

By: Representatives Cockerham, White, Sykes, Faulkner To: Judiciary B

HOUSE BILL NO. 1581 (As Passed the House)

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT COURTROOM INCLUDES A JUDGE'S CHAMBER, WITNESS ROOM
3 AND JURY ROOM, FOR PURPOSES OF CONCEALED CARRY; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. Section 97-37-7, Mississippi Code of 1972, is
7 amended as follows:

8 97-37-7. (1) (a) It shall not be a violation of Section
9 97-37-1 or any other statute for pistols, firearms or other
10 suitable and appropriate weapons to be carried by duly constituted
11 bank guards, company guards, watchmen, railroad special agents or
12 duly authorized representatives who are not sworn law enforcement
13 officers, agents or employees of a patrol service, guard service,
14 or a company engaged in the business of transporting money,
15 securities or other valuables, while actually engaged in the
16 performance of their duties as such, provided that such persons
17 have made a written application and paid a nonrefundable permit
18 fee of One Hundred Dollars (\$100.00) to the Department of Public
19 Safety.



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

40 (c) A person may obtain a duplicate of a lost or
41 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
42 replacement fee to the Department of Public Safety, if he
43 furnishes a notarized statement to the department that the permit
44 has been lost or destroyed.



45 (d) (i) No less than ninety (90) days prior to the
46 expiration date of a permit, the Department of Public Safety shall
47 mail to the permit holder written notice of expiration together
48 with the renewal form prescribed by the department. The permit
49 holder shall renew the permit on or before the expiration date by
50 filing with the department the renewal form, a notarized affidavit
51 stating that the permit holder remains qualified, and the renewal
52 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
53 officers shall be exempt from payment of the renewal fee. A
54 permit holder who fails to file a renewal application on or before
55 its expiration date shall pay a late fee of Fifteen Dollars
56 (\$15.00).

57 (ii) Renewal of the permit shall be required every
58 four (4) years. The permit of a qualified renewal applicant shall
59 be renewed upon receipt of the completed renewal application and
60 appropriate payment of fees.

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

65 (2) It shall not be a violation of this or any other statute
66 for pistols, firearms or other suitable and appropriate weapons to
67 be carried by Department of Wildlife, Fisheries and Parks law
68 enforcement officers, railroad special agents who are sworn law
69 enforcement officers, investigators employed by the Attorney



70 General, criminal investigators employed by the district
71 attorneys, all prosecutors, public defenders, investigators or
72 probation officers employed by the Department of Corrections,
73 employees of the State Auditor who are authorized by the State
74 Auditor to perform investigative functions, or any deputy fire
75 marshal or investigator employed by the State Fire Marshal, while
76 engaged in the performance of their duties as such, or by fraud
77 investigators with the Department of Human Services, or by judges
78 of the Mississippi Supreme Court, Court of Appeals, circuit,
79 chancery, county, justice and municipal courts, or by coroners.
80 Before any person shall be authorized under this subsection to
81 carry a weapon, he shall complete a weapons training course
82 approved by the Board of Law Enforcement Officer Standards and
83 Training. Before any criminal investigator employed by a district
84 attorney shall be authorized under this section to carry a pistol,
85 firearm or other weapon, he shall have complied with Section
86 45-6-11 or any training program required for employment as an
87 agent of the Federal Bureau of Investigation. A law enforcement
88 officer, as defined in Section 45-6-3, shall be authorized to
89 carry weapons in courthouses in performance of his official
90 duties. A person licensed under Section 45-9-101 to carry a
91 concealed pistol, who (a) has voluntarily completed an
92 instructional course in the safe handling and use of firearms
93 offered by an instructor certified by a nationally recognized
94 organization that customarily offers firearms training, or by any



95 other organization approved by the Department of Public Safety,
96 (b) is a member or veteran of any active or reserve component
97 branch of the United States of America Armed Forces having
98 completed law enforcement or combat training with pistols or other
99 handguns as recognized by such branch after submitting an
100 affidavit attesting to have read, understand and agree to comply
101 with all provisions of the enhanced carry law, or (c) is an
102 honorably retired law enforcement officer or honorably retired
103 member or veteran of any active or reserve component branch of the
104 United States of America Armed Forces having completed law
105 enforcement or combat training with pistols or other handguns,
106 after submitting an affidavit attesting to have read, understand
107 and agree to comply with all provisions of Mississippi enhanced
108 carry law shall also be authorized to carry weapons in courthouses
109 except in courtrooms during a judicial proceeding, and any
110 location listed in subsection (13) of Section 45-9-101, except any
111 place of nuisance as defined in Section 95-3-1, any police,
112 sheriff or highway patrol station or any detention facility,
113 prison or jail. For the purposes of this subsection (2),
114 component branch of the United States Armed Forces includes the
115 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
116 National Guard, the Army National Guard of the United States, the
117 Air National Guard or the Air National Guard of the United States,
118 as those terms are defined in Section 101, Title 10, United States
119 Code, and any other reserve component of the United States Armed



120 Forces enumerated in Section 10101, Title 10, United States Code.
121 The department shall promulgate rules and regulations allowing
122 concealed pistol permit holders to obtain an endorsement on their
123 permit indicating that they have completed the aforementioned
124 course and have the authority to carry in these locations. This
125 section shall in no way interfere with the right of a trial judge
126 to restrict the carrying of firearms in the courtroom.

127 For purposes of this subsection (2), the following words
128 shall have the meanings described herein, unless the context
129 otherwise requires:

130 (i) "Courthouse" means any building in which a
131 circuit court, chancery court, youth court, municipal court,
132 justice court or any appellate court is located, or any building
133 in which a court of law is regularly held.

134 (ii) "Courtroom" means the actual room in which a
135 judicial proceeding occurs, including any jury room, witness room,
136 judge's chamber, office housing the judge's staff, or similar
137 room. "Courtroom" shall not mean hallways, courtroom entrances,
138 courthouse grounds, lobbies, corridors, or other areas within a
139 courthouse which are generally open to the public for the
140 transaction of business outside of an active judicial proceeding,
141 the grassed areas, cultivated flower beds, sidewalks, parking
142 lots, or other areas contained within the boundaries of the public
143 land upon which the courthouse is located.



144 (3) It shall not be a violation of this or any other statute
145 for pistols, firearms or other suitable and appropriate weapons,
146 to be carried by any out-of-state, full-time commissioned law
147 enforcement officer who holds a valid commission card from the
148 appropriate out-of-state law enforcement agency and a photo
149 identification. The provisions of this subsection shall only
150 apply if the state where the out-of-state officer is employed has
151 entered into a reciprocity agreement with the state that allows
152 full-time commissioned law enforcement officers in Mississippi to
153 lawfully carry or possess a weapon in such other states. The
154 Commissioner of Public Safety is authorized to enter into
155 reciprocal agreements with other states to carry out the
156 provisions of this subsection.

157 **SECTION 2.** This act shall take effect and be in force from
158 and after July 1, 2019.

