

By: Senator(s) Hill

To: Judiciary, Division A

SENATE BILL NO. 2068

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY ELIGIBILITY FOR AN INSTRUCTOR-CERTIFIED CONCEALED-CARRY
3 LICENSE; TO AMEND SECTION 97-37-17, MISSISSIPPI CODE OF 1972, TO
4 AUTHORIZE HOLDERS OF AN INSTRUCTOR-CERTIFIED CONCEALED-CARRY
5 LICENSE TO CARRY A CONCEALED WEAPON ON EDUCATIONAL PROPERTY; TO
6 AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO ALLOW A
7 PERSON WHO IS AT LEAST 18 YEARS OF AGE TO OBTAIN AN
8 INSTRUCTOR-CERTIFIED CONCEALED-CARRY LICENSE; AND FOR RELATED
9 PURPOSES.

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

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

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



22 have made a written application and paid a nonrefundable permit
23 fee of One Hundred Dollars (\$100.00) to the Department of Public
24 Safety.

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

45 (c) A person may obtain a duplicate of a lost or
46 destroyed permit upon payment of a Fifteen Dollar (\$15.00)



47 replacement fee to the Department of Public Safety, if he
48 furnishes a notarized statement to the department that the permit
49 has been lost or destroyed.

50 (d) (i) No less than ninety (90) days prior to the
51 expiration date of a permit, the Department of Public Safety shall
52 mail to the permit holder written notice of expiration together
53 with the renewal form prescribed by the department. The permit
54 holder shall renew the permit on or before the expiration date by
55 filing with the department the renewal form, a notarized affidavit
56 stating that the permit holder remains qualified, and the renewal
57 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
58 officers shall be exempt from payment of the renewal fee. A
59 permit holder who fails to file a renewal application on or before
60 its expiration date shall pay a late fee of Fifteen Dollars
61 (\$15.00).

62 (ii) Renewal of the permit shall be required every
63 four (4) years. The permit of a qualified renewal applicant shall
64 be renewed upon receipt of the completed renewal application and
65 appropriate payment of fees.

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

70 (2) (a) (i) It shall not be a violation of this or any
71 other statute for pistols, firearms or other suitable and



72 appropriate weapons to be carried by Department of Wildlife,
73 Fisheries and Parks law enforcement officers, railroad special
74 agents who are sworn law enforcement officers, investigators
75 employed by the Attorney General, criminal investigators employed
76 by the district attorneys, all prosecutors, public defenders,
77 investigators or probation officers employed by the Department of
78 Corrections, employees of the State Auditor who are authorized by
79 the State Auditor to perform investigative functions, or any
80 deputy fire marshal or investigator employed by the State Fire
81 Marshal, while engaged in the performance of their duties as such,
82 or by fraud investigators with the Department of Human Services,
83 or by judges of the Mississippi Supreme Court, Court of Appeals,
84 circuit, chancery, county, justice and municipal courts, or by
85 coroners.

86 (ii) Before any person shall be authorized under
87 this * * * paragraph (a)(i) to carry a weapon, he shall complete a
88 weapons training course approved by the Board of Law Enforcement
89 Officer Standards and Training.

90 (iii) Before any criminal investigator employed by
91 a district attorney shall be authorized under this section to
92 carry a pistol, firearm or other weapon, he shall have complied
93 with Section 45-6-11 or any training program required for
94 employment as an agent of the Federal Bureau of Investigation.



95 (iv) A law enforcement officer, as defined in
96 Section 45-6-3, shall be authorized to carry weapons in
97 courthouses in performance of his official duties.

98 (b) A person licensed under Section 45-9-101 to carry a
99 concealed pistol, who (* * * i) has voluntarily completed an
100 instructional course in the safe handling and use of firearms
101 offered by an instructor certified by a nationally recognized
102 organization that customarily offers firearms training, or by any
103 other organization approved by the Department of Public Safety,
104 (* * * ii) is a member or veteran of any active or reserve
105 component branch of the United States of America Armed Forces
106 having completed law enforcement or combat training with pistols
107 or other handguns as recognized by such branch after submitting an
108 affidavit attesting to have read, understand and agree to comply
109 with all provisions of the enhanced carry law, or (* * * iii) is
110 an honorably retired law enforcement officer or honorably retired
111 member or veteran of any active or reserve component branch of the
112 United States of America Armed Forces having completed law
113 enforcement or combat training with pistols or other handguns,
114 after submitting an affidavit attesting to have read, understand
115 and agree to comply with all provisions of Mississippi enhanced
116 carry law shall also be authorized to carry weapons in courthouses
117 except in courtrooms during a judicial proceeding, and any
118 location listed in subsection (13) of Section 45-9-101, except any
119 place of nuisance as defined in Section 95-3-1, any police,



sheriff or highway patrol station or any detention facility,
prison or jail. For the purposes of this subsection (2),
component branch of the United States Armed Forces includes the
Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
National Guard, the Army National Guard of the United States, the
Air National Guard or the Air National Guard of the United States,
as those terms are defined in Section 101, Title 10, United States
Code, and any other reserve component of the United States Armed
Forces enumerated in Section 10101, Title 10, United States Code.
The department shall promulgate rules and regulations allowing
concealed pistol permit holders to obtain an endorsement on their
permit indicating that they have completed the aforementioned
course and have the authority to carry in these locations. This
section shall in no way interfere with the right of a trial judge
to restrict the carrying of firearms in the courtroom.

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



Commissioner of Public Safety is authorized to enter into reciprocal agreements with other states to carry out the provisions of this subsection.

SECTION 2. Section 97-37-17, Mississippi Code of 1972, is amended as follows:

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

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

(b) "Student" shall mean a person enrolled in a public or private school, college or university, or a person who has been suspended or expelled within the last five (5) years from a public or private school, college or university, or a person in the custody of the Oakley Youth Development Center, operated by the



Department of Human Services, whether the person is an adult or a minor.

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

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

(2) It shall be a felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.

(3) It shall be a felony for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more



194 than Five Thousand Dollars (\$5,000.00), or committed to the
195 custody of the State Department of Corrections for not more than
196 three (3) years, or both.

197 (4) It shall be a misdemeanor for any person to possess or
198 carry, whether openly or concealed, any BB gun, air rifle, air
199 pistol, bowie knife, dirk, dagger, slingshot, leaded cane,
200 switchblade knife, blackjack, metallic knuckles, razors and razor
201 blades (except solely for personal shaving), and any sharp-pointed
202 or edged instrument except instructional supplies, unaltered nail
203 files and clips and tools used solely for preparation of food,
204 instruction and maintenance on educational property. Any person
205 violating this subsection shall be guilty of a misdemeanor and,
206 upon conviction thereof, shall be fined not more than One Thousand
207 Dollars (\$1,000.00), or be imprisoned not exceeding six (6)
208 months, or both.

209 (5) It shall be a misdemeanor for any person to cause,
210 encourage or aid a minor who is less than eighteen (18) years old
211 to possess or carry, whether openly or concealed, any BB gun, air
212 rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded
213 cane, switchblade, knife, blackjack, metallic knuckles, razors and
214 razor blades (except solely for personal shaving) and any
215 sharp-pointed or edged instrument except instructional supplies,
216 unaltered nail files and clips and tools used solely for
217 preparation of food, instruction and maintenance on educational
218 property. Any person violating this subsection shall be guilty of



a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding six (6) months, or both.

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

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

(* * *ii) The firearm is within a motor vehicle;
and

(* * *iii) The person does not brandish, exhibit or display the firearm in any careless, angry or threatening manner * * *;
or

(b) The person possesses an instructor-certified concealed-carry license under Section 97-37-7(2)(b).

(7) This section shall not apply to:

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

(b) Armed Forces personnel of the United States, officers and soldiers of the militia and National Guard, law enforcement personnel, any private police employed by an educational institution, State Militia or Emergency Management



Corps and any guard or patrolman in a state or municipal institution, and any law enforcement personnel or guard at a state juvenile training school, when acting in the discharge of their official duties;

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

(d) Competitors while participating in organized shooting events;

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

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

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

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

SECTION 3. Section 45-9-101, Mississippi Code of 1972, is amended as follows:

45-9-101. (1) (a) Except as otherwise provided, the Department of Public Safety is authorized to issue licenses to carry stun guns, concealed pistols or revolvers to persons qualified as provided in this section. Such licenses shall be



269 valid throughout the state for a period of five (5) years from the
270 date of issuance. Any person possessing a valid license issued
271 pursuant to this section may carry a stun gun, concealed pistol or
272 concealed revolver.

273 (b) The licensee must carry the license, together with
274 valid identification, at all times in which the licensee is
275 carrying a stun gun, concealed pistol or revolver and must display
276 both the license and proper identification upon demand by a law
277 enforcement officer. A violation of the provisions of this
278 paragraph (b) shall constitute a noncriminal violation with a
279 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
280 by summons.

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

283 (a) Is a resident of the state. However, this
284 residency requirement may be waived if the applicant possesses a
285 valid permit from another state, is active military personnel
286 stationed in Mississippi, or is a retired law enforcement officer
287 establishing residency in the state;

288 (b) (i) Is twenty-one (21) years of age or older; or
289 (ii) Is at least eighteen (18) years of age but
290 not yet twenty-one (21) years of age and the applicant:

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



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

296 (iii) Is at least eighteen (18) years of age if
297 the person has otherwise qualified under Section 97-37-7(2) (b) for
298 an instructor-certified concealed-carry license;

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

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

305 (e) Does not chronically or habitually abuse controlled
306 substances to the extent that his normal faculties are impaired.
307 It shall be presumed that an applicant chronically and habitually
308 uses controlled substances to the extent that his faculties are
309 impaired if the applicant has been voluntarily or involuntarily
310 committed to a treatment facility for the abuse of a controlled
311 substance or been found guilty of a crime under the provisions of
312 the Uniform Controlled Substances Law or similar laws of any other
313 state or the United States relating to controlled substances
314 within a three-year period immediately preceding the date on which
315 the application is submitted;

316 (f) Does not chronically and habitually use alcoholic
317 beverages to the extent that his normal faculties are impaired.



318 It shall be presumed that an applicant chronically and habitually
319 uses alcoholic beverages to the extent that his normal faculties
320 are impaired if the applicant has been voluntarily or
321 involuntarily committed as an alcoholic to a treatment facility or
322 has been convicted of two (2) or more offenses related to the use
323 of alcohol under the laws of this state or similar laws of any
324 other state or the United States within the three-year period
325 immediately preceding the date on which the application is
326 submitted;

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

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

332 (i) Has not been voluntarily or involuntarily committed
333 to a mental institution or mental health treatment facility unless
334 he possesses a certificate from a psychiatrist licensed in this
335 state that he has not suffered from disability for a period of
336 five (5) years;

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

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



(1) Is not disqualified to possess a weapon based on federal law.

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

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

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

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



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

369 (d) A statement that the applicant is in compliance
370 with criteria contained within subsections (2) and (3) of this
371 section;

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

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

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

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

383 (a) A completed application as described in subsection
384 (4) of this section;

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

390 (c) A nonrefundable license fee of Eighty Dollars
391 (\$80.00). Costs for processing the set of fingerprints as



required in paragraph (d) of this subsection shall be borne by the applicant. Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States shall be exempt from the payment of the license fee;

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

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

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

(b) The Department of Public Safety shall forward a copy of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence. The sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence may, at his discretion, participate in the process by submitting a voluntary report to the Department of Public Safety containing any readily discoverable prior information that he feels may be pertinent to the licensing of any applicant. The reporting shall



be made within thirty (30) days after the date he receives the copy of the application. Upon receipt of a response from a sheriff or police chief, such sheriff or police chief shall be reimbursed at a rate set by the department.

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

(i) Issue the license;

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

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

(d) In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of two (2) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway



Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.

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

(b) If the revocation, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to paragraph (a) of this subsection, the aggrieved party may file within ten (10) days after the rendition of such decision a petition in the circuit or county court of his residence for review of such decision. A hearing for review shall be held and shall proceed before the court without a jury upon the record made at the hearing before the Commissioner of Public Safety or his duly authorized agent. No such party shall be allowed to carry a stun gun, concealed pistol or revolver pursuant



to the provisions of this section while any such appeal is pending.

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

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

(10) In the event that a stun gun, concealed pistol or revolver license is lost or destroyed, the person to whom the license was issued shall comply with the provisions of subsection (9) of this section and may obtain a duplicate, or substitute thereof, upon payment of Fifteen Dollars (\$15.00) to the



Department of Public Safety, and furnishing a notarized statement to the department that such license has been lost or destroyed.

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

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

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



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

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

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

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

(13) No license issued pursuant to this section shall authorize any person to carry a stun gun, concealed pistol or revolver into any place of nuisance as defined in Section 95-3-1, Mississippi Code of 1972; any police, sheriff or highway patrol



540 station; any detention facility, prison or jail; any courthouse;
541 any courtroom, except that nothing in this section shall preclude
542 a judge from carrying a concealed weapon or determining who will
543 carry a concealed weapon in his courtroom; any polling place; any
544 meeting place of the governing body of any governmental entity;
545 any meeting of the Legislature or a committee thereof; any school,
546 college or professional athletic event not related to firearms;
547 any portion of an establishment, licensed to dispense alcoholic
548 beverages for consumption on the premises, that is primarily
549 devoted to dispensing alcoholic beverages; any portion of an
550 establishment in which beer or light wine is consumed on the
551 premises, that is primarily devoted to such purpose; any
552 elementary or secondary school facility; any junior college,
553 community college, college or university facility unless for the
554 purpose of participating in any authorized firearms-related
555 activity; inside the passenger terminal of any airport, except
556 that no person shall be prohibited from carrying any legal firearm
557 into the terminal if the firearm is encased for shipment, for
558 purposes of checking such firearm as baggage to be lawfully
559 transported on any aircraft; any church or other place of worship,
560 except as provided in Section 45-9-171; or any place where the
561 carrying of firearms is prohibited by federal law. In addition to
562 the places enumerated in this subsection, the carrying of a stun
563 gun, concealed pistol or revolver may be disallowed in any place
564 in the discretion of the person or entity exercising control over



the physical location of such place by the placing of a written notice clearly readable at a distance of not less than ten (10) feet that the "carrying of a pistol or revolver is prohibited." No license issued pursuant to this section shall authorize the participants in a parade or demonstration for which a permit is required to carry a stun gun, concealed pistol or revolver.

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

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

(16) All fees collected by the Department of Public Safety pursuant to this section shall be deposited into a special fund hereby created in the State Treasury and shall be used for implementation and administration of this section. After the close of each fiscal year, the balance in this fund shall be



certified to the Legislature and then may be used by the
Department of Public Safety as directed by the Legislature.

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

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

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

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

(21) For the purposes of this section, the term "stun gun"
means a portable device or weapon from which an electric current,
impulse, wave or beam may be directed, which current, impulse,



615 wave or beam is designed to incapacitate temporarily, injure,
616 momentarily stun, knock out, cause mental disorientation or
617 paralyze.

618 (22) (a) From and after January 1, 2016, the Commissioner
619 of Public Safety shall promulgate rules and regulations which
620 provide that licenses authorized by this section for honorably
621 retired law enforcement officers and honorably retired
622 correctional officers from the Mississippi Department of
623 Corrections shall (i) include the words "retired law enforcement
624 officer" on the front of the license, and (ii) that the license
625 itself have a red background to distinguish it from other licenses
626 issued under this section.

627 (b) An honorably retired law enforcement officer and
628 honorably retired correctional officer shall provide the following
629 information to receive the license described in this section: (i)
630 a letter, with the official letterhead of the agency or department
631 from which such officer is retiring, which explains that such
632 officer is honorably retired, and (ii) a letter with the official
633 letterhead of the agency or department, which explains that such
634 officer has completed a certified law enforcement training
635 academy.

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



640 (24) A license under this section is not required for a
641 loaded or unloaded pistol or revolver to be carried upon the
642 person in a sheath, belt holster or shoulder holster or in a
643 purse, handbag, satchel, other similar bag or briefcase or fully
644 enclosed case if the person is not engaged in criminal activity
645 other than a misdemeanor traffic offense, is not otherwise
646 prohibited from possessing a pistol or revolver under state or
647 federal law, and is not in a location prohibited under subsection
648 (13) of this section.

649 **SECTION 4.** This act shall take effect and be in force from
650 and after July 1, 2018.

