this
335 state that he has not suffered from disability for a period of
336 five (5) years;

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

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



342 (1) Is not disqualified to possess a weapon based on
343 federal law.

344 (3) The Department of Public Safety may deny a license if
345 the applicant has been found guilty of one or more crimes of
346 violence constituting a misdemeanor unless three (3) years have
347 elapsed since probation or any other conditions set by the court
348 have been fulfilled or expunction has occurred prior to the date
349 on which the application is submitted, or may revoke a license if
350 the licensee has been found guilty of one or more crimes of
351 violence within the preceding three (3) years. The department
352 shall, upon notification by a law enforcement agency or a court
353 and subsequent written verification, suspend a license or the
354 processing of an application for a license if the licensee or
355 applicant is arrested or formally charged with a crime which would
356 disqualify such person from having a license under this section,
357 until final disposition of the case. The provisions of subsection
358 (7) of this section shall apply to any suspension or revocation of
359 a license pursuant to the provisions of this section.

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

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

365 (b) The driver's license number or social security
366 number of applicant;



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

369 (d) A statement that the applicant is in compliance
370 with criteria contained within subsections (2) and (3) of this
371 section;

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

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

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

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

383 (a) A completed application as described in subsection
384 (4) of this section;

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

390 (c) A nonrefundable license fee of Eighty Dollars
391 (\$80.00). Costs for processing the set of fingerprints as



392 required in paragraph (d) of this subsection shall be borne by the
393 applicant. Honorably retired law enforcement officers, disabled
394 veterans and active duty members of the Armed Forces of the United
395 States shall be exempt from the payment of the license fee;

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

398 (e) A waiver authorizing the Department of Public
399 Safety access to any records concerning commitments of the
400 applicant to any of the treatment facilities or institutions
401 referred to in subsection (2) and permitting access to all the
402 applicant's criminal records.

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

407 (b) The Department of Public Safety shall forward a
408 copy of the applicant's application to the sheriff of the
409 applicant's county of residence and, if applicable, the police
410 chief of the applicant's municipality of residence. The sheriff
411 of the applicant's county of residence and, if applicable, the
412 police chief of the applicant's municipality of residence may, at
413 his discretion, participate in the process by submitting a
414 voluntary report to the Department of Public Safety containing any
415 readily discoverable prior information that he feels may be
416 pertinent to the licensing of any applicant. The reporting shall



417 be made within thirty (30) days after the date he receives the
418 copy of the application. Upon receipt of a response from a
419 sheriff or police chief, such sheriff or police chief shall be
420 reimbursed at a rate set by the department.

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

424 (i) Issue the license;

425 (ii) Deny the application based solely on the
426 ground that the applicant fails to qualify under the criteria
427 listed in subsections (2) and (3) of this section. If the
428 Department of Public Safety denies the application, it shall
429 notify the applicant in writing, stating the ground for denial,
430 and the denial shall be subject to the appeal process set forth in
431 subsection (7); or

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

437 (d) In the event a legible set of fingerprints, as
438 determined by the Department of Public Safety and the Federal
439 Bureau of Investigation, cannot be obtained after a minimum of two
440 (2) attempts, the Department of Public Safety shall determine
441 eligibility based upon a name check by the Mississippi Highway



442 Safety Patrol and a Federal Bureau of Investigation name check
443 conducted by the Mississippi Highway Safety Patrol at the request
444 of the Department of Public Safety.

445 (7) (a) If the Department of Public Safety denies the
446 issuance of a license, or suspends or revokes a license, the party
447 aggrieved may appeal such denial, suspension or revocation to the
448 Commissioner of Public Safety, or his authorized agent, within
449 thirty (30) days after the aggrieved party receives written notice
450 of such denial, suspension or revocation. The Commissioner of
451 Public Safety, or his duly authorized agent, shall rule upon such
452 appeal within thirty (30) days after the appeal is filed and
453 failure to rule within this thirty-day period shall constitute
454 sustaining such denial, suspension or revocation. Such review
455 shall be conducted pursuant to such reasonable rules and
456 regulations as the Commissioner of Public Safety may adopt.

457 (b) If the revocation, suspension or denial of issuance
458 is sustained by the Commissioner of Public Safety, or his duly
459 authorized agent pursuant to paragraph (a) of this subsection, the
460 aggrieved party may file within ten (10) days after the rendition
461 of such decision a petition in the circuit or county court of his
462 residence for review of such decision. A hearing for review shall
463 be held and shall proceed before the court without a jury upon the
464 record made at the hearing before the Commissioner of Public
465 Safety or his duly authorized agent. No such party shall be
466 allowed to carry a stun gun, concealed pistol or revolver pursuant



467 to the provisions of this section while any such appeal is
468 pending.

469 (8) The Department of Public Safety shall maintain an
470 automated listing of license holders and such information shall be
471 available online, upon request, at all times, to all law
472 enforcement agencies through the Mississippi Crime Information
473 Center. However, the records of the department relating to
474 applications for licenses to carry stun guns, concealed pistols or
475 revolvers and records relating to license holders shall be exempt
476 from the provisions of the Mississippi Public Records Act of 1983,
477 and shall be released only upon order of a court having proper
478 jurisdiction over a petition for release of the record or records.

479 (9) Within thirty (30) days after the changing of a
480 permanent address, or within thirty (30) days after having a
481 license lost or destroyed, the licensee shall notify the
482 Department of Public Safety in writing of such change or loss.
483 Failure to notify the Department of Public Safety pursuant to the
484 provisions of this subsection shall constitute a noncriminal
485 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
486 be enforceable by a summons.

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



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

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

497 (12) (a) No less than ninety (90) days prior to the
498 expiration date of the license, the Department of Public Safety
499 shall mail to each licensee a written notice of the expiration and
500 a renewal form prescribed by the department. The licensee must
501 renew his license on or before the expiration date by filing with
502 the department the renewal form, a notarized affidavit stating
503 that the licensee remains qualified pursuant to the criteria
504 specified in subsections (2) and (3) of this section, and a full
505 set of fingerprints administered by the Department of Public
506 Safety or the sheriff of the county of residence of the licensee.
507 The first renewal may be processed by mail and the subsequent
508 renewal must be made in person. Thereafter every other renewal
509 may be processed by mail to assure that the applicant must appear
510 in person every ten (10) years for the purpose of obtaining a new
511 photograph.

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



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

518 (iii) The renewal fee for a Mississippi resident
519 aged sixty-five (65) years of age or older shall be Twenty Dollars
520 (\$20.00).

521 (b) The Department of Public Safety shall forward the
522 full set of fingerprints of the applicant to the appropriate
523 agencies for state and federal processing. The license shall be
524 renewed upon receipt of the completed renewal application and
525 appropriate payment of fees.

526 (c) A licensee who fails to file a renewal application
527 on or before its expiration date must renew his license by paying
528 a late fee of Fifteen Dollars (\$15.00). No license shall be
529 renewed six (6) months or more after its expiration date, and such
530 license shall be deemed to be permanently expired. A person whose
531 license has been permanently expired may reapply for licensure;
532 however, an application for licensure and fees pursuant to
533 subsection (5) of this section must be submitted, and a background
534 investigation shall be conducted pursuant to the provisions of
535 this section.

536 (13) No license issued pursuant to this section shall
537 authorize any person to carry a stun gun, concealed pistol or
538 revolver into any place of nuisance as defined in Section 95-3-1,
539 Mississippi Code of 1972; any police, sheriff or highway patrol



540 station; any detention facility, prison or jail; any courthouse;
541 any courtroom, except that nothing in this section shall preclude
542 a judge from carrying a concealed weapon or determining who will
543 carry a concealed weapon in his courtroom; any polling place; any
544 meeting place of the governing body of any governmental entity;
545 any meeting of the Legislature or a committee thereof; any school,
546 college or professional athletic event not related to firearms;
547 any portion of an establishment, licensed to dispense alcoholic
548 beverages for consumption on the premises, that is primarily
549 devoted to dispensing alcoholic beverages; any portion of an
550 establishment in which beer or light wine is consumed on the
551 premises, that is primarily devoted to such purpose; any
552 elementary or secondary school facility; any junior college,
553 community college, college or university facility unless for the
554 purpose of participating in any authorized firearms-related
555 activity; inside the passenger terminal of any airport, except
556 that no person shall be prohibited from carrying any legal firearm
557 into the terminal if the firearm is encased for shipment, for
558 purposes of checking such firearm as baggage to be lawfully
559 transported on any aircraft; any church or other place of worship,
560 except as provided in Section 45-9-171; or any place where the
561 carrying of firearms is prohibited by federal law. In addition to
562 the places enumerated in this subsection, the carrying of a stun
563 gun, concealed pistol or revolver may be disallowed in any place
564 in the discretion of the person or entity exercising control over



565 the physical location of such place by the placing of a written
566 notice clearly readable at a distance of not less than ten (10)
567 feet that the "carrying of a pistol or revolver is prohibited."
568 No license issued pursuant to this section shall authorize the
569 participants in a parade or demonstration for which a permit is
570 required to carry a stun gun, concealed pistol or revolver.

571 (14) A law enforcement officer as defined in Section 45-6-3,
572 chiefs of police, sheriffs and persons licensed as professional
573 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
574 1972, shall be exempt from the licensing requirements of this
575 section. The licensing requirements of this section do not apply
576 to the carrying by any person of a stun gun, pistol or revolver,
577 knife, or other deadly weapon that is not concealed as defined in
578 Section 97-37-1.

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

585 (16) All fees collected by the Department of Public Safety
586 pursuant to this section shall be deposited into a special fund
587 hereby created in the State Treasury and shall be used for
588 implementation and administration of this section. After the
589 close of each fiscal year, the balance in this fund shall be



590 certified to the Legislature and then may be used by the
591 Department of Public Safety as directed by the Legislature.

592 (17) All funds received by a sheriff or police chief
593 pursuant to the provisions of this section shall be deposited into
594 the general fund of the county or municipality, as appropriate,
595 and shall be budgeted to the sheriff's office or police department
596 as appropriate.

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

600 (19) Any person holding a valid unrevoked and unexpired
601 license to carry stun guns, concealed pistols or revolvers issued
602 in another state shall have such license recognized by this state
603 to carry stun guns, concealed pistols or revolvers. The
604 Department of Public Safety is authorized to enter into a
605 reciprocal agreement with another state if that state requires a
606 written agreement in order to recognize licenses to carry stun
607 guns, concealed pistols or revolvers issued by this state.

608 (20) The provisions of this section shall be under the
609 supervision of the Commissioner of Public Safety. The
610 commissioner is authorized to promulgate reasonable rules and
611 regulations to carry out the provisions of this section.

612 (21) For the purposes of this section, the term "stun gun"
613 means a portable device or weapon from which an electric current,
614 impulse, wave or beam may be directed, which current, impulse,



615 wave or beam is designed to incapacitate temporarily, injure,
616 momentarily stun, knock out, cause mental disorientation or
617 paralyze.

618 (22) (a) From and after January 1, 2016, the Commissioner
619 of Public Safety shall promulgate rules and regulations which
620 provide that licenses authorized by this section for honorably
621 retired law enforcement officers and honorably retired
622 correctional officers from the Mississippi Department of
623 Corrections shall (i) include the words "retired law enforcement
624 officer" on the front of the license, and (ii) that the license
625 itself have a red background to distinguish it from other licenses
626 issued under this section.

627 (b) An honorably retired law enforcement officer and
628 honorably retired correctional officer shall provide the following
629 information to receive the license described in this section: (i)
630 a letter, with the official letterhead of the agency or department
631 from which such officer is retiring, which explains that such
632 officer is honorably retired, and (ii) a letter with the official
633 letterhead of the agency or department, which explains that such
634 officer has completed a certified law enforcement training
635 academy.

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



640 (24) A license under this section is not required for a
641 loaded or unloaded pistol or revolver to be carried upon the
642 person in a sheath, belt holster or shoulder holster or in a
643 purse, handbag, satchel, other similar bag or briefcase or fully
644 enclosed case if the person is not engaged in criminal activity
645 other than a misdemeanor traffic offense, is not otherwise
646 prohibited from possessing a pistol or revolver under state or
647 federal law, and is not in a location prohibited under subsection
648 (13) of this section.

649 **SECTION 4.** This act shall take effect and be in force from
650 and after July 1, 2017.

