

By: Senator(s) Hill

To: Judiciary, Division A

SENATE BILL NO. 2090

1 AN ACT TO CREATE LIABILITY ON THE PART OF A PROPERTY OWNER
2 WHO FORBIDS CARRYING OF A CONCEALED WEAPON; TO AMEND SECTION
3 15-1-35, MISSISSIPPI CODE OF 1972, TO ENACT A TWO-YEAR STATUTE OF
4 LIMITATIONS ON THE CAUSE OF ACTION FOR INJURIES INCURRED IN A
5 GUN-FREE ZONE; TO AMEND SECTION 45-9-55, MISSISSIPPI CODE OF 1972,
6 TO CONFORM; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** (1) (a) It is the intent of this act to balance
9 the right of the holder of a concealed-carry license under Section
10 45-9-101 to carry a pistol, revolver or stun gun in order to
11 exercise the right of self-defense and the ability of a property
12 owner or entity in charge of the property to exercise control over
13 governmental or private property.

14 (b) A person or entity authorized to post property
15 pursuant to Section 45-9-101(13) or common law who elects to
16 prohibit the possession of firearms by a person authorized to
17 carry a handgun pursuant to Section 45-9-101, thereby assumes
18 absolute custodial responsibility for the safety and defense of
19 the licensee while on the posted property and while on any



20 property the licensee is required to traverse in order to travel
21 to and from the location where the licensee's firearm is stored.

22 (c) The responsibility of the person or entity posting
23 for the safety and defense of the licensee shall extend to the
24 conduct of other invitees, trespassers, employees of the person or
25 entity, vicious animals, wild animals, and defensible man-made and
26 natural hazards.

27 (2) The holder of a concealed-carry license under Section
28 45-9-101 who is injured, suffers bodily injury or death, incurs
29 economic loss or expense, property damage or any other compensable
30 loss as the result of conduct occurring on property that is posted
31 pursuant to Section 45-9-101(13) or common law, shall have a cause
32 of action against the person or entity posting. In addition to
33 damages, the person shall be entitled to reasonable attorney fees,
34 expert witness costs, and other costs necessary to bring the cause
35 of action.

36 (3) Any notice or signage that property is posted pursuant
37 to Section 45-9-101(13) or common law shall also contain language
38 citing this section and stating that any licensee on the posted
39 property is under the custodial responsibility of the posting
40 person or entity.

41 (4) To prevail in an action brought under this section, the
42 plaintiff must show by a preponderance of the evidence that:



(a) The plaintiff was authorized to carry a handgun under Section 45-9-101(13) at the time of the incident giving rise to the action;

(b) The plaintiff was prohibited from carrying a firearm on the property where the incident occurred because it was posted pursuant to Section 45-9-101(13) or common law; and

(c) The property was not required to be posted by state or federal law but was posted by choice of the defendant.

(5) This section shall be liberally construed to effectuate its purpose subject to the provisions of common law, Section 45-9-101 and Section 97-37-7.

SECTION 2. Section 15-1-35, Mississippi Code of 1972, is amended as follows:

15-1-35. (1) All actions for assault, assault and battery, maiming, false imprisonment, malicious arrest, or menace, and all actions for slanderous words concerning the person or title, for failure to employ, and for libels, shall be commenced within one (1) year next after the cause of such action accrued, and not after.

(2) The statute of limitations for an action under Section 1 of this act shall be two (2) years from the date of the occurrence giving rise to the damages, loss, or injury.

SECTION 3. Section 45-9-55, Mississippi Code of 1972, is amended as follows:



67 45-9-55. (1) Except as otherwise provided in subsection (2)
68 of this section, a public or private employer may not establish,
69 maintain, or enforce any policy or rule that has the effect of
70 prohibiting a person from transporting or storing a firearm in a
71 locked vehicle in any parking lot, parking garage, or other
72 designated parking area.

73 (2) A private employer may prohibit an employee from
74 transporting or storing a firearm in a vehicle in a parking lot,
75 parking garage, or other parking area the employer provides for
76 employees to which access is restricted or limited through the use
77 of a gate, security station or other means of restricting or
78 limiting general public access onto the property.

79 (3) This section shall not apply to vehicles owned or leased
80 by an employer and used by the employee in the course of his
81 business.

82 (4) This section does not authorize a person to transport or
83 store a firearm on any premises where the possession of a firearm
84 is prohibited by state or federal law.

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

