

By: Representatives Rushing, Barnett,
Shirley

To: Judiciary B

HOUSE BILL NO. 524

1 AN ACT TO PROHIBIT A PUBLIC EMPLOYER FROM BANNING ITS
2 EMPLOYEES WITH A FIREARM PERMIT AND TRAINING ENDORSEMENT FROM
3 CARRYING A CONCEALED PISTOL OR REVOLVER ON THE EMPLOYER'S
4 PROPERTY; TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, IN
5 CONFORMITY WITH THE PROVISIONS OF THIS ACT; TO BRING FORWARD
6 SECTIONS 97-37-1, 97-37-7 AND 45-9-53, MISSISSIPPI CODE OF 1972,
7 FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** A public employer of this state or a political
10 subdivision of this state may not adopt or establish a policy
11 prohibiting an employee who has a valid license issued under
12 Section 45-9-101 and a training endorsement as provided by Section
13 97-37-7 from lawfully carrying a concealed pistol or revolver on
14 any property or in any building under the public employer's
15 control. A sign that is posted by a public employer in accordance
16 with Section 45-9-101 which prohibits the carrying of a concealed
17 pistol or revolver is not effective against any employee of the
18 public employer, provided the employee has a valid license issued
19 under Section 45-9-101 and a training endorsement as provided by
20 Section 97-37-7.



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

23 45-9-101. (1) (a) Except as otherwise provided, the
24 Department of Public Safety is authorized to issue licenses to
25 carry stun guns, concealed pistols or revolvers to persons
26 qualified as provided in this section. Such licenses shall be
27 valid throughout the state for a period of five (5) years from the
28 date of issuance. Any person possessing a valid license issued
29 pursuant to this section may carry a stun gun, concealed pistol or
30 concealed revolver.

31 (b) The licensee must carry the license, together with
32 valid identification, at all times in which the licensee is
33 carrying a stun gun, concealed pistol or revolver and must display
34 both the license and proper identification upon demand by a law
35 enforcement officer. A violation of the provisions of this
36 paragraph (b) shall constitute a noncriminal violation with a
37 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
38 by summons.

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

41 (a) Is a resident of the state. However, this
42 residency requirement may be waived if the applicant possesses a
43 valid permit from another state, is active military personnel
44 stationed in Mississippi, or is a retired law enforcement officer
45 establishing residency in the state;



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

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

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

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

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

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

59 (e) Does not chronically or habitually abuse controlled
60 substances to the extent that his normal faculties are impaired.
61 It shall be presumed that an applicant chronically and habitually
62 uses controlled substances to the extent that his faculties are
63 impaired if the applicant has been voluntarily or involuntarily
64 committed to a treatment facility for the abuse of a controlled
65 substance or been found guilty of a crime under the provisions of
66 the Uniform Controlled Substances Law or similar laws of any other
67 state or the United States relating to controlled substances
68 within a three-year period immediately preceding the date on which
69 the application is submitted;



70 (f) Does not chronically and habitually use alcoholic
71 beverages to the extent that his normal faculties are impaired.
72 It shall be presumed that an applicant chronically and habitually
73 uses alcoholic beverages to the extent that his normal faculties
74 are impaired if the applicant has been voluntarily or
75 involuntarily committed as an alcoholic to a treatment facility or
76 has been convicted of two (2) or more offenses related to the use
77 of alcohol under the laws of this state or similar laws of any
78 other state or the United States within the three-year period
79 immediately preceding the date on which the application is
80 submitted;

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

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

86 (i) Has not been voluntarily or involuntarily committed
87 to a mental institution or mental health treatment facility unless
88 he possesses a certificate from a psychiatrist licensed in this
89 state that he has not suffered from disability for a period of
90 five (5) years;

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



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

96 (l) Is not disqualified to possess a weapon based on
97 federal law.

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

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

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



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

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

123 (d) A statement that the applicant is in compliance
124 with criteria contained within subsections (2) and (3) of this
125 section;

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

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

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

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

137 (a) A completed application as described in subsection
138 (4) of this section;

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



144 (c) A nonrefundable license fee of Eighty Dollars
145 (\$80.00). Costs for processing the set of fingerprints as
146 required in paragraph (d) of this subsection shall be borne by the
147 applicant. Honorably retired law enforcement officers, disabled
148 veterans and active duty members of the Armed Forces of the United
149 States shall be exempt from the payment of the license fee;

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

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

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

161 (b) The Department of Public Safety shall forward a
162 copy of the applicant's application to the sheriff of the
163 applicant's county of residence and, if applicable, the police
164 chief of the applicant's municipality of residence. The sheriff
165 of the applicant's county of residence and, if applicable, the
166 police chief of the applicant's municipality of residence may, at
167 his discretion, participate in the process by submitting a
168 voluntary report to the Department of Public Safety containing any



169 readily discoverable prior information that he feels may be
170 pertinent to the licensing of any applicant. The reporting shall
171 be made within thirty (30) days after the date he receives the
172 copy of the application. Upon receipt of a response from a
173 sheriff or police chief, such sheriff or police chief shall be
174 reimbursed at a rate set by the department.

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

178 (i) Issue the license;

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

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

191 (d) In the event a legible set of fingerprints, as
192 determined by the Department of Public Safety and the Federal
193 Bureau of Investigation, cannot be obtained after a minimum of two



194 (2) attempts, the Department of Public Safety shall determine
195 eligibility based upon a name check by the Mississippi Highway
196 Safety Patrol and a Federal Bureau of Investigation name check
197 conducted by the Mississippi Highway Safety Patrol at the request
198 of the Department of Public Safety.

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

211 (b) If the revocation, suspension or denial of issuance
212 is sustained by the Commissioner of Public Safety, or his duly
213 authorized agent pursuant to paragraph (a) of this subsection, the
214 aggrieved party may file within ten (10) days after the rendition
215 of such decision a petition in the circuit or county court of his
216 residence for review of such decision. A hearing for review shall
217 be held and shall proceed before the court without a jury upon the
218 record made at the hearing before the Commissioner of Public



219 Safety or his duly authorized agent. No such party shall be
220 allowed to carry a stun gun, concealed pistol or revolver pursuant
221 to the provisions of this section while any such appeal is
222 pending.

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

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

241 (10) In the event that a stun gun, concealed pistol or
242 revolver license is lost or destroyed, the person to whom the
243 license was issued shall comply with the provisions of subsection



244 (9) of this section and may obtain a duplicate, or substitute
245 thereof, upon payment of Fifteen Dollars (\$15.00) to the
246 Department of Public Safety, and furnishing a notarized statement
247 to the department that such license has been lost or destroyed.

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

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

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



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

272 (iii) The renewal fee for a Mississippi resident
273 aged sixty-five (65) years of age or older shall be Twenty Dollars
274 (\$20.00).

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

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

290 (13) No license issued pursuant to this section shall
291 authorize any person to carry a stun gun, concealed pistol or
292 revolver into: any place of nuisance as defined in Section
293 95-3-1 * * *; any police, sheriff or highway patrol station; any



294 detention facility, prison or jail; any courthouse; any courtroom,
295 except that nothing in this section shall preclude a judge from
296 carrying a concealed weapon or determining who will carry a
297 concealed weapon in his courtroom; any polling place; any meeting
298 place of the governing body of any governmental entity; any
299 meeting of the Legislature or a committee thereof; any school,
300 college or professional athletic event not related to firearms;
301 any portion of an establishment, licensed to dispense alcoholic
302 beverages for consumption on the premises, that is primarily
303 devoted to dispensing alcoholic beverages; any portion of an
304 establishment in which beer or light wine is consumed on the
305 premises, that is primarily devoted to such purpose; any
306 elementary or secondary school facility; any junior college,
307 community college, college or university facility unless for the
308 purpose of participating in any authorized firearms-related
309 activity; inside the passenger terminal of any airport, except
310 that no person shall be prohibited from carrying any legal firearm
311 into the terminal if the firearm is encased for shipment, for
312 purposes of checking such firearm as baggage to be lawfully
313 transported on any aircraft; any church or other place of worship,
314 except as provided in Section 45-9-171; or any place where the
315 carrying of firearms is prohibited by federal law. In addition to
316 the places enumerated in this subsection, the carrying of a stun
317 gun, concealed pistol or revolver may be disallowed in any place
318 in the discretion of the person or entity exercising control over



319 the physical location of such place by the placing of a written
320 notice clearly readable at a distance of not less than ten (10)
321 feet that the "carrying of a pistol or revolver is prohibited."
322 However, such sign is not effective against an employee of a
323 public employer who meets the requirements provided in Section 1
324 of this act. No license issued pursuant to this section shall
325 authorize the participants in a parade or demonstration for which
326 a permit is required to carry a stun gun, concealed pistol or
327 revolver.

328 (14) A law enforcement officer as defined in Section 45-6-3,
329 chiefs of police, sheriffs and persons licensed as professional
330 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
331 1972, shall be exempt from the licensing requirements of this
332 section. The licensing requirements of this section do not apply
333 to the carrying by any person of a stun gun, pistol or revolver,
334 knife, or other deadly weapon that is not concealed as defined in
335 Section 97-37-1.

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

342 (16) All fees collected by the Department of Public Safety
343 pursuant to this section shall be deposited into a special fund



344 hereby created in the State Treasury and shall be used for
345 implementation and administration of this section. After the
346 close of each fiscal year, the balance in this fund shall be
347 certified to the Legislature and then may be used by the
348 Department of Public Safety as directed by the Legislature.

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

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

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

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



369 (21) For the purposes of this section, the term "stun gun"
370 means a portable device or weapon from which an electric current,
371 impulse, wave or beam may be directed, which current, impulse,
372 wave or beam is designed to incapacitate temporarily, injure,
373 momentarily stun, knock out, cause mental disorientation or
374 paralyze.

375 (22) (a) From and after January 1, 2016, the Commissioner
376 of Public Safety shall promulgate rules and regulations which
377 provide that licenses authorized by this section for honorably
378 retired law enforcement officers and honorably retired
379 correctional officers from the Mississippi Department of
380 Corrections shall (i) include the words "retired law enforcement
381 officer" on the front of the license, and (ii) that the license
382 itself have a red background to distinguish it from other licenses
383 issued under this section.

384 (b) An honorably retired law enforcement officer and
385 honorably retired correctional officer shall provide the following
386 information to receive the license described in this section: (i)
387 a letter, with the official letterhead of the agency or department
388 from which such officer is retiring, which explains that such
389 officer is honorably retired, and (ii) a letter with the official
390 letterhead of the agency or department, which explains that such
391 officer has completed a certified law enforcement training
392 academy.



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

397 (24) A license under this section is not required for a
398 loaded or unloaded pistol or revolver to be carried upon the
399 person in a sheath, belt holster or shoulder holster or in a
400 purse, handbag, satchel, other similar bag or briefcase or fully
401 enclosed case if the person is not engaged in criminal activity
402 other than a misdemeanor traffic offense, is not otherwise
403 prohibited from possessing a pistol or revolver under state or
404 federal law, and is not in a location prohibited under subsection
405 (13) of this section.

406 **SECTION 3.** Section 97-37-1, Mississippi Code of 1972, is
407 brought forward as follows:

408 97-37-1. (1) Except as otherwise provided in Section
409 45-9-101, any person who carries, concealed on or about one's
410 person, any bowie knife, dirk knife, butcher knife, switchblade
411 knife, metallic knuckles, blackjack, slingshot, pistol, revolver,
412 or any rifle with a barrel of less than sixteen (16) inches in
413 length, or any shotgun with a barrel of less than eighteen (18)
414 inches in length, machine gun or any fully automatic firearm or
415 deadly weapon, or any muffler or silencer for any firearm, whether
416 or not it is accompanied by a firearm, or uses or attempts to use



417 against another person any imitation firearm, shall, upon
418 conviction, be punished as follows:

419 (a) By a fine of not less than One Hundred Dollars
420 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
421 imprisonment in the county jail for not more than six (6) months,
422 or both, in the discretion of the court, for the first conviction
423 under this section.

424 (b) By a fine of not less than One Hundred Dollars
425 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
426 imprisonment in the county jail for not less than thirty (30) days
427 nor more than six (6) months, for the second conviction under this
428 section.

429 (c) By confinement in the custody of the Department of
430 Corrections for not less than one (1) year nor more than five (5)
431 years, for the third or subsequent conviction under this section.

432 (d) By confinement in the custody of the Department of
433 Corrections for not less than one (1) year nor more than ten (10)
434 years for any person previously convicted of any felony who is
435 convicted under this section.

436 (2) It shall not be a violation of this section for any
437 person over the age of eighteen (18) years to carry a firearm or
438 deadly weapon concealed within the confines of his own home or his
439 place of business, or any real property associated with his home
440 or business or within any motor vehicle.



441 (3) It shall not be a violation of this section for any
442 person to carry a firearm or deadly weapon concealed if the
443 possessor of the weapon is then engaged in a legitimate
444 weapon-related sports activity or is going to or returning from
445 such activity. For purposes of this subsection, "legitimate
446 weapon-related sports activity" means hunting, fishing, target
447 shooting or any other legal activity which normally involves the
448 use of a firearm or other weapon.

449 (4) For the purposes of this section, "concealed" means
450 hidden or obscured from common observation and shall not include
451 any weapon listed in subsection (1) of this section, including,
452 but not limited to, a loaded or unloaded pistol carried upon the
453 person in a sheath, belt holster or shoulder holster that is
454 wholly or partially visible, or carried upon the person in a
455 scabbard or case for carrying the weapon that is wholly or
456 partially visible.

457 **SECTION 4.** Section 97-37-7, Mississippi Code of 1972, is
458 brought forward as follows:

459 97-37-7. (1) (a) It shall not be a violation of Section
460 97-37-1 or any other statute for pistols, firearms or other
461 suitable and appropriate weapons to be carried by duly constituted
462 bank guards, company guards, watchmen, railroad special agents or
463 duly authorized representatives who are not sworn law enforcement
464 officers, agents or employees of a patrol service, guard service,
465 or a company engaged in the business of transporting money,



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

471 (b) No permit shall be issued to any person who has
472 ever been convicted of a felony under the laws of this or any
473 other state or of the United States. To determine an applicant's
474 eligibility for a permit, the person shall be fingerprinted. If
475 no disqualifying record is identified at the state level, the
476 fingerprints shall be forwarded by the Department of Public Safety
477 to the Federal Bureau of Investigation for a national criminal
478 history record check. The department shall charge a fee which
479 includes the amounts required by the Federal Bureau of
480 Investigation and the department for the national and state
481 criminal history record checks and any necessary costs incurred by
482 the department for the handling and administration of the criminal
483 history background checks. In the event a legible set of
484 fingerprints, as determined by the Department of Public Safety and
485 the Federal Bureau of Investigation, cannot be obtained after a
486 minimum of three (3) attempts, the Department of Public Safety
487 shall determine eligibility based upon a name check by the
488 Mississippi Highway Safety Patrol and a Federal Bureau of
489 Investigation name check conducted by the Mississippi Highway
490 Safety Patrol at the request of the Department of Public Safety.



491 (c) A person may obtain a duplicate of a lost or
492 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
493 replacement fee to the Department of Public Safety, if he
494 furnishes a notarized statement to the department that the permit
495 has been lost or destroyed.

496 (d) (i) No less than ninety (90) days prior to the
497 expiration date of a permit, the Department of Public Safety shall
498 mail to the permit holder written notice of expiration together
499 with the renewal form prescribed by the department. The permit
500 holder shall renew the permit on or before the expiration date by
501 filing with the department the renewal form, a notarized affidavit
502 stating that the permit holder remains qualified, and the renewal
503 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
504 officers shall be exempt from payment of the renewal fee. A
505 permit holder who fails to file a renewal application on or before
506 its expiration date shall pay a late fee of Fifteen Dollars
507 (\$15.00).

508 (ii) Renewal of the permit shall be required every
509 four (4) years. The permit of a qualified renewal applicant shall
510 be renewed upon receipt of the completed renewal application and
511 appropriate payment of fees.

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



516 (2) It shall not be a violation of this or any other statute
517 for pistols, firearms or other suitable and appropriate weapons to
518 be carried by Department of Wildlife, Fisheries and Parks law
519 enforcement officers, railroad special agents who are sworn law
520 enforcement officers, investigators employed by the Attorney
521 General, criminal investigators employed by the district
522 attorneys, all prosecutors, public defenders, investigators or
523 probation officers employed by the Department of Corrections,
524 employees of the State Auditor who are authorized by the State
525 Auditor to perform investigative functions, or any deputy fire
526 marshal or investigator employed by the State Fire Marshal, while
527 engaged in the performance of their duties as such, or by fraud
528 investigators with the Department of Human Services, or by judges
529 of the Mississippi Supreme Court, Court of Appeals, circuit,
530 chancery, county, justice and municipal courts, or by coroners.
531 Before any person shall be authorized under this subsection to
532 carry a weapon, he shall complete a weapons training course
533 approved by the Board of Law Enforcement Officer Standards and
534 Training. Before any criminal investigator employed by a district
535 attorney shall be authorized under this section to carry a pistol,
536 firearm or other weapon, he shall have complied with Section
537 45-6-11 or any training program required for employment as an
538 agent of the Federal Bureau of Investigation. A law enforcement
539 officer, as defined in Section 45-6-3, shall be authorized to
540 carry weapons in courthouses in performance of his official



541 duties. A person licensed under Section 45-9-101 to carry a
542 concealed pistol, who (a) has voluntarily completed an
543 instructional course in the safe handling and use of firearms
544 offered by an instructor certified by a nationally recognized
545 organization that customarily offers firearms training, or by any
546 other organization approved by the Department of Public Safety,
547 (b) is a member or veteran of any active or reserve component
548 branch of the United States of America Armed Forces having
549 completed law enforcement or combat training with pistols or other
550 handguns as recognized by such branch after submitting an
551 affidavit attesting to have read, understand and agree to comply
552 with all provisions of the enhanced carry law, or (c) is an
553 honorably retired law enforcement officer or honorably retired
554 member or veteran of any active or reserve component branch of the
555 United States of America Armed Forces having completed law
556 enforcement or combat training with pistols or other handguns,
557 after submitting an affidavit attesting to have read, understand
558 and agree to comply with all provisions of Mississippi enhanced
559 carry law shall also be authorized to carry weapons in courthouses
560 except in courtrooms during a judicial proceeding, and any
561 location listed in subsection (13) of Section 45-9-101, except any
562 place of nuisance as defined in Section 95-3-1, any police,
563 sheriff or highway patrol station or any detention facility,
564 prison or jail. For the purposes of this subsection (2),
565 component branch of the United States Armed Forces includes the



566 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
567 National Guard, the Army National Guard of the United States, the
568 Air National Guard or the Air National Guard of the United States,
569 as those terms are defined in Section 101, Title 10, United States
570 Code, and any other reserve component of the United States Armed
571 Forces enumerated in Section 10101, Title 10, United States Code.
572 The department shall promulgate rules and regulations allowing
573 concealed pistol permit holders to obtain an endorsement on their
574 permit indicating that they have completed the aforementioned
575 course and have the authority to carry in these locations. This
576 section shall in no way interfere with the right of a trial judge
577 to restrict the carrying of firearms in the courtroom.

578 (3) It shall not be a violation of this or any other statute
579 for pistols, firearms or other suitable and appropriate weapons,
580 to be carried by any out-of-state, full-time commissioned law
581 enforcement officer who holds a valid commission card from the
582 appropriate out-of-state law enforcement agency and a photo
583 identification. The provisions of this subsection shall only
584 apply if the state where the out-of-state officer is employed has
585 entered into a reciprocity agreement with the state that allows
586 full-time commissioned law enforcement officers in Mississippi to
587 lawfully carry or possess a weapon in such other states. The
588 Commissioner of Public Safety is authorized to enter into
589 reciprocal agreements with other states to carry out the
590 provisions of this subsection.



591 **SECTION 5.** Section 45-9-53, Mississippi Code of 1972, is
592 brought forward as follows:

593 45-9-53. (1) This section and Section 45-9-51 do not affect
594 the authority that a county or municipality may have under another
595 law:

596 (a) To require citizens or public employees to be armed
597 for personal or national defense, law enforcement, or another
598 lawful purpose;

599 (b) To regulate the discharge of firearms within the
600 limits of the county or municipality. A county or municipality
601 may not apply a regulation relating to the discharge of firearms
602 or other weapons in the extraterritorial jurisdiction of the
603 county or municipality or in an area annexed by the county or
604 municipality after September 1, 1981, if the firearm or other
605 weapon is:

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

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

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

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



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

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

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

625 (d) To regulate the use of firearms in cases of
626 insurrection, riots and natural disasters in which the city finds
627 such regulation necessary to protect the health and safety of the
628 public. However, the provisions of this section shall not apply
629 to the lawful possession of firearms, ammunition or components of
630 firearms or ammunition;

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

636 (f) To regulate the carrying of a firearm at: (i) a
637 public park or at a public meeting of a county, municipality or
638 other governmental body; (ii) a political rally, parade or



639 official political meeting; or (iii) a nonfirearm-related school,
640 college or professional athletic event; or

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

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

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

650 (4) No county or a municipality may use the written notice
651 provisions of Section 45-9-101(13) to prohibit concealed firearms
652 on property under their control except:

653 (a) At a location listed in Section 45-9-101(13)
654 indicating that a license issued under Section 45-9-101 does not
655 authorize the holder to carry a firearm into that location, as
656 long as the sign also indicates that carrying a firearm is
657 unauthorized only for license holders without a training
658 endorsement or that it is a location included in Section
659 97-37-7(2) where carrying a firearm is unauthorized for all
660 license holders; and

661 (b) At any location under the control of the county or
662 municipality aside from a location listed in subsection (1)(f) of
663 this section or Section 45-9-101(13) indicating that the



664 possession of a firearm is prohibited on the premises, as long as
665 the sign also indicates that it does not apply to a person
666 properly licensed under Section 45-9-101 or Section 97-37-7(2) to
667 carry a concealed firearm or to a person lawfully carrying a
668 firearm that is not concealed.

669 (5) (a) A citizen of this state, or a person licensed to
670 carry a concealed pistol or revolver under Section 45-9-101, or a
671 person licensed to carry a concealed pistol or revolver with the
672 endorsement under Section 97-37-7, who is adversely affected by an
673 ordinance or posted written notice adopted by a county or
674 municipality in violation of this section may file suit for
675 declarative and injunctive relief against a county or municipality
676 in the circuit court which shall have jurisdiction over the county
677 or municipality where the violation of this section occurs.

678 (b) Before instituting suit under this subsection, the
679 party adversely impacted by the ordinance or posted written notice
680 shall notify the Attorney General in writing of the violation and
681 include evidence of the violation. The Attorney General shall,
682 within thirty (30) days, investigate whether the county or
683 municipality adopted an ordinance or posted written notice in
684 violation of this section and provide the chief administrative
685 officer of the county or municipality notice of his findings,
686 including, if applicable, a description of the violation and
687 specific language of the ordinance or posted written notice found
688 to be in violation. The county or municipality shall have thirty



689 (30) days from receipt of that notice to cure the violation. If
690 the county or municipality fails to cure the violation within that
691 thirty-day time period, a suit under paragraph (a) of this
692 subsection may proceed. The findings of the Attorney General
693 shall constitute a "Public Record" as defined by the Mississippi
694 Public Records Act of 1983, Section 25-61-1 et seq.

695 (c) If the circuit court finds that a county or
696 municipality adopted an ordinance or posted written notice in
697 violation of this section and failed to cure that violation in
698 accordance with paragraph (b) of this subsection, the circuit
699 court shall issue a permanent injunction against a county or
700 municipality prohibiting it from enforcing the ordinance or posted
701 written notice. Any elected county or municipal official under
702 whose jurisdiction the violation occurred may be civilly liable in
703 a sum not to exceed One Thousand Dollars (\$1,000.00), plus all
704 reasonable attorney's fees and costs incurred by the party
705 bringing the suit. Public funds may not be used to defend or
706 reimburse officials who are found by the court to have violated
707 this section.

708 (d) It shall be an affirmative defense to any claim
709 brought against an elected county or municipal official under this
710 subsection (5) that the elected official:

711 (i) Did not vote in the affirmative for the
712 adopted ordinance or posted written notice deemed by the court to
713 be in violation of this section;



714 (ii) Did attempt to take recorded action to cure
715 the violation as noticed by the Attorney General in paragraph (b)
716 of this subsection; or

717 (iii) Did attempt to take recorded action to
718 rescind the ordinance or remove the posted written notice deemed
719 by the court to be in violation of this section.

720 (6) No county or municipality or their officers or employees
721 may participate in any program in which individuals are given a
722 thing of value provided by another individual or other entity in
723 exchange for surrendering a firearm to the county, municipality or
724 other governmental body unless:

725 (a) The county or municipality has adopted an ordinance
726 authorizing the participation of the county or municipality, or
727 participation by an officer or employee of the county or
728 municipality in such a program; and

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



738 **SECTION 6.** This act shall take effect and be in force from
739 and after July 1, 2019.

