

By: Representatives Denton, Anderson, Taylor To: Judiciary B

HOUSE BILL NO. 1380

1 AN ACT TO PROVIDE THAT IF A COURT ADJUDICATES A PERSON AS
2 MENTALLY INCOMPETENT OR ORDERS THAT A PERSON BE COMMITTED TO A
3 HOSPITAL, MENTAL HEALTH TREATMENT FACILITY OR OTHER INSTITUTION
4 QUALIFIED TO PROVIDE CARE AND TREATMENT FOR PERSONS WITH MENTAL
5 ILLNESS, THEN THE CLERK OF COURT SHALL NOTIFY THE DEPARTMENT OF
6 PUBLIC SAFETY OF SUCH ORDER; TO PROVIDE THAT IF A PERSON
7 VOLUNTARILY COMMITS HIMSELF OR HERSELF TO SUCH A HOSPITAL,
8 FACILITY OR INSTITUTION, THEN THE HOSPITAL, FACILITY OR
9 INSTITUTION SHALL NOTIFY THE DEPARTMENT OF PUBLIC SAFETY; TO
10 PROVIDE THAT THE DEPARTMENT MAY USE THE INFORMATION CONTAINED IN
11 THE NOTIFICATION SOLELY FOR PURPOSES ASSOCIATED WITH ISSUING,
12 DENYING, SUSPENDING OR REVOKING SUCH PERSON'S LICENSE, OR
13 APPLICATION FOR A LICENSE TO CARRY A STUN GUN, CONCEALED PISTOL OR
14 CONCEALED REVOLVER; TO PROVIDE THAT RECORDS ASSOCIATED WITH THIS
15 INFORMATION ARE NOT PUBLIC; TO AMEND SECTION 45-9-101, MISSISSIPPI
16 CODE OF 1972, TO REQUIRE THAT THE DEPARTMENT MAINTAIN AN AUTOMATED
17 LISTING OF PERSONS WHO ARE THE SUBJECT OF SUCH NOTIFICATIONS AND
18 REVIEW THE LISTING AS NECESSARY; TO BRING FORWARD SECTION 97-37-7,
19 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND FOR
20 RELATED PURPOSES.

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

22 **SECTION 1.** (1) (a) If a court adjudicates a person as
23 mentally incompetent, then the clerk of court shall notify the
24 Department of Public Safety of such adjudication.

25 (b) If a court orders that a person be committed to a
26 public or private hospital, mental health treatment facility or
27 other institution qualified to provide care and treatment for



persons with mental illness, then the clerk of court shall notify the Department of Public Safety of such order.

(c) If a person voluntarily commits himself or herself to a public or private hospital, mental health treatment facility or other institution qualified to provide care and treatment for persons with mental illness, then the hospital, facility or institution shall notify the Department of Public Safety of such order.

(2) The notification described in subsection (1) of this section, and any information contained in the notification, shall be used by the department solely for the purpose of determining whether the person's license, or application for a license, to carry a stun gun, concealed pistol or concealed revolver should be issued, denied, suspended or revoked under the provisions of Section 45-9-101(2)(h) or (i).

(3) The records of the department relating to the notifications described in subsection (1) of this section shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

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

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



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

57 (b) The licensee must carry the license, together with
58 valid identification, at all times in which the licensee is
59 carrying a stun gun, concealed pistol or revolver and must display
60 both the license and proper identification upon demand by a law
61 enforcement officer. A violation of the provisions of this
62 paragraph (b) shall constitute a noncriminal violation with a
63 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
64 by summons.

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

67 (a) Is a resident of the state. However, this
68 residency requirement may be waived if the applicant possesses a
69 valid permit from another state, is active military personnel
70 stationed in Mississippi, or is a retired law enforcement officer
71 establishing residency in the state;

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

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



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

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

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

85 (e) Does not chronically or habitually abuse controlled
86 substances to the extent that his normal faculties are impaired.
87 It shall be presumed that an applicant chronically and habitually
88 uses controlled substances to the extent that his faculties are
89 impaired if the applicant has been voluntarily or involuntarily
90 committed to a treatment facility for the abuse of a controlled
91 substance or been found guilty of a crime under the provisions of
92 the Uniform Controlled Substances Law or similar laws of any other
93 state or the United States relating to controlled substances
94 within a three-year period immediately preceding the date on which
95 the application is submitted;

96 (f) Does not chronically and habitually use alcoholic
97 beverages to the extent that his normal faculties are impaired.
98 It shall be presumed that an applicant chronically and habitually
99 uses alcoholic beverages to the extent that his normal faculties
100 are impaired if the applicant has been voluntarily or
101 involuntarily committed as an alcoholic to a treatment facility or



has been convicted of two (2) or more offenses related to the use of alcohol under the laws of this state or similar laws of any other state or the United States within the three-year period immediately preceding the date on which the application is submitted;

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

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

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

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

(k) Is not a fugitive from justice; and

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

(3) The Department of Public Safety may deny a license if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor unless three (3) years have



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

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

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

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

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

149 (d) A statement that the applicant is in compliance
150 with criteria contained within subsections (2) and (3) of this
151 section;



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

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

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

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

163 (a) A completed application as described in subsection
164 (4) of this section;

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

170 (c) A nonrefundable license fee of Eighty Dollars
171 (\$80.00). Costs for processing the set of fingerprints as
172 required in paragraph (d) of this subsection shall be borne by the
173 applicant. Honorably retired law enforcement officers, disabled
174 veterans and active duty members of the Armed Forces of the United
175 States shall be exempt from the payment of the license fee;



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

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

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

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



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

204 (i) Issue the license;

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

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

217 (d) In the event a legible set of fingerprints, as
218 determined by the Department of Public Safety and the Federal
219 Bureau of Investigation, cannot be obtained after a minimum of two
220 (2) attempts, the Department of Public Safety shall determine
221 eligibility based upon a name check by the Mississippi Highway
222 Safety Patrol and a Federal Bureau of Investigation name check
223 conducted by the Mississippi Highway Safety Patrol at the request
224 of the Department of Public Safety.



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

237 (b) If the revocation, suspension or denial of issuance
238 is sustained by the Commissioner of Public Safety, or his duly
239 authorized agent pursuant to paragraph (a) of this subsection, the
240 aggrieved party may file within ten (10) days after the rendition
241 of such decision a petition in the circuit or county court of his
242 residence for review of such decision. A hearing for review shall
243 be held and shall proceed before the court without a jury upon the
244 record made at the hearing before the Commissioner of Public
245 Safety or his duly authorized agent. No such party shall be
246 allowed to carry a stun gun, concealed pistol or revolver pursuant
247 to the provisions of this section while any such appeal is
248 pending.



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

259 (b) The department shall also maintain an automated
260 listing of persons who are the subject of the notifications
261 described in Section 1 of House Bill No. , 2019 Regular
262 Session, and the department shall review the listing regularly and
263 as necessary to comply with the provisions of subsection (2) (h)
264 and (i) of this section.

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



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

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

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



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

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

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

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

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



322 (13) No license issued pursuant to this section shall
323 authorize any person to carry a stun gun, concealed pistol or
324 revolver into any place of nuisance as defined in Section 95-3-1,
325 Mississippi Code of 1972; any police, sheriff or highway patrol
326 station; any detention facility, prison or jail; any courthouse;
327 any courtroom, except that nothing in this section shall preclude
328 a judge from carrying a concealed weapon or determining who will
329 carry a concealed weapon in his courtroom; any polling place; any
330 meeting place of the governing body of any governmental entity;
331 any meeting of the Legislature or a committee thereof; any school,
332 college or professional athletic event not related to firearms;
333 any portion of an establishment, licensed to dispense alcoholic
334 beverages for consumption on the premises, that is primarily
335 devoted to dispensing alcoholic beverages; any portion of an
336 establishment in which beer or light wine is consumed on the
337 premises, that is primarily devoted to such purpose; any
338 elementary or secondary school facility; any junior college,
339 community college, college or university facility unless for the
340 purpose of participating in any authorized firearms-related
341 activity; inside the passenger terminal of any airport, except
342 that no person shall be prohibited from carrying any legal firearm
343 into the terminal if the firearm is encased for shipment, for
344 purposes of checking such firearm as baggage to be lawfully
345 transported on any aircraft; any church or other place of worship,
346 except as provided in Section 45-9-171; or any place where the



347 carrying of firearms is prohibited by federal law. In addition to
348 the places enumerated in this subsection, the carrying of a stun
349 gun, concealed pistol or revolver may be disallowed in any place
350 in the discretion of the person or entity exercising control over
351 the physical location of such place by the placing of a written
352 notice clearly readable at a distance of not less than ten (10)
353 feet that the "carrying of a pistol or revolver is prohibited."
354 No license issued pursuant to this section shall authorize the
355 participants in a parade or demonstration for which a permit is
356 required to carry a stun gun, concealed pistol or revolver.

357 (14) A law enforcement officer as defined in Section 45-6-3,
358 chiefs of police, sheriffs and persons licensed as professional
359 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
360 1972, shall be exempt from the licensing requirements of this
361 section. The licensing requirements of this section do not apply
362 to the carrying by any person of a stun gun, pistol or revolver,
363 knife, or other deadly weapon that is not concealed as defined in
364 Section 97-37-1.

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



371 (16) All fees collected by the Department of Public Safety
372 pursuant to this section shall be deposited into a special fund
373 hereby created in the State Treasury and shall be used for
374 implementation and administration of this section. After the
375 close of each fiscal year, the balance in this fund shall be
376 certified to the Legislature and then may be used by the
377 Department of Public Safety as directed by the Legislature.

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

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

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

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



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

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

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

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



officer has completed a certified law enforcement training academy.

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

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

SECTION 3. Section 97-37-7, Mississippi Code of 1972, is brought forward as follows:

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



performance of their duties as such, provided that such persons have made a written application and paid a nonrefundable permit fee of One Hundred Dollars (\$100.00) to the Department of Public Safety.

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



469 (c) A person may obtain a duplicate of a lost or
470 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
471 replacement fee to the Department of Public Safety, if he
472 furnishes a notarized statement to the department that the permit
473 has been lost or destroyed.

474 (d) (i) No less than ninety (90) days prior to the
475 expiration date of a permit, the Department of Public Safety shall
476 mail to the permit holder written notice of expiration together
477 with the renewal form prescribed by the department. The permit
478 holder shall renew the permit on or before the expiration date by
479 filing with the department the renewal form, a notarized affidavit
480 stating that the permit holder remains qualified, and the renewal
481 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
482 officers shall be exempt from payment of the renewal fee. A
483 permit holder who fails to file a renewal application on or before
484 its expiration date shall pay a late fee of Fifteen Dollars
485 (\$15.00).

486 (ii) Renewal of the permit shall be required every
487 four (4) years. The permit of a qualified renewal applicant shall
488 be renewed upon receipt of the completed renewal application and
489 appropriate payment of fees.

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



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



519 duties. A person licensed under Section 45-9-101 to carry a
520 concealed pistol, who (a) has voluntarily completed an
521 instructional course in the safe handling and use of firearms
522 offered by an instructor certified by a nationally recognized
523 organization that customarily offers firearms training, or by any
524 other organization approved by the Department of Public Safety,
525 (b) is a member or veteran of any active or reserve component
526 branch of the United States of America Armed Forces having
527 completed law enforcement or combat training with pistols or other
528 handguns as recognized by such branch after submitting an
529 affidavit attesting to have read, understand and agree to comply
530 with all provisions of the enhanced carry law, or (c) is an
531 honorably retired law enforcement officer or honorably retired
532 member or veteran of any active or reserve component branch of the
533 United States of America Armed Forces having completed law
534 enforcement or combat training with pistols or other handguns,
535 after submitting an affidavit attesting to have read, understand
536 and agree to comply with all provisions of Mississippi enhanced
537 carry law shall also be authorized to carry weapons in courthouses
538 except in courtrooms during a judicial proceeding, and any
539 location listed in subsection (13) of Section 45-9-101, except any
540 place of nuisance as defined in Section 95-3-1, any police,
541 sheriff or highway patrol station or any detention facility,
542 prison or jail. For the purposes of this subsection (2),
543 component branch of the United States Armed Forces includes the



544 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
545 National Guard, the Army National Guard of the United States, the
546 Air National Guard or the Air National Guard of the United States,
547 as those terms are defined in Section 101, Title 10, United States
548 Code, and any other reserve component of the United States Armed
549 Forces enumerated in Section 10101, Title 10, United States Code.
550 The department shall promulgate rules and regulations allowing
551 concealed pistol permit holders to obtain an endorsement on their
552 permit indicating that they have completed the aforementioned
553 course and have the authority to carry in these locations. This
554 section shall in no way interfere with the right of a trial judge
555 to restrict the carrying of firearms in the courtroom.

556 (3) It shall not be a violation of this or any other statute
557 for pistols, firearms or other suitable and appropriate weapons,
558 to be carried by any out-of-state, full-time commissioned law
559 enforcement officer who holds a valid commission card from the
560 appropriate out-of-state law enforcement agency and a photo
561 identification. The provisions of this subsection shall only
562 apply if the state where the out-of-state officer is employed has
563 entered into a reciprocity agreement with the state that allows
564 full-time commissioned law enforcement officers in Mississippi to
565 lawfully carry or possess a weapon in such other states. The
566 Commissioner of Public Safety is authorized to enter into
567 reciprocal agreements with other states to carry out the
568 provisions of this subsection.



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

