

By: Representatives Criswell, Barnett, Hale

To: Judiciary B

HOUSE BILL NO. 1432

1 AN ACT TO PROHIBIT ENFORCEMENT OF FEDERAL LAW REGARDING  
 2 FIREARMS, ACCESSORIES OR AMMUNITION MANUFACTURED IN THE STATE THAT  
 3 REMAINS WITHIN THE BORDERS OF THE STATE; TO PROVIDE THAT ANY  
 4 FEDERAL LAW WHICH ATTEMPTS TO BAN A SEMI-AUTOMATIC FIREARM OR TO  
 5 LIMIT THE SIZE OF A MAGAZINE OF A FIREARM OR OTHER LIMITATION ON  
 6 FIREARMS IN THIS STATE SHALL BE UNENFORCEABLE IN THE STATE; TO  
 7 PROVIDE A PENALTY FOR VIOLATIONS OF THIS ACT; TO AMEND SECTIONS  
 8 45-9-101, 97-37-5, 97-37-7, 97-37-31, 97-37-103 AND 97-37-105,  
 9 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) No public servant or dealer selling any  
 12 firearm in this state shall enforce or attempt to enforce any act,  
 13 order, law, statute, rule or regulation of the United States  
 14 government that has not been duly adopted by the United States  
 15 Congress and signed by the President of the United States of  
 16 America relating to a personal firearm, firearm accessory or  
 17 ammunition that is owned or manufactured commercially or privately  
 18 in Mississippi and that remains exclusively within the borders of  
 19 Mississippi.

20 (2) Any official, agent or employee of the United States  
 21 government who enforces or attempts to enforce any act, order,



22 law, statute, rule or regulation of the United States government  
23 that has not been duly adopted by the United States Congress and  
24 signed by the President of the United States of America upon a  
25 personal firearm, a firearm accessory or ammunition that is owned  
26 or manufactured commercially or privately in Mississippi and that  
27 remains exclusively within the borders of Mississippi shall be  
28 guilty of a felony and, upon conviction, shall be subject to  
29 imprisonment for not less than one (1) year nor more than five (5)  
30 years, or a fine of not more than Five Thousand Dollars  
31 (\$5,000.00), or both.

32 (3) The Attorney General may defend a citizen of Mississippi  
33 who is prosecuted by the United States government for violation of  
34 a federal law that has not been duly adopted by the United States  
35 Congress and signed by the President of the United States of  
36 America relating to the manufacture, sale, transfer or possession  
37 of a firearm, a firearm accessory or ammunition owned or  
38 manufactured and retained exclusively within the borders of  
39 Mississippi.

40 (4) Any federal law, rule, regulation or order that has not  
41 been duly adopted by the United States Congress and signed by the  
42 President of the United States of America and created or effective  
43 on or after January 1, 2018, shall be unenforceable within the  
44 borders of Mississippi if the law, rule, regulation or order  
45 attempts to:



46 (a) Ban or restrict ownership of a semi-automatic  
47 firearm or any magazine of a firearm; or

48 (b) Require any firearm, magazine or other firearm  
49 accessory to be registered in any manner.

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

52 45-9-101. (1) (a) Except as otherwise provided, the  
53 Department of Public Safety is authorized to issue licenses to  
54 carry stun guns, concealed pistols or revolvers to persons  
55 qualified as provided in this section. Such licenses shall be  
56 valid throughout the state for a period of five (5) years from the  
57 date of issuance. Any person possessing a valid license issued  
58 pursuant to this section may carry a stun gun, concealed pistol or  
59 concealed revolver.

60 (b) The licensee must carry the license, together with  
61 valid identification, at all times in which the licensee is  
62 carrying a stun gun, concealed pistol or revolver and must display  
63 both the license and proper identification upon demand by a law  
64 enforcement officer. A violation of the provisions of this  
65 paragraph (b) shall constitute a noncriminal violation with a  
66 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable  
67 by summons.

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



70 (a) Is a resident of the state. However, this  
71 residency requirement may be waived if the applicant possesses a  
72 valid permit from another state, is active military personnel  
73 stationed in Mississippi, or is a retired law enforcement officer  
74 establishing residency in the state;

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

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

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

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

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

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

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

90 It shall be presumed that an applicant chronically and habitually  
91 uses controlled substances to the extent that his faculties are  
92 impaired if the applicant has been voluntarily or involuntarily  
93 committed to a treatment facility for the abuse of a controlled  
94 substance or been found guilty of a crime under the provisions of



95 the Uniform Controlled Substances Law or similar laws of any other  
96 state or the United States relating to controlled substances  
97 within a three-year period immediately preceding the date on which  
98 the application is submitted;

99 (f) Does not chronically and habitually use alcoholic  
100 beverages to the extent that his normal faculties are impaired.  
101 It shall be presumed that an applicant chronically and habitually  
102 uses alcoholic beverages to the extent that his normal faculties  
103 are impaired if the applicant has been voluntarily or  
104 involuntarily committed as an alcoholic to a treatment facility or  
105 has been convicted of two (2) or more offenses related to the use  
106 of alcohol under the laws of this state or similar laws of any  
107 other state or the United States within the three-year period  
108 immediately preceding the date on which the application is  
109 submitted;

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

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

115 (i) Has not been voluntarily or involuntarily committed  
116 to a mental institution or mental health treatment facility unless  
117 he possesses a certificate from a psychiatrist licensed in this  
118 state that he has not suffered from disability for a period of  
119 five (5) years;



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

124 (k) Is not a fugitive from justice; \* \* \*

125 (l) \* \* \* Except as otherwise provided in Section 1 of  
126 this act, not disqualified to possess a weapon based on federal  
127 law.

128 (3) The Department of Public Safety may deny a license if  
129 the applicant has been found guilty of one or more crimes of  
130 violence constituting a misdemeanor unless three (3) years have  
131 elapsed since probation or any other conditions set by the court  
132 have been fulfilled or expunction has occurred prior to the date  
133 on which the application is submitted, or may revoke a license if  
134 the licensee has been found guilty of one or more crimes of  
135 violence within the preceding three (3) years. The department  
136 shall, upon notification by a law enforcement agency or a court  
137 and subsequent written verification, suspend a license or the  
138 processing of an application for a license if the licensee or  
139 applicant is arrested or formally charged with a crime which would  
140 disqualify such person from having a license under this section,  
141 until final disposition of the case. The provisions of subsection  
142 (7) of this section shall apply to any suspension or revocation of  
143 a license pursuant to the provisions of this section.



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

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

149 (b) The driver's license number or social security  
150 number of applicant;

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

153 (d) A statement that the applicant is in compliance  
154 with criteria contained within subsections (2) and (3) of this  
155 section;

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

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

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

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

167 (a) A completed application as described in subsection  
168 (4) of this section;



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

174 (c) A nonrefundable license fee of Eighty Dollars  
175 (\$80.00). Costs for processing the set of fingerprints as  
176 required in paragraph (d) of this subsection shall be borne by the  
177 applicant. Honorably retired law enforcement officers, disabled  
178 veterans and active duty members of the Armed Forces of the United  
179 States shall be exempt from the payment of the license fee;

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

182 (e) A waiver authorizing the Department of Public  
183 Safety access to any records concerning commitments of the  
184 applicant to any of the treatment facilities or institutions  
185 referred to in subsection (2) and permitting access to all the  
186 applicant's criminal records.

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

191 (b) The Department of Public Safety shall forward a  
192 copy of the applicant's application to the sheriff of the  
193 applicant's county of residence and, if applicable, the police





194 chief of the applicant's municipality of residence. The sheriff  
195 of the applicant's county of residence and, if applicable, the  
196 police chief of the applicant's municipality of residence may, at  
197 his discretion, participate in the process by submitting a  
198 voluntary report to the Department of Public Safety containing any  
199 readily discoverable prior information that he feels may be  
200 pertinent to the licensing of any applicant. The reporting shall  
201 be made within thirty (30) days after the date he receives the  
202 copy of the application. Upon receipt of a response from a  
203 sheriff or police chief, such sheriff or police chief shall be  
204 reimbursed at a rate set by the department.

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

208 (i) Issue the license;

209 (ii) Deny the application based solely on the  
210 ground that the applicant fails to qualify under the criteria  
211 listed in subsections (2) and (3) of this section. If the  
212 Department of Public Safety denies the application, it shall  
213 notify the applicant in writing, stating the ground for denial,  
214 and the denial shall be subject to the appeal process set forth in  
215 subsection (7); or

216 (iii) Notify the applicant that the department is  
217 unable to make a determination regarding the issuance or denial of  
218 a license within the forty-five-day period prescribed by this



219 subsection, and provide an estimate of the amount of time the  
220 department will need to make the determination.

221 (d) In the event a legible set of fingerprints, as  
222 determined by the Department of Public Safety and the Federal  
223 Bureau of Investigation, cannot be obtained after a minimum of two  
224 (2) attempts, the Department of Public Safety shall determine  
225 eligibility based upon a name check by the Mississippi Highway  
226 Safety Patrol and a Federal Bureau of Investigation name check  
227 conducted by the Mississippi Highway Safety Patrol at the request  
228 of the Department of Public Safety.

229 (7) (a) If the Department of Public Safety denies the  
230 issuance of a license, or suspends or revokes a license, the party  
231 aggrieved may appeal such denial, suspension or revocation to the  
232 Commissioner of Public Safety, or his authorized agent, within  
233 thirty (30) days after the aggrieved party receives written notice  
234 of such denial, suspension or revocation. The Commissioner of  
235 Public Safety, or his duly authorized agent, shall rule upon such  
236 appeal within thirty (30) days after the appeal is filed and  
237 failure to rule within this thirty-day period shall constitute  
238 sustaining such denial, suspension or revocation. Such review  
239 shall be conducted pursuant to such reasonable rules and  
240 regulations as the Commissioner of Public Safety may adopt.

241 (b) If the revocation, suspension or denial of issuance  
242 is sustained by the Commissioner of Public Safety, or his duly  
243 authorized agent pursuant to paragraph (a) of this subsection, the



244 aggrieved party may file within ten (10) days after the rendition  
245 of such decision a petition in the circuit or county court of his  
246 residence for review of such decision. A hearing for review shall  
247 be held and shall proceed before the court without a jury upon the  
248 record made at the hearing before the Commissioner of Public  
249 Safety or his duly authorized agent. No such party shall be  
250 allowed to carry a stun gun, concealed pistol or revolver pursuant  
251 to the provisions of this section while any such appeal is  
252 pending.

253 (8) The Department of Public Safety shall maintain an  
254 automated listing of license holders and such information shall be  
255 available online, upon request, at all times, to all law  
256 enforcement agencies through the Mississippi Crime Information  
257 Center. However, the records of the department relating to  
258 applications for licenses to carry stun guns, concealed pistols or  
259 revolvers and records relating to license holders shall be exempt  
260 from the provisions of the Mississippi Public Records Act of 1983,  
261 and shall be released only upon order of a court having proper  
262 jurisdiction over a petition for release of the record or records.

263 (9) Within thirty (30) days after the changing of a  
264 permanent address, or within thirty (30) days after having a  
265 license lost or destroyed, the licensee shall notify the  
266 Department of Public Safety in writing of such change or loss.  
267 Failure to notify the Department of Public Safety pursuant to the  
268 provisions of this subsection shall constitute a noncriminal



269 violation with a penalty of Twenty-five Dollars (\$25.00) and shall  
270 be enforceable by a summons.

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

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

281 (12) (a) No less than ninety (90) days prior to the  
282 expiration date of the license, the Department of Public Safety  
283 shall mail to each licensee a written notice of the expiration and  
284 a renewal form prescribed by the department. The licensee must  
285 renew his license on or before the expiration date by filing with  
286 the department the renewal form, a notarized affidavit stating  
287 that the licensee remains qualified pursuant to the criteria  
288 specified in subsections (2) and (3) of this section, and a full  
289 set of fingerprints administered by the Department of Public  
290 Safety or the sheriff of the county of residence of the licensee.  
291 The first renewal may be processed by mail and the subsequent  
292 renewal must be made in person. Thereafter every other renewal  
293 may be processed by mail to assure that the applicant must appear



294 in person every ten (10) years for the purpose of obtaining a new  
295 photograph.

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

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

302 (iii) The renewal fee for a Mississippi resident  
303 aged sixty-five (65) years of age or older shall be Twenty Dollars  
304 (\$20.00).

305 (b) The Department of Public Safety shall forward the  
306 full set of fingerprints of the applicant to the appropriate  
307 agencies for state and federal processing. The license shall be  
308 renewed upon receipt of the completed renewal application and  
309 appropriate payment of fees.

310 (c) A licensee who fails to file a renewal application  
311 on or before its expiration date must renew his license by paying  
312 a late fee of Fifteen Dollars (\$15.00). No license shall be  
313 renewed six (6) months or more after its expiration date, and such  
314 license shall be deemed to be permanently expired. A person whose  
315 license has been permanently expired may reapply for licensure;  
316 however, an application for licensure and fees pursuant to  
317 subsection (5) of this section must be submitted, and a background



318 investigation shall be conducted pursuant to the provisions of  
319 this section.

320 (13) No license issued pursuant to this section shall  
321 authorize any person to carry a stun gun, concealed pistol or  
322 revolver into any place of nuisance as defined in Section 95-3-1,  
323 Mississippi Code of 1972; any police, sheriff or highway patrol  
324 station; any detention facility, prison or jail; any courthouse;  
325 any courtroom, except that nothing in this section shall preclude  
326 a judge from carrying a concealed weapon or determining who will  
327 carry a concealed weapon in his courtroom; any polling place; any  
328 meeting place of the governing body of any governmental entity;  
329 any meeting of the Legislature or a committee thereof; any school,  
330 college or professional athletic event not related to firearms;  
331 any portion of an establishment, licensed to dispense alcoholic  
332 beverages for consumption on the premises, that is primarily  
333 devoted to dispensing alcoholic beverages; any portion of an  
334 establishment in which beer or light wine is consumed on the  
335 premises, that is primarily devoted to such purpose; any  
336 elementary or secondary school facility; any junior college,  
337 community college, college or university facility unless for the  
338 purpose of participating in any authorized firearms-related  
339 activity; inside the passenger terminal of any airport, except  
340 that no person shall be prohibited from carrying any legal firearm  
341 into the terminal if the firearm is encased for shipment, for  
342 purposes of checking such firearm as baggage to be lawfully



343 transported on any aircraft; any church or other place of worship,  
344 except as provided in Section 45-9-171; or any place where the  
345 carrying of firearms is prohibited by federal law. In addition to  
346 the places enumerated in this subsection, the carrying of a stun  
347 gun, concealed pistol or revolver may be disallowed in any place  
348 in the discretion of the person or entity exercising control over  
349 the physical location of such place by the placing of a written  
350 notice clearly readable at a distance of not less than ten (10)  
351 feet that the "carrying of a pistol or revolver is prohibited."  
352 No license issued pursuant to this section shall authorize the  
353 participants in a parade or demonstration for which a permit is  
354 required to carry a stun gun, concealed pistol or revolver.

355 (14) A law enforcement officer as defined in Section 45-6-3,  
356 chiefs of police, sheriffs and persons licensed as professional  
357 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
358 1972, shall be exempt from the licensing requirements of this  
359 section. The licensing requirements of this section do not apply  
360 to the carrying by any person of a stun gun, pistol or revolver,  
361 knife, or other deadly weapon that is not concealed as defined in  
362 Section 97-37-1.

363 (15) Any person who knowingly submits a false answer to any  
364 question on an application for a license issued pursuant to this  
365 section, or who knowingly submits a false document when applying  
366 for a license issued pursuant to this section, shall, upon



367 conviction, be guilty of a misdemeanor and shall be punished as  
368 provided in Section 99-19-31, Mississippi Code of 1972.

369 (16) All fees collected by the Department of Public Safety  
370 pursuant to this section shall be deposited into a special fund  
371 hereby created in the State Treasury and shall be used for  
372 implementation and administration of this section. After the  
373 close of each fiscal year, the balance in this fund shall be  
374 certified to the Legislature and then may be used by the  
375 Department of Public Safety as directed by the Legislature.

376 (17) All funds received by a sheriff or police chief  
377 pursuant to the provisions of this section shall be deposited into  
378 the general fund of the county or municipality, as appropriate,  
379 and shall be budgeted to the sheriff's office or police department  
380 as appropriate.

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

384 (19) Any person holding a valid unrevoked and unexpired  
385 license to carry stun guns, concealed pistols or revolvers issued  
386 in another state shall have such license recognized by this state  
387 to carry stun guns, concealed pistols or revolvers. The  
388 Department of Public Safety is authorized to enter into a  
389 reciprocal agreement with another state if that state requires a  
390 written agreement in order to recognize licenses to carry stun  
391 guns, concealed pistols or revolvers issued by this state.





392 (20) The provisions of this section shall be under the  
393 supervision of the Commissioner of Public Safety. The  
394 commissioner is authorized to promulgate reasonable rules and  
395 regulations to carry out the provisions of this section.

396 (21) For the purposes of this section, the term "stun gun"  
397 means a portable device or weapon from which an electric current,  
398 impulse, wave or beam may be directed, which current, impulse,  
399 wave or beam is designed to incapacitate temporarily, injure,  
400 momentarily stun, knock out, cause mental disorientation or  
401 paralyze.

402 (22) (a) From and after January 1, 2016, the Commissioner  
403 of Public Safety shall promulgate rules and regulations which  
404 provide that licenses authorized by this section for honorably  
405 retired law enforcement officers and honorably retired  
406 correctional officers from the Mississippi Department of  
407 Corrections shall (i) include the words "retired law enforcement  
408 officer" on the front of the license, and (ii) that the license  
409 itself have a red background to distinguish it from other licenses  
410 issued under this section.

411 (b) An honorably retired law enforcement officer and  
412 honorably retired correctional officer shall provide the following  
413 information to receive the license described in this section: (i)  
414 a letter, with the official letterhead of the agency or department  
415 from which such officer is retiring, which explains that such  
416 officer is honorably retired, and (ii) a letter with the official



417 letterhead of the agency or department, which explains that such  
418 officer has completed a certified law enforcement training  
419 academy.

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

424 (24) A license under this section is not required for a  
425 loaded or unloaded pistol or revolver to be carried upon the  
426 person in a sheath, belt holster or shoulder holster or in a  
427 purse, handbag, satchel, other similar bag or briefcase or fully  
428 enclosed case if the person is not engaged in criminal activity  
429 other than a misdemeanor traffic offense, is not otherwise  
430 prohibited from possessing a pistol or revolver under state or  
431 federal law, and is not in a location prohibited under subsection  
432 (13) of this section.

433 **SECTION 3.** Section 97-37-5, Mississippi Code of 1972, is  
434 amended as follows:

435 97-37-5. (1) It shall be unlawful for any person who has  
436 been convicted of a felony under the laws of this state, any other  
437 state, or of the United States to possess any firearm or any bowie  
438 knife, dirk knife, butcher knife, switchblade knife, metallic  
439 knuckles, blackjack, or any muffler or silencer for any firearm  
440 unless such person has received a pardon for such felony, has  
441 received a relief from disability pursuant to Section 925(c) of



442 Title 18 of the United States Code, or has received a certificate  
443 of rehabilitation pursuant to subsection (3) of this section.

444 (2) Any person violating this section shall be guilty of a  
445 felony and, upon conviction thereof, shall be fined not more than  
446 Five Thousand Dollars (\$5,000.00), or committed to the custody of  
447 the State Department of Corrections for not less than one (1) year  
448 nor more than ten (10) years, or both.

449 (3) A person who has been convicted of a felony under the  
450 laws of this state may apply to the court in which he was  
451 convicted for a certificate of rehabilitation. The court may  
452 grant such certificate in its discretion upon a showing to the  
453 satisfaction of the court that the applicant has been  
454 rehabilitated and has led a useful, productive and law-abiding  
455 life since the completion of his sentence and upon the finding of  
456 the court that he will not be likely to act in a manner dangerous  
457 to public safety.

458 (4) (a) A person who is discharged from court-ordered  
459 mental health treatment may petition the court which entered the  
460 commitment order for an order stating that the person qualifies  
461 for relief from a firearms disability.

462 (b) In determining whether to grant relief, the court  
463 must hear and consider evidence about:

464 (i) The circumstances that led to imposition of  
465 the firearms disability under 18 \* \* \* USCS, Section 922(d)(4);

466 (ii) The person's mental history;



467 (iii) The person's criminal history; and  
468 (iv) The person's reputation.  
469 (c) A court may not grant relief unless it makes and  
470 enters in the record the following affirmative findings:  
471 (i) That the person is no longer likely to act in  
472 a manner dangerous to public safety; and  
473 (ii) Removing the person's disability to purchase  
474 a firearm is not against the public interest.  
475 (5) The provisions of this section shall be subject to the  
476 provisions of Section 1 of this act.

477 **SECTION 4.** Section 97-37-7, Mississippi Code of 1972, is  
478 amended as follows:

479 97-37-7. (1) (a) It shall not be a violation of Section  
480 97-37-1 or any other statute for pistols, firearms or other  
481 suitable and appropriate weapons to be carried by duly constituted  
482 bank guards, company guards, watchmen, railroad special agents or  
483 duly authorized representatives who are not sworn law enforcement  
484 officers, agents or employees of a patrol service, guard service,  
485 or a company engaged in the business of transporting money,  
486 securities or other valuables, while actually engaged in the  
487 performance of their duties as such, provided that such persons  
488 have made a written application and paid a nonrefundable permit  
489 fee of One Hundred Dollars (\$100.00) to the Department of Public  
490 Safety.



491 (b) No permit shall be issued to any person who has  
492 ever been convicted of a felony under the laws of this or any  
493 other state or of the United States. To determine an applicant's  
494 eligibility for a permit, the person shall be fingerprinted. If  
495 no disqualifying record is identified at the state level, the  
496 fingerprints shall be forwarded by the Department of Public Safety  
497 to the Federal Bureau of Investigation for a national criminal  
498 history record check. The department shall charge a fee which  
499 includes the amounts required by the Federal Bureau of  
500 Investigation and the department for the national and state  
501 criminal history record checks and any necessary costs incurred by  
502 the department for the handling and administration of the criminal  
503 history background checks. In the event a legible set of  
504 fingerprints, as determined by the Department of Public Safety and  
505 the Federal Bureau of Investigation, cannot be obtained after a  
506 minimum of three (3) attempts, the Department of Public Safety  
507 shall determine eligibility based upon a name check by the  
508 Mississippi Highway Safety Patrol and a Federal Bureau of  
509 Investigation name check conducted by the Mississippi Highway  
510 Safety Patrol at the request of the Department of Public Safety.

511 (c) A person may obtain a duplicate of a lost or  
512 destroyed permit upon payment of a Fifteen Dollar (\$15.00)  
513 replacement fee to the Department of Public Safety, if he  
514 furnishes a notarized statement to the department that the permit  
515 has been lost or destroyed.



516 (d) (i) No less than ninety (90) days prior to the  
517 expiration date of a permit, the Department of Public Safety shall  
518 mail to the permit holder written notice of expiration together  
519 with the renewal form prescribed by the department. The permit  
520 holder shall renew the permit on or before the expiration date by  
521 filing with the department the renewal form, a notarized affidavit  
522 stating that the permit holder remains qualified, and the renewal  
523 fee of Fifty Dollars (\$50.00); honorably retired law enforcement  
524 officers shall be exempt from payment of the renewal fee. A  
525 permit holder who fails to file a renewal application on or before  
526 its expiration date shall pay a late fee of Fifteen Dollars  
527 (\$15.00).

528 (ii) Renewal of the permit shall be required every  
529 four (4) years. The permit of a qualified renewal applicant shall  
530 be renewed upon receipt of the completed renewal application and  
531 appropriate payment of fees.

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

536 (2) It shall not be a violation of this or any other statute  
537 for pistols, firearms or other suitable and appropriate weapons to  
538 be carried by Department of Wildlife, Fisheries and Parks law  
539 enforcement officers, railroad special agents who are sworn law  
540 enforcement officers, investigators employed by the Attorney



541 General, criminal investigators employed by the district  
542 attorneys, all prosecutors, public defenders, investigators or  
543 probation officers employed by the Department of Corrections,  
544 employees of the State Auditor who are authorized by the State  
545 Auditor to perform investigative functions, or any deputy fire  
546 marshal or investigator employed by the State Fire Marshal, while  
547 engaged in the performance of their duties as such, or by fraud  
548 investigators with the Department of Human Services, or by judges  
549 of the Mississippi Supreme Court, Court of Appeals, circuit,  
550 chancery, county, justice and municipal courts, or by coroners.  
551 Before any person shall be authorized under this subsection to  
552 carry a weapon, he shall complete a weapons training course  
553 approved by the Board of Law Enforcement Officer Standards and  
554 Training. Before any criminal investigator employed by a district  
555 attorney shall be authorized under this section to carry a pistol,  
556 firearm or other weapon, he shall have complied with Section  
557 45-6-11 or any training program required for employment as an  
558 agent of the Federal Bureau of Investigation. A law enforcement  
559 officer, as defined in Section 45-6-3, shall be authorized to  
560 carry weapons in courthouses in performance of his official  
561 duties. A person licensed under Section 45-9-101 to carry a  
562 concealed pistol, who (a) has voluntarily completed an  
563 instructional course in the safe handling and use of firearms  
564 offered by an instructor certified by a nationally recognized  
565 organization that customarily offers firearms training, or by any



566 other organization approved by the Department of Public Safety,  
567 (b) is a member or veteran of any active or reserve component  
568 branch of the United States of America Armed Forces having  
569 completed law enforcement or combat training with pistols or other  
570 handguns as recognized by such branch after submitting an  
571 affidavit attesting to have read, understand and agree to comply  
572 with all provisions of the enhanced carry law, or (c) is an  
573 honorably retired law enforcement officer or honorably retired  
574 member or veteran of any active or reserve component branch of the  
575 United States of America Armed Forces having completed law  
576 enforcement or combat training with pistols or other handguns,  
577 after submitting an affidavit attesting to have read, understand  
578 and agree to comply with all provisions of Mississippi enhanced  
579 carry law shall also be authorized to carry weapons in courthouses  
580 except in courtrooms during a judicial proceeding, and any  
581 location listed in subsection (13) of Section 45-9-101, except any  
582 place of nuisance as defined in Section 95-3-1, any police,  
583 sheriff or highway patrol station or any detention facility,  
584 prison or jail. For the purposes of this subsection (2),  
585 component branch of the United States Armed Forces includes the  
586 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army  
587 National Guard, the Army National Guard of the United States, the  
588 Air National Guard or the Air National Guard of the United States,  
589 as those terms are defined in Section 101, Title 10, United States  
590 Code, and any other reserve component of the United States Armed





591 Forces enumerated in Section 10101, Title 10, United States Code.  
592 The department shall promulgate rules and regulations allowing  
593 concealed pistol permit holders to obtain an endorsement on their  
594 permit indicating that they have completed the aforementioned  
595 course and have the authority to carry in these locations. This  
596 section shall in no way interfere with the right of a trial judge  
597 to restrict the carrying of firearms in the courtroom.

598 (3) It shall not be a violation of this or any other statute  
599 for pistols, firearms or other suitable and appropriate weapons,  
600 to be carried by any out-of-state, full-time commissioned law  
601 enforcement officer who holds a valid commission card from the  
602 appropriate out-of-state law enforcement agency and a photo  
603 identification. The provisions of this subsection shall only  
604 apply if the state where the out-of-state officer is employed has  
605 entered into a reciprocity agreement with the state that allows  
606 full-time commissioned law enforcement officers in Mississippi to  
607 lawfully carry or possess a weapon in such other states. The  
608 Commissioner of Public Safety is authorized to enter into  
609 reciprocal agreements with other states to carry out the  
610 provisions of this subsection.

611 (4) The provisions of this section shall be subject to the  
612 provisions of Section 1 of this act.

613 **SECTION 5.** Section 97-37-31, Mississippi Code of 1972, is  
614 amended as follows:



615           97-37-31.   \* \* \* Except as otherwise provided in Sections 1  
616 and 2 of this act, it shall be unlawful for any person, persons,  
617 corporation or manufacturing establishment, not duly authorized  
618 under federal law, to make, manufacture, sell or possess any  
619 instrument or device which, if used on firearms of any kind, will  
620 arrest or muffle the report of the firearm when shot or fired.  
621 Any person violating this section shall be guilty of a misdemeanor  
622 and, upon conviction, shall be fined not more than Five Hundred  
623 Dollars (\$500.00), or imprisoned in the county jail not more than  
624 thirty (30) days, or both.

625           **SECTION 6.** Section 97-37-103, Mississippi Code of 1972, is  
626 amended as follows:

627           97-37-103.   \* \* \* Except as otherwise provided in Sections 1  
628 and 2 of this act, for purposes of Sections 97-37-101 through  
629 97-37-105:

630                   (a) "Licensed dealer" means a person who is licensed  
631 pursuant to 18 USCS, Section 923, to engage in the business of  
632 dealing in firearms.

633                   (b) "Private seller" means a person who sells or offers  
634 for sale any firearm or ammunition.

635                   (c) "Ammunition" means any cartridge, shell or  
636 projectile designed for use in a firearm.

637                   (d) "Materially false information" means information  
638 that portrays an illegal transaction as legal or a legal  
639 transaction as illegal.



640           **SECTION 7.** Section 97-37-105, Mississippi Code of 1972, is  
641 amended as follows:

642           97-37-105. (1) \* \* \* Except as otherwise provided in  
643 Section 1 of this act, any person who knowingly solicits,  
644 persuades, encourages or entices a licensed dealer or private  
645 seller of firearms or ammunition to transfer a firearm or  
646 ammunition under circumstances which the person knows would  
647 violate the laws of this state or the United States is guilty of a  
648 felony.

649           (2) Any person who provides to a licensed dealer or private  
650 seller of firearms or ammunition what the person knows to be  
651 materially false information with intent to deceive the dealer or  
652 seller about the legality of a transfer of a firearm or ammunition  
653 is guilty of a felony.

654           (3) Any person found guilty of violating the provisions of  
655 this section shall be punished by a fine not exceeding Five  
656 Thousand Dollars (\$5,000.00) or imprisoned in the custody of the  
657 Department of Corrections for not more than three (3) years, or  
658 both.

659           (4) This section does not apply to a law enforcement officer  
660 acting in the officer's official capacity or to a person acting at  
661 the direction of a law enforcement officer.

662           **SECTION 8.** This act shall take effect and be in force from  
663 and after July 1, 2018.

