

By: Representatives Gipson, Arnold, Baker, Barnett, Beckett, Bomgar, Bounds, Boyd, Byrd, Carpenter, Chism, Criswell, Currie, Gibbs (36th), Guice, Hale, Hopkins, Mangold, Massengill, McLeod, Mettetal, Oliver, Roberson, Rogers (14th), Rogers (61st), Scoggin, Staples, Steverson, Tullos, Wilson, Ford, Horne, Mims, Shirley, Patterson, Crawford To: Judiciary B

HOUSE BILL NO. 1083

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, * * * any
111 location listed in subsection (13) of Section 45-9-101, and any
112 other public property, or portion of public property, except any
113 place of nuisance as defined in Section 95-3-1, any police,
114 sheriff or highway patrol station or any detention facility,
115 prison or jail. Any rule, regulation, or other policy that has
116 the effect of limiting the locations where a person may carry a
117 concealed pistol pursuant to the Mississippi enhanced carry law
118 beyond the locations described in this subsection shall have no



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

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



144 reciprocal agreements with other states to carry out the
145 provisions of this subsection.

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

148 45-9-101. (1) (a) Except as otherwise provided, the
149 Department of Public Safety is authorized to issue licenses to
150 carry stun guns, concealed pistols or revolvers to persons
151 qualified as provided in this section. Such licenses shall be
152 valid throughout the state for a period of five (5) years from the
153 date of issuance. Any person possessing a valid license issued
154 pursuant to this section may carry a stun gun, concealed pistol or
155 concealed revolver.

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

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

166 (a) Is a resident of the state. However, this
167 residency requirement may be waived if the applicant possesses a
168 valid permit from another state, is active military personnel



169 stationed in Mississippi, or is a retired law enforcement officer
170 establishing residency in the state;

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

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

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

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

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

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

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

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



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

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

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

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

211 (i) Has not been voluntarily or involuntarily committed
212 to a mental institution or mental health treatment facility unless
213 he possesses a certificate from a psychiatrist licensed in this
214 state that he has not suffered from disability for a period of
215 five (5) years;

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



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

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

221 (l) Is not disqualified to possess a weapon based on
222 federal law.

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

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



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

244 (b) The driver's license number or social security
245 number of applicant;

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

248 (d) A statement that the applicant is in compliance
249 with criteria contained within subsections (2) and (3) of this
250 section;

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

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

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

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

262 (a) A completed application as described in subsection
263 (4) of this section;

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



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

269 (c) A nonrefundable license fee of Eighty Dollars
270 (\$80.00). Costs for processing the set of fingerprints as
271 required in paragraph (d) of this subsection shall be borne by the
272 applicant. Honorably retired law enforcement officers, disabled
273 veterans and active duty members of the Armed Forces of the United
274 States shall be exempt from the payment of the license fee;

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

277 (e) A waiver authorizing the Department of Public
278 Safety access to any records concerning commitments of the
279 applicant to any of the treatment facilities or institutions
280 referred to in subsection (2) and permitting access to all the
281 applicant's criminal records.

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

286 (b) The Department of Public Safety shall forward a
287 copy of the applicant's application to the sheriff of the
288 applicant's county of residence and, if applicable, the police
289 chief of the applicant's municipality of residence. The sheriff
290 of the applicant's county of residence and, if applicable, the
291 police chief of the applicant's municipality of residence may, at



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

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

303 (i) Issue the license;

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

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



316 (d) In the event a legible set of fingerprints, as
317 determined by the Department of Public Safety and the Federal
318 Bureau of Investigation, cannot be obtained after a minimum of two
319 (2) attempts, the Department of Public Safety shall determine
320 eligibility based upon a name check by the Mississippi Highway
321 Safety Patrol and a Federal Bureau of Investigation name check
322 conducted by the Mississippi Highway Safety Patrol at the request
323 of the Department of Public Safety.

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

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



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

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

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



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

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

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



391 (i) Except as provided in this subsection, a
392 renewal fee of Forty Dollars (\$40.00) shall also be submitted
393 along with costs for processing the fingerprints;
394 (ii) Honorably retired law enforcement officers,
395 disabled veterans and active duty members of the Armed Forces of
396 the United States shall be exempt from the renewal fee; and
397 (iii) The renewal fee for a Mississippi resident
398 aged sixty-five (65) years of age or older shall be Twenty Dollars
399 (\$20.00).

400 (b) The Department of Public Safety shall forward the
401 full set of fingerprints of the applicant to the appropriate
402 agencies for state and federal processing. The license shall be
403 renewed upon receipt of the completed renewal application and
404 appropriate payment of fees.

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



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



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

450 (14) A law enforcement officer as defined in Section 45-6-3,
451 chiefs of police, sheriffs and persons licensed as professional
452 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
453 1972, shall be exempt from the licensing requirements of this
454 section. The licensing requirements of this section do not apply
455 to the carrying by any person of a stun gun, pistol or revolver,
456 knife, or other deadly weapon that is not concealed as defined in
457 Section 97-37-1.

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



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

471 (17) All funds received by a sheriff or police chief
472 pursuant to the provisions of this section shall be deposited into
473 the general fund of the county or municipality, as appropriate,
474 and shall be budgeted to the sheriff's office or police department
475 as appropriate.

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

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

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



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

491 (21) For the purposes of this section, the term "stun gun"
492 means a portable device or weapon from which an electric current,
493 impulse, wave or beam may be directed, which current, impulse,
494 wave or beam is designed to incapacitate temporarily, injure,
495 momentarily stun, knock out, cause mental disorientation or
496 paralyze.

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

506 (b) An honorably retired law enforcement officer and
507 honorably retired correctional officer shall provide the following
508 information to receive the license described in this section: (i)
509 a letter, with the official letterhead of the agency or department
510 from which such officer is retiring, which explains that such
511 officer is honorably retired, and (ii) a letter with the official
512 letterhead of the agency or department, which explains that such



513 officer has completed a certified law enforcement training
514 academy.

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

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

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

530 45-9-171. (1) This section shall be known and may be cited
531 as the "Mississippi Church Protection Act."

532 (2) (a) The governing body of any church or place of
533 worship may establish a security program by which designated
534 members are authorized to carry firearms for the protection of the
535 congregation of the church or place of worship, including
536 resisting any unlawful attempt to commit a violent felony listed
537 in Section 97-3-2(1) upon a member or other attendee in the church



538 or place of worship or on the immediate premises thereof. A
539 church or place of worship may establish a security program that
540 meets the requirements of subsection (2) (b) of this section, and a
541 member of the security program shall be immune from civil
542 liability for any action taken by a member of the security program
543 if the action in question occurs during the reasonable exercise of
544 and within the course and scope of the member's official duties as
545 a member of the security program for the church or place of
546 worship. For purposes of this section, "church" or "place of
547 worship" means only a bona fide duly constituted religious
548 society, ecclesiastical body, or any congregation thereof.

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

551 (i) The program at a minimum must require that
552 each participant of the program possesses a firearms permit issued
553 under Section 45-9-101 and has completed an instructional course
554 in the safe handling and use of firearms as described in Section
555 97-37-7. The program may also include one or more persons with
556 law enforcement or military background who may assist the church
557 or place of worship in training of the members of the program;

558 (ii) The names of the members designated by the
559 church or place of worship to serve in the security program must
560 be spread upon the minutes of the body or otherwise noted in
561 writing at the time of the member's designation if the body does
562 not maintain minutes, and this written record must be made



563 available to law enforcement upon request during the course of
564 investigation after an incident in which the member used a firearm
565 while acting as a member of the security program; and

566 (iii) The member of the program who is claiming
567 immunity under the provisions of this section must have met the
568 requirements of this paragraph (b).

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

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

580 97-37-9. Any person indicted or charged for a violation of
581 Section 97-37-1 may show as a defense:

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

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



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

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

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

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

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

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

599 (i) That at the time he was a company guard, bank
600 guard, watchman, or other person enumerated in Section 97-37-7,
601 and was then actually engaged in the performance of his duties as
602 such, and then held a valid permit from the sheriff, the
603 commissioner of public safety, or a valid permit issued by the
604 Secretary of State prior to May 1, 1974, to carry the weapon; and
605 the burden of proving either of said defenses shall be on the
606 accused; or

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



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

613 97-3-15. (1) The killing of a human being by the act,
614 procurement or omission of another shall be justifiable in the
615 following cases:

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

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

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

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

629 (e) When committed by any person in resisting any
630 attempt unlawfully to kill such person or to commit any felony
631 upon him, or upon or in any dwelling, in any occupied vehicle, in
632 any place of business, in any place of employment or in the
633 immediate premises thereof in which such person shall be;

634 (f) When committed in the lawful defense of one's own
635 person or any other human being, where there shall be reasonable



636 ground to apprehend a design to commit a felony or to do some
637 great personal injury, and there shall be imminent danger of such
638 design being accomplished;

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

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

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

646 (2) (a) As used in subsection (1)(c) and (d) of this
647 section, the term "when necessarily committed" means that a public
648 officer or a person acting by or at the officer's command, aid or
649 assistance is authorized to use such force as necessary in
650 securing and detaining the felon offender, overcoming the
651 offender's resistance, preventing the offender's escape,
652 recapturing the offender if the offender escapes or in protecting
653 himself or others from bodily harm; but such officer or person
654 shall not be authorized to resort to deadly or dangerous means
655 when to do so would be unreasonable under the circumstances. The
656 public officer or person acting by or at the officer's command may
657 act upon a reasonable apprehension of the surrounding
658 circumstances; however, such officer or person shall not use
659 excessive force or force that is greater than reasonably necessary
660 in securing and detaining the offender, overcoming the offender's



661 resistance, preventing the offender's escape, recapturing the
662 offender if the offender escapes or in protecting himself or
663 others from bodily harm.

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

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

676 (3) A person who uses defensive force shall be presumed to
677 have reasonably feared imminent death or great bodily harm, or the
678 commission of a felony upon him or another or upon his dwelling,
679 or against a vehicle which he was occupying, or against his
680 business or place of employment or the immediate premises of such
681 business or place of employment, if the person against whom the
682 defensive force was used, was in the process of unlawfully and
683 forcibly entering, or had unlawfully and forcibly entered, a
684 dwelling, occupied vehicle, business, place of employment or the
685 immediate premises thereof or if that person had unlawfully



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

700 (4) A person who is not the initial aggressor and is not
701 engaged in unlawful activity shall have no duty to retreat before
702 using deadly force under subsection (1)(e) or (f) of this section
703 if the person is in a place where the person has a right to be,
704 and no finder of fact shall be permitted to consider the person's
705 failure to retreat as evidence that the person's use of force was
706 unnecessary, excessive or unreasonable.

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



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

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

