

By: Representative Rushing

To: Judiciary B

HOUSE BILL NO. 1086

1 AN ACT TO PROHIBIT A PUBLIC EMPLOYER FROM BANNING ITS  
 2 EMPLOYEES WITH A FIREARM PERMIT AND TRAINING ENDORSEMENT FROM  
 3 CARRYING A CONCEALED PISTOL OR REVOLVER ON THE EMPLOYER'S  
 4 PROPERTY; TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, IN  
 5 CONFORMITY WITH THE PROVISIONS OF THIS ACT; TO BRING FORWARD  
 6 SECTIONS 97-37-1, 97-37-7 AND 45-9-53, MISSISSIPPI CODE OF 1972,  
 7 FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** A public employer of this state or a political  
 10 subdivision of this state may not adopt or establish a policy  
 11 prohibiting an employee who has a valid license issued under  
 12 Section 45-9-101 and a training endorsement as provided by Section  
 13 97-37-7 from lawfully carrying a concealed pistol or revolver on  
 14 any property or in any building under the public employer's  
 15 control. A sign that is posted by a public employer in accordance  
 16 with Section 45-9-101 which prohibits the carrying of a concealed  
 17 pistol or revolver is not effective against any employee of the  
 18 public employer, provided the employee has a valid license issued  
 19 under Section 45-9-101 and a training endorsement as provided by  
 20 Section 97-37-7.



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

23           45-9-101. (1) (a) Except as otherwise provided, the  
24 Department of Public Safety is authorized to issue licenses to  
25 carry stun guns, concealed pistols or revolvers to persons  
26 qualified as provided in this section. Such licenses shall be  
27 valid throughout the state for a period of five (5) years from the  
28 date of issuance. Any person possessing a valid license issued  
29 pursuant to this section may carry a stun gun, concealed pistol or  
30 concealed revolver.

31           (b) The licensee must carry the license, together with  
32 valid identification, at all times in which the licensee is  
33 carrying a stun gun, concealed pistol or revolver and must display  
34 both the license and proper identification upon demand by a law  
35 enforcement officer. A violation of the provisions of this  
36 paragraph (b) shall constitute a noncriminal violation with a  
37 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable  
38 by summons.

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

41           (a) Is a resident of the state. However, this  
42 residency requirement may be waived if the applicant possesses a  
43 valid permit from another state, is active military personnel  
44 stationed in Mississippi, or is a retired law enforcement officer  
45 establishing residency in the state;



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

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

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

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

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

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

59 (e) Does not chronically or habitually abuse controlled  
60 substances to the extent that his normal faculties are impaired.  
61 It shall be presumed that an applicant chronically and habitually  
62 uses controlled substances to the extent that his faculties are  
63 impaired if the applicant has been voluntarily or involuntarily  
64 committed to a treatment facility for the abuse of a controlled  
65 substance or been found guilty of a crime under the provisions of  
66 the Uniform Controlled Substances Law or similar laws of any other  
67 state or the United States relating to controlled substances  
68 within a three-year period immediately preceding the date on which  
69 the application is submitted;



70 (f) Does not chronically and habitually use alcoholic  
71 beverages to the extent that his normal faculties are impaired.  
72 It shall be presumed that an applicant chronically and habitually  
73 uses alcoholic beverages to the extent that his normal faculties  
74 are impaired if the applicant has been voluntarily or  
75 involuntarily committed as an alcoholic to a treatment facility or  
76 has been convicted of two (2) or more offenses related to the use  
77 of alcohol under the laws of this state or similar laws of any  
78 other state or the United States within the three-year period  
79 immediately preceding the date on which the application is  
80 submitted;

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

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

86 (i) Has not been voluntarily or involuntarily committed  
87 to a mental institution or mental health treatment facility unless  
88 he possesses a certificate from a psychiatrist licensed in this  
89 state that he has not suffered from disability for a period of  
90 five (5) years;

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



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

96 (l) Is not disqualified to possess a weapon based on  
97 federal law.

98 (3) The Department of Public Safety may deny a license if  
99 the applicant has been found guilty of one or more crimes of  
100 violence constituting a misdemeanor unless three (3) years have  
101 elapsed since probation or any other conditions set by the court  
102 have been fulfilled or expunction has occurred prior to the date  
103 on which the application is submitted, or may revoke a license if  
104 the licensee has been found guilty of one or more crimes of  
105 violence within the preceding three (3) years. The department  
106 shall, upon notification by a law enforcement agency or a court  
107 and subsequent written verification, suspend a license or the  
108 processing of an application for a license if the licensee or  
109 applicant is arrested or formally charged with a crime which would  
110 disqualify such person from having a license under this section,  
111 until final disposition of the case. The provisions of subsection  
112 (7) of this section shall apply to any suspension or revocation of  
113 a license pursuant to the provisions of this section.

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

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



119 (b) The driver's license number or social security  
120 number of applicant;

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

123 (d) A statement that the applicant is in compliance  
124 with criteria contained within subsections (2) and (3) of this  
125 section;

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

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

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

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

137 (a) A completed application as described in subsection  
138 (4) of this section;

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



144 (c) A nonrefundable license fee of Eighty Dollars  
145 (\$80.00). Costs for processing the set of fingerprints as  
146 required in paragraph (d) of this subsection shall be borne by the  
147 applicant. Honorably retired law enforcement officers, disabled  
148 veterans and active duty members of the Armed Forces of the United  
149 States shall be exempt from the payment of the license fee;

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

152 (e) A waiver authorizing the Department of Public  
153 Safety access to any records concerning commitments of the  
154 applicant to any of the treatment facilities or institutions  
155 referred to in subsection (2) and permitting access to all the  
156 applicant's criminal records.

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

161 (b) The Department of Public Safety shall forward a  
162 copy of the applicant's application to the sheriff of the  
163 applicant's county of residence and, if applicable, the police  
164 chief of the applicant's municipality of residence. The sheriff  
165 of the applicant's county of residence and, if applicable, the  
166 police chief of the applicant's municipality of residence may, at  
167 his discretion, participate in the process by submitting a  
168 voluntary report to the Department of Public Safety containing any



169 readily discoverable prior information that he feels may be  
170 pertinent to the licensing of any applicant. The reporting shall  
171 be made within thirty (30) days after the date he receives the  
172 copy of the application. Upon receipt of a response from a  
173 sheriff or police chief, such sheriff or police chief shall be  
174 reimbursed at a rate set by the department.

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

178 (i) Issue the license;

179 (ii) Deny the application based solely on the  
180 ground that the applicant fails to qualify under the criteria  
181 listed in subsections (2) and (3) of this section. If the  
182 Department of Public Safety denies the application, it shall  
183 notify the applicant in writing, stating the ground for denial,  
184 and the denial shall be subject to the appeal process set forth in  
185 subsection (7); or

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

191 (d) In the event a legible set of fingerprints, as  
192 determined by the Department of Public Safety and the Federal  
193 Bureau of Investigation, cannot be obtained after a minimum of two





194 (2) attempts, the Department of Public Safety shall determine  
195 eligibility based upon a name check by the Mississippi Highway  
196 Safety Patrol and a Federal Bureau of Investigation name check  
197 conducted by the Mississippi Highway Safety Patrol at the request  
198 of the Department of Public Safety.

199 (7) (a) If the Department of Public Safety denies the  
200 issuance of a license, or suspends or revokes a license, the party  
201 aggrieved may appeal such denial, suspension or revocation to the  
202 Commissioner of Public Safety, or his authorized agent, within  
203 thirty (30) days after the aggrieved party receives written notice  
204 of such denial, suspension or revocation. The Commissioner of  
205 Public Safety, or his duly authorized agent, shall rule upon such  
206 appeal within thirty (30) days after the appeal is filed and  
207 failure to rule within this thirty-day period shall constitute  
208 sustaining such denial, suspension or revocation. Such review  
209 shall be conducted pursuant to such reasonable rules and  
210 regulations as the Commissioner of Public Safety may adopt.

211 (b) If the revocation, suspension or denial of issuance  
212 is sustained by the Commissioner of Public Safety, or his duly  
213 authorized agent pursuant to paragraph (a) of this subsection, the  
214 aggrieved party may file within ten (10) days after the rendition  
215 of such decision a petition in the circuit or county court of his  
216 residence for review of such decision. A hearing for review shall  
217 be held and shall proceed before the court without a jury upon the  
218 record made at the hearing before the Commissioner of Public



219 Safety or his duly authorized agent. No such party shall be  
220 allowed to carry a stun gun, concealed pistol or revolver pursuant  
221 to the provisions of this section while any such appeal is  
222 pending.

223 (8) The Department of Public Safety shall maintain an  
224 automated listing of license holders and such information shall be  
225 available online, upon request, at all times, to all law  
226 enforcement agencies through the Mississippi Crime Information  
227 Center. However, the records of the department relating to  
228 applications for licenses to carry stun guns, concealed pistols or  
229 revolvers and records relating to license holders shall be exempt  
230 from the provisions of the Mississippi Public Records Act of 1983,  
231 and shall be released only upon order of a court having proper  
232 jurisdiction over a petition for release of the record or records.

233 (9) Within thirty (30) days after the changing of a  
234 permanent address, or within thirty (30) days after having a  
235 license lost or destroyed, the licensee shall notify the  
236 Department of Public Safety in writing of such change or loss.  
237 Failure to notify the Department of Public Safety pursuant to the  
238 provisions of this subsection shall constitute a noncriminal  
239 violation with a penalty of Twenty-five Dollars (\$25.00) and shall  
240 be enforceable by a summons.

241 (10) In the event that a stun gun, concealed pistol or  
242 revolver license is lost or destroyed, the person to whom the  
243 license was issued shall comply with the provisions of subsection



244 (9) of this section and may obtain a duplicate, or substitute  
245 thereof, upon payment of Fifteen Dollars (\$15.00) to the  
246 Department of Public Safety, and furnishing a notarized statement  
247 to the department that such license has been lost or destroyed.

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

251 (12) (a) No less than ninety (90) days prior to the  
252 expiration date of the license, the Department of Public Safety  
253 shall mail to each licensee a written notice of the expiration and  
254 a renewal form prescribed by the department. The licensee must  
255 renew his license on or before the expiration date by filing with  
256 the department the renewal form, a notarized affidavit stating  
257 that the licensee remains qualified pursuant to the criteria  
258 specified in subsections (2) and (3) of this section, and a full  
259 set of fingerprints administered by the Department of Public  
260 Safety or the sheriff of the county of residence of the licensee.  
261 The first renewal may be processed by mail and the subsequent  
262 renewal must be made in person. Thereafter every other renewal  
263 may be processed by mail to assure that the applicant must appear  
264 in person every ten (10) years for the purpose of obtaining a new  
265 photograph.

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



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

272 (iii) The renewal fee for a Mississippi resident  
273 aged sixty-five (65) years of age or older shall be Twenty Dollars  
274 (\$20.00).

275 (b) The Department of Public Safety shall forward the  
276 full set of fingerprints of the applicant to the appropriate  
277 agencies for state and federal processing. The license shall be  
278 renewed upon receipt of the completed renewal application and  
279 appropriate payment of fees.

280 (c) A licensee who fails to file a renewal application  
281 on or before its expiration date must renew his license by paying  
282 a late fee of Fifteen Dollars (\$15.00). No license shall be  
283 renewed six (6) months or more after its expiration date, and such  
284 license shall be deemed to be permanently expired. A person whose  
285 license has been permanently expired may reapply for licensure;  
286 however, an application for licensure and fees pursuant to  
287 subsection (5) of this section must be submitted, and a background  
288 investigation shall be conducted pursuant to the provisions of  
289 this section.

290 (13) No license issued pursuant to this section shall  
291 authorize any person to carry a stun gun, concealed pistol or  
292 revolver into: any place of nuisance as defined in Section  
293 95-3-1 \* \* \*; any police, sheriff or highway patrol station; any



294 detention facility, prison or jail; any courthouse; any courtroom,  
295 except that nothing in this section shall preclude a judge from  
296 carrying a concealed weapon or determining who will carry a  
297 concealed weapon in his courtroom; any polling place; any meeting  
298 place of the governing body of any governmental entity; any  
299 meeting of the Legislature or a committee thereof; any school,  
300 college or professional athletic event not related to firearms;  
301 any portion of an establishment, licensed to dispense alcoholic  
302 beverages for consumption on the premises, that is primarily  
303 devoted to dispensing alcoholic beverages; any portion of an  
304 establishment in which beer or light wine is consumed on the  
305 premises, that is primarily devoted to such purpose; any  
306 elementary or secondary school facility; any junior college,  
307 community college, college or university facility unless for the  
308 purpose of participating in any authorized firearms-related  
309 activity; inside the passenger terminal of any airport, except  
310 that no person shall be prohibited from carrying any legal firearm  
311 into the terminal if the firearm is encased for shipment, for  
312 purposes of checking such firearm as baggage to be lawfully  
313 transported on any aircraft; any church or other place of worship,  
314 except as provided in Section 45-9-171; or any place where the  
315 carrying of firearms is prohibited by federal law. In addition to  
316 the places enumerated in this subsection, the carrying of a stun  
317 gun, concealed pistol or revolver may be disallowed in any place  
318 in the discretion of the person or entity exercising control over



319 the physical location of such place by the placing of a written  
320 notice clearly readable at a distance of not less than ten (10)  
321 feet that the "carrying of a pistol or revolver is prohibited."  
322 However, such sign is not effective against an employee of a  
323 public employer who meets the requirements provided in Section 1  
324 of this act. No license issued pursuant to this section shall  
325 authorize the participants in a parade or demonstration for which  
326 a permit is required to carry a stun gun, concealed pistol or  
327 revolver.

328 (14) A law enforcement officer as defined in Section 45-6-3,  
329 chiefs of police, sheriffs and persons licensed as professional  
330 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
331 1972, shall be exempt from the licensing requirements of this  
332 section. The licensing requirements of this section do not apply  
333 to the carrying by any person of a stun gun, pistol or revolver,  
334 knife, or other deadly weapon that is not concealed as defined in  
335 Section 97-37-1.

336 (15) Any person who knowingly submits a false answer to any  
337 question on an application for a license issued pursuant to this  
338 section, or who knowingly submits a false document when applying  
339 for a license issued pursuant to this section, shall, upon  
340 conviction, be guilty of a misdemeanor and shall be punished as  
341 provided in Section 99-19-31 \* \* \*.

342 (16) All fees collected by the Department of Public Safety  
343 pursuant to this section shall be deposited into a special fund



344 hereby created in the State Treasury and shall be used for  
345 implementation and administration of this section. After the  
346 close of each fiscal year, the balance in this fund shall be  
347 certified to the Legislature and then may be used by the  
348 Department of Public Safety as directed by the Legislature.

349 (17) All funds received by a sheriff or police chief  
350 pursuant to the provisions of this section shall be deposited into  
351 the general fund of the county or municipality, as appropriate,  
352 and shall be budgeted to the sheriff's office or police department  
353 as appropriate.

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

357 (19) Any person holding a valid unrevoked and unexpired  
358 license to carry stun guns, concealed pistols or revolvers issued  
359 in another state shall have such license recognized by this state  
360 to carry stun guns, concealed pistols or revolvers. The  
361 Department of Public Safety is authorized to enter into a  
362 reciprocal agreement with another state if that state requires a  
363 written agreement in order to recognize licenses to carry stun  
364 guns, concealed pistols or revolvers issued by this state.

365 (20) The provisions of this section shall be under the  
366 supervision of the Commissioner of Public Safety. The  
367 commissioner is authorized to promulgate reasonable rules and  
368 regulations to carry out the provisions of this section.



369           (21) For the purposes of this section, the term "stun gun"  
370 means a portable device or weapon from which an electric current,  
371 impulse, wave or beam may be directed, which current, impulse,  
372 wave or beam is designed to incapacitate temporarily, injure,  
373 momentarily stun, knock out, cause mental disorientation or  
374 paralyze.

375           (22) (a) From and after January 1, 2016, the Commissioner  
376 of Public Safety shall promulgate rules and regulations which  
377 provide that licenses authorized by this section for honorably  
378 retired law enforcement officers and honorably retired  
379 correctional officers from the Mississippi Department of  
380 Corrections shall (i) include the words "retired law enforcement  
381 officer" on the front of the license, and (ii) that the license  
382 itself have a red background to distinguish it from other licenses  
383 issued under this section.

384           (b) An honorably retired law enforcement officer and  
385 honorably retired correctional officer shall provide the following  
386 information to receive the license described in this section: (i)  
387 a letter, with the official letterhead of the agency or department  
388 from which such officer is retiring, which explains that such  
389 officer is honorably retired, and (ii) a letter with the official  
390 letterhead of the agency or department, which explains that such  
391 officer has completed a certified law enforcement training  
392 academy.





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

397 (24) A license under this section is not required for a  
398 loaded or unloaded pistol or revolver to be carried upon the  
399 person in a sheath, belt holster or shoulder holster or in a  
400 purse, handbag, satchel, other similar bag or briefcase or fully  
401 enclosed case if the person is not engaged in criminal activity  
402 other than a misdemeanor traffic offense, is not otherwise  
403 prohibited from possessing a pistol or revolver under state or  
404 federal law, and is not in a location prohibited under subsection  
405 (13) of this section.

406 **SECTION 3.** Section 97-37-1, Mississippi Code of 1972, is  
407 brought forward as follows:

408 97-37-1. (1) Except as otherwise provided in Section  
409 45-9-101, any person who carries, concealed on or about one's  
410 person, any bowie knife, dirk knife, butcher knife, switchblade  
411 knife, metallic knuckles, blackjack, slingshot, pistol, revolver,  
412 or any rifle with a barrel of less than sixteen (16) inches in  
413 length, or any shotgun with a barrel of less than eighteen (18)  
414 inches in length, machine gun or any fully automatic firearm or  
415 deadly weapon, or any muffler or silencer for any firearm, whether  
416 or not it is accompanied by a firearm, or uses or attempts to use



417 against another person any imitation firearm, shall, upon  
418 conviction, be punished as follows:

419 (a) By a fine of not less than One Hundred Dollars  
420 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by  
421 imprisonment in the county jail for not more than six (6) months,  
422 or both, in the discretion of the court, for the first conviction  
423 under this section.

424 (b) By a fine of not less than One Hundred Dollars  
425 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and  
426 imprisonment in the county jail for not less than thirty (30) days  
427 nor more than six (6) months, for the second conviction under this  
428 section.

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

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

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



441 (3) It shall not be a violation of this section for any  
442 person to carry a firearm or deadly weapon concealed if the  
443 possessor of the weapon is then engaged in a legitimate  
444 weapon-related sports activity or is going to or returning from  
445 such activity. For purposes of this subsection, "legitimate  
446 weapon-related sports activity" means hunting, fishing, target  
447 shooting or any other legal activity which normally involves the  
448 use of a firearm or other weapon.

449 (4) For the purposes of this section, "concealed" means  
450 hidden or obscured from common observation and shall not include  
451 any weapon listed in subsection (1) of this section, including,  
452 but not limited to, a loaded or unloaded pistol carried upon the  
453 person in a sheath, belt holster or shoulder holster that is  
454 wholly or partially visible, or carried upon the person in a  
455 scabbard or case for carrying the weapon that is wholly or  
456 partially visible.

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

459 97-37-7. (1) (a) It shall not be a violation of Section  
460 97-37-1 or any other statute for pistols, firearms or other  
461 suitable and appropriate weapons to be carried by duly constituted  
462 bank guards, company guards, watchmen, railroad special agents or  
463 duly authorized representatives who are not sworn law enforcement  
464 officers, agents or employees of a patrol service, guard service,  
465 or a company engaged in the business of transporting money,



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

471 (b) No permit shall be issued to any person who has  
472 ever been convicted of a felony under the laws of this or any  
473 other state or of the United States. To determine an applicant's  
474 eligibility for a permit, the person shall be fingerprinted. If  
475 no disqualifying record is identified at the state level, the  
476 fingerprints shall be forwarded by the Department of Public Safety  
477 to the Federal Bureau of Investigation for a national criminal  
478 history record check. The department shall charge a fee which  
479 includes the amounts required by the Federal Bureau of  
480 Investigation and the department for the national and state  
481 criminal history record checks and any necessary costs incurred by  
482 the department for the handling and administration of the criminal  
483 history background checks. In the event a legible set of  
484 fingerprints, as determined by the Department of Public Safety and  
485 the Federal Bureau of Investigation, cannot be obtained after a  
486 minimum of three (3) attempts, the Department of Public Safety  
487 shall determine eligibility based upon a name check by the  
488 Mississippi Highway Safety Patrol and a Federal Bureau of  
489 Investigation name check conducted by the Mississippi Highway  
490 Safety Patrol at the request of the Department of Public Safety.



491 (c) A person may obtain a duplicate of a lost or  
492 destroyed permit upon payment of a Fifteen Dollar (\$15.00)  
493 replacement fee to the Department of Public Safety, if he  
494 furnishes a notarized statement to the department that the permit  
495 has been lost or destroyed.

496 (d) (i) No less than ninety (90) days prior to the  
497 expiration date of a permit, the Department of Public Safety shall  
498 mail to the permit holder written notice of expiration together  
499 with the renewal form prescribed by the department. The permit  
500 holder shall renew the permit on or before the expiration date by  
501 filing with the department the renewal form, a notarized affidavit  
502 stating that the permit holder remains qualified, and the renewal  
503 fee of Fifty Dollars (\$50.00); honorably retired law enforcement  
504 officers shall be exempt from payment of the renewal fee. A  
505 permit holder who fails to file a renewal application on or before  
506 its expiration date shall pay a late fee of Fifteen Dollars  
507 (\$15.00).

508 (ii) Renewal of the permit shall be required every  
509 four (4) years. The permit of a qualified renewal applicant shall  
510 be renewed upon receipt of the completed renewal application and  
511 appropriate payment of fees.

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



516 (2) It shall not be a violation of this or any other statute  
517 for pistols, firearms or other suitable and appropriate weapons to  
518 be carried by Department of Wildlife, Fisheries and Parks law  
519 enforcement officers, railroad special agents who are sworn law  
520 enforcement officers, investigators employed by the Attorney  
521 General, criminal investigators employed by the district  
522 attorneys, all prosecutors, public defenders, investigators or  
523 probation officers employed by the Department of Corrections,  
524 employees of the State Auditor who are authorized by the State  
525 Auditor to perform investigative functions, or any deputy fire  
526 marshal or investigator employed by the State Fire Marshal, while  
527 engaged in the performance of their duties as such, or by fraud  
528 investigators with the Department of Human Services, or by judges  
529 of the Mississippi Supreme Court, Court of Appeals, circuit,  
530 chancery, county, justice and municipal courts, or by coroners.  
531 Before any person shall be authorized under this subsection to  
532 carry a weapon, he shall complete a weapons training course  
533 approved by the Board of Law Enforcement Officer Standards and  
534 Training. Before any criminal investigator employed by a district  
535 attorney shall be authorized under this section to carry a pistol,  
536 firearm or other weapon, he shall have complied with Section  
537 45-6-11 or any training program required for employment as an  
538 agent of the Federal Bureau of Investigation. A law enforcement  
539 officer, as defined in Section 45-6-3, shall be authorized to  
540 carry weapons in courthouses in performance of his official



541 duties. A person licensed under Section 45-9-101 to carry a  
542 concealed pistol, who (a) has voluntarily completed an  
543 instructional course in the safe handling and use of firearms  
544 offered by an instructor certified by a nationally recognized  
545 organization that customarily offers firearms training, or by any  
546 other organization approved by the Department of Public Safety,  
547 (b) is a member or veteran of any active or reserve component  
548 branch of the United States of America Armed Forces having  
549 completed law enforcement or combat training with pistols or other  
550 handguns as recognized by such branch after submitting an  
551 affidavit attesting to have read, understand and agree to comply  
552 with all provisions of the enhanced carry law, or (c) is an  
553 honorably retired law enforcement officer or honorably retired  
554 member or veteran of any active or reserve component branch of the  
555 United States of America Armed Forces having completed law  
556 enforcement or combat training with pistols or other handguns,  
557 after submitting an affidavit attesting to have read, understand  
558 and agree to comply with all provisions of Mississippi enhanced  
559 carry law shall also be authorized to carry weapons in courthouses  
560 except in courtrooms during a judicial proceeding, and any  
561 location listed in subsection (13) of Section 45-9-101, except any  
562 place of nuisance as defined in Section 95-3-1, any police,  
563 sheriff or highway patrol station or any detention facility,  
564 prison or jail. For the purposes of this subsection (2),  
565 component branch of the United States Armed Forces includes the



566 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army  
567 National Guard, the Army National Guard of the United States, the  
568 Air National Guard or the Air National Guard of the United States,  
569 as those terms are defined in Section 101, Title 10, United States  
570 Code, and any other reserve component of the United States Armed  
571 Forces enumerated in Section 10101, Title 10, United States Code.  
572 The department shall promulgate rules and regulations allowing  
573 concealed pistol permit holders to obtain an endorsement on their  
574 permit indicating that they have completed the aforementioned  
575 course and have the authority to carry in these locations. This  
576 section shall in no way interfere with the right of a trial judge  
577 to restrict the carrying of firearms in the courtroom.

578 (3) It shall not be a violation of this or any other statute  
579 for pistols, firearms or other suitable and appropriate weapons,  
580 to be carried by any out-of-state, full-time commissioned law  
581 enforcement officer who holds a valid commission card from the  
582 appropriate out-of-state law enforcement agency and a photo  
583 identification. The provisions of this subsection shall only  
584 apply if the state where the out-of-state officer is employed has  
585 entered into a reciprocity agreement with the state that allows  
586 full-time commissioned law enforcement officers in Mississippi to  
587 lawfully carry or possess a weapon in such other states. The  
588 Commissioner of Public Safety is authorized to enter into  
589 reciprocal agreements with other states to carry out the  
590 provisions of this subsection.





591           **SECTION 5.** Section 45-9-53, Mississippi Code of 1972, is  
592 brought forward as follows:

593           45-9-53. (1) This section and Section 45-9-51 do not affect  
594 the authority that a county or municipality may have under another  
595 law:

596                   (a) To require citizens or public employees to be armed  
597 for personal or national defense, law enforcement, or another  
598 lawful purpose;

599                   (b) To regulate the discharge of firearms within the  
600 limits of the county or municipality. A county or municipality  
601 may not apply a regulation relating to the discharge of firearms  
602 or other weapons in the extraterritorial jurisdiction of the  
603 county or municipality or in an area annexed by the county or  
604 municipality after September 1, 1981, if the firearm or other  
605 weapon is:

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

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

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

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



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

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

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

625                   (d) To regulate the use of firearms in cases of  
626 insurrection, riots and natural disasters in which the city finds  
627 such regulation necessary to protect the health and safety of the  
628 public. However, the provisions of this section shall not apply  
629 to the lawful possession of firearms, ammunition or components of  
630 firearms or ammunition;

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

636                   (f) To regulate the carrying of a firearm at: (i) a  
637 public park or at a public meeting of a county, municipality or  
638 other governmental body; (ii) a political rally, parade or



639 official political meeting; or (iii) a nonfirearm-related school,  
640 college or professional athletic event; or

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

642 (2) The exception provided by subsection (1)(f) of this  
643 section does not apply if the firearm was in or carried to and  
644 from an area designated for use in a lawful hunting, fishing or  
645 other sporting event and the firearm is of the type commonly used  
646 in the activity.

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

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

653 (a) At a location listed in Section 45-9-101(13)  
654 indicating that a license issued under Section 45-9-101 does not  
655 authorize the holder to carry a firearm into that location, as  
656 long as the sign also indicates that carrying a firearm is  
657 unauthorized only for license holders without a training  
658 endorsement or that it is a location included in Section  
659 97-37-7(2) where carrying a firearm is unauthorized for all  
660 license holders; and

661 (b) At any location under the control of the county or  
662 municipality aside from a location listed in subsection (1)(f) of  
663 this section or Section 45-9-101(13) indicating that the



664 possession of a firearm is prohibited on the premises, as long as  
665 the sign also indicates that it does not apply to a person  
666 properly licensed under Section 45-9-101 or Section 97-37-7(2) to  
667 carry a concealed firearm or to a person lawfully carrying a  
668 firearm that is not concealed.

669 (5) (a) A citizen of this state, or a person licensed to  
670 carry a concealed pistol or revolver under Section 45-9-101, or a  
671 person licensed to carry a concealed pistol or revolver with the  
672 endorsement under Section 97-37-7, who is adversely affected by an  
673 ordinance or posted written notice adopted by a county or  
674 municipality in violation of this section may file suit for  
675 declarative and injunctive relief against a county or municipality  
676 in the circuit court which shall have jurisdiction over the county  
677 or municipality where the violation of this section occurs.

678 (b) Before instituting suit under this subsection, the  
679 party adversely impacted by the ordinance or posted written notice  
680 shall notify the Attorney General in writing of the violation and  
681 include evidence of the violation. The Attorney General shall,  
682 within thirty (30) days, investigate whether the county or  
683 municipality adopted an ordinance or posted written notice in  
684 violation of this section and provide the chief administrative  
685 officer of the county or municipality notice of his findings,  
686 including, if applicable, a description of the violation and  
687 specific language of the ordinance or posted written notice found  
688 to be in violation. The county or municipality shall have thirty



689 (30) days from receipt of that notice to cure the violation. If  
690 the county or municipality fails to cure the violation within that  
691 thirty-day time period, a suit under paragraph (a) of this  
692 subsection may proceed. The findings of the Attorney General  
693 shall constitute a "Public Record" as defined by the Mississippi  
694 Public Records Act of 1983, Section 25-61-1 et seq.

695 (c) If the circuit court finds that a county or  
696 municipality adopted an ordinance or posted written notice in  
697 violation of this section and failed to cure that violation in  
698 accordance with paragraph (b) of this subsection, the circuit  
699 court shall issue a permanent injunction against a county or  
700 municipality prohibiting it from enforcing the ordinance or posted  
701 written notice. Any elected county or municipal official under  
702 whose jurisdiction the violation occurred may be civilly liable in  
703 a sum not to exceed One Thousand Dollars (\$1,000.00), plus all  
704 reasonable attorney's fees and costs incurred by the party  
705 bringing the suit. Public funds may not be used to defend or  
706 reimburse officials who are found by the court to have violated  
707 this section.

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

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



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

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

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

725 (a) The county or municipality has adopted an ordinance  
726 authorizing the participation of the county or municipality, or  
727 participation by an officer or employee of the county or  
728 municipality in such a program; and

729 (b) Any ordinance enacted pursuant to this section must  
730 require that any firearm received shall be offered for sale at  
731 auction as provided by Sections 19-3-85 and 21-39-21 to federally  
732 licensed firearms dealers, with the proceeds from such sale at  
733 auction reverting to the general operating fund of the county,  
734 municipality or other governmental body. Any firearm remaining in  
735 possession of the county, municipality or other governmental body  
736 after attempts to sell at auction may be disposed of in a manner  
737 that the body deems appropriate.



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

