

By: Representatives Gipson, Criswell,  
Corley, Barnett

To: Judiciary B

HOUSE BILL NO. 542

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE ANY PERSON WHO HAS AN ENHANCED FIREARMS LICENSE TO CARRY  
3 SUCH FIREARM ON PUBLIC PROPERTY; TO BRING FORWARD SECTIONS  
4 45-9-101, 45-9-171, 97-37-9 AND 97-3-15, MISSISSIPPI CODE OF 1972,  
5 FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

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

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



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

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

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



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

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

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

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

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



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



94 offered by an instructor certified by a nationally recognized  
95 organization that customarily offers firearms training, or by any  
96 other organization approved by the Department of Public Safety,  
97 (b) is a member or veteran of any active or reserve component  
98 branch of the United States of America Armed Forces having  
99 completed law enforcement or combat training with pistols or other  
100 handguns as recognized by such branch after submitting an  
101 affidavit attesting to have read, understand and agree to comply  
102 with all provisions of the enhanced carry law, or (c) is an  
103 honorably retired law enforcement officer or honorably retired  
104 member or veteran of any active or reserve component branch of the  
105 United States of America Armed Forces having completed law  
106 enforcement or combat training with pistols or other handguns,  
107 after submitting an affidavit attesting to have read, understand  
108 and agree to comply with all provisions of Mississippi enhanced  
109 carry law shall also be authorized to carry weapons in courthouses  
110 except in courtrooms during a judicial proceeding, and any  
111 location listed in subsection (13) of Section 45-9-101, and any  
112 other public property, or portion of public property, that is  
113 generally open to the public and has the required security  
114 measures described in subsection (4), except any place of nuisance  
115 as defined in Section 95-3-1, any police, sheriff or highway  
116 patrol station or any detention facility, prison or jail. Any  
117 rule, regulation, or other policy that has the effect of limiting  
118 the locations where a person may carry a concealed pistol pursuant



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

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



144 lawfully carry or possess a weapon in such other states. The  
145 Commissioner of Public Safety is authorized to enter into  
146 reciprocal agreements with other states to carry out the  
147 provisions of this subsection.

148 (4) The security measures described in subsection (2) shall  
149 at a minimum include screening at each publicly accessible  
150 entrance of the property or portion of property of every entrance  
151 with security devices that are designed to detect concealed  
152 weapons.

153 **SECTION 2.** Section 45-9-101, Mississippi Code of 1972, is  
154 brought forward as follows:

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

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



169 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable  
170 by summons.

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

173 (a) Is a resident of the state. However, this  
174 residency requirement may be waived if the applicant possesses a  
175 valid permit from another state, is active military personnel  
176 stationed in Mississippi, or is a retired law enforcement officer  
177 establishing residency in the state;

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

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

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

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

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

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

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

193 It shall be presumed that an applicant chronically and habitually





194 uses controlled substances to the extent that his faculties are  
195 impaired if the applicant has been voluntarily or involuntarily  
196 committed to a treatment facility for the abuse of a controlled  
197 substance or been found guilty of a crime under the provisions of  
198 the Uniform Controlled Substances Law or similar laws of any other  
199 state or the United States relating to controlled substances  
200 within a three-year period immediately preceding the date on which  
201 the application is submitted;

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

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

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



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

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

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

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

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



243 until final disposition of the case. The provisions of subsection  
244 (7) of this section shall apply to any suspension or revocation of  
245 a license pursuant to the provisions of this section.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

289 (6) (a) The Department of Public Safety, upon receipt of  
290 the items listed in subsection (5) of this section, shall forward



291 the full set of fingerprints of the applicant to the appropriate  
292 agencies for state and federal processing.

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

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

310 (i) Issue the license;

311 (ii) Deny the application based solely on the  
312 ground that the applicant fails to qualify under the criteria  
313 listed in subsections (2) and (3) of this section. If the  
314 Department of Public Safety denies the application, it shall  
315 notify the applicant in writing, stating the ground for denial,



316 and the denial shall be subject to the appeal process set forth in  
317 subsection (7); or

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

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

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



341 shall be conducted pursuant to such reasonable rules and  
342 regulations as the Commissioner of Public Safety may adopt.

343 (b) If the revocation, suspension or denial of issuance  
344 is sustained by the Commissioner of Public Safety, or his duly  
345 authorized agent pursuant to paragraph (a) of this subsection, the  
346 aggrieved party may file within ten (10) days after the rendition  
347 of such decision a petition in the circuit or county court of his  
348 residence for review of such decision. A hearing for review shall  
349 be held and shall proceed before the court without a jury upon the  
350 record made at the hearing before the Commissioner of Public  
351 Safety or his duly authorized agent. No such party shall be  
352 allowed to carry a stun gun, concealed pistol or revolver pursuant  
353 to the provisions of this section while any such appeal is  
354 pending.

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



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

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

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

383           (12) (a) No less than ninety (90) days prior to the  
384 expiration date of the license, the Department of Public Safety  
385 shall mail to each licensee a written notice of the expiration and  
386 a renewal form prescribed by the department. The licensee must  
387 renew his license on or before the expiration date by filing with  
388 the department the renewal form, a notarized affidavit stating  
389 that the licensee remains qualified pursuant to the criteria





390 specified in subsections (2) and (3) of this section, and a full  
391 set of fingerprints administered by the Department of Public  
392 Safety or the sheriff of the county of residence of the licensee.  
393 The first renewal may be processed by mail and the subsequent  
394 renewal must be made in person. Thereafter every other renewal  
395 may be processed by mail to assure that the applicant must appear  
396 in person every ten (10) years for the purpose of obtaining a new  
397 photograph.

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

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

404 (iii) The renewal fee for a Mississippi resident  
405 aged sixty-five (65) years of age or older shall be Twenty Dollars  
406 (\$20.00).

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

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



415 renewed six (6) months or more after its expiration date, and such  
416 license shall be deemed to be permanently expired. A person whose  
417 license has been permanently expired may reapply for licensure;  
418 however, an application for licensure and fees pursuant to  
419 subsection (5) of this section must be submitted, and a background  
420 investigation shall be conducted pursuant to the provisions of  
421 this section.

422 (13) No license issued pursuant to this section shall  
423 authorize any person to carry a stun gun, concealed pistol or  
424 revolver into any place of nuisance as defined in Section 95-3-1,  
425 Mississippi Code of 1972; any police, sheriff or highway patrol  
426 station; any detention facility, prison or jail; any courthouse;  
427 any courtroom, except that nothing in this section shall preclude  
428 a judge from carrying a concealed weapon or determining who will  
429 carry a concealed weapon in his courtroom; any polling place; any  
430 meeting place of the governing body of any governmental entity;  
431 any meeting of the Legislature or a committee thereof; any school,  
432 college or professional athletic event not related to firearms;  
433 any portion of an establishment, licensed to dispense alcoholic  
434 beverages for consumption on the premises, that is primarily  
435 devoted to dispensing alcoholic beverages; any portion of an  
436 establishment in which beer or light wine is consumed on the  
437 premises, that is primarily devoted to such purpose; any  
438 elementary or secondary school facility; any junior college,  
439 community college, college or university facility unless for the



440 purpose of participating in any authorized firearms-related  
441 activity; inside the passenger terminal of any airport, except  
442 that no person shall be prohibited from carrying any legal firearm  
443 into the terminal if the firearm is encased for shipment, for  
444 purposes of checking such firearm as baggage to be lawfully  
445 transported on any aircraft; any church or other place of worship,  
446 except as provided in Section 45-9-171; or any place where the  
447 carrying of firearms is prohibited by federal law. In addition to  
448 the places enumerated in this subsection, the carrying of a stun  
449 gun, concealed pistol or revolver may be disallowed in any place  
450 in the discretion of the person or entity exercising control over  
451 the physical location of such place by the placing of a written  
452 notice clearly readable at a distance of not less than ten (10)  
453 feet that the "carrying of a pistol or revolver is prohibited."  
454 No license issued pursuant to this section shall authorize the  
455 participants in a parade or demonstration for which a permit is  
456 required to carry a stun gun, concealed pistol or revolver.

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



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

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

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

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

486           (19) Any person holding a valid unrevoked and unexpired  
487 license to carry stun guns, concealed pistols or revolvers issued  
488 in another state shall have such license recognized by this state  
489 to carry stun guns, concealed pistols or revolvers. The



490 Department of Public Safety is authorized to enter into a  
491 reciprocal agreement with another state if that state requires a  
492 written agreement in order to recognize licenses to carry stun  
493 guns, concealed pistols or revolvers issued by this state.

494 (20) The provisions of this section shall be under the  
495 supervision of the Commissioner of Public Safety. The  
496 commissioner is authorized to promulgate reasonable rules and  
497 regulations to carry out the provisions of this section.

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

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

513 (b) An honorably retired law enforcement officer and  
514 honorably retired correctional officer shall provide the following



515 information to receive the license described in this section: (i)  
516 a letter, with the official letterhead of the agency or department  
517 from which such officer is retiring, which explains that such  
518 officer is honorably retired, and (ii) a letter with the official  
519 letterhead of the agency or department, which explains that such  
520 officer has completed a certified law enforcement training  
521 academy.

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

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

535 **SECTION 3.** Section 45-9-171, Mississippi Code of 1972, is  
536 brought forward as follows:

537 45-9-171. (1) This section shall be known and may be cited  
538 as the "Mississippi Church Protection Act."



539           (2)   (a)   The governing body of any church or place of  
540 worship may establish a security program by which designated  
541 members are authorized to carry firearms for the protection of the  
542 congregation of the church or place of worship, including  
543 resisting any unlawful attempt to commit a violent felony listed  
544 in Section 97-3-2(1) upon a member or other attendee in the church  
545 or place of worship or on the immediate premises thereof. A  
546 church or place of worship may establish a security program that  
547 meets the requirements of subsection (2)(b) of this section, and a  
548 member of the security program shall be immune from civil  
549 liability for any action taken by a member of the security program  
550 if the action in question occurs during the reasonable exercise of  
551 and within the course and scope of the member's official duties as  
552 a member of the security program for the church or place of  
553 worship. For purposes of this section, "church" or "place of  
554 worship" means only a bona fide duly constituted religious  
555 society, ecclesiastical body, or any congregation thereof.

556           (b)   In order to be eligible for the immunity provided  
557 in this section:

558                   (i)   The program at a minimum must require that  
559 each participant of the program possesses a firearms permit issued  
560 under Section 45-9-101 and has completed an instructional course  
561 in the safe handling and use of firearms as described in Section  
562 97-37-7. The program may also include one or more persons with



563 law enforcement or military background who may assist the church  
564 or place of worship in training of the members of the program;

565 (ii) The names of the members designated by the  
566 church or place of worship to serve in the security program must  
567 be spread upon the minutes of the body or otherwise noted in  
568 writing at the time of the member's designation if the body does  
569 not maintain minutes, and this written record must be made  
570 available to law enforcement upon request during the course of  
571 investigation after an incident in which the member used a firearm  
572 while acting as a member of the security program; and

573 (iii) The member of the program who is claiming  
574 immunity under the provisions of this section must have met the  
575 requirements of this paragraph (b).

576 (3) A person who is indicted or charged with a violation of  
577 criminal law while acting as a member of a security program of a  
578 church or place of worship may assert as a defense, in addition to  
579 any other defense available, that at the time of the action in  
580 question, the person was a member of a church body or place of  
581 worship security program, was then actually engaged in the  
582 performance of the person's duties as a member of the program, and  
583 had met the requirements of this section at the time of the action  
584 in question.

585 **SECTION 4.** Section 97-37-9, Mississippi Code of 1972, is  
586 brought forward as follows:





587           97-37-9. Any person indicted or charged for a violation of  
588 Section 97-37-1 may show as a defense:

589           (a) That he was threatened, and had good and sufficient  
590 reason to apprehend a serious attack from any enemy, and that he  
591 did so apprehend; or

592           (b) That he was traveling and was not a tramp, or was  
593 setting out on a journey and was not a tramp; or

594           (c) That he was a law enforcement or peace officer in  
595 the discharge of his duties; or

596           (d) That he was at the time in the discharge of his  
597 duties as a mail carrier; or

598           (e) That he was at the time engaged in transporting  
599 valuables for an express company or bank; or

600           (f) That he was a member of the Armed Forces of the  
601 United States, National Guard, State Militia, Emergency Management  
602 Corps, guard or patrolman in a state or municipal institution  
603 while in the performance of his official duties; or

604           (g) That he was in lawful pursuit of a felon; or

605           (h) That he was lawfully engaged in legitimate sports;

606           (i) That at the time he was a company guard, bank  
607 guard, watchman, or other person enumerated in Section 97-37-7,  
608 and was then actually engaged in the performance of his duties as  
609 such, and then held a valid permit from the sheriff, the  
610 commissioner of public safety, or a valid permit issued by the  
611 Secretary of State prior to May 1, 1974, to carry the weapon; and



612 the burden of proving either of said defenses shall be on the  
613 accused; or

614 (j) That at the time he or she was a member of a church  
615 or place of worship security program, and was then actually  
616 engaged in the performance of his or her duties as such and met  
617 the requirements of Section 45-9-171.

618 **SECTION 5.** Section 97-3-15, Mississippi Code of 1972, is  
619 brought forward as follows:

620 97-3-15. (1) The killing of a human being by the act,  
621 procurement or omission of another shall be justifiable in the  
622 following cases:

623 (a) When committed by public officers, or those acting  
624 by their aid and assistance, in obedience to any judgment of a  
625 competent court;

626 (b) When necessarily committed by public officers, or  
627 those acting by their command in their aid and assistance, in  
628 overcoming actual resistance to the execution of some legal  
629 process, or to the discharge of any other legal duty;

630 (c) When necessarily committed by public officers, or  
631 those acting by their command in their aid and assistance, in  
632 retaking any felon who has been rescued or has escaped;

633 (d) When necessarily committed by public officers, or  
634 those acting by their command in their aid and assistance, in  
635 arresting any felon fleeing from justice;



636 (e) When committed by any person in resisting any  
637 attempt unlawfully to kill such person or to commit any felony  
638 upon him, or upon or in any dwelling, in any occupied vehicle, in  
639 any place of business, in any place of employment or in the  
640 immediate premises thereof in which such person shall be;

641 (f) When committed in the lawful defense of one's own  
642 person or any other human being, where there shall be reasonable  
643 ground to apprehend a design to commit a felony or to do some  
644 great personal injury, and there shall be imminent danger of such  
645 design being accomplished;

646 (g) When necessarily committed in attempting by lawful  
647 ways and means to apprehend any person for any felony committed;

648 (h) When necessarily committed in lawfully suppressing  
649 any riot or in lawfully keeping and preserving the peace; and

650 (i) When necessarily committed in the performance of  
651 duty as a member of a church or place of worship security program  
652 as described in Section 45-9-171.

653 (2) (a) As used in subsection (1)(c) and (d) of this  
654 section, the term "when necessarily committed" means that a public  
655 officer or a person acting by or at the officer's command, aid or  
656 assistance is authorized to use such force as necessary in  
657 securing and detaining the felon offender, overcoming the  
658 offender's resistance, preventing the offender's escape,  
659 recapturing the offender if the offender escapes or in protecting  
660 himself or others from bodily harm; but such officer or person



661 shall not be authorized to resort to deadly or dangerous means  
662 when to do so would be unreasonable under the circumstances. The  
663 public officer or person acting by or at the officer's command may  
664 act upon a reasonable apprehension of the surrounding  
665 circumstances; however, such officer or person shall not use  
666 excessive force or force that is greater than reasonably necessary  
667 in securing and detaining the offender, overcoming the offender's  
668 resistance, preventing the offender's escape, recapturing the  
669 offender if the offender escapes or in protecting himself or  
670 others from bodily harm.

671 (b) As used in subsection (1)(c) and (d) of this  
672 section the term "felon" shall include an offender who has been  
673 convicted of a felony and shall also include an offender who is in  
674 custody, or whose custody is being sought, on a charge or for an  
675 offense which is punishable, upon conviction, by death or  
676 confinement in the Penitentiary.

677 (c) As used in subsections (1)(e) and (3) of this  
678 section, "dwelling" means a building or conveyance of any kind  
679 that has a roof over it, whether the building or conveyance is  
680 temporary or permanent, mobile or immobile, including a tent, that  
681 is designed to be occupied by people lodging therein at night,  
682 including any attached porch.

683 (3) A person who uses defensive force shall be presumed to  
684 have reasonably feared imminent death or great bodily harm, or the  
685 commission of a felony upon him or another or upon his dwelling,



686 or against a vehicle which he was occupying, or against his  
687 business or place of employment or the immediate premises of such  
688 business or place of employment, if the person against whom the  
689 defensive force was used, was in the process of unlawfully and  
690 forcibly entering, or had unlawfully and forcibly entered, a  
691 dwelling, occupied vehicle, business, place of employment or the  
692 immediate premises thereof or if that person had unlawfully  
693 removed or was attempting to unlawfully remove another against the  
694 other person's will from that dwelling, occupied vehicle,  
695 business, place of employment or the immediate premises thereof  
696 and the person who used defensive force knew or had reason to  
697 believe that the forcible entry or unlawful and forcible act was  
698 occurring or had occurred. This presumption shall not apply if  
699 the person against whom defensive force was used has a right to be  
700 in or is a lawful resident or owner of the dwelling, vehicle,  
701 business, place of employment or the immediate premises thereof or  
702 is the lawful resident or owner of the dwelling, vehicle,  
703 business, place of employment or the immediate premises thereof or  
704 if the person who uses defensive force is engaged in unlawful  
705 activity or if the person is a law enforcement officer engaged in  
706 the performance of his official duties.

707 (4) A person who is not the initial aggressor and is not  
708 engaged in unlawful activity shall have no duty to retreat before  
709 using deadly force under subsection (1)(e) or (f) of this section  
710 if the person is in a place where the person has a right to be,



711 and no finder of fact shall be permitted to consider the person's  
712 failure to retreat as evidence that the person's use of force was  
713 unnecessary, excessive or unreasonable.

714 (5) (a) The presumptions contained in subsection (3) of  
715 this section shall apply in civil cases in which self-defense or  
716 defense of another is claimed as a defense.

717 (b) The court shall award reasonable attorney's fees,  
718 court costs, compensation for loss of income, and all expenses  
719 incurred by the defendant in defense of any civil action brought  
720 by a plaintiff if the court finds that the defendant acted in  
721 accordance with subsection (1)(e) or (f) of this section. A  
722 defendant who has previously been adjudicated "not guilty" of any  
723 crime by reason of subsection (1)(e) or (f) of this section shall  
724 be immune from any civil action for damages arising from the same  
725 conduct.

726 **SECTION 6.** This act shall take effect and be in force from  
727 and after July 1, 2018.

