

By: Representatives Criswell, Barnett,
Carpenter, Eubanks, Foster, Hopkins,
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To: Judiciary B

HOUSE BILL NO. 413

1 AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE FIREARMS LICENSING PROCEDURE BY REMOVING THE TERM
3 "STUN GUN" FROM THE CONCEALED CARRY FIREARMS CATEGORY; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 45-9-101, Mississippi Code of 1972, is
7 amended as follows:

8 45-9-101. (1) (a) Except as otherwise provided, the
9 Department of Public Safety is authorized to issue licenses to
10 carry * * * concealed pistols or revolvers to persons qualified as
11 provided in this section. Such licenses shall be valid throughout
12 the state for a period of five (5) years from the date of
13 issuance. Any person possessing a valid license issued pursuant
14 to this section may carry a * * * concealed pistol or concealed
15 revolver.

16 (b) The licensee must carry the license, together with
17 valid identification, at all times in which the licensee is
18 carrying a * * * concealed pistol or revolver and must display
19 both the license and proper identification upon demand by a law



20 enforcement officer. A violation of the provisions of this
21 paragraph (b) shall constitute a noncriminal violation with a
22 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
23 by summons.

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

26 (a) Is a resident of the state. However, this
27 residency requirement may be waived if the applicant possesses a
28 valid permit from another state, is active military personnel
29 stationed in Mississippi, or is a retired law enforcement officer
30 establishing residency in the state;

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

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

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

38 (c) Does not suffer from a physical infirmity which
39 prevents the safe handling of a * * * pistol or revolver;

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



44 (e) Does not chronically or habitually abuse controlled
45 substances to the extent that his normal faculties are impaired.
46 It shall be presumed that an applicant chronically and habitually
47 uses controlled substances to the extent that his faculties are
48 impaired if the applicant has been voluntarily or involuntarily
49 committed to a treatment facility for the abuse of a controlled
50 substance or been found guilty of a crime under the provisions of
51 the Uniform Controlled Substances Law or similar laws of any other
52 state or the United States relating to controlled substances
53 within a three-year period immediately preceding the date on which
54 the application is submitted;

55 (f) Does not chronically and habitually use alcoholic
56 beverages to the extent that his normal faculties are impaired.
57 It shall be presumed that an applicant chronically and habitually
58 uses alcoholic beverages to the extent that his normal faculties
59 are impaired if the applicant has been voluntarily or
60 involuntarily committed as an alcoholic to a treatment facility or
61 has been convicted of two (2) or more offenses related to the use
62 of alcohol under the laws of this state or similar laws of any
63 other state or the United States within the three-year period
64 immediately preceding the date on which the application is
65 submitted;

66 (g) Desires a legal means to carry a * * * concealed
67 pistol or revolver to defend himself;



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

71 (i) Has not been voluntarily or involuntarily committed
72 to a mental institution or mental health treatment facility unless
73 he possesses a certificate from a psychiatrist licensed in this
74 state that he has not suffered from disability for a period of
75 five (5) years;

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

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

81 (l) Is not disqualified to possess a weapon based on
82 federal law.

83 (3) The Department of Public Safety may deny a license if
84 the applicant has been found guilty of one or more crimes of
85 violence constituting a misdemeanor unless three (3) years have
86 elapsed since probation or any other conditions set by the court
87 have been fulfilled or expunction has occurred prior to the date
88 on which the application is submitted, or may revoke a license if
89 the licensee has been found guilty of one or more crimes of
90 violence within the preceding three (3) years. The department
91 shall, upon notification by a law enforcement agency or a court
92 and subsequent written verification, suspend a license or the



93 processing of an application for a license if the licensee or
94 applicant is arrested or formally charged with a crime which would
95 disqualify such person from having a license under this section,
96 until final disposition of the case. The provisions of subsection
97 (7) of this section shall apply to any suspension or revocation of
98 a license pursuant to the provisions of this section.

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

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

104 (b) The driver's license number or social security
105 number of applicant;

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

108 (d) A statement that the applicant is in compliance
109 with criteria contained within subsections (2) and (3) of this
110 section;

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

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



117 (g) A statement that the applicant desires a legal
118 means to carry a * * * concealed pistol or revolver to defend
119 himself.

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

122 (a) A completed application as described in subsection
123 (4) of this section;

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

129 (c) A nonrefundable license fee of Eighty Dollars
130 (\$80.00). Costs for processing the set of fingerprints as
131 required in paragraph (d) of this subsection shall be borne by the
132 applicant. Honorably retired law enforcement officers, disabled
133 veterans and active duty members of the Armed Forces of the United
134 States shall be exempt from the payment of the license fee;

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

137 (e) A waiver authorizing the Department of Public
138 Safety access to any records concerning commitments of the
139 applicant to any of the treatment facilities or institutions
140 referred to in subsection (2) and permitting access to all the
141 applicant's criminal records.



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

146 (b) The Department of Public Safety shall forward a
147 copy of the applicant's application to the sheriff of the
148 applicant's county of residence and, if applicable, the police
149 chief of the applicant's municipality of residence. The sheriff
150 of the applicant's county of residence and, if applicable, the
151 police chief of the applicant's municipality of residence may, at
152 his discretion, participate in the process by submitting a
153 voluntary report to the Department of Public Safety containing any
154 readily discoverable prior information that he feels may be
155 pertinent to the licensing of any applicant. The reporting shall
156 be made within thirty (30) days after the date he receives the
157 copy of the application. Upon receipt of a response from a
158 sheriff or police chief, such sheriff or police chief shall be
159 reimbursed at a rate set by the department.

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

163 (i) Issue the license;

164 (ii) Deny the application based solely on the
165 ground that the applicant fails to qualify under the criteria
166 listed in subsections (2) and (3) of this section. If the



167 Department of Public Safety denies the application, it shall
168 notify the applicant in writing, stating the ground for denial,
169 and the denial shall be subject to the appeal process set forth in
170 subsection (7); or

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

176 (d) In the event a legible set of fingerprints, as
177 determined by the Department of Public Safety and the Federal
178 Bureau of Investigation, cannot be obtained after a minimum of two
179 (2) attempts, the Department of Public Safety shall determine
180 eligibility based upon a name check by the Mississippi Highway
181 Safety Patrol and a Federal Bureau of Investigation name check
182 conducted by the Mississippi Highway Safety Patrol at the request
183 of the Department of Public Safety.

184 (7) (a) If the Department of Public Safety denies the
185 issuance of a license, or suspends or revokes a license, the party
186 aggrieved may appeal such denial, suspension or revocation to the
187 Commissioner of Public Safety, or his authorized agent, within
188 thirty (30) days after the aggrieved party receives written notice
189 of such denial, suspension or revocation. The Commissioner of
190 Public Safety, or his duly authorized agent, shall rule upon such
191 appeal within thirty (30) days after the appeal is filed and



192 failure to rule within this thirty-day period shall constitute
193 sustaining such denial, suspension or revocation. Such review
194 shall be conducted pursuant to such reasonable rules and
195 regulations as the Commissioner of Public Safety may adopt.

196 (b) If the revocation, suspension or denial of issuance
197 is sustained by the Commissioner of Public Safety, or his duly
198 authorized agent pursuant to paragraph (a) of this subsection, the
199 aggrieved party may file within ten (10) days after the rendition
200 of such decision a petition in the circuit or county court of his
201 residence for review of such decision. A hearing for review shall
202 be held and shall proceed before the court without a jury upon the
203 record made at the hearing before the Commissioner of Public
204 Safety or his duly authorized agent. No such party shall be
205 allowed to carry a * * * concealed pistol or revolver pursuant to
206 the provisions of this section while any such appeal is pending.

207 (8) The Department of Public Safety shall maintain an
208 automated listing of license holders and such information shall be
209 available online, upon request, at all times, to all law
210 enforcement agencies through the Mississippi Crime Information
211 Center. However, the records of the department relating to
212 applications for licenses to carry * * * concealed pistols or
213 revolvers and records relating to license holders shall be exempt
214 from the provisions of the Mississippi Public Records Act of 1983,
215 and shall be released only upon order of a court having proper
216 jurisdiction over a petition for release of the record or records.



217 (9) Within thirty (30) days after the changing of a
218 permanent address, or within thirty (30) days after having a
219 license lost or destroyed, the licensee shall notify the
220 Department of Public Safety in writing of such change or loss.
221 Failure to notify the Department of Public Safety pursuant to the
222 provisions of this subsection shall constitute a noncriminal
223 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
224 be enforceable by a summons.

225 (10) In the event that a * * * concealed pistol or revolver
226 license is lost or destroyed, the person to whom the license was
227 issued shall comply with the provisions of subsection (9) of this
228 section and may obtain a duplicate, or substitute thereof, upon
229 payment of Fifteen Dollars (\$15.00) to the Department of Public
230 Safety, and furnishing a notarized statement to the department
231 that such license has been lost or destroyed.

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

235 (12) (a) No less than ninety (90) days prior to the
236 expiration date of the license, the Department of Public Safety
237 shall mail to each licensee a written notice of the expiration and
238 a renewal form prescribed by the department. The licensee must
239 renew his license on or before the expiration date by filing with
240 the department the renewal form, a notarized affidavit stating
241 that the licensee remains qualified pursuant to the criteria



242 specified in subsections (2) and (3) of this section, and a full
243 set of fingerprints administered by the Department of Public
244 Safety or the sheriff of the county of residence of the licensee.
245 The first renewal may be processed by mail and the subsequent
246 renewal must be made in person. Thereafter every other renewal
247 may be processed by mail to assure that the applicant must appear
248 in person every ten (10) years for the purpose of obtaining a new
249 photograph.

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

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

256 (iii) The renewal fee for a Mississippi resident
257 aged sixty-five (65) years of age or older shall be Twenty Dollars
258 (\$20.00).

259 (b) The Department of Public Safety shall forward the
260 full set of fingerprints of the applicant to the appropriate
261 agencies for state and federal processing. The license shall be
262 renewed upon receipt of the completed renewal application and
263 appropriate payment of fees.

264 (c) A licensee who fails to file a renewal application
265 on or before its expiration date must renew his license by paying
266 a late fee of Fifteen Dollars (\$15.00). No license shall be



267 renewed six (6) months or more after its expiration date, and such
268 license shall be deemed to be permanently expired. A person whose
269 license has been permanently expired may reapply for licensure;
270 however, an application for licensure and fees pursuant to
271 subsection (5) of this section must be submitted, and a background
272 investigation shall be conducted pursuant to the provisions of
273 this section.

274 (13) No license issued pursuant to this section shall
275 authorize any person to carry a * * * concealed pistol or revolver
276 into any place of nuisance as defined in Section 95-3-1,
277 Mississippi Code of 1972; any police, sheriff or highway patrol
278 station; any detention facility, prison or jail; any courthouse;
279 any courtroom, except that nothing in this section shall preclude
280 a judge from carrying a concealed weapon or determining who will
281 carry a concealed weapon in his courtroom; any polling place; any
282 meeting place of the governing body of any governmental entity;
283 any meeting of the Legislature or a committee thereof; any school,
284 college or professional athletic event not related to firearms;
285 any portion of an establishment, licensed to dispense alcoholic
286 beverages for consumption on the premises, that is primarily
287 devoted to dispensing alcoholic beverages; any portion of an
288 establishment in which beer or light wine is consumed on the
289 premises, that is primarily devoted to such purpose; any
290 elementary or secondary school facility; any junior college,
291 community college, college or university facility unless for the



292 purpose of participating in any authorized firearms-related
293 activity; inside the passenger terminal of any airport, except
294 that no person shall be prohibited from carrying any legal firearm
295 into the terminal if the firearm is encased for shipment, for
296 purposes of checking such firearm as baggage to be lawfully
297 transported on any aircraft; any church or other place of worship,
298 except as provided in Section 45-9-171; or any place where the
299 carrying of firearms is prohibited by federal law. In addition to
300 the places enumerated in this subsection, the carrying of a * * *
301 concealed pistol or revolver may be disallowed in any place in the
302 discretion of the person or entity exercising control over the
303 physical location of such place by the placing of a written notice
304 clearly readable at a distance of not less than ten (10) feet that
305 the "carrying of a pistol or revolver is prohibited." No license
306 issued pursuant to this section shall authorize the participants
307 in a parade or demonstration for which a permit is required to
308 carry a * * * concealed pistol or revolver.

309 (14) A law enforcement officer as defined in Section 45-6-3,
310 chiefs of police, sheriffs and persons licensed as professional
311 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
312 1972, shall be exempt from the licensing requirements of this
313 section. The licensing requirements of this section do not apply
314 to the carrying by any person of a * * * pistol or revolver,
315 knife, or other deadly weapon that is not concealed as defined in
316 Section 97-37-1.



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

323 (16) All fees collected by the Department of Public Safety
324 pursuant to this section shall be deposited into a special fund
325 hereby created in the State Treasury and shall be used for
326 implementation and administration of this section. After the
327 close of each fiscal year, the balance in this fund shall be
328 certified to the Legislature and then may be used by the
329 Department of Public Safety as directed by the Legislature.

330 (17) All funds received by a sheriff or police chief
331 pursuant to the provisions of this section shall be deposited into
332 the general fund of the county or municipality, as appropriate,
333 and shall be budgeted to the sheriff's office or police department
334 as appropriate.

335 (18) Nothing in this section shall be construed to require
336 or allow the registration, documentation or providing of serial
337 numbers with regard to any * * * firearm.

338 (19) Any person holding a valid unrevoked and unexpired
339 license to carry * * * concealed pistols or revolvers issued in
340 another state shall have such license recognized by this state to
341 carry * * * concealed pistols or revolvers. The Department of



342 Public Safety is authorized to enter into a reciprocal agreement
343 with another state if that state requires a written agreement in
344 order to recognize licenses to carry * * * concealed pistols or
345 revolvers issued by this state.

346 (20) The provisions of this section shall be under the
347 supervision of the Commissioner of Public Safety. The
348 commissioner is authorized to promulgate reasonable rules and
349 regulations to carry out the provisions of this section.

350 * * *

351 (* * *21) (a) From and after January 1, 2016, the
352 Commissioner of Public Safety shall promulgate rules and
353 regulations which provide that licenses authorized by this section
354 for honorably retired law enforcement officers and honorably
355 retired correctional officers from the Mississippi Department of
356 Corrections shall (i) include the words "retired law enforcement
357 officer" on the front of the license, and (ii) that the license
358 itself have a red background to distinguish it from other licenses
359 issued under this section.

360 (b) An honorably retired law enforcement officer and
361 honorably retired correctional officer shall provide the following
362 information to receive the license described in this section: (i)
363 a letter, with the official letterhead of the agency or department
364 from which such officer is retiring, which explains that such
365 officer is honorably retired, and (ii) a letter with the official
366 letterhead of the agency or department, which explains that such



367 officer has completed a certified law enforcement training
368 academy.

369 (* * *22) A disabled veteran who seeks to qualify for an
370 exemption under this section shall be required to provide, as
371 proof of service-connected disability, verification from the
372 United States Department of Veterans Affairs.

373 (* * *23) A license under this section is not required for
374 a loaded or unloaded pistol or revolver to be carried upon the
375 person in a sheath, belt holster or shoulder holster or in a
376 purse, handbag, satchel, other similar bag or briefcase or fully
377 enclosed case if the person is not engaged in criminal activity
378 other than a misdemeanor traffic offense, is not otherwise
379 prohibited from possessing a pistol or revolver under state or
380 federal law, and is not in a location prohibited under subsection
381 (13) of this section.

382 **SECTION 2.** This act shall take effect and be in force from
383 and after July 1, 2018.

