

By: Representatives Hopkins, Boyd

To: Judiciary B

HOUSE BILL NO. 697

1 AN ACT TO CREATE NEW SECTION 45-9-102, MISSISSIPPI CODE OF
 2 1972, TO AUTHORIZE THE CARRYING OF CONCEALED WEAPONS ON THE
 3 CAMPUSES OF THE STATE INSTITUTIONS OF HIGHER LEARNING, COMMUNITY
 4 AND JUNIOR COLLEGES, AND PRIVATE AND INDEPENDENT INSTITUTIONS OF
 5 HIGHER EDUCATION; TO PROHIBIT THOSE INSTITUTIONS FROM ADOPTING
 6 POLICIES RESTRICTING THE CARRYING OF CONCEALED WEAPONS ON CAMPUS;
 7 TO REQUIRE EACH STATE INSTITUTION OF HIGHER LEARNING TO ADOPT AND
 8 PUBLISH RULES AND REGULATIONS REGARDING THE CARRYING OF CONCEALED
 9 WEAPONS ON CAMPUS; TO AMEND SECTION 45-9-101, 45-9-53 AND
 10 97-37-17, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
 11 PROVISIONS; TO BRING FORWARD SECTION 97-37-1, MISSISSIPPI CODE OF
 12 1972, WHICH ESTABLISHES CRIMINAL PENALTIES FOR CARRYING CONCEALED
 13 DEADLY WEAPONS, AND SECTION 97-37-7, MISSISSIPPI CODE OF 1972,
 14 WHICH AUTHORIZES CERTAIN PERSONS TO OBTAIN A PERMIT FOR CARRYING
 15 DEADLY WEAPONS, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR
 16 RELATED PURPOSES.

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

18 **SECTION 1.** The following shall be codified as Section
 19 45-9-102, Mississippi Code of 1972:

20 45-9-102. (1) For purposes of this section, the following
 21 words and phrases have the meanings ascribed in this subsection
 22 unless the context clearly indicates otherwise:

23 (a) "Campus" means all land and buildings owned or
 24 leased by a state institution of higher learning or a private or
 25 independent institution of higher education.



26 (b) "Licensee" means a person issued a license to carry
27 a stun gun, concealed pistol or revolver by the Department of
28 Public Safety pursuant to Section 45-9-101.

29 (c) "State institution of higher learning" means each
30 institution under the jurisdiction of the Board of Trustees of
31 State Institutions of Higher Learning and each community and
32 junior college under the jurisdiction of the Mississippi Community
33 College Board.

34 (d) "Private or independent institution of higher
35 education" means a nonpublic college or university, excluding any
36 proprietary school, career college or other organization that
37 offers programs that require registration under the Mississippi
38 Proprietary School and College Registration Law.

39 (2) A licensee may carry a stun gun, concealed pistol or
40 revolver on or about the licensee's person while the licensee is
41 on the campus of a state institution of higher learning or a
42 private or independent institution of higher education in this
43 state.

44 (3) Except as otherwise provided under subsection (4) or
45 (5), a state institution of higher learning or private or
46 independent institution of higher education in this state may not
47 adopt any rule, regulation or other provision prohibiting
48 licensees from carrying stun guns, concealed pistols or revolvers
49 on the campus of the institution.



50 (4) (a) A state institution of higher learning or private
51 or independent institution of higher education in this state shall
52 establish rules, regulations or other provisions concerning the
53 storage of stun guns, concealed pistols and revolvers in
54 dormitories or other residential facilities that are owned or
55 leased and operated by the institution and located on the campus
56 of the institution.

57 (b) After consulting with students, staff and faculty
58 of the institution regarding the nature of the student population,
59 specific safety considerations and the uniqueness of the campus
60 environment, the president of each state institution of higher
61 learning shall establish reasonable rules, regulations or other
62 provisions regarding the carrying of stun guns, concealed pistols
63 or revolvers by licensees on the campus of that institution. The
64 president may not establish provisions that generally prohibit or
65 have the effect of generally prohibiting licensees from carrying
66 stun guns, concealed pistols or revolvers on the campus of the
67 institution. The president may amend the provisions as necessary
68 for campus safety. The provisions take effect as determined by
69 the president unless the Board of Trustees of State Institutions
70 of Higher Learning or the Mississippi Community College Board
71 prohibits the implementation of the provisions pursuant to
72 paragraph (c) of this subsection. The institution must give
73 effective notice with respect to any portion of a campus on which
74 licensees may not carry a stun gun, concealed pistol or revolver.



75 (c) Not later than ninety (90) days after the date that
76 the rules, regulations or other provisions are established as
77 described by paragraph (b), the Board of Trustees of State
78 Institutions of Higher Learning shall review provisions
79 established for an institution of higher learning and the
80 Mississippi Community College Board shall review provisions
81 established for a public community or junior college. Each board
82 may amend, by a vote of not less than two-thirds of that board,
83 the provisions, in whole or in part, established under paragraph
84 (b). If amended pursuant to this paragraph, the amended
85 provisions are considered to be those of the institution.

86 (d) A state institution of higher learning shall
87 distribute widely the rules, regulations or other provisions
88 described by this subsection to the institution's students, staff
89 and faculty, including by prominently publishing the provisions on
90 the institution's Internet website.

91 (e) Before September 1 of each even-numbered year, the
92 Board of Trustees of State Institutions of Higher Learning and the
93 Mississippi Community College Board shall submit a report to the
94 House and Senate Universities and Colleges Committees and
95 Judiciary Committees on the implementation of this section. At a
96 minimum, the report must describe the rules, regulations or other
97 provisions regarding the carrying of stun guns, concealed pistols
98 or revolvers on the campus of each state institution of higher



99 learning and explain the reasons the institution has established
100 those provisions.

101 (5) A private or independent institution of higher education
102 in this state, after consulting with students, staff and faculty
103 of the institution, may establish rules, regulations or other
104 provisions prohibiting licensees from carrying stun guns,
105 concealed pistols or revolvers on the campus of the institution,
106 any grounds or building on which an activity sponsored by the
107 institution is being conducted or a passenger transportation
108 vehicle owned by the institution.

109 **SECTION 2.** Section 45-9-101, Mississippi Code of 1972, is
110 amended as follows:

111 45-9-101. (1) (a) Except as otherwise provided, the
112 Department of Public Safety is authorized to issue licenses to
113 carry stun guns, concealed pistols or revolvers to persons
114 qualified as provided in this section. Such licenses shall be
115 valid throughout the state for a period of five (5) years from the
116 date of issuance. Any person possessing a valid license issued
117 pursuant to this section may carry a stun gun, concealed pistol or
118 concealed revolver.

119 (b) The licensee must carry the license, together with
120 valid identification, at all times in which the licensee is
121 carrying a stun gun, concealed pistol or revolver and must display
122 both the license and proper identification upon demand by a law
123 enforcement officer. A violation of the provisions of this



124 paragraph (b) shall constitute a noncriminal violation with a
125 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
126 by summons.

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

129 (a) Is a resident of the state. However, this
130 residency requirement may be waived if the applicant possesses a
131 valid permit from another state, is active military personnel
132 stationed in Mississippi, or is a retired law enforcement officer
133 establishing residency in the state;

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

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

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

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

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

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

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



149 It shall be presumed that an applicant chronically and habitually
150 uses controlled substances to the extent that his faculties are
151 impaired if the applicant has been voluntarily or involuntarily
152 committed to a treatment facility for the abuse of a controlled
153 substance or been found guilty of a crime under the provisions of
154 the Uniform Controlled Substances Law or similar laws of any other
155 state or the United States relating to controlled substances
156 within a three-year period immediately preceding the date on which
157 the application is submitted;

158 (f) Does not chronically and habitually use alcoholic
159 beverages to the extent that his normal faculties are impaired.
160 It shall be presumed that an applicant chronically and habitually
161 uses alcoholic beverages to the extent that his normal faculties
162 are impaired if the applicant has been voluntarily or
163 involuntarily committed as an alcoholic to a treatment facility or
164 has been convicted of two (2) or more offenses related to the use
165 of alcohol under the laws of this state or similar laws of any
166 other state or the United States within the three-year period
167 immediately preceding the date on which the application is
168 submitted;

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

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



174 (i) Has not been voluntarily or involuntarily committed
175 to a mental institution or mental health treatment facility unless
176 he possesses a certificate from a psychiatrist licensed in this
177 state that he has not suffered from disability for a period of
178 five (5) years;

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

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

184 (l) Is not disqualified to possess a weapon based on
185 federal law.

186 (3) The Department of Public Safety may deny a license if
187 the applicant has been found guilty of one or more crimes of
188 violence constituting a misdemeanor unless three (3) years have
189 elapsed since probation or any other conditions set by the court
190 have been fulfilled or expunction has occurred prior to the date
191 on which the application is submitted, or may revoke a license if
192 the licensee has been found guilty of one or more crimes of
193 violence within the preceding three (3) years. The department
194 shall, upon notification by a law enforcement agency or a court
195 and subsequent written verification, suspend a license or the
196 processing of an application for a license if the licensee or
197 applicant is arrested or formally charged with a crime which would
198 disqualify such person from having a license under this section,



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

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

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

207 (b) The driver's license number or social security
208 number of applicant;

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

211 (d) A statement that the applicant is in compliance
212 with criteria contained within subsections (2) and (3) of this
213 section;

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

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

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



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

225 (a) A completed application as described in subsection
226 (4) of this section;

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

232 (c) A nonrefundable license fee of Eighty Dollars
233 (\$80.00). Costs for processing the set of fingerprints as
234 required in paragraph (d) of this subsection shall be borne by the
235 applicant. Honorably retired law enforcement officers, disabled
236 veterans and active duty members of the Armed Forces of the United
237 States shall be exempt from the payment of the license fee;

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

240 (e) A waiver authorizing the Department of Public
241 Safety access to any records concerning commitments of the
242 applicant to any of the treatment facilities or institutions
243 referred to in subsection (2) and permitting access to all the
244 applicant's criminal records.

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



247 the full set of fingerprints of the applicant to the appropriate
248 agencies for state and federal processing.

249 (b) The Department of Public Safety shall forward a
250 copy of the applicant's application to the sheriff of the
251 applicant's county of residence and, if applicable, the police
252 chief of the applicant's municipality of residence. The sheriff
253 of the applicant's county of residence and, if applicable, the
254 police chief of the applicant's municipality of residence may, at
255 his discretion, participate in the process by submitting a
256 voluntary report to the Department of Public Safety containing any
257 readily discoverable prior information that he feels may be
258 pertinent to the licensing of any applicant. The reporting shall
259 be made within thirty (30) days after the date he receives the
260 copy of the application. Upon receipt of a response from a
261 sheriff or police chief, such sheriff or police chief shall be
262 reimbursed at a rate set by the department.

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

266 (i) Issue the license;

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



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

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

279 (d) In the event a legible set of fingerprints, as
280 determined by the Department of Public Safety and the Federal
281 Bureau of Investigation, cannot be obtained after a minimum of two
282 (2) attempts, the Department of Public Safety shall determine
283 eligibility based upon a name check by the Mississippi Highway
284 Safety Patrol and a Federal Bureau of Investigation name check
285 conducted by the Mississippi Highway Safety Patrol at the request
286 of the Department of Public Safety.

287 (7) (a) If the Department of Public Safety denies the
288 issuance of a license, or suspends or revokes a license, the party
289 aggrieved may appeal such denial, suspension or revocation to the
290 Commissioner of Public Safety, or his authorized agent, within
291 thirty (30) days after the aggrieved party receives written notice
292 of such denial, suspension or revocation. The Commissioner of
293 Public Safety, or his duly authorized agent, shall rule upon such
294 appeal within thirty (30) days after the appeal is filed and
295 failure to rule within this thirty-day period shall constitute
296 sustaining such denial, suspension or revocation. Such review



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

299 (b) If the revocation, suspension or denial of issuance
300 is sustained by the Commissioner of Public Safety, or his duly
301 authorized agent pursuant to paragraph (a) of this subsection, the
302 aggrieved party may file within ten (10) days after the rendition
303 of such decision a petition in the circuit or county court of his
304 residence for review of such decision. A hearing for review shall
305 be held and shall proceed before the court without a jury upon the
306 record made at the hearing before the Commissioner of Public
307 Safety or his duly authorized agent. No such party shall be
308 allowed to carry a stun gun, concealed pistol or revolver pursuant
309 to the provisions of this section while any such appeal is
310 pending.

311 (8) The Department of Public Safety shall maintain an
312 automated listing of license holders and such information shall be
313 available online, upon request, at all times, to all law
314 enforcement agencies through the Mississippi Crime Information
315 Center. However, the records of the department relating to
316 applications for licenses to carry stun guns, concealed pistols or
317 revolvers and records relating to license holders shall be exempt
318 from the provisions of the Mississippi Public Records Act of 1983,
319 and shall be released only upon order of a court having proper
320 jurisdiction over a petition for release of the record or records.



321 (9) Within thirty (30) days after the changing of a
322 permanent address, or within thirty (30) days after having a
323 license lost or destroyed, the licensee shall notify the
324 Department of Public Safety in writing of such change or loss.
325 Failure to notify the Department of Public Safety pursuant to the
326 provisions of this subsection shall constitute a noncriminal
327 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
328 be enforceable by a summons.

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

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

339 (12) (a) No less than ninety (90) days prior to the
340 expiration date of the license, the Department of Public Safety
341 shall mail to each licensee a written notice of the expiration and
342 a renewal form prescribed by the department. The licensee must
343 renew his license on or before the expiration date by filing with
344 the department the renewal form, a notarized affidavit stating
345 that the licensee remains qualified pursuant to the criteria



346 specified in subsections (2) and (3) of this section, and a full
347 set of fingerprints administered by the Department of Public
348 Safety or the sheriff of the county of residence of the licensee.
349 The first renewal may be processed by mail and the subsequent
350 renewal must be made in person. Thereafter every other renewal
351 may be processed by mail to assure that the applicant must appear
352 in person every ten (10) years for the purpose of obtaining a new
353 photograph.

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

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

360 (iii) The renewal fee for a Mississippi resident
361 aged sixty-five (65) years of age or older shall be Twenty Dollars
362 (\$20.00).

363 (b) The Department of Public Safety shall forward the
364 full set of fingerprints of the applicant to the appropriate
365 agencies for state and federal processing. The license shall be
366 renewed upon receipt of the completed renewal application and
367 appropriate payment of fees.

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



371 renewed six (6) months or more after its expiration date, and such
372 license shall be deemed to be permanently expired. A person whose
373 license has been permanently expired may reapply for licensure;
374 however, an application for licensure and fees pursuant to
375 subsection (5) of this section must be submitted, and a background
376 investigation shall be conducted pursuant to the provisions of
377 this section.

378 (13) No license issued pursuant to this section shall
379 authorize any person to carry a stun gun, concealed pistol or
380 revolver into any place of nuisance as defined in Section
381 95-3-1 * * *; any police, sheriff or highway patrol station; any
382 detention facility, prison or jail; any courthouse; any courtroom,
383 except that nothing in this section shall preclude a judge from
384 carrying a concealed weapon or determining who will carry a
385 concealed weapon in his courtroom; any polling place; any meeting
386 place of the governing body of any governmental entity; any
387 meeting of the Legislature or a committee thereof; any
388 school * * * or professional athletic event not related to
389 firearms; any portion of an establishment, licensed to dispense
390 alcoholic beverages for consumption on the premises, that is
391 primarily devoted to dispensing alcoholic beverages; any portion
392 of an establishment in which beer or light wine is consumed on the
393 premises, that is primarily devoted to such purpose; any
394 elementary or secondary school facility; * * * inside the
395 passenger terminal of any airport, except that no person shall be



396 prohibited from carrying any legal firearm into the terminal if
397 the firearm is encased for shipment, for purposes of checking such
398 firearm as baggage to be lawfully transported on any aircraft; any
399 church or other place of worship, except as provided in Section
400 45-9-171; or any place where the carrying of firearms is
401 prohibited by federal law. In addition to the places enumerated
402 in this subsection, unless otherwise prohibited by law, the
403 carrying of a stun gun, concealed pistol or revolver may be
404 disallowed in any place, in the discretion of the person or entity
405 exercising control over the physical location of such place, by
406 the placing of a written notice clearly readable at a distance of
407 not less than ten (10) feet that the "carrying of a pistol or
408 revolver is prohibited." No license issued pursuant to this
409 section shall authorize the participants in a parade or
410 demonstration for which a permit is required to carry a stun gun,
411 concealed pistol or revolver.

412 (14) A law enforcement officer as defined in Section 45-6-3,
413 chiefs of police, sheriffs and persons licensed as professional
414 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
415 1972, shall be exempt from the licensing requirements of this
416 section. The licensing requirements of this section do not apply
417 to the carrying by any person of a stun gun, pistol or revolver,
418 knife, or other deadly weapon that is not concealed as defined in
419 Section 97-37-1.



420 (15) Any person who knowingly submits a false answer to any
421 question on an application for a license issued pursuant to this
422 section, or who knowingly submits a false document when applying
423 for a license issued pursuant to this section, shall, upon
424 conviction, be guilty of a misdemeanor and shall be punished as
425 provided in Section 99-19-31 * * *.

426 (16) All fees collected by the Department of Public Safety
427 pursuant to this section shall be deposited into a special fund
428 hereby created in the State Treasury and shall be used for
429 implementation and administration of this section. After the
430 close of each fiscal year, the balance in this fund shall be
431 certified to the Legislature and then may be used by the
432 Department of Public Safety as directed by the Legislature.

433 (17) All funds received by a sheriff or police chief
434 pursuant to the provisions of this section shall be deposited into
435 the general fund of the county or municipality, as appropriate,
436 and shall be budgeted to the sheriff's office or police department
437 as appropriate.

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

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



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

449 (20) The provisions of this section shall be under the
450 supervision of the Commissioner of Public Safety. The
451 commissioner is authorized to promulgate reasonable rules and
452 regulations to carry out the provisions of this section.

453 (21) For the purposes of this section, the term "stun gun"
454 means a portable device or weapon from which an electric current,
455 impulse, wave or beam may be directed, which current, impulse,
456 wave or beam is designed to incapacitate temporarily, injure,
457 momentarily stun, knock out, cause mental disorientation or
458 paralyze.

459 (22) (a) From and after January 1, 2016, the Commissioner
460 of Public Safety shall promulgate rules and regulations which
461 provide that licenses authorized by this section for honorably
462 retired law enforcement officers and honorably retired
463 correctional officers from the Mississippi Department of
464 Corrections shall (i) include the words "retired law enforcement
465 officer" on the front of the license, and (ii) that the license
466 itself have a red background to distinguish it from other licenses
467 issued under this section.

468 (b) An honorably retired law enforcement officer and
469 honorably retired correctional officer shall provide the following



470 information to receive the license described in this section: (i)
471 a letter, with the official letterhead of the agency or department
472 from which such officer is retiring, which explains that such
473 officer is honorably retired, and (ii) a letter with the official
474 letterhead of the agency or department, which explains that such
475 officer has completed a certified law enforcement training
476 academy.

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

481 (24) A license under this section is not required for a
482 loaded or unloaded pistol or revolver to be carried upon the
483 person in a sheath, belt holster or shoulder holster or in a
484 purse, handbag, satchel, other similar bag or briefcase or fully
485 enclosed case if the person is not engaged in criminal activity
486 other than a misdemeanor traffic offense, is not otherwise
487 prohibited from possessing a pistol or revolver under state or
488 federal law, and is not in a location prohibited under subsection
489 (13) of this section.

490 **SECTION 3.** Section 45-9-53, Mississippi Code of 1972, is
491 amended as follows:

492 45-9-53. (1) This section and Section 45-9-51 do not affect
493 the authority that a county or municipality may have under another
494 law:



495 (a) To require citizens or public employees to be armed
496 for personal or national defense, law enforcement, or another
497 lawful purpose;

498 (b) To regulate the discharge of firearms within the
499 limits of the county or municipality. A county or municipality
500 may not apply a regulation relating to the discharge of firearms
501 or other weapons in the extraterritorial jurisdiction of the
502 county or municipality or in an area annexed by the county or
503 municipality after September 1, 1981, if the firearm or other
504 weapon is:

505 (i) A shotgun, air rifle or air pistol, BB gun or
506 bow and arrow discharged:

507 1. On a tract of land of ten (10) acres or
508 more and more than one hundred fifty (150) feet from a residence
509 or occupied building located on another property; and

510 2. In a manner not reasonably expected to
511 cause a projectile to cross the boundary of the tract; or

512 (ii) A center fire or rimfire rifle or pistol or a
513 muzzle-loading rifle or pistol of any caliber discharged:

514 1. On a tract of land of fifty (50) acres or
515 more and more than three hundred (300) feet from a residence or
516 occupied building located on another property; and

517 2. In a manner not reasonably expected to
518 cause a projectile to cross the boundary of the tract;



519 (c) To regulate the use of property or location of
520 businesses for uses therein pursuant to fire code, zoning
521 ordinances, or land-use regulations, so long as such codes,
522 ordinances and regulations are not used to circumvent the intent
523 of Section 45-9-51 or paragraph (e) of this subsection;

524 (d) To regulate the use of firearms in cases of
525 insurrection, riots and natural disasters in which the city finds
526 such regulation necessary to protect the health and safety of the
527 public. However, the provisions of this section shall not apply
528 to the lawful possession of firearms, ammunition or components of
529 firearms or ammunition;

530 (e) To regulate the storage or transportation of
531 explosives in order to protect the health and safety of the
532 public, with the exception of black powder which is exempt up to
533 twenty-five (25) pounds per private residence and fifty (50)
534 pounds per retail dealer;

535 (f) To regulate the carrying of a firearm at: (i) a
536 public park or at a public meeting of a county, municipality or
537 other governmental body; (ii) a political rally, parade or
538 official political meeting; or (iii) a nonfirearm-related
539 school * * * or professional athletic event; or

540 (g) To regulate the receipt of firearms by pawnshops.

541 (2) The exception provided by subsection (1) (f) of this
542 section does not apply if the firearm was in or carried to and
543 from an area designated for use in a lawful hunting, fishing or



544 other sporting event and the firearm is of the type commonly used
545 in the activity.

546 (3) This section and Section 45-9-51 do not authorize a
547 county or municipality or their officers or employees to act in
548 contravention of Section 33-7-303.

549 (4) No county or a municipality may use the written notice
550 provisions of Section 45-9-101(13) to prohibit concealed firearms
551 on property under their control except:

552 (a) At a location listed in Section 45-9-101(13)
553 indicating that a license issued under Section 45-9-101 does not
554 authorize the holder to carry a firearm into that location, as
555 long as the sign also indicates that carrying a firearm is
556 unauthorized only for license holders without a training
557 endorsement or that it is a location included in Section
558 97-37-7(2) where carrying a firearm is unauthorized for all
559 license holders; and

560 (b) At any location under the control of the county or
561 municipality aside from a location listed in subsection (1)(f) of
562 this section or Section 45-9-101(13) indicating that the
563 possession of a firearm is prohibited on the premises, as long as
564 the sign also indicates that it does not apply to a person
565 properly licensed under Section 45-9-101 or Section 97-37-7(2) to
566 carry a concealed firearm or to a person lawfully carrying a
567 firearm that is not concealed.



568 (5) (a) A citizen of this state, or a person licensed to
569 carry a concealed pistol or revolver under Section 45-9-101, or a
570 person licensed to carry a concealed pistol or revolver with the
571 endorsement under Section 97-37-7, who is adversely affected by an
572 ordinance or posted written notice adopted by a county or
573 municipality in violation of this section may file suit for
574 declarative and injunctive relief against a county or municipality
575 in the circuit court which shall have jurisdiction over the county
576 or municipality where the violation of this section occurs.

577 (b) Before instituting suit under this subsection, the
578 party adversely impacted by the ordinance or posted written notice
579 shall notify the Attorney General in writing of the violation and
580 include evidence of the violation. The Attorney General shall,
581 within thirty (30) days, investigate whether the county or
582 municipality adopted an ordinance or posted written notice in
583 violation of this section and provide the chief administrative
584 officer of the county or municipality notice of his findings,
585 including, if applicable, a description of the violation and
586 specific language of the ordinance or posted written notice found
587 to be in violation. The county or municipality shall have thirty
588 (30) days from receipt of that notice to cure the violation. If
589 the county or municipality fails to cure the violation within that
590 thirty-day time period, a suit under paragraph (a) of this
591 subsection may proceed. The findings of the Attorney General



592 shall constitute a "Public Record" as defined by the Mississippi
593 Public Records Act of 1983, Section 25-61-1 et seq.

594 (c) If the circuit court finds that a county or
595 municipality adopted an ordinance or posted written notice in
596 violation of this section and failed to cure that violation in
597 accordance with paragraph (b) of this subsection, the circuit
598 court shall issue a permanent injunction against a county or
599 municipality prohibiting it from enforcing the ordinance or posted
600 written notice. Any elected county or municipal official under
601 whose jurisdiction the violation occurred may be civilly liable in
602 a sum not to exceed One Thousand Dollars (\$1,000.00), plus all
603 reasonable attorney's fees and costs incurred by the party
604 bringing the suit. Public funds may not be used to defend or
605 reimburse officials who are found by the court to have violated
606 this section.

607 (d) It shall be an affirmative defense to any claim
608 brought against an elected county or municipal official under this
609 subsection (5) that the elected official:

610 (i) Did not vote in the affirmative for the
611 adopted ordinance or posted written notice deemed by the court to
612 be in violation of this section;

613 (ii) Did attempt to take recorded action to cure
614 the violation as noticed by the Attorney General in paragraph (b)
615 of this subsection; or



616 (iii) Did attempt to take recorded action to
617 rescind the ordinance or remove the posted written notice deemed
618 by the court to be in violation of this section.

619 (6) No county or municipality or their officers or employees
620 may participate in any program in which individuals are given a
621 thing of value provided by another individual or other entity in
622 exchange for surrendering a firearm to the county, municipality or
623 other governmental body unless:

624 (a) The county or municipality has adopted an ordinance
625 authorizing the participation of the county or municipality, or
626 participation by an officer or employee of the county or
627 municipality in such a program; and

628 (b) Any ordinance enacted pursuant to this section must
629 require that any firearm received shall be offered for sale at
630 auction as provided by Sections 19-3-85 and 21-39-21 to federally
631 licensed firearms dealers, with the proceeds from such sale at
632 auction reverting to the general operating fund of the county,
633 municipality or other governmental body. Any firearm remaining in
634 possession of the county, municipality or other governmental body
635 after attempts to sell at auction may be disposed of in a manner
636 that the body deems appropriate.

637 **SECTION 4.** Section 97-37-17, Mississippi Code of 1972, is
638 amended as follows:

639 97-37-17. (1) The following definitions apply to this
640 section:



641 (a) "Educational property" shall mean any public or
642 private school building or bus, public or private school campus,
643 grounds, recreational area, athletic field, or other property
644 owned, used or operated by any local school board, school, college
645 or university board of trustees, or directors for the
646 administration of any public or private educational institution or
647 during a school-related activity, and shall include the facility
648 and property of the Oakley Youth Development Center, operated by
649 the Department of Human Services; provided, however, that the term
650 "educational property" shall not include any sixteenth section
651 school land or lieu land on which is not located a school
652 building, school campus, recreational area or athletic field.

653 (b) "Student" shall mean a person enrolled in a public
654 or private school, college or university, or a person who has been
655 suspended or expelled within the last five (5) years from a public
656 or private school, college or university, or a person in the
657 custody of the Oakley Youth Development Center, operated by the
658 Department of Human Services, whether the person is an adult or a
659 minor.

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

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



665 (2) It shall be a felony for any person to possess or carry,
666 whether openly or concealed, any gun, rifle, pistol or other
667 firearm of any kind, or any dynamite cartridge, bomb, grenade,
668 mine or powerful explosive on educational property. However, this
669 subsection does not apply to: a BB gun, air rifle or air pistol;
670 or a stun gun, concealed pistol or revolver carried or possessed
671 by a person licensed to carry a concealed weapon under Section
672 45-9-101 when the educational property is a campus of a state
673 institution of higher learning or private or independent
674 institution of higher education, as those terms are defined under
675 Section 45-9-102. Any person violating this subsection shall be
676 guilty of a felony and, upon conviction thereof, shall be fined
677 not more than Five Thousand Dollars (\$5,000.00), or committed to
678 the custody of the State Department of Corrections for not more
679 than three (3) years, or both.

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



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

691 (4) It shall be a misdemeanor for any person to possess or
692 carry, whether openly or concealed, any BB gun, air rifle, air
693 pistol, bowie knife, dirk, dagger, slingshot, leaded cane,
694 switchblade knife, blackjack, metallic knuckles, razors and razor
695 blades (except solely for personal shaving), and any sharp-pointed
696 or edged instrument except instructional supplies, unaltered nail
697 files and clips and tools used solely for preparation of food,
698 instruction and maintenance on educational property. Any person
699 violating this subsection shall be guilty of a misdemeanor and,
700 upon conviction thereof, shall be fined not more than One Thousand
701 Dollars (\$1,000.00), or be imprisoned not exceeding six (6)
702 months, or both.

703 (5) It shall be a misdemeanor for any person to cause,
704 encourage or aid a minor who is less than eighteen (18) years old
705 to possess or carry, whether openly or concealed, any BB gun, air
706 rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded
707 cane, switchblade, knife, blackjack, metallic knuckles, razors and
708 razor blades (except solely for personal shaving) and any
709 sharp-pointed or edged instrument except instructional supplies,
710 unaltered nail files and clips and tools used solely for
711 preparation of food, instruction and maintenance on educational
712 property. Any person violating this subsection shall be guilty of
713 a misdemeanor and, upon conviction thereof, shall be fined not



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

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

720 (a) The person is not a student attending school on any
721 educational property;

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

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

725 (7) This section shall not apply to:

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

730 (b) Armed Forces personnel of the United States,
731 officers and soldiers of the militia and National Guard, law
732 enforcement personnel, any private police employed by an
733 educational institution, State Militia or Emergency Management
734 Corps and any guard or patrolman in a state or municipal
735 institution, and any law enforcement personnel or guard at a state
736 juvenile training school, when acting in the discharge of their
737 official duties;



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

740 (d) Competitors while participating in organized
741 shooting events;

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

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

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

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

753 **SECTION 5.** Section 97-37-1, Mississippi Code of 1972, is
754 brought forward as follows:

755 97-37-1. (1) Except as otherwise provided in Section
756 45-9-101, any person who carries, concealed on or about one's
757 person, any bowie knife, dirk knife, butcher knife, switchblade
758 knife, metallic knuckles, blackjack, slingshot, pistol, revolver,
759 or any rifle with a barrel of less than sixteen (16) inches in
760 length, or any shotgun with a barrel of less than eighteen (18)
761 inches in length, machine gun or any fully automatic firearm or
762 deadly weapon, or any muffler or silencer for any firearm, whether



763 or not it is accompanied by a firearm, or uses or attempts to use
764 against another person any imitation firearm, shall, upon
765 conviction, be punished as follows:

766 (a) By a fine of not less than One Hundred Dollars
767 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
768 imprisonment in the county jail for not more than six (6) months,
769 or both, in the discretion of the court, for the first conviction
770 under this section.

771 (b) By a fine of not less than One Hundred Dollars
772 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
773 imprisonment in the county jail for not less than thirty (30) days
774 nor more than six (6) months, for the second conviction under this
775 section.

776 (c) By confinement in the custody of the Department of
777 Corrections for not less than one (1) year nor more than five (5)
778 years, for the third or subsequent conviction under this section.

779 (d) By confinement in the custody of the Department of
780 Corrections for not less than one (1) year nor more than ten (10)
781 years for any person previously convicted of any felony who is
782 convicted under this section.

783 (2) It shall not be a violation of this section for any
784 person over the age of eighteen (18) years to carry a firearm or
785 deadly weapon concealed within the confines of his own home or his
786 place of business, or any real property associated with his home
787 or business or within any motor vehicle.



788 (3) It shall not be a violation of this section for any
789 person to carry a firearm or deadly weapon concealed if the
790 possessor of the weapon is then engaged in a legitimate
791 weapon-related sports activity or is going to or returning from
792 such activity. For purposes of this subsection, "legitimate
793 weapon-related sports activity" means hunting, fishing, target
794 shooting or any other legal activity which normally involves the
795 use of a firearm or other weapon.

796 (4) For the purposes of this section, "concealed" means
797 hidden or obscured from common observation and shall not include
798 any weapon listed in subsection (1) of this section, including,
799 but not limited to, a loaded or unloaded pistol carried upon the
800 person in a sheath, belt holster or shoulder holster that is
801 wholly or partially visible, or carried upon the person in a
802 scabbard or case for carrying the weapon that is wholly or
803 partially visible.

804 **SECTION 6.** Section 97-37-7, Mississippi Code of 1972, is
805 brought forward as follows:

806 97-37-7. (1) (a) It shall not be a violation of Section
807 97-37-1 or any other statute for pistols, firearms or other
808 suitable and appropriate weapons to be carried by duly constituted
809 bank guards, company guards, watchmen, railroad special agents or
810 duly authorized representatives who are not sworn law enforcement
811 officers, agents or employees of a patrol service, guard service,
812 or a company engaged in the business of transporting money,



813 securities or other valuables, while actually engaged in the
814 performance of their duties as such, provided that such persons
815 have made a written application and paid a nonrefundable permit
816 fee of One Hundred Dollars (\$100.00) to the Department of Public
817 Safety.

818 (b) No permit shall be issued to any person who has
819 ever been convicted of a felony under the laws of this or any
820 other state or of the United States. To determine an applicant's
821 eligibility for a permit, the person shall be fingerprinted. If
822 no disqualifying record is identified at the state level, the
823 fingerprints shall be forwarded by the Department of Public Safety
824 to the Federal Bureau of Investigation for a national criminal
825 history record check. The department shall charge a fee which
826 includes the amounts required by the Federal Bureau of
827 Investigation and the department for the national and state
828 criminal history record checks and any necessary costs incurred by
829 the department for the handling and administration of the criminal
830 history background checks. In the event a legible set of
831 fingerprints, as determined by the Department of Public Safety and
832 the Federal Bureau of Investigation, cannot be obtained after a
833 minimum of three (3) attempts, the Department of Public Safety
834 shall determine eligibility based upon a name check by the
835 Mississippi Highway Safety Patrol and a Federal Bureau of
836 Investigation name check conducted by the Mississippi Highway
837 Safety Patrol at the request of the Department of Public Safety.



838 (c) A person may obtain a duplicate of a lost or
839 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
840 replacement fee to the Department of Public Safety, if he
841 furnishes a notarized statement to the department that the permit
842 has been lost or destroyed.

843 (d) (i) No less than ninety (90) days prior to the
844 expiration date of a permit, the Department of Public Safety shall
845 mail to the permit holder written notice of expiration together
846 with the renewal form prescribed by the department. The permit
847 holder shall renew the permit on or before the expiration date by
848 filing with the department the renewal form, a notarized affidavit
849 stating that the permit holder remains qualified, and the renewal
850 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
851 officers shall be exempt from payment of the renewal fee. A
852 permit holder who fails to file a renewal application on or before
853 its expiration date shall pay a late fee of Fifteen Dollars
854 (\$15.00).

855 (ii) Renewal of the permit shall be required every
856 four (4) years. The permit of a qualified renewal applicant shall
857 be renewed upon receipt of the completed renewal application and
858 appropriate payment of fees.

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



863 (2) It shall not be a violation of this or any other statute
864 for pistols, firearms or other suitable and appropriate weapons to
865 be carried by Department of Wildlife, Fisheries and Parks law
866 enforcement officers, railroad special agents who are sworn law
867 enforcement officers, investigators employed by the Attorney
868 General, criminal investigators employed by the district
869 attorneys, all prosecutors, public defenders, investigators or
870 probation officers employed by the Department of Corrections,
871 employees of the State Auditor who are authorized by the State
872 Auditor to perform investigative functions, or any deputy fire
873 marshal or investigator employed by the State Fire Marshal, while
874 engaged in the performance of their duties as such, or by fraud
875 investigators with the Department of Human Services, or by judges
876 of the Mississippi Supreme Court, Court of Appeals, circuit,
877 chancery, county, justice and municipal courts, or by coroners.
878 Before any person shall be authorized under this subsection to
879 carry a weapon, he shall complete a weapons training course
880 approved by the Board of Law Enforcement Officer Standards and
881 Training. Before any criminal investigator employed by a district
882 attorney shall be authorized under this section to carry a pistol,
883 firearm or other weapon, he shall have complied with Section
884 45-6-11 or any training program required for employment as an
885 agent of the Federal Bureau of Investigation. A law enforcement
886 officer, as defined in Section 45-6-3, shall be authorized to
887 carry weapons in courthouses in performance of his official



888 duties. A person licensed under Section 45-9-101 to carry a
889 concealed pistol, who (a) has voluntarily completed an
890 instructional course in the safe handling and use of firearms
891 offered by an instructor certified by a nationally recognized
892 organization that customarily offers firearms training, or by any
893 other organization approved by the Department of Public Safety,
894 (b) is a member or veteran of any active or reserve component
895 branch of the United States of America Armed Forces having
896 completed law enforcement or combat training with pistols or other
897 handguns as recognized by such branch after submitting an
898 affidavit attesting to have read, understand and agree to comply
899 with all provisions of the enhanced carry law, or (c) is an
900 honorably retired law enforcement officer or honorably retired
901 member or veteran of any active or reserve component branch of the
902 United States of America Armed Forces having completed law
903 enforcement or combat training with pistols or other handguns,
904 after submitting an affidavit attesting to have read, understand
905 and agree to comply with all provisions of Mississippi enhanced
906 carry law shall also be authorized to carry weapons in courthouses
907 except in courtrooms during a judicial proceeding, and any
908 location listed in subsection (13) of Section 45-9-101, except any
909 place of nuisance as defined in Section 95-3-1, any police,
910 sheriff or highway patrol station or any detention facility,
911 prison or jail. For the purposes of this subsection (2),
912 component branch of the United States Armed Forces includes the



913 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
914 National Guard, the Army National Guard of the United States, the
915 Air National Guard or the Air National Guard of the United States,
916 as those terms are defined in Section 101, Title 10, United States
917 Code, and any other reserve component of the United States Armed
918 Forces enumerated in Section 10101, Title 10, United States Code.
919 The department shall promulgate rules and regulations allowing
920 concealed pistol permit holders to obtain an endorsement on their
921 permit indicating that they have completed the aforementioned
922 course and have the authority to carry in these locations. This
923 section shall in no way interfere with the right of a trial judge
924 to restrict the carrying of firearms in the courtroom.

925 (3) It shall not be a violation of this or any other statute
926 for pistols, firearms or other suitable and appropriate weapons,
927 to be carried by any out-of-state, full-time commissioned law
928 enforcement officer who holds a valid commission card from the
929 appropriate out-of-state law enforcement agency and a photo
930 identification. The provisions of this subsection shall only
931 apply if the state where the out-of-state officer is employed has
932 entered into a reciprocity agreement with the state that allows
933 full-time commissioned law enforcement officers in Mississippi to
934 lawfully carry or possess a weapon in such other states. The
935 Commissioner of Public Safety is authorized to enter into
936 reciprocal agreements with other states to carry out the
937 provisions of this subsection.



938 **SECTION 7.** This act shall take effect and be in force from
939 and after July 1, 2018.

