

By: Representatives Carpenter, Criswell

To: Education; Judiciary B

HOUSE BILL NO. 135

1 AN ACT TO AUTHORIZE LOCAL SCHOOL BOARDS TO DEVELOP A POLICY  
 2 TO PROVIDE FOR THE SAFETY, PROTECTION AND WELL-BEING OF STUDENTS;  
 3 TO REQUIRE THAT THE SCHOOL BOARD SUBMIT THE POLICY TO THE STATE  
 4 BOARD OF EDUCATION AND THE DEPARTMENT OF PUBLIC SAFETY FOR  
 5 APPROVAL BEFORE IMPLEMENTATION; TO PROVIDE THAT THE POLICY MAY  
 6 AUTHORIZE THE LOCAL SUPERINTENDENT OF SCHOOLS TO ALLOW CERTAIN  
 7 SCHOOL EMPLOYEES TO CARRY A CONCEALED FIREARM ON SCHOOL PREMISES;  
 8 TO PRESCRIBE THE STIPULATIONS FOR SUCH SCHOOL EMPLOYEES TO BE  
 9 AUTHORIZED TO CARRY THE CONCEALED FIREARM; TO AMEND SECTION  
 10 37-11-29, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO  
 11 AMEND SECTION 37-3-82, MISSISSIPPI CODE OF 1972, FOR  
 12 NONSUBSTANTIVE PURPOSES; TO BRING FORWARD SECTIONS 45-9-101,  
 13 97-37-7, 97-37-17 AND 37-3-82.1, MISSISSIPPI CODE OF 1972, FOR THE  
 14 PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) In addition to employing the use of the  
 17 Mississippi Community Oriented Policing Services in Schools  
 18 (MCOPS) program, established under Section 37-3-82, the local  
 19 school board of any school district or charter school governing  
 20 board may develop a policy to provide for the safety, protection  
 21 and well-being of the student bodies of schools under its control,  
 22 provided that the policy complies with the requirements of Section  
 23 37-3-82.1, as a means of addressing the concerns of school  
 24 violence and enhanced school safety, and implementing measures to



25 counteract unforeseen attempts and perpetrators of criminal  
26 activity on school premises in times of extreme safety crisis.

27 (2) The policy may authorize the local superintendent of  
28 schools or governing board of a charter school to allow school  
29 employees, whether administrative or instructional, to possess and  
30 carry a concealed firearm on school premises, or to contract for  
31 the employment of security personnel, school resource officers or  
32 private security providers who shall be authorized to carry a  
33 concealed firearm on school premises while in the performance of  
34 official duties and responsibilities. In order for a school  
35 employee to carry a concealed weapon on school property, the  
36 employee must be licensed under Section 45-9-101 to carry a  
37 concealed weapon and must successfully complete an instructional  
38 course in the safe handling and use of firearms offered by an  
39 instructor certified by a nationally recognized organization that  
40 customarily offers firearms training, or by any other organization  
41 approved by the Department of Public Safety, including a local law  
42 enforcement agency or county sheriff's department. The  
43 superintendent shall identify and verify to the Department of  
44 Public Safety all persons employed by the school district  
45 permitted to carry a concealed firearm who have complied with all  
46 the requirements of this subsection. The local school board has  
47 discretion to determine the financial obligations it will  
48 undertake with regard to costs associated with training and  
49 purchase of permits for authorized district personnel.



50 (3) The provisions of this section shall not be construed to  
51 apply to personnel previously authorized by law or regulation to  
52 carry a firearm on school property, including security guards and  
53 school resource officers, employed under the authority of Section  
54 37-7-321.

55 **SECTION 2.** Section 37-11-29, Mississippi Code of 1972, is  
56 amended as follows:

57 37-11-29. (1) Any principal, teacher or other school  
58 employee who has knowledge of any unlawful activity which occurred  
59 on educational property or during a school related activity or  
60 which may have occurred shall report such activity to the  
61 superintendent of the school district or his designee who shall  
62 notify the appropriate law enforcement officials as required by  
63 this section. In the event of an emergency or if the  
64 superintendent or his designee is unavailable, any principal may  
65 make a report required under this subsection.

66 (2) Whenever any person who shall be an enrolled student in  
67 any school or educational institution in this state supported in  
68 whole or in part by public funds, or who shall be an enrolled  
69 student in any private school or educational institution, is  
70 arrested for, and lawfully charged with, the commission of any  
71 crime and convicted upon the charge for which he was arrested, or  
72 convicted of any crime charged against him after his arrest and  
73 before trial, the office or law enforcement department of which  
74 the arresting officer is a member, and the justice court judge and



75 any circuit judge or court before whom such student is tried upon  
76 said charge or charges, shall make or cause to be made a report  
77 thereof to the superintendent or the president or chancellor, as  
78 the case may be, of the school district or other educational  
79 institution in which such student is enrolled.

80 If the charge upon which such student was arrested, or any  
81 other charges preferred against him are dismissed or nol prossed,  
82 or if upon trial he is either convicted or acquitted of such  
83 charge or charges, same shall be reported to said respective  
84 superintendent or president, or chancellor, as the case may be. A  
85 copy of said report shall be sent to the Secretary of the Board of  
86 Trustees of State Institutions of Higher Learning of the State of  
87 Mississippi, at Jackson, Mississippi.

88 Said report shall be made within one (1) week after the  
89 arrest of such student and within one (1) week after any charge  
90 placed against him is dismissed or nol prossed, and within one (1)  
91 week after he shall have pled guilty, been convicted, or have been  
92 acquitted by trial upon any charge placed against him. This  
93 section shall not apply to ordinary traffic violations involving a  
94 penalty of less than Fifty Dollars (\$50.00) and costs.

95 The State Superintendent of Public Education shall gather  
96 annually all of the reports provided under this section and  
97 prepare a report on the number of students arrested as a result of  
98 any unlawful activity which occurred on educational property or  
99 during a school related activity. All data must be disaggregated



100 by race, ethnicity, gender, school, offense and law enforcement  
101 agency involved. However, the report prepared by the State  
102 Superintendent of Public Education shall not include the identity  
103 of any student who was arrested.

104 On or before January 1 of each year, the State Superintendent  
105 of Public Education shall report to the Governor, the Lieutenant  
106 Governor, the Speaker of the House of Representatives and the  
107 Joint PEER Committee on this section. The report must include  
108 data regarding arrests as a result of any unlawful activity which  
109 occurred on educational property or during a school related  
110 activity.

111 (3) When the superintendent or his designee has a reasonable  
112 belief that an act has occurred on educational property or during  
113 a school related activity involving any of the offenses set forth  
114 in subsection (6) of this section, the superintendent or his  
115 designee shall immediately report the act to the appropriate local  
116 law enforcement agency. For purposes of this subsection, "school  
117 property" shall include any public school building, bus, public  
118 school campus, grounds, recreational area or athletic field in the  
119 charge of the superintendent. The State Board of Education shall  
120 prescribe a form for making reports required under this  
121 subsection. Any superintendent or his designee who fails to make  
122 a report required by this section shall be subject to the  
123 penalties provided in Section 37-11-35.



124 (4) The law enforcement authority shall immediately dispatch  
125 an officer to the educational institution and with probable cause  
126 the officer is authorized to make an arrest if necessary as  
127 provided in Section 99-3-7.

128 (5) Any superintendent, principal, teacher or other school  
129 personnel participating in the making of a required report  
130 pursuant to this section or participating in any judicial  
131 proceeding resulting therefrom shall be presumed to be acting in  
132 good faith. Any person reporting in good faith shall be immune  
133 from any civil liability that might otherwise be incurred or  
134 imposed.

135 (6) For purposes of this section, "unlawful activity" means  
136 any of the following:

137 (a) Possession or use of a deadly weapon, as defined in  
138 Section 97-37-1, except that the person be an employee of the  
139 school district authorized to carry a concealed weapon under the  
140 provisions of Section 1 of this act;

141 (b) Possession, sale or use of any controlled  
142 substance;

143 (c) Aggravated assault, as defined in Section 97-3-7;

144 (d) Simple assault, as defined in Section 97-3-7, upon  
145 any school employee;

146 (e) Rape, as defined under Mississippi law;

147 (f) Sexual battery, as defined under Mississippi law;

148 (g) Murder, as defined under Mississippi law;



149 (h) Kidnapping, as defined under Mississippi law; or  
150 (i) Fondling, touching, handling, etc., a child for  
151 lustful purposes, as defined in Section 97-5-23.

152 **SECTION 3.** Section 45-9-101, Mississippi Code of 1972, is  
153 brought forward as follows:

154 45-9-101. (1) (a) Except as otherwise provided, the  
155 Department of Public Safety is authorized to issue licenses to  
156 carry stun guns, concealed pistols or revolvers to persons  
157 qualified as provided in this section. Such licenses shall be  
158 valid throughout the state for a period of five (5) years from the  
159 date of issuance. Any person possessing a valid license issued  
160 pursuant to this section may carry a stun gun, concealed pistol or  
161 concealed revolver.

162 (b) The licensee must carry the license, together with  
163 valid identification, at all times in which the licensee is  
164 carrying a stun gun, concealed pistol or revolver and must display  
165 both the license and proper identification upon demand by a law  
166 enforcement officer. A violation of the provisions of this  
167 paragraph (b) shall constitute a noncriminal violation with a  
168 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable  
169 by summons.

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

172 (a) Is a resident of the state. However, this  
173 residency requirement may be waived if the applicant possesses a



174 valid permit from another state, is active military personnel  
175 stationed in Mississippi, or is a retired law enforcement officer  
176 establishing residency in the state;

177 (b) (i) Is twenty-one (21) years of age or older; or

178 (ii) Is at least eighteen (18) years of age but  
179 not yet twenty-one (21) years of age and the applicant:

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

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

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

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

190 (e) Does not chronically or habitually abuse controlled  
191 substances to the extent that his normal faculties are impaired.

192 It shall be presumed that an applicant chronically and habitually  
193 uses controlled substances to the extent that his faculties are  
194 impaired if the applicant has been voluntarily or involuntarily  
195 committed to a treatment facility for the abuse of a controlled  
196 substance or been found guilty of a crime under the provisions of  
197 the Uniform Controlled Substances Law or similar laws of any other  
198 state or the United States relating to controlled substances





199 within a three-year period immediately preceding the date on which  
200 the application is submitted;

201 (f) Does not chronically and habitually use alcoholic  
202 beverages to the extent that his normal faculties are impaired.  
203 It shall be presumed that an applicant chronically and habitually  
204 uses alcoholic beverages to the extent that his normal faculties  
205 are impaired if the applicant has been voluntarily or  
206 involuntarily committed as an alcoholic to a treatment facility or  
207 has been convicted of two (2) or more offenses related to the use  
208 of alcohol under the laws of this state or similar laws of any  
209 other state or the United States within the three-year period  
210 immediately preceding the date on which the application is  
211 submitted;

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

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

217 (i) Has not been voluntarily or involuntarily committed  
218 to a mental institution or mental health treatment facility unless  
219 he possesses a certificate from a psychiatrist licensed in this  
220 state that he has not suffered from disability for a period of  
221 five (5) years;

222 (j) Has not had adjudication of guilt withheld or  
223 imposition of sentence suspended on any felony unless three (3)



224 years have elapsed since probation or any other conditions set by  
225 the court have been fulfilled;

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

227 (l) Is not disqualified to possess a weapon based on  
228 federal law.

229 (3) The Department of Public Safety may deny a license if  
230 the applicant has been found guilty of one or more crimes of  
231 violence constituting a misdemeanor unless three (3) years have  
232 elapsed since probation or any other conditions set by the court  
233 have been fulfilled or expunction has occurred prior to the date  
234 on which the application is submitted, or may revoke a license if  
235 the licensee has been found guilty of one or more crimes of  
236 violence within the preceding three (3) years. The department  
237 shall, upon notification by a law enforcement agency or a court  
238 and subsequent written verification, suspend a license or the  
239 processing of an application for a license if the licensee or  
240 applicant is arrested or formally charged with a crime which would  
241 disqualify such person from having a license under this section,  
242 until final disposition of the case. The provisions of subsection  
243 (7) of this section shall apply to any suspension or revocation of  
244 a license pursuant to the provisions of this section.

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



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

250           (b) The driver's license number or social security  
251 number of applicant;

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

254           (d) A statement that the applicant is in compliance  
255 with criteria contained within subsections (2) and (3) of this  
256 section;

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

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

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

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

268           (a) A completed application as described in subsection  
269 (4) of this section;

270           (b) A full-face photograph of the applicant taken  
271 within the preceding thirty (30) days in which the head, including  
272 hair, in a size as determined by the Department of Public Safety,



273 except that an applicant who is younger than twenty-one (21) years  
274 of age must submit a photograph in profile of the applicant;

275 (c) A nonrefundable license fee of Eighty Dollars  
276 (\$80.00). Costs for processing the set of fingerprints as  
277 required in paragraph (d) of this subsection shall be borne by the  
278 applicant. Honorably retired law enforcement officers, disabled  
279 veterans and active duty members of the Armed Forces of the United  
280 States shall be exempt from the payment of the license fee;

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

283 (e) A waiver authorizing the Department of Public  
284 Safety access to any records concerning commitments of the  
285 applicant to any of the treatment facilities or institutions  
286 referred to in subsection (2) and permitting access to all the  
287 applicant's criminal records.

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

292 (b) The Department of Public Safety shall forward a  
293 copy of the applicant's application to the sheriff of the  
294 applicant's county of residence and, if applicable, the police  
295 chief of the applicant's municipality of residence. The sheriff  
296 of the applicant's county of residence and, if applicable, the  
297 police chief of the applicant's municipality of residence may, at



298 his discretion, participate in the process by submitting a  
299 voluntary report to the Department of Public Safety containing any  
300 readily discoverable prior information that he feels may be  
301 pertinent to the licensing of any applicant. The reporting shall  
302 be made within thirty (30) days after the date he receives the  
303 copy of the application. Upon receipt of a response from a  
304 sheriff or police chief, such sheriff or police chief shall be  
305 reimbursed at a rate set by the department.

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

309 (i) Issue the license;

310 (ii) Deny the application based solely on the  
311 ground that the applicant fails to qualify under the criteria  
312 listed in subsections (2) and (3) of this section. If the  
313 Department of Public Safety denies the application, it shall  
314 notify the applicant in writing, stating the ground for denial,  
315 and the denial shall be subject to the appeal process set forth in  
316 subsection (7); or

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



322 (d) In the event a legible set of fingerprints, as  
323 determined by the Department of Public Safety and the Federal  
324 Bureau of Investigation, cannot be obtained after a minimum of two  
325 (2) attempts, the Department of Public Safety shall determine  
326 eligibility based upon a name check by the Mississippi Highway  
327 Safety Patrol and a Federal Bureau of Investigation name check  
328 conducted by the Mississippi Highway Safety Patrol at the request  
329 of the Department of Public Safety.

330 (7) (a) If the Department of Public Safety denies the  
331 issuance of a license, or suspends or revokes a license, the party  
332 aggrieved may appeal such denial, suspension or revocation to the  
333 Commissioner of Public Safety, or his authorized agent, within  
334 thirty (30) days after the aggrieved party receives written notice  
335 of such denial, suspension or revocation. The Commissioner of  
336 Public Safety, or his duly authorized agent, shall rule upon such  
337 appeal within thirty (30) days after the appeal is filed and  
338 failure to rule within this thirty-day period shall constitute  
339 sustaining such denial, suspension or revocation. Such review  
340 shall be conducted pursuant to such reasonable rules and  
341 regulations as the Commissioner of Public Safety may adopt.

342 (b) If the revocation, suspension or denial of issuance  
343 is sustained by the Commissioner of Public Safety, or his duly  
344 authorized agent pursuant to paragraph (a) of this subsection, the  
345 aggrieved party may file within ten (10) days after the rendition  
346 of such decision a petition in the circuit or county court of his



347 residence for review of such decision. A hearing for review shall  
348 be held and shall proceed before the court without a jury upon the  
349 record made at the hearing before the Commissioner of Public  
350 Safety or his duly authorized agent. No such party shall be  
351 allowed to carry a stun gun, concealed pistol or revolver pursuant  
352 to the provisions of this section while any such appeal is  
353 pending.

354 (8) The Department of Public Safety shall maintain an  
355 automated listing of license holders and such information shall be  
356 available online, upon request, at all times, to all law  
357 enforcement agencies through the Mississippi Crime Information  
358 Center. However, the records of the department relating to  
359 applications for licenses to carry stun guns, concealed pistols or  
360 revolvers and records relating to license holders shall be exempt  
361 from the provisions of the Mississippi Public Records Act of 1983,  
362 and shall be released only upon order of a court having proper  
363 jurisdiction over a petition for release of the record or records.

364 (9) Within thirty (30) days after the changing of a  
365 permanent address, or within thirty (30) days after having a  
366 license lost or destroyed, the licensee shall notify the  
367 Department of Public Safety in writing of such change or loss.  
368 Failure to notify the Department of Public Safety pursuant to the  
369 provisions of this subsection shall constitute a noncriminal  
370 violation with a penalty of Twenty-five Dollars (\$25.00) and shall  
371 be enforceable by a summons.



372 (10) In the event that a stun gun, concealed pistol or  
373 revolver license is lost or destroyed, the person to whom the  
374 license was issued shall comply with the provisions of subsection  
375 (9) of this section and may obtain a duplicate, or substitute  
376 thereof, upon payment of Fifteen Dollars (\$15.00) to the  
377 Department of Public Safety, and furnishing a notarized statement  
378 to the department that such license has been lost or destroyed.

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

382 (12) (a) No less than ninety (90) days prior to the  
383 expiration date of the license, the Department of Public Safety  
384 shall mail to each licensee a written notice of the expiration and  
385 a renewal form prescribed by the department. The licensee must  
386 renew his license on or before the expiration date by filing with  
387 the department the renewal form, a notarized affidavit stating  
388 that the licensee remains qualified pursuant to the criteria  
389 specified in subsections (2) and (3) of this section, and a full  
390 set of fingerprints administered by the Department of Public  
391 Safety or the sheriff of the county of residence of the licensee.  
392 The first renewal may be processed by mail and the subsequent  
393 renewal must be made in person. Thereafter every other renewal  
394 may be processed by mail to assure that the applicant must appear  
395 in person every ten (10) years for the purpose of obtaining a new  
396 photograph.





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

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

403 (iii) The renewal fee for a Mississippi resident  
404 aged sixty-five (65) years of age or older shall be Twenty Dollars  
405 (\$20.00).

406 (b) The Department of Public Safety shall forward the  
407 full set of fingerprints of the applicant to the appropriate  
408 agencies for state and federal processing. The license shall be  
409 renewed upon receipt of the completed renewal application and  
410 appropriate payment of fees.

411 (c) A licensee who fails to file a renewal application  
412 on or before its expiration date must renew his license by paying  
413 a late fee of Fifteen Dollars (\$15.00). No license shall be  
414 renewed six (6) months or more after its expiration date, and such  
415 license shall be deemed to be permanently expired. A person whose  
416 license has been permanently expired may reapply for licensure;  
417 however, an application for licensure and fees pursuant to  
418 subsection (5) of this section must be submitted, and a background  
419 investigation shall be conducted pursuant to the provisions of  
420 this section.



421 (13) No license issued pursuant to this section shall  
422 authorize any person to carry a stun gun, concealed pistol or  
423 revolver into any place of nuisance as defined in Section 95-3-1,  
424 Mississippi Code of 1972; any police, sheriff or highway patrol  
425 station; any detention facility, prison or jail; any courthouse;  
426 any courtroom, except that nothing in this section shall preclude  
427 a judge from carrying a concealed weapon or determining who will  
428 carry a concealed weapon in his courtroom; any polling place; any  
429 meeting place of the governing body of any governmental entity;  
430 any meeting of the Legislature or a committee thereof; any school,  
431 college or professional athletic event not related to firearms;  
432 any portion of an establishment, licensed to dispense alcoholic  
433 beverages for consumption on the premises, that is primarily  
434 devoted to dispensing alcoholic beverages; any portion of an  
435 establishment in which beer or light wine is consumed on the  
436 premises, that is primarily devoted to such purpose; any  
437 elementary or secondary school facility; any junior college,  
438 community college, college or university facility unless for the  
439 purpose of participating in any authorized firearms-related  
440 activity; inside the passenger terminal of any airport, except  
441 that no person shall be prohibited from carrying any legal firearm  
442 into the terminal if the firearm is encased for shipment, for  
443 purposes of checking such firearm as baggage to be lawfully  
444 transported on any aircraft; any church or other place of worship,  
445 except as provided in Section 45-9-171; or any place where the



446 carrying of firearms is prohibited by federal law. In addition to  
447 the places enumerated in this subsection, the carrying of a stun  
448 gun, concealed pistol or revolver may be disallowed in any place  
449 in the discretion of the person or entity exercising control over  
450 the physical location of such place by the placing of a written  
451 notice clearly readable at a distance of not less than ten (10)  
452 feet that the "carrying of a pistol or revolver is prohibited."  
453 No license issued pursuant to this section shall authorize the  
454 participants in a parade or demonstration for which a permit is  
455 required to carry a stun gun, concealed pistol or revolver.

456 (14) A law enforcement officer as defined in Section 45-6-3,  
457 chiefs of police, sheriffs and persons licensed as professional  
458 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
459 1972, shall be exempt from the licensing requirements of this  
460 section. The licensing requirements of this section do not apply  
461 to the carrying by any person of a stun gun, pistol or revolver,  
462 knife, or other deadly weapon that is not concealed as defined in  
463 Section 97-37-1.

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



470           (16) All fees collected by the Department of Public Safety  
471 pursuant to this section shall be deposited into a special fund  
472 hereby created in the State Treasury and shall be used for  
473 implementation and administration of this section. After the  
474 close of each fiscal year, the balance in this fund shall be  
475 certified to the Legislature and then may be used by the  
476 Department of Public Safety as directed by the Legislature.

477           (17) All funds received by a sheriff or police chief  
478 pursuant to the provisions of this section shall be deposited into  
479 the general fund of the county or municipality, as appropriate,  
480 and shall be budgeted to the sheriff's office or police department  
481 as appropriate.

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

485           (19) Any person holding a valid unrevoked and unexpired  
486 license to carry stun guns, concealed pistols or revolvers issued  
487 in another state shall have such license recognized by this state  
488 to carry stun guns, concealed pistols or revolvers. The  
489 Department of Public Safety is authorized to enter into a  
490 reciprocal agreement with another state if that state requires a  
491 written agreement in order to recognize licenses to carry stun  
492 guns, concealed pistols or revolvers issued by this state.

493           (20) The provisions of this section shall be under the  
494 supervision of the Commissioner of Public Safety. The



495 commissioner is authorized to promulgate reasonable rules and  
496 regulations to carry out the provisions of this section.

497 (21) For the purposes of this section, the term "stun gun"  
498 means a portable device or weapon from which an electric current,  
499 impulse, wave or beam may be directed, which current, impulse,  
500 wave or beam is designed to incapacitate temporarily, injure,  
501 momentarily stun, knock out, cause mental disorientation or  
502 paralyze.

503 (22) (a) From and after January 1, 2016, the Commissioner  
504 of Public Safety shall promulgate rules and regulations which  
505 provide that licenses authorized by this section for honorably  
506 retired law enforcement officers and honorably retired  
507 correctional officers from the Mississippi Department of  
508 Corrections shall (i) include the words "retired law enforcement  
509 officer" on the front of the license, and (ii) that the license  
510 itself have a red background to distinguish it from other licenses  
511 issued under this section.

512 (b) An honorably retired law enforcement officer and  
513 honorably retired correctional officer shall provide the following  
514 information to receive the license described in this section: (i)  
515 a letter, with the official letterhead of the agency or department  
516 from which such officer is retiring, which explains that such  
517 officer is honorably retired, and (ii) a letter with the official  
518 letterhead of the agency or department, which explains that such



519 officer has completed a certified law enforcement training  
520 academy.

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

525 (24) A license under this section is not required for a  
526 loaded or unloaded pistol or revolver to be carried upon the  
527 person in a sheath, belt holster or shoulder holster or in a  
528 purse, handbag, satchel, other similar bag or briefcase or fully  
529 enclosed case if the person is not engaged in criminal activity  
530 other than a misdemeanor traffic offense, is not otherwise  
531 prohibited from possessing a pistol or revolver under state or  
532 federal law, and is not in a location prohibited under subsection  
533 (13) of this section.

534 **SECTION 4.** Section 97-37-7, Mississippi Code of 1972, is  
535 brought forward as follows:

536 97-37-7. (1) (a) It shall not be a violation of Section  
537 97-37-1 or any other statute for pistols, firearms or other  
538 suitable and appropriate weapons to be carried by duly constituted  
539 bank guards, company guards, watchmen, railroad special agents or  
540 duly authorized representatives who are not sworn law enforcement  
541 officers, agents or employees of a patrol service, guard service,  
542 or a company engaged in the business of transporting money,  
543 securities or other valuables, while actually engaged in the



544 performance of their duties as such, provided that such persons  
545 have made a written application and paid a nonrefundable permit  
546 fee of One Hundred Dollars (\$100.00) to the Department of Public  
547 Safety.

548 (b) No permit shall be issued to any person who has  
549 ever been convicted of a felony under the laws of this or any  
550 other state or of the United States. To determine an applicant's  
551 eligibility for a permit, the person shall be fingerprinted. If  
552 no disqualifying record is identified at the state level, the  
553 fingerprints shall be forwarded by the Department of Public Safety  
554 to the Federal Bureau of Investigation for a national criminal  
555 history record check. The department shall charge a fee which  
556 includes the amounts required by the Federal Bureau of  
557 Investigation and the department for the national and state  
558 criminal history record checks and any necessary costs incurred by  
559 the department for the handling and administration of the criminal  
560 history background checks. In the event a legible set of  
561 fingerprints, as determined by the Department of Public Safety and  
562 the Federal Bureau of Investigation, cannot be obtained after a  
563 minimum of three (3) attempts, the Department of Public Safety  
564 shall determine eligibility based upon a name check by the  
565 Mississippi Highway Safety Patrol and a Federal Bureau of  
566 Investigation name check conducted by the Mississippi Highway  
567 Safety Patrol at the request of the Department of Public Safety.



568 (c) A person may obtain a duplicate of a lost or  
569 destroyed permit upon payment of a Fifteen Dollar (\$15.00)  
570 replacement fee to the Department of Public Safety, if he  
571 furnishes a notarized statement to the department that the permit  
572 has been lost or destroyed.

573 (d) (i) No less than ninety (90) days prior to the  
574 expiration date of a permit, the Department of Public Safety shall  
575 mail to the permit holder written notice of expiration together  
576 with the renewal form prescribed by the department. The permit  
577 holder shall renew the permit on or before the expiration date by  
578 filing with the department the renewal form, a notarized affidavit  
579 stating that the permit holder remains qualified, and the renewal  
580 fee of Fifty Dollars (\$50.00); honorably retired law enforcement  
581 officers shall be exempt from payment of the renewal fee. A  
582 permit holder who fails to file a renewal application on or before  
583 its expiration date shall pay a late fee of Fifteen Dollars  
584 (\$15.00).

585 (ii) Renewal of the permit shall be required every  
586 four (4) years. The permit of a qualified renewal applicant shall  
587 be renewed upon receipt of the completed renewal application and  
588 appropriate payment of fees.

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





593 (2) It shall not be a violation of this or any other statute  
594 for pistols, firearms or other suitable and appropriate weapons to  
595 be carried by Department of Wildlife, Fisheries and Parks law  
596 enforcement officers, railroad special agents who are sworn law  
597 enforcement officers, investigators employed by the Attorney  
598 General, criminal investigators employed by the district  
599 attorneys, all prosecutors, public defenders, investigators or  
600 probation officers employed by the Department of Corrections,  
601 employees of the State Auditor who are authorized by the State  
602 Auditor to perform investigative functions, or any deputy fire  
603 marshal or investigator employed by the State Fire Marshal, while  
604 engaged in the performance of their duties as such, or by fraud  
605 investigators with the Department of Human Services, or by judges  
606 of the Mississippi Supreme Court, Court of Appeals, circuit,  
607 chancery, county, justice and municipal courts, or by coroners.  
608 Before any person shall be authorized under this subsection to  
609 carry a weapon, he shall complete a weapons training course  
610 approved by the Board of Law Enforcement Officer Standards and  
611 Training. Before any criminal investigator employed by a district  
612 attorney shall be authorized under this section to carry a pistol,  
613 firearm or other weapon, he shall have complied with Section  
614 45-6-11 or any training program required for employment as an  
615 agent of the Federal Bureau of Investigation. A law enforcement  
616 officer, as defined in Section 45-6-3, shall be authorized to  
617 carry weapons in courthouses in performance of his official



618 duties. A person licensed under Section 45-9-101 to carry a  
619 concealed pistol, who (a) has voluntarily completed an  
620 instructional course in the safe handling and use of firearms  
621 offered by an instructor certified by a nationally recognized  
622 organization that customarily offers firearms training, or by any  
623 other organization approved by the Department of Public Safety,  
624 (b) is a member or veteran of any active or reserve component  
625 branch of the United States of America Armed Forces having  
626 completed law enforcement or combat training with pistols or other  
627 handguns as recognized by such branch after submitting an  
628 affidavit attesting to have read, understand and agree to comply  
629 with all provisions of the enhanced carry law, or (c) is an  
630 honorably retired law enforcement officer or honorably retired  
631 member or veteran of any active or reserve component branch of the  
632 United States of America Armed Forces having completed law  
633 enforcement or combat training with pistols or other handguns,  
634 after submitting an affidavit attesting to have read, understand  
635 and agree to comply with all provisions of Mississippi enhanced  
636 carry law shall also be authorized to carry weapons in courthouses  
637 except in courtrooms during a judicial proceeding, and any  
638 location listed in subsection (13) of Section 45-9-101, except any  
639 place of nuisance as defined in Section 95-3-1, any police,  
640 sheriff or highway patrol station or any detention facility,  
641 prison or jail. For the purposes of this subsection (2),  
642 component branch of the United States Armed Forces includes the



643 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army  
644 National Guard, the Army National Guard of the United States, the  
645 Air National Guard or the Air National Guard of the United States,  
646 as those terms are defined in Section 101, Title 10, United States  
647 Code, and any other reserve component of the United States Armed  
648 Forces enumerated in Section 10101, Title 10, United States Code.  
649 The department shall promulgate rules and regulations allowing  
650 concealed pistol permit holders to obtain an endorsement on their  
651 permit indicating that they have completed the aforementioned  
652 course and have the authority to carry in these locations. This  
653 section shall in no way interfere with the right of a trial judge  
654 to restrict the carrying of firearms in the courtroom.

655 (3) It shall not be a violation of this or any other statute  
656 for pistols, firearms or other suitable and appropriate weapons,  
657 to be carried by any out-of-state, full-time commissioned law  
658 enforcement officer who holds a valid commission card from the  
659 appropriate out-of-state law enforcement agency and a photo  
660 identification. The provisions of this subsection shall only  
661 apply if the state where the out-of-state officer is employed has  
662 entered into a reciprocity agreement with the state that allows  
663 full-time commissioned law enforcement officers in Mississippi to  
664 lawfully carry or possess a weapon in such other states. The  
665 Commissioner of Public Safety is authorized to enter into  
666 reciprocal agreements with other states to carry out the  
667 provisions of this subsection.



668           **SECTION 5.** Section 97-37-17, Mississippi Code of 1972, is  
669 brought forward as follows:

670           97-37-17. (1) The following definitions apply to this  
671 section:

672           (a) "Educational property" shall mean any public or  
673 private school building or bus, public or private school campus,  
674 grounds, recreational area, athletic field, or other property  
675 owned, used or operated by any local school board, school, college  
676 or university board of trustees, or directors for the  
677 administration of any public or private educational institution or  
678 during a school-related activity, and shall include the facility  
679 and property of the Oakley Youth Development Center, operated by  
680 the Department of Human Services; provided, however, that the term  
681 "educational property" shall not include any sixteenth section  
682 school land or lieu land on which is not located a school  
683 building, school campus, recreational area or athletic field.

684           (b) "Student" shall mean a person enrolled in a public  
685 or private school, college or university, or a person who has been  
686 suspended or expelled within the last five (5) years from a public  
687 or private school, college or university, or a person in the  
688 custody of the Oakley Youth Development Center, operated by the  
689 Department of Human Services, whether the person is an adult or a  
690 minor.



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

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

696 (2) It shall be a felony for any person to possess or carry,  
697 whether openly or concealed, any gun, rifle, pistol or other  
698 firearm of any kind, or any dynamite cartridge, bomb, grenade,  
699 mine or powerful explosive on educational property. However, this  
700 subsection does not apply to a BB gun, air rifle or air pistol.  
701 Any person violating this subsection shall be guilty of a felony  
702 and, upon conviction thereof, shall be fined not more than Five  
703 Thousand Dollars (\$5,000.00), or committed to the custody of the  
704 State Department of Corrections for not more than three (3) years,  
705 or both.

706 (3) It shall be a felony for any person to cause, encourage  
707 or aid a minor who is less than eighteen (18) years old to possess  
708 or carry, whether openly or concealed, any gun, rifle, pistol or  
709 other firearm of any kind, or any dynamite cartridge, bomb,  
710 grenade, mine or powerful explosive on educational property.  
711 However, this subsection does not apply to a BB gun, air rifle or  
712 air pistol. Any person violating this subsection shall be guilty  
713 of a felony and, upon conviction thereof, shall be fined not more  
714 than Five Thousand Dollars (\$5,000.00), or committed to the



715 custody of the State Department of Corrections for not more than  
716 three (3) years, or both.

717 (4) It shall be a misdemeanor for any person to possess or  
718 carry, whether openly or concealed, any BB gun, air rifle, air  
719 pistol, bowie knife, dirk, dagger, slingshot, leaded cane,  
720 switchblade knife, blackjack, metallic knuckles, razors and razor  
721 blades (except solely for personal shaving), and any sharp-pointed  
722 or edged instrument except instructional supplies, unaltered nail  
723 files and clips and tools used solely for preparation of food,  
724 instruction and maintenance on educational property. Any person  
725 violating this subsection shall be guilty of a misdemeanor and,  
726 upon conviction thereof, shall be fined not more than One Thousand  
727 Dollars (\$1,000.00), or be imprisoned not exceeding six (6)  
728 months, or both.

729 (5) It shall be a misdemeanor for any person to cause,  
730 encourage or aid a minor who is less than eighteen (18) years old  
731 to possess or carry, whether openly or concealed, any BB gun, air  
732 rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded  
733 cane, switchblade, knife, blackjack, metallic knuckles, razors and  
734 razor blades (except solely for personal shaving) and any  
735 sharp-pointed or edged instrument except instructional supplies,  
736 unaltered nail files and clips and tools used solely for  
737 preparation of food, instruction and maintenance on educational  
738 property. Any person violating this subsection shall be guilty of  
739 a misdemeanor and, upon conviction thereof, shall be fined not



740 more than One Thousand Dollars (\$1,000.00), or be imprisoned not  
741 exceeding six (6) months, or both.

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

746 (a) The person is not a student attending school on any  
747 educational property;

748 (b) The firearm is within a motor vehicle; and

749 (c) The person does not brandish, exhibit or display  
750 the firearm in any careless, angry or threatening manner.

751 (7) This section shall not apply to:

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

756 (b) Armed Forces personnel of the United States,  
757 officers and soldiers of the militia and National Guard, law  
758 enforcement personnel, any private police employed by an  
759 educational institution, State Militia or Emergency Management  
760 Corps and any guard or patrolman in a state or municipal  
761 institution, and any law enforcement personnel or guard at a state  
762 juvenile training school, when acting in the discharge of their  
763 official duties;



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

766 (d) Competitors while participating in organized  
767 shooting events;

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

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

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

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

779 **SECTION 6.** Section 37-3-82, Mississippi Code of 1972, is  
780 amended as follows:

781 37-3-82. (1) There is hereby established the Mississippi  
782 Community Oriented Policing Services in Schools (MCOPS) grant  
783 program in the State Department of Education to provide funding,  
784 pursuant to specific appropriation by the Legislature therefor, to  
785 assist law enforcement agencies in providing additional School  
786 Resource Officers to engage in community policing in and around  
787 primary and secondary schools. The MCOPS program shall authorize  
788 the State Department of Education to make grants to increase





789 deployment of law enforcement officers in order (a) to increase or  
790 enhance community policing in this state, (b) that trained, sworn  
791 enforcement officers assigned to schools play an integral part in  
792 the development and/or enhancement of a comprehensive school  
793 safety plan, and (c) that the presence of these officers shall  
794 provide schools with a direct link to local law enforcement  
795 agencies.

796 (2) The MCOPS program shall meet the following requirements  
797 and standards:

798 (a) This program shall provide an incentive for law  
799 enforcement agencies to build collaborative partnerships with the  
800 school community and to use community policing efforts to combat  
801 school violence and implement educational programs to improve  
802 student and school safety.

803 (b) The additional School Resource Officers must devote  
804 at least seventy-five percent (75%) of their time to work in and  
805 around primary and secondary schools, in addition to the time that  
806 School Resource Officers are devoting in the absence of the MCOPS  
807 in Schools grant.

808 (c) The MCOPS in Schools program shall provide a  
809 maximum state contribution of up to Ten Thousand Dollars  
810 (\$10,000.00) per officer position over the one-year grant period,  
811 to be matched from local funds on a 50/50 matching basis.  
812 Officers paid with MCOPS funds may be employed by the local law  
813 enforcement agency or by the local school district. MCOPS funds



814 may be used to pay for entry-level salaries and benefits of newly  
815 trained additional School Resource Officers and may be used to pay  
816 the salaries and benefits of School Resource Officers employed  
817 prior to July 1, 2013. All jurisdictions that apply must  
818 demonstrate that they have primary law enforcement authority over  
819 the school(s) identified in their application and demonstrate  
820 their inability to implement this project without state  
821 assistance. Schools or law enforcement agencies may not reduce  
822 its overall federal, state, locally funded level of sworn officers  
823 (including other School Resource Officers or other sworn officers  
824 assigned to the schools) as a result of applying for or receiving  
825 MCOPS in Schools grant funding. MCOPS in Schools funding may be  
826 used to rehire sworn officers previously employed who have been  
827 laid off for financial reasons unrelated to the availability of  
828 the MCOPS in Schools grant, but must obtain prior written approval  
829 from the State Department of Education.

830 ( \* \* \*d) School Resource Officers (SROs) may serve in  
831 a variety of roles, including, but not limited to, that of a law  
832 enforcement officer/safety specialist, law-related educator, and  
833 problem-solver/community liaison. These officers may teach  
834 programs such as crime prevention, substance abuse prevention, and  
835 gang resistance as well as monitor and assist troubled students  
836 through mentoring programs. The School Resource Officer(s) may  
837 also identify physical changes in the environment that may reduce



838 crime in and around the schools, as well as assist in developing  
839 school policies which address criminal activity and school safety.  
840 The application must also include a Memorandum of Understanding  
841 (MOU), signed by the law enforcement executive and the appropriate  
842 school official(s), to document the roles and responsibilities to  
843 be undertaken by the law enforcement agency and the educational  
844 school partner(s) through this collaborative effort. The  
845 application must also include a Narrative Addendum to document  
846 that the School Resource Officer(s) will be assigned to work in  
847 and around primary or secondary schools and provide supporting  
848 documentation in the following areas: problem identification and  
849 justification, community policing strategies to be used by the  
850 officers, quality and level of commitment to the effort, and the  
851 link to community policing.

852 ( \* \* \*e) All agencies receiving awards through the  
853 MCOPS in Schools program are required to send the School Resource  
854 Officer position(s) funded by this grant, to the Mississippi Law  
855 Enforcement Officers' Training Academy where they shall be  
856 required to participate in training through the Advanced Law  
857 Enforcement Rapid Response Training Program at the academy, with  
858 the cost to be defrayed from the MCOPS program. The MCOPS Office  
859 of the State Department of Education will reimburse grantees for  
860 training, per diem, travel, and lodging costs for attendance of  
861 required participants up to a maximum of One Thousand Two Hundred  
862 Dollars (\$1,200.00) per person attending. Applicants receiving an



863 MCOPS in Schools grant, will receive additional training  
864 information following notification of the grant award. The MCOPS  
865 in Schools training requirement must be completed prior to the end  
866 of twelve-month grant funding for officer positions.

867 (3) The State Department of Education shall promulgate rules  
868 and regulations prescribing procedures for the application,  
869 expenditure requirements and the administration of the Mississippi  
870 Community Oriented Policing Services in Schools (MCOPS) program  
871 established in this section, and shall make a report on the  
872 implementation of the MCOPS program with any recommendations to  
873 the 2014 Regular Session of the Legislature.

874 **SECTION 7.** Section 37-3-82.1, Mississippi Code of 1972, is  
875 brought forward as follows:

876 37-3-82.1. In the event that a public school district is  
877 unable to participate in the MCOPS program due to the district's  
878 inability to meet the necessary financial requirements of the  
879 local fund match, the local school board of that school district  
880 may develop a plan for the security of its students, faculty and  
881 administration, which must be approved by the State Board of  
882 Education and the Mississippi Department of Public Safety prior to  
883 its implementation. The local school board may still apply for  
884 grants under the MCOPS program for training of security personnel  
885 employed by the school district.

886 **SECTION 8.** This act shall take effect and be in force from  
887 and after July 1, 2018.

