

Senate Amendments to House Bill No. 1083

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

9 SECTION 1. (1) This section shall be known and may be cited
10 as the "Mississippi School Safety Act."

11 (2) For purposes of this section:

12 (a) "School" means any public or private educational
13 institution within the State of Mississippi and includes any
14 elementary or secondary school and any junior college, community
15 college, college or university.

16 (b) "Governing body" means with respect to any public
17 school district or public charter school, the local school board
18 or charter school board, as applicable; with respect to any
19 private school, the board or other governing body of the private
20 school as provided in the charter, bylaws or other governing
21 documents of the school; with respect to any junior college or
22 community college, the board of trustees of each community and
23 junior college; with respect to any public college or university,
24 the Board of Trustees of State Institutions of Higher Learning.

25 (3) The governing body of a school, in consultation with
26 school administrators and local law enforcement, may establish a
27 school safety program by which designated and trained school
28 employees are authorized to carry concealed firearms for the
29 protection of the students, employees and others on the campus of
30 the school. The scope and purpose of a school safety program
31 include resisting any unlawful attempt to commit a violent felony
32 listed in Section 97-3-2(1) upon students, employees or visitors
33 on the school campus or in the immediate vicinity of the school
34 campus. A designated member of the school safety program is
35 immune from civil liability for any action taken by the member of
36 the school safety program if the action in question occurs during
37 the reasonable exercise of and within the course and scope of the
38 designated member's official duties as a member of the school
39 safety program.

40 (4) To be eligible for the immunity provided in this
41 section:

42 (a) The school safety program at a minimum must require
43 that each designated member of the program who is not a law
44 enforcement officer as defined in 45-6-3 possesses a firearms
45 license issued under Section 45-9-101; has completed an
46 instructional course in the safe handling and use of firearms as
47 described in Section 97-37-7; and has completed instructional
48 training through a certified school-safety training program
49 approved by the Mississippi Department of Public Safety

50 ("Department") as described in subsection (5) of this section not
51 less than once every twelve (12) months; and

52 (b) The identities of the persons designated by the
53 school's governing body to serve as a member of the school safety
54 program must be documented at the time of the designation, and
55 shall be communicated to school administrators and local law
56 enforcement, but their identities shall otherwise be kept
57 confidential and not subject to public disclosure.

58 (5) The Department shall establish a process to enable
59 Mississippi firearm instructors who are approved by the Department
60 to offer an instructional course in the safe handling and use of
61 firearms under Section 97-37-7(2) to obtain an additional
62 School-Safety Training Certification.

63 (a) The School-Safety Training Certification process
64 must include an instructional course that provides training in
65 each of the following subjects:

66 (i) The protection of students on a school campus;

67 (ii) Interaction of license holders with first
68 responders;

69 (iii) Tactics for denying an intruder entry into a
70 classroom or school facility; and

71 (iv) Methods for increasing a license holder's
72 accuracy use of a handgun while under duress.

73 (b) A School-Safety Training Certification course
74 authorized under this subsection (5) must include not less than
75 thirty-six (36) hours of instruction, a psychological screening

76 and an annual shooting proficiency test; the trainee must achieve
77 at least eighty-five percent (85%) proficiency to be certified or
78 recertified under this section.

79 (c) A qualified firearm instructor certified in school
80 safety under this section may provide school-safety training to
81 any employee of a school or school district who holds a license to
82 carry a concealed handgun issued under Section 45-9-101 and who
83 has completed an instructional course in the safe handling and use
84 of firearms as described in Section 97-37-7.

85 (d) The Department may establish a fee in an amount
86 that is sufficient to cover the costs of the School-Safety
87 Training Certification under this section.

88 (e) The Department may adopt rules to administer this
89 section including a method to identify license holders who have
90 completed a School-Safety Training Certification course.

91 (6) A person who is indicted or charged with a violation of
92 criminal law while acting as a member of a school-safety program
93 may assert as a defense, in addition to any other defense
94 available, that at the time of the action in question, the person
95 was a member of an approved school-safety program, was then
96 actually engaged in the performance of the person's duties as a
97 member of the program, and had met the requirements of this
98 section at the time of the action in question.

99 **SECTION 2.** Section 97-37-7, Mississippi Code of 1972, is
100 amended as follows:

101 97-37-7. (1) (a) It shall not be a violation of Section
102 97-37-1 or any other statute for pistols, firearms or other
103 suitable and appropriate weapons to be carried by duly constituted
104 bank guards, company guards, watchmen, railroad special agents or
105 duly authorized representatives who are not sworn law enforcement
106 officers, agents or employees of a patrol service, guard service,
107 or a company engaged in the business of transporting money,
108 securities or other valuables, while actually engaged in the
109 performance of their duties as such, provided that such persons
110 have made a written application and paid a nonrefundable permit
111 fee of One Hundred Dollars (\$100.00) to the Department of Public
112 Safety.

113 (b) No permit shall be issued to any person who has
114 ever been convicted of a felony under the laws of this or any
115 other state or of the United States. To determine an applicant's
116 eligibility for a permit, the person shall be fingerprinted. If
117 no disqualifying record is identified at the state level, the
118 fingerprints shall be forwarded by the Department of Public Safety
119 to the Federal Bureau of Investigation for a national criminal
120 history record check. The department shall charge a fee which
121 includes the amounts required by the Federal Bureau of
122 Investigation and the department for the national and state
123 criminal history record checks and any necessary costs incurred by
124 the department for the handling and administration of the criminal
125 history background checks. In the event a legible set of
126 fingerprints, as determined by the Department of Public Safety and

127 the Federal Bureau of Investigation, cannot be obtained after a
128 minimum of three (3) attempts, the Department of Public Safety
129 shall determine eligibility based upon a name check by the
130 Mississippi Highway Safety Patrol and a Federal Bureau of
131 Investigation name check conducted by the Mississippi Highway
132 Safety Patrol at the request of the Department of Public Safety.

133 (c) A person may obtain a duplicate of a lost or
134 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
135 replacement fee to the Department of Public Safety, if he
136 furnishes a notarized statement to the department that the permit
137 has been lost or destroyed.

138 (d) (i) No less than ninety (90) days prior to the
139 expiration date of a permit, the Department of Public Safety shall
140 mail to the permit holder written notice of expiration together
141 with the renewal form prescribed by the department. The permit
142 holder shall renew the permit on or before the expiration date by
143 filing with the department the renewal form, a notarized affidavit
144 stating that the permit holder remains qualified, and the renewal
145 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
146 officers shall be exempt from payment of the renewal fee. A
147 permit holder who fails to file a renewal application on or before
148 its expiration date shall pay a late fee of Fifteen Dollars
149 (\$15.00).

150 (ii) Renewal of the permit shall be required every
151 four (4) years. The permit of a qualified renewal applicant shall

152 be renewed upon receipt of the completed renewal application and
153 appropriate payment of fees.

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

158 (2) It shall not be a violation of this or any other statute
159 for pistols, firearms or other suitable and appropriate weapons to
160 be carried by Department of Wildlife, Fisheries and Parks law
161 enforcement officers, railroad special agents who are sworn law
162 enforcement officers, investigators employed by the Attorney
163 General, criminal investigators employed by the district
164 attorneys, all prosecutors, public defenders, investigators or
165 probation officers employed by the Department of Corrections,
166 employees of the State Auditor who are authorized by the State
167 Auditor to perform investigative functions, or any deputy fire
168 marshal or investigator employed by the State Fire Marshal, while
169 engaged in the performance of their duties as such, or by fraud
170 investigators with the Department of Human Services, or by judges
171 of the Mississippi Supreme Court, Court of Appeals, circuit,
172 chancery, county, justice and municipal courts, or by coroners.
173 Before any person shall be authorized under this subsection to
174 carry a weapon, he shall complete a weapons training course
175 approved by the Board of Law Enforcement Officer Standards and
176 Training. Before any criminal investigator employed by a district
177 attorney shall be authorized under this section to carry a pistol,

178 firearm or other weapon, he shall have complied with Section
179 45-6-11 or any training program required for employment as an
180 agent of the Federal Bureau of Investigation. A law enforcement
181 officer, as defined in Section 45-6-3, shall be authorized to
182 carry weapons in courthouses in performance of his official
183 duties. A person licensed under Section 45-9-101 to carry a
184 concealed pistol, who (a) has voluntarily completed an
185 instructional course in the safe handling and use of firearms
186 offered by an instructor certified by a nationally recognized
187 organization that customarily offers firearms training, or by any
188 other organization approved by the Department of Public Safety,
189 (b) is a member or veteran of any active or reserve component
190 branch of the United States of America Armed Forces having
191 completed law enforcement or combat training with pistols or other
192 handguns as recognized by such branch after submitting an
193 affidavit attesting to have read, understand and agree to comply
194 with all provisions of the enhanced carry law, or (c) is an
195 honorably retired law enforcement officer or honorably retired
196 member or veteran of any active or reserve component branch of the
197 United States of America Armed Forces having completed law
198 enforcement or combat training with pistols or other handguns,
199 after submitting an affidavit attesting to have read, understand
200 and agree to comply with all provisions of Mississippi enhanced
201 carry law shall also be authorized to carry weapons in courthouses
202 except in courtrooms during a judicial proceeding, and any
203 location listed in subsection (13) of Section 45-9-101, except any

204 place of nuisance as defined in Section 95-3-1, any police,
205 sheriff or highway patrol station * * *, any detention facility,
206 prison or jail or any school, college or professional athletic
207 event not related to firearms at which law enforcement is not
208 present at each publicly accessible entrance. For the purposes of
209 this subsection (2), component branch of the United States Armed
210 Forces includes the Army, Navy, Air Force, Coast Guard or Marine
211 Corps, or the Army National Guard, the Army National Guard of the
212 United States, the Air National Guard or the Air National Guard of
213 the United States, as those terms are defined in Section 101,
214 Title 10, United States Code, and any other reserve component of
215 the United States Armed Forces enumerated in Section 10101, Title
216 10, United States Code. The department shall promulgate rules and
217 regulations allowing concealed pistol permit holders to obtain an
218 endorsement on their permit indicating that they have completed
219 the aforementioned course and have the authority to carry in these
220 locations. This section shall in no way interfere with the right
221 of a trial judge to restrict the carrying of firearms in the
222 courtroom.

223 (3) It shall not be a violation of this or any other statute
224 for pistols, firearms or other suitable and appropriate weapons,
225 to be carried by any out-of-state, full-time commissioned law
226 enforcement officer who holds a valid commission card from the
227 appropriate out-of-state law enforcement agency and a photo
228 identification. The provisions of this subsection shall only
229 apply if the state where the out-of-state officer is employed has

230 entered into a reciprocity agreement with the state that allows
231 full-time commissioned law enforcement officers in Mississippi to
232 lawfully carry or possess a weapon in such other states. The
233 Commissioner of Public Safety is authorized to enter into
234 reciprocal agreements with other states to carry out the
235 provisions of this subsection.

236 (4) (a) A person licensed to carry a concealed pistol or
237 revolver who has received an instructor-certified endorsement
238 under Section 97-37-7, who is adversely affected by a rule,
239 regulation, policy, or posted written notice adopted by an agency,
240 entity, or person in violation of this section may file suit for
241 declarative and injunctive relief against the agency, entity, or
242 person in the circuit court having jurisdiction over the location
243 where the concealed-carry restriction occurs.

244 (b) Before instituting suit under this subsection, the
245 party adversely affected by the rule, regulation, policy, or
246 posted written notice shall notify the Attorney General in writing
247 of the violation and include evidence of the violation. The
248 Attorney General shall, within thirty (30) days, investigate
249 whether the agency, entity, or person adopted a rule, regulation,
250 policy, or posted written notice in violation of this section and
251 provide the appropriate authority notice of his findings,
252 including, if applicable, a description of the violation and
253 specific language of the rule, regulation, policy, or posted
254 written notice found to be in violation. The agency, entity, or
255 person shall have thirty (30) days from receipt of that notice to

256 cure the violation. If the agency, entity, or person fails to
257 cure the violation within that thirty-day time period, a suit
258 under paragraph (a) of this subsection may proceed. The findings
259 of the Attorney General shall constitute a "public record" as
260 defined by the Mississippi Public Records Act of 1983, Section
261 25-61-1 et seq.

262 (c) If the circuit court finds that an agency, entity,
263 or person adopted a rule, regulation, policy, or posted written
264 notice in violation of this section and failed to cure that
265 violation in accordance with paragraph (b) of this subsection, the
266 circuit court shall issue a permanent injunction against the
267 agency, entity, or person prohibiting the enforcement of the rule,
268 regulation, policy, or posted written notice.

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

271 45-9-101. (1) (a) Except as otherwise provided, the
272 Department of Public Safety is authorized to issue licenses to
273 carry stun guns, concealed pistols or revolvers to persons
274 qualified as provided in this section. Such licenses shall be
275 valid throughout the state for a period of five (5) years from the
276 date of issuance. Any person possessing a valid license issued
277 pursuant to this section may carry a stun gun, concealed pistol or
278 concealed revolver.

279 (b) The licensee must carry the license, together with
280 valid identification, at all times in which the licensee is
281 carrying a stun gun, concealed pistol or revolver and must display

282 both the license and proper identification upon demand by a law
283 enforcement officer. A violation of the provisions of this
284 paragraph (b) shall constitute a noncriminal violation with a
285 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
286 by summons.

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

289 (a) Is a resident of the state. However, this
290 residency requirement may be waived if the applicant possesses a
291 valid permit from another state, is active military personnel
292 stationed in Mississippi, or is a retired law enforcement officer
293 establishing residency in the state;

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

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

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

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

303 (d) Is not ineligible to possess a firearm by virtue of
304 having been convicted of a felony in a court of this state, of any
305 other state, or of the United States without having been pardoned
306 for same, unless that pardon expressly provides that the person
307 may not ship, transport, possess or receive firearms. A

308 conviction that has been expunged pursuant to state law shall not
309 be considered a conviction for purposes of this subsection;

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

321 (f) Does not chronically and habitually use alcoholic
322 beverages to the extent that his normal faculties are impaired.
323 It shall be presumed that an applicant chronically and habitually
324 uses alcoholic beverages to the extent that his normal faculties
325 are impaired if the applicant has been voluntarily or
326 involuntarily committed as an alcoholic to a treatment facility or
327 has been convicted of two (2) or more offenses related to the use
328 of alcohol under the laws of this state or similar laws of any
329 other state or the United States within the three-year period
330 immediately preceding the date on which the application is
331 submitted;

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

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

337 (i) Has not been voluntarily or involuntarily committed
338 to a mental institution or mental health treatment facility unless
339 he possesses a certificate from a psychiatrist licensed in this
340 state that he has not suffered from disability for a period of
341 five (5) years;

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

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

347 (l) Is not disqualified to possess a weapon based on
348 federal law.

349 (3) The Department of Public Safety may deny a license if
350 the applicant has been found guilty of one or more crimes of
351 violence constituting a misdemeanor unless three (3) years have
352 elapsed since probation or any other conditions set by the court
353 have been fulfilled or expunction has occurred prior to the date
354 on which the application is submitted, or may revoke a license if
355 the licensee has been found guilty of one or more crimes of
356 violence within the preceding three (3) years. The department
357 shall, upon notification by a law enforcement agency or a court
358 and subsequent written verification, suspend a license or the
359 processing of an application for a license if the licensee or

360 applicant is arrested or formally charged with a crime which would
361 disqualify such person from having a license under this section,
362 until final disposition of the case. The provisions of subsection
363 (7) of this section shall apply to any suspension or revocation of
364 a license pursuant to the provisions of this section.

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

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

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

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

374 (d) A statement that the applicant is in compliance
375 with criteria contained within subsections (2) and (3) of this
376 section;

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

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

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

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

388 (a) A completed application as described in subsection
389 (4) of this section;

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

395 (c) A nonrefundable license fee of Eighty Dollars
396 (\$80.00). Costs for processing the set of fingerprints as
397 required in paragraph (d) of this subsection shall be borne by the
398 applicant. Honorably retired law enforcement officers, disabled
399 veterans and active duty members of the Armed Forces of the United
400 States shall be exempt from the payment of the license fee;

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

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

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

412 (b) The Department of Public Safety shall forward a
413 copy of the applicant's application to the sheriff of the
414 applicant's county of residence and, if applicable, the police
415 chief of the applicant's municipality of residence. The sheriff
416 of the applicant's county of residence and, if applicable, the
417 police chief of the applicant's municipality of residence may, at
418 his discretion, participate in the process by submitting a
419 voluntary report to the Department of Public Safety containing any
420 readily discoverable prior information that he feels may be
421 pertinent to the licensing of any applicant. The reporting shall
422 be made within thirty (30) days after the date he receives the
423 copy of the application. Upon receipt of a response from a
424 sheriff or police chief, such sheriff or police chief shall be
425 reimbursed at a rate set by the department.

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

429 (i) Issue the license;

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

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

442 (d) In the event a legible set of fingerprints, as
443 determined by the Department of Public Safety and the Federal
444 Bureau of Investigation, cannot be obtained after a minimum of two
445 (2) attempts, the Department of Public Safety shall determine
446 eligibility based upon a name check by the Mississippi Highway
447 Safety Patrol and a Federal Bureau of Investigation name check
448 conducted by the Mississippi Highway Safety Patrol at the request
449 of the Department of Public Safety.

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

462 (b) If the revocation, suspension or denial of issuance
463 is sustained by the Commissioner of Public Safety, or his duly
464 authorized agent pursuant to paragraph (a) of this subsection, the
465 aggrieved party may file within ten (10) days after the rendition
466 of such decision a petition in the circuit or county court of his
467 residence for review of such decision. A hearing for review shall
468 be held and shall proceed before the court without a jury upon the
469 record made at the hearing before the Commissioner of Public
470 Safety or his duly authorized agent. No such party shall be
471 allowed to carry a stun gun, concealed pistol or revolver pursuant
472 to the provisions of this section while any such appeal is
473 pending.

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

484 (9) Within thirty (30) days after the changing of a
485 permanent address, or within thirty (30) days after having a
486 license lost or destroyed, the licensee shall notify the
487 Department of Public Safety in writing of such change or loss.

488 Failure to notify the Department of Public Safety pursuant to the
489 provisions of this subsection shall constitute a noncriminal
490 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
491 be enforceable by a summons.

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

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

502 (12) (a) No less than ninety (90) days prior to the
503 expiration date of the license, the Department of Public Safety
504 shall mail to each licensee a written notice of the expiration and
505 a renewal form prescribed by the department. The licensee must
506 renew his license on or before the expiration date by filing with
507 the department the renewal form, a notarized affidavit stating
508 that the licensee remains qualified pursuant to the criteria
509 specified in subsections (2) and (3) of this section, and a full
510 set of fingerprints administered by the Department of Public
511 Safety or the sheriff of the county of residence of the licensee.
512 The first renewal may be processed by mail and the subsequent
513 renewal must be made in person. Thereafter every other renewal

514 may be processed by mail to assure that the applicant must appear
515 in person every ten (10) years for the purpose of obtaining a new
516 photograph.

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

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

523 (iii) The renewal fee for a Mississippi resident
524 aged sixty-five (65) years of age or older shall be Twenty Dollars
525 (\$20.00).

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

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

539 investigation shall be conducted pursuant to the provisions of
540 this section.

541 (13) No license issued pursuant to this section shall
542 authorize any person to carry a stun gun, concealed pistol or
543 revolver into any place of nuisance as defined in Section 95-3-1,
544 Mississippi Code of 1972; any police, sheriff or highway patrol
545 station; any detention facility, prison or jail; any courthouse;
546 any courtroom, except that nothing in this section shall preclude
547 a judge from carrying a concealed weapon or determining who will
548 carry a concealed weapon in his courtroom; any polling place; any
549 meeting place of the governing body of any governmental entity;
550 any meeting of the Legislature or a committee thereof; any school,
551 college or professional athletic event not related to firearms;
552 any portion of an establishment, licensed to dispense alcoholic
553 beverages for consumption on the premises, that is primarily
554 devoted to dispensing alcoholic beverages; any portion of an
555 establishment in which beer or light wine is consumed on the
556 premises, that is primarily devoted to such purpose; any
557 elementary or secondary school facility; any junior college,
558 community college, college or university facility unless for the
559 purpose of participating in any authorized firearms-related
560 activity; inside the passenger terminal of any airport, except
561 that no person shall be prohibited from carrying any legal firearm
562 into the terminal if the firearm is encased for shipment, for
563 purposes of checking such firearm as baggage to be lawfully
564 transported on any aircraft; any church or other place of worship,

565 except as provided in Section 45-9-171; or any place where the
566 carrying of firearms is prohibited by federal law. In addition to
567 the places enumerated in this subsection, the carrying of a stun
568 gun, concealed pistol or revolver may be disallowed in any place
569 in the discretion of the person or entity exercising control over
570 the physical location of such place by the placing of a written
571 notice clearly readable at a distance of not less than ten (10)
572 feet that the "carrying of a pistol or revolver is prohibited."
573 No license issued pursuant to this section shall authorize the
574 participants in a parade or demonstration for which a permit is
575 required to carry a stun gun, concealed pistol or revolver.

576 (14) A law enforcement officer as defined in Section 45-6-3,
577 chiefs of police, sheriffs and persons licensed as professional
578 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
579 1972, shall be exempt from the licensing requirements of this
580 section. The licensing requirements of this section do not apply
581 to the carrying by any person of a stun gun, pistol or revolver,
582 knife, or other deadly weapon that is not concealed as defined in
583 Section 97-37-1.

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

590 (16) All fees collected by the Department of Public Safety
591 pursuant to this section shall be deposited into a special fund
592 hereby created in the State Treasury and shall be used for
593 implementation and administration of this section. After the
594 close of each fiscal year, the balance in this fund shall be
595 certified to the Legislature and then may be used by the
596 Department of Public Safety as directed by the Legislature.

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

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

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

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

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

617 (21) For the purposes of this section, the term "stun gun"
618 means a portable device or weapon from which an electric current,
619 impulse, wave or beam may be directed, which current, impulse,
620 wave or beam is designed to incapacitate temporarily, injure,
621 momentarily stun, knock out, cause mental disorientation or
622 paralyze.

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

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

641 (23) A disabled veteran who seeks to qualify for an
642 exemption under this section shall be required to provide, as
643 proof of service-connected disability, verification from the
644 United States Department of Veterans Affairs. A Veterans Health
645 Identification Card issued by the United States Department of
646 Veterans Affairs indicating a service-connected disability is
647 sufficient proof.

648 (24) A license under this section is not required for a
649 loaded or unloaded pistol or revolver to be carried upon the
650 person in a sheath, belt holster or shoulder holster or in a
651 purse, handbag, satchel, other similar bag or briefcase or fully
652 enclosed case if the person is not engaged in criminal activity
653 other than a misdemeanor traffic offense, is not otherwise
654 prohibited from possessing a pistol or revolver under state or
655 federal law, and is not in a location prohibited under subsection
656 (13) of this section.

657 **SECTION 4.** Section 45-9-171, Mississippi Code of 1972, is
658 amended as follows:

659 45-9-171. (1) This section shall be known and may be cited
660 as the "Mississippi Church Protection Act."

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

667 or place of worship or on the immediate premises thereof. A
668 church or place of worship may establish a security program that
669 meets the requirements of subsection (2)(b) of this section, and a
670 member of the security program shall be immune from civil
671 liability for any action taken by a member of the security program
672 if the action in question occurs during the reasonable exercise of
673 and within the course and scope of the member's official duties as
674 a member of the security program for the church or place of
675 worship. For purposes of this section, "church" or "place of
676 worship" means only a bona fide duly constituted religious
677 society, ecclesiastical body, or any congregation thereof.

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

680 (i) The program at a minimum must require that
681 each participant of the program who is not a Mississippi certified
682 law enforcement officer or other person authorized to carry
683 firearms under Section 97-37-7(2) possesses a firearms permit
684 issued under Section 45-9-101 and has completed an instructional
685 course in the safe handling and use of firearms as described in
686 Section 97-37-7. The program may also include one or more persons
687 with law enforcement or military background who may assist the
688 church or place of worship in training of the members of the
689 program;

690 (ii) The names of the members designated by the
691 church or place of worship to serve in the security program must
692 be spread upon the minutes of the body or otherwise noted in

693 writing at the time of the member's designation if the body does
694 not maintain minutes, and this written record must be made
695 available to law enforcement upon request during the course of
696 investigation after an incident in which the member used a firearm
697 while acting as a member of the security program; and

698 (iii) The member of the program who is claiming
699 immunity under the provisions of this section must have met the
700 requirements of this paragraph (b).

701 (3) A person who is indicted or charged with a violation of
702 criminal law while acting as a member of a security program of a
703 church or place of worship may assert as a defense, in addition to
704 any other defense available, that at the time of the action in
705 question, the person was a member of a church body or place of
706 worship security program, was then actually engaged in the
707 performance of the person's duties as a member of the program, and
708 had met the requirements of this section at the time of the action
709 in question.

710 **SECTION 5.** This act shall take effect and be in force from
711 and after July 1, 2018

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO CREATE THE MISSISSIPPI SCHOOL SAFETY ACT; TO AMEND
2 SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN A
3 PERSON WHO HAS AN ENHANCED FIREARMS LICENSE MAY CARRY SUCH FIREARM
4 ON PUBLIC PROPERTY; TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF
5 1972, TO CREATE AN APPEAL PROCESS; TO AMEND SECTION 45-9-171,
6 MISSISSIPPI CODE OF 1972, TO REVISE "THE MISSISSIPPI CHURCH
7 PROTECTION ACT"; AND FOR RELATED PURPOSES.

SS36\HB1083PS.J

Liz Welch
Secretary of the Senate