

By: Representatives Miles, Sykes, Anderson

To: Judiciary B

HOUSE BILL NO. 26

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO
 2 AUTHORIZE EMERGENCY MEDICAL TECHNICIANS TO CARRY FIREARMS WHILE
 3 ACTUALLY ENGAGED IN THE PERFORMANCE OF THEIR DUTIES AS EMERGENCY
 4 MEDICAL TECHNICIANS; TO AMEND SECTION 41-59-5, MISSISSIPPI CODE OF
 5 1972, TO REQUIRE THE STATE BOARD OF HEALTH TO CREATE RULES AND
 6 REGULATIONS THAT AUTHORIZE EMERGENCY MEDICAL TECHNICIANS TO CARRY
 7 FIREARMS WHILE ACTUALLY ENGAGED IN THE PERFORMANCE OF THEIR DUTIES
 8 AS SUCH; AND FOR RELATED PURPOSES.

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

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

12 97-37-7. (1) (a) It shall not be a violation of Section
 13 97-37-1 or any other statute for pistols, firearms or other
 14 suitable and appropriate weapons to be carried by duly constituted
 15 bank guards, company guards, watchmen, railroad special agents or
 16 duly authorized representatives who are not sworn law enforcement
 17 officers, agents or employees of a patrol service, guard
 18 service, * * * a company engaged in the business of transporting
 19 money, securities or other valuables, or an emergency medical
 20 technician as defined in 41-59-1 et seq., while actually engaged
 21 in the performance of their duties as such, provided that such



22 persons have made a written application and paid a nonrefundable
23 permit fee of One Hundred Dollars (\$100.00) to the Department of
24 Public 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 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) 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 an affidavit attesting to have read, understand
112 and agree to comply with all provisions of Mississippi enhanced
113 carry 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 41-59-5, Mississippi Code of 1972, is
146 amended as follows:



147 41-59-5. (1) The State Board of Health shall establish and
148 maintain a program for the improvement and regulation of emergency
149 medical services (hereinafter EMS) in the State of Mississippi.
150 The responsibility for implementation and conduct of this program
151 shall be vested in the State Health Officer of the State Board of
152 Health along with such other officers and boards as may be
153 specified by law or regulation.

154 (2) The board shall provide for the regulation and licensing
155 of public and private ambulance service, inspection and issuance
156 of permits for ambulance vehicles, training and certification of
157 EMS personnel, including drivers and attendants, the development
158 and maintenance of a statewide EMS records program, development
159 and adoption of EMS regulations, the coordination of an EMS
160 communications system, and other related EMS activities.

161 (3) The board is authorized to promulgate and enforce such
162 rules, regulations and minimum standards as needed to carry out
163 the provisions of this chapter, including rules, regulations and
164 minimum standards to authorize emergency medical technicians to
165 carry firearms while actually engaged in the performance of their
166 duties as such.

167 (4) The board is authorized to receive any funds
168 appropriated to the board from the Emergency Medical Services
169 Operating Fund created in Section 41-59-61 and is further
170 authorized, with the Emergency Medical Services Advisory Council
171 acting in an advisory capacity, to administer the disbursement of



172 such funds to the counties, municipalities and organized emergency
173 medical service districts and the utilization of such funds by the
174 same, as provided in Section 41-59-61.

175 (5) The department acting as the lead agency, in
176 consultation with and having solicited advice from the EMS
177 Advisory Council, shall develop a uniform nonfragmented inclusive
178 statewide trauma care system that provides excellent patient care.
179 It is the intent of the Legislature that the purpose of this
180 system is to reduce death and disability resulting from traumatic
181 injury, and in order to accomplish this goal it is necessary to
182 assign additional responsibilities to the department. The
183 department is assigned the responsibility for creating,
184 implementing and managing the statewide trauma care system. The
185 department shall be designated as the lead agency for trauma care
186 systems development. The department shall develop and administer
187 trauma regulations that include, but are not limited to, the
188 Mississippi Trauma Care System Plan, trauma system standards,
189 trauma center designations, field triage, interfacility trauma
190 transfer, EMS aero medical transportation, trauma data collection,
191 trauma care system evaluation and management of state trauma
192 systems funding. The department shall promulgate regulations
193 specifying the methods and procedures by which
194 Mississippi-licensed acute care facilities shall participate in
195 the statewide trauma system. Those regulations shall include
196 mechanisms for determining the appropriate level of participation



197 for each facility or class of facilities. The department shall
198 also adopt a schedule of fees to be assessed for facilities that
199 choose not to participate in the statewide trauma care system, or
200 which participate at a level lower than the level at which they
201 are capable of participating. The fees paid under this provision
202 shall be for the exclusive benefit of the statewide trauma care
203 system and shall not lapse into the State General Fund. The
204 department shall promulgate rules and regulations necessary to
205 effectuate this provision by September 1, 2008, with an
206 implementation date of September 1, 2008. The department shall
207 take the necessary steps to develop, adopt and implement the
208 Mississippi Trauma Care System Plan and all associated trauma care
209 system regulations necessary to implement the Mississippi Trauma
210 Care System. The department shall cause the implementation of
211 both professional and lay trauma education programs. These trauma
212 educational programs shall include both clinical trauma education
213 and injury prevention. As it is recognized that rehabilitation
214 services are essential for traumatized individuals to be returned
215 to active, productive lives, the department shall coordinate the
216 development of the inclusive trauma system with the Mississippi
217 Department of Rehabilitation Services and all other appropriate
218 rehabilitation systems.

219 (6) The State Board of Health is authorized to receive any
220 funds appropriated to the board from the Mississippi Trauma
221 Care * * * Systems Fund created in Section 41-59-75. It is



222 further authorized, with the Emergency Medical Services Advisory
223 Council and the Mississippi Trauma Advisory Committee acting in
224 advisory capacities, to administer the disbursements of those
225 funds according to adopted trauma care system regulations. Any
226 Level I trauma care facility or center located in a state
227 contiguous to the State of Mississippi that participates in the
228 Mississippi Trauma Care System and has been designated by the
229 department to perform specified trauma care services within the
230 Trauma Care System under standards adopted by the department shall
231 receive a reasonable amount of reimbursement from the department
232 for the cost of providing trauma care services to Mississippi
233 residents whose treatment is uncompensated.

234 (7) In addition to the trauma-related duties provided for in
235 this section, the Board of Health shall develop a plan for the
236 delivery of services to Mississippi burn victims through the
237 existing trauma care system of hospitals. Such plan shall be
238 operational by July 1, 2005, and shall include:

239 (a) Systems by which burn patients will be assigned or
240 transferred to hospitals capable of meeting their needs;

241 (b) Until the Mississippi Burn Center established at
242 the University of Mississippi Medical Center under Section
243 37-115-45 is operational, procedures for allocating funds
244 appropriated from the Mississippi Burn Care Fund to hospitals that
245 provide services to Mississippi burn victims; and



246 (c) Such other provisions necessary to provide burn
247 care for Mississippi residents, including reimbursement for
248 travel, lodging, if no free lodging is available, meals and other
249 reasonable travel-related expenses incurred by burn victims,
250 family members and/or caregivers, as established by the State
251 Board of Health through rules and regulations.

252 After the Mississippi Burn Center established at the
253 University of Mississippi Medical Center under Section 37-115-45
254 is operational, the Board of Health shall revise the plan to
255 include the Mississippi Burn Center.

256 **SECTION 3.** This act shall take effect and be in force from
257 and after July 1, 2018.

