

By: Representative Banks

To: Judiciary B;
Constitution

HOUSE BILL NO. 22

1 AN ACT TO AMEND SECTION 45-9-53, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE LIMITATIONS PLACED ON COUNTIES AND MUNICIPALITIES TO
3 REGULATE THE CARRYING OF FIREARMS; TO AMEND SECTION 97-37-7,
4 MISSISSIPPI CODE OF 1972, TO REMOVE THE AUTHORITY OF A CONCEALED
5 LICENSE HOLDER TO ENTER CERTAIN BUILDINGS; TO BRING FORWARD
6 SECTION 45-9-101, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
7 FIREARMS PERMITS, FOR PURPOSES OF AMENDMENT; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** Section 45-9-53, Mississippi Code of 1972, is
11 amended as follows:

12 45-9-53. (1) This section and Section 45-9-51 do not affect
13 the authority that a county or municipality may have under another
14 law:

15 (a) To require citizens or public employees to be armed
16 for personal or national defense, law enforcement, or another
17 lawful purpose;

18 (b) To regulate the discharge of firearms within the
19 limits of the county or municipality. A county or municipality
20 may not apply a regulation relating to the discharge of firearms
21 or other weapons in the extraterritorial jurisdiction of the



22 county or municipality or in an area annexed by the county or
23 municipality after September 1, 1981, if the firearm or other
24 weapon is:

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

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

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

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

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

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

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

44 (d) To regulate the use of firearms in cases of
45 insurrection, riots and natural disasters in which the city finds
46 such regulation necessary to protect the health and safety of the



47 public. However, the provisions of this section shall not apply
48 to the lawful possession of firearms, ammunition or components of
49 firearms or ammunition;

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

55 (f) To regulate the carrying of a firearm at: (i) a
56 public park or at a public meeting of a county, municipality or
57 other governmental body; (ii) a political rally, parade or
58 official political meeting; or (iii) a nonfirearm-related school,
59 college or professional athletic event; or

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

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

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

69 * * *

70 (* * *4) No county or municipality or their officers or
71 employees may participate in any program in which individuals are



72 given a thing of value provided by another individual or other
73 entity in exchange for surrendering a firearm to the county,
74 municipality or other governmental body unless:

75 (a) The county or municipality has adopted an ordinance
76 authorizing the participation of the county or municipality, or
77 participation by an officer or employee of the county or
78 municipality in such a program; and

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

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

90 97-37-7. (1) (a) It shall not be a violation of Section
91 97-37-1 or any other statute for pistols, firearms or other
92 suitable and appropriate weapons to be carried by duly constituted
93 bank guards, company guards, watchmen, railroad special agents or
94 duly authorized representatives who are not sworn law enforcement
95 officers, agents or employees of a patrol service, guard service,
96 or a company engaged in the business of transporting money,



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

102 (b) No permit shall be issued to any person who has
103 ever been convicted of a felony under the laws of this or any
104 other state or of the United States. To determine an applicant's
105 eligibility for a permit, the person shall be fingerprinted. If
106 no disqualifying record is identified at the state level, the
107 fingerprints shall be forwarded by the Department of Public Safety
108 to the Federal Bureau of Investigation for a national criminal
109 history record check. The department shall charge a fee which
110 includes the amounts required by the Federal Bureau of
111 Investigation and the department for the national and state
112 criminal history record checks and any necessary costs incurred by
113 the department for the handling and administration of the criminal
114 history background checks. In the event a legible set of
115 fingerprints, as determined by the Department of Public Safety and
116 the Federal Bureau of Investigation, cannot be obtained after a
117 minimum of three (3) attempts, the Department of Public Safety
118 shall determine eligibility based upon a name check by the
119 Mississippi Highway Safety Patrol and a Federal Bureau of
120 Investigation name check conducted by the Mississippi Highway
121 Safety Patrol at the request of the Department of Public Safety.



122 (c) A person may obtain a duplicate of a lost or
123 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
124 replacement fee to the Department of Public Safety, if he
125 furnishes a notarized statement to the department that the permit
126 has been lost or destroyed.

127 (d) (i) No less than ninety (90) days prior to the
128 expiration date of a permit, the Department of Public Safety shall
129 mail to the permit holder written notice of expiration together
130 with the renewal form prescribed by the department. The permit
131 holder shall renew the permit on or before the expiration date by
132 filing with the department the renewal form, a notarized affidavit
133 stating that the permit holder remains qualified, and the renewal
134 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
135 officers shall be exempt from payment of the renewal fee. A
136 permit holder who fails to file a renewal application on or before
137 its expiration date shall pay a late fee of Fifteen Dollars
138 (\$15.00).

139 (ii) Renewal of the permit shall be required every
140 four (4) years. The permit of a qualified renewal applicant shall
141 be renewed upon receipt of the completed renewal application and
142 appropriate payment of fees.

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



147 (2) It shall not be a violation of this or any other statute
148 for pistols, firearms or other suitable and appropriate weapons to
149 be carried by Department of Wildlife, Fisheries and Parks law
150 enforcement officers, railroad special agents who are sworn law
151 enforcement officers, investigators employed by the Attorney
152 General, criminal investigators employed by the district
153 attorneys, all prosecutors, public defenders, investigators or
154 probation officers employed by the Department of Corrections,
155 employees of the State Auditor who are authorized by the State
156 Auditor to perform investigative functions, or any deputy fire
157 marshal or investigator employed by the State Fire Marshal, while
158 engaged in the performance of their duties as such, or by fraud
159 investigators with the Department of Human Services, or by judges
160 of the Mississippi Supreme Court, Court of Appeals, circuit,
161 chancery, county, justice and municipal courts, or by coroners.
162 Before any person shall be authorized under this subsection to
163 carry a weapon, he shall complete a weapons training course
164 approved by the Board of Law Enforcement Officer Standards and
165 Training. Before any criminal investigator employed by a district
166 attorney shall be authorized under this section to carry a pistol,
167 firearm or other weapon, he shall have complied with Section
168 45-6-11 or any training program required for employment as an
169 agent of the Federal Bureau of Investigation. A law enforcement
170 officer, as defined in Section 45-6-3, shall be authorized to
171 carry weapons in courthouses in performance of his official



172 duties. * * * For the purposes of this subsection (2), component
173 branch of the United States Armed Forces includes the Army, Navy,
174 Air Force, Coast Guard or Marine Corps, or the Army National
175 Guard, the Army National Guard of the United States, the Air
176 National Guard or the Air National Guard of the United States, as
177 those terms are defined in Section 101, Title 10, United States
178 Code, and any other reserve component of the United States Armed
179 Forces enumerated in Section 10101, Title 10, United States Code.
180 The department shall promulgate rules and regulations allowing
181 concealed pistol permit holders to obtain an endorsement on their
182 permit indicating that they have completed the aforementioned
183 course and have the authority to carry in these locations. This
184 section shall in no way interfere with the right of a trial judge
185 to restrict the carrying of firearms in the courtroom.

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



197 reciprocal agreements with other states to carry out the
198 provisions of this subsection.

199 **SECTION 3.** Section 45-9-101, Mississippi Code of 1972, is
200 brought forward as follows:

201 45-9-101. (1) (a) Except as otherwise provided, the
202 Department of Public Safety is authorized to issue licenses to
203 carry stun guns, concealed pistols or revolvers to persons
204 qualified as provided in this section. Such licenses shall be
205 valid throughout the state for a period of five (5) years from the
206 date of issuance. Any person possessing a valid license issued
207 pursuant to this section may carry a stun gun, concealed pistol or
208 concealed revolver.

209 (b) The licensee must carry the license, together with
210 valid identification, at all times in which the licensee is
211 carrying a stun gun, concealed pistol or revolver and must display
212 both the license and proper identification upon demand by a law
213 enforcement officer. A violation of the provisions of this
214 paragraph (b) shall constitute a noncriminal violation with a
215 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
216 by summons.

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

219 (a) Is a resident of the state. However, this
220 residency requirement may be waived if the applicant possesses a
221 valid permit from another state, is active military personnel



222 stationed in Mississippi, or is a retired law enforcement officer
223 establishing residency in the state;

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

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

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

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

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

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

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

239 It shall be presumed that an applicant chronically and habitually
240 uses controlled substances to the extent that his faculties are
241 impaired if the applicant has been voluntarily or involuntarily
242 committed to a treatment facility for the abuse of a controlled
243 substance or been found guilty of a crime under the provisions of
244 the Uniform Controlled Substances Law or similar laws of any other
245 state or the United States relating to controlled substances



246 within a three-year period immediately preceding the date on which
247 the application is submitted;

248 (f) Does not chronically and habitually use alcoholic
249 beverages to the extent that his normal faculties are impaired.
250 It shall be presumed that an applicant chronically and habitually
251 uses alcoholic beverages to the extent that his normal faculties
252 are impaired if the applicant has been voluntarily or
253 involuntarily committed as an alcoholic to a treatment facility or
254 has been convicted of two (2) or more offenses related to the use
255 of alcohol under the laws of this state or similar laws of any
256 other state or the United States within the three-year period
257 immediately preceding the date on which the application is
258 submitted;

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

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

264 (i) Has not been voluntarily or involuntarily committed
265 to a mental institution or mental health treatment facility unless
266 he possesses a certificate from a psychiatrist licensed in this
267 state that he has not suffered from disability for a period of
268 five (5) years;

269 (j) Has not had adjudication of guilt withheld or
270 imposition of sentence suspended on any felony unless three (3)



271 years have elapsed since probation or any other conditions set by
272 the court have been fulfilled;

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

274 (l) Is not disqualified to possess a weapon based on
275 federal law.

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

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



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

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

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

301 (d) A statement that the applicant is in compliance
302 with criteria contained within subsections (2) and (3) of this
303 section;

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

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

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

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

315 (a) A completed application as described in subsection
316 (4) of this section;

317 (b) A full-face photograph of the applicant taken
318 within the preceding thirty (30) days in which the head, including
319 hair, in a size as determined by the Department of Public Safety,



320 except that an applicant who is younger than twenty-one (21) years
321 of age must submit a photograph in profile of the applicant;

322 (c) A nonrefundable license fee of Eighty Dollars
323 (\$80.00). Costs for processing the set of fingerprints as
324 required in paragraph (d) of this subsection shall be borne by the
325 applicant. Honorably retired law enforcement officers, disabled
326 veterans and active duty members of the Armed Forces of the United
327 States shall be exempt from the payment of the license fee;

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

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

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

339 (b) The Department of Public Safety shall forward a
340 copy of the applicant's application to the sheriff of the
341 applicant's county of residence and, if applicable, the police
342 chief of the applicant's municipality of residence. The sheriff
343 of the applicant's county of residence and, if applicable, the
344 police chief of the applicant's municipality of residence may, at



345 his discretion, participate in the process by submitting a
346 voluntary report to the Department of Public Safety containing any
347 readily discoverable prior information that he feels may be
348 pertinent to the licensing of any applicant. The reporting shall
349 be made within thirty (30) days after the date he receives the
350 copy of the application. Upon receipt of a response from a
351 sheriff or police chief, such sheriff or police chief shall be
352 reimbursed at a rate set by the department.

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

356 (i) Issue the license;

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

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



369 (d) In the event a legible set of fingerprints, as
370 determined by the Department of Public Safety and the Federal
371 Bureau of Investigation, cannot be obtained after a minimum of two
372 (2) attempts, the Department of Public Safety shall determine
373 eligibility based upon a name check by the Mississippi Highway
374 Safety Patrol and a Federal Bureau of Investigation name check
375 conducted by the Mississippi Highway Safety Patrol at the request
376 of the Department of Public Safety.

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

389 (b) If the revocation, suspension or denial of issuance
390 is sustained by the Commissioner of Public Safety, or his duly
391 authorized agent pursuant to paragraph (a) of this subsection, the
392 aggrieved party may file within ten (10) days after the rendition
393 of such decision a petition in the circuit or county court of his



394 residence for review of such decision. A hearing for review shall
395 be held and shall proceed before the court without a jury upon the
396 record made at the hearing before the Commissioner of Public
397 Safety or his duly authorized agent. No such party shall be
398 allowed to carry a stun gun, concealed pistol or revolver pursuant
399 to the provisions of this section while any such appeal is
400 pending.

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

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



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

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

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



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

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

450 (iii) The renewal fee for a Mississippi resident
451 aged sixty-five (65) years of age or older shall be Twenty Dollars
452 (\$20.00).

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

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



468 (13) No license issued pursuant to this section shall
469 authorize any person to carry a stun gun, concealed pistol or
470 revolver into any place of nuisance as defined in Section 95-3-1,
471 Mississippi Code of 1972; any police, sheriff or highway patrol
472 station; any detention facility, prison or jail; any courthouse;
473 any courtroom, except that nothing in this section shall preclude
474 a judge from carrying a concealed weapon or determining who will
475 carry a concealed weapon in his courtroom; any polling place; any
476 meeting place of the governing body of any governmental entity;
477 any meeting of the Legislature or a committee thereof; any school,
478 college or professional athletic event not related to firearms;
479 any portion of an establishment, licensed to dispense alcoholic
480 beverages for consumption on the premises, that is primarily
481 devoted to dispensing alcoholic beverages; any portion of an
482 establishment in which beer or light wine is consumed on the
483 premises, that is primarily devoted to such purpose; any
484 elementary or secondary school facility; any junior college,
485 community college, college or university facility unless for the
486 purpose of participating in any authorized firearms-related
487 activity; inside the passenger terminal of any airport, except
488 that no person shall be prohibited from carrying any legal firearm
489 into the terminal if the firearm is encased for shipment, for
490 purposes of checking such firearm as baggage to be lawfully
491 transported on any aircraft; any church or other place of worship,
492 except as provided in Section 45-9-171; or any place where the



493 carrying of firearms is prohibited by federal law. In addition to
494 the places enumerated in this subsection, the carrying of a stun
495 gun, concealed pistol or revolver may be disallowed in any place
496 in the discretion of the person or entity exercising control over
497 the physical location of such place by the placing of a written
498 notice clearly readable at a distance of not less than ten (10)
499 feet that the "carrying of a pistol or revolver is prohibited."
500 No license issued pursuant to this section shall authorize the
501 participants in a parade or demonstration for which a permit is
502 required to carry a stun gun, concealed pistol or revolver.

503 (14) A law enforcement officer as defined in Section 45-6-3,
504 chiefs of police, sheriffs and persons licensed as professional
505 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
506 1972, shall be exempt from the licensing requirements of this
507 section. The licensing requirements of this section do not apply
508 to the carrying by any person of a stun gun, pistol or revolver,
509 knife, or other deadly weapon that is not concealed as defined in
510 Section 97-37-1.

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



517 (16) All fees collected by the Department of Public Safety
518 pursuant to this section shall be deposited into a special fund
519 hereby created in the State Treasury and shall be used for
520 implementation and administration of this section. After the
521 close of each fiscal year, the balance in this fund shall be
522 certified to the Legislature and then may be used by the
523 Department of Public Safety as directed by the Legislature.

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

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

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

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



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

544 (21) For the purposes of this section, the term "stun gun"
545 means a portable device or weapon from which an electric current,
546 impulse, wave or beam may be directed, which current, impulse,
547 wave or beam is designed to incapacitate temporarily, injure,
548 momentarily stun, knock out, cause mental disorientation or
549 paralyze.

550 (22) (a) From and after January 1, 2016, the Commissioner
551 of Public Safety shall promulgate rules and regulations which
552 provide that licenses authorized by this section for honorably
553 retired law enforcement officers and honorably retired
554 correctional officers from the Mississippi Department of
555 Corrections shall (i) include the words "retired law enforcement
556 officer" on the front of the license, and (ii) that the license
557 itself have a red background to distinguish it from other licenses
558 issued under this section.

559 (b) An honorably retired law enforcement officer and
560 honorably retired correctional officer shall provide the following
561 information to receive the license described in this section: (i)
562 a letter, with the official letterhead of the agency or department
563 from which such officer is retiring, which explains that such
564 officer is honorably retired, and (ii) a letter with the official
565 letterhead of the agency or department, which explains that such



566 officer has completed a certified law enforcement training
567 academy.

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

572 (24) A license under this section is not required for a
573 loaded or unloaded pistol or revolver to be carried upon the
574 person in a sheath, belt holster or shoulder holster or in a
575 purse, handbag, satchel, other similar bag or briefcase or fully
576 enclosed case if the person is not engaged in criminal activity
577 other than a misdemeanor traffic offense, is not otherwise
578 prohibited from possessing a pistol or revolver under state or
579 federal law, and is not in a location prohibited under subsection
580 (13) of this section.

581 **SECTION 4.** This act shall take effect and be in force from
582 and after July 1, 2019.

