

By: Representative Zuber

To: Judiciary B

HOUSE BILL NO. 451

1 AN ACT TO AMEND SECTION 97-37-1, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE REFERENCES TO "KNIVES" IN THE PROVISIONS OF LAW
3 REGULATING CONCEALED WEAPONS; TO AMEND SECTIONS 97-37-19 AND
4 45-9-101, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
5 SECTIONS; TO AMEND SECTION 97-37-5, MISSISSIPPI CODE OF 1972,
6 WHICH REGULATES POSSESSION OF WEAPONS BY FELONS, TO CONFORM; AND
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 97-37-1, Mississippi Code of 1972, is
10 amended as follows:

11 97-37-1. (1) Except as otherwise provided in Section
12 45-9-101, any person who carries, concealed on or about one's
13 person, any * * * metallic knuckles, blackjack, slingshot, pistol,
14 revolver, or any rifle with a barrel of less than sixteen (16)
15 inches in length, or any shotgun with a barrel of less than
16 eighteen (18) inches in length, machine gun or any fully automatic
17 firearm or deadly weapon, or any muffler or silencer for any
18 firearm, whether or not it is accompanied by a firearm, or uses or
19 attempts to use against another person any imitation firearm,
20 shall, upon conviction, be punished as follows:



21 (a) By a fine of not less than One Hundred Dollars
22 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
23 imprisonment in the county jail for not more than six (6) months,
24 or both, in the discretion of the court, for the first conviction
25 under this section.

26 (b) By a fine of not less than One Hundred Dollars
27 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
28 imprisonment in the county jail for not less than thirty (30) days
29 nor more than six (6) months, for the second conviction under this
30 section.

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

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

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

43 (3) It shall not be a violation of this section for any
44 person to carry a firearm or deadly weapon concealed if the
45 possessor of the weapon is then engaged in a legitimate



46 weapon-related sports activity or is going to or returning from
47 such activity. For purposes of this subsection, "legitimate
48 weapon-related sports activity" means hunting, fishing, target
49 shooting or any other legal activity which normally involves the
50 use of a firearm or other weapon.

51 (4) For the purposes of this section, "concealed" means
52 hidden or obscured from common observation and shall not include
53 any weapon listed in subsection (1) of this section, including,
54 but not limited to, a loaded or unloaded pistol carried upon the
55 person in a sheath, belt holster or shoulder holster that is
56 wholly or partially visible, or carried upon the person in a
57 scabbard or case for carrying the weapon that is wholly or
58 partially visible.

59 **SECTION 2.** Section 97-37-19, Mississippi Code of 1972, is
60 amended as follows:

61 97-37-19. If any person, having or carrying any * * * sword,
62 sword-cane, or any deadly weapon, or other weapon the carrying of
63 which concealed is prohibited by Section 97-37-1, shall, in the
64 presence of another person, brandish or wield the same in a
65 threatening manner, not in necessary self-defense, or shall in any
66 manner unlawfully use the same in any fight or quarrel, the person
67 so offending, upon conviction thereof, shall be fined in a sum not
68 exceeding Five Hundred Dollars (\$500.00) or be imprisoned in the
69 county jail not exceeding three (3) months, or both. In
70 prosecutions under this section it shall not be necessary for the



71 affidavit or indictment to aver, nor for the state to prove on the
72 trial, that any gun, pistol, or other firearm was charged, loaded,
73 or in condition to be discharged.

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

76 45-9-101. (1) (a) Except as otherwise provided, the
77 Department of Public Safety is authorized to issue licenses to
78 carry stun guns, concealed pistols or revolvers to persons
79 qualified as provided in this section. Such licenses shall be
80 valid throughout the state for a period of five (5) years from the
81 date of issuance. Any person possessing a valid license issued
82 pursuant to this section may carry a stun gun, concealed pistol or
83 concealed revolver.

84 (b) The licensee must carry the license, together with
85 valid identification, at all times in which the licensee is
86 carrying a stun gun, concealed pistol or revolver and must display
87 both the license and proper identification upon demand by a law
88 enforcement officer. A violation of the provisions of this
89 paragraph (b) shall constitute a noncriminal violation with a
90 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
91 by summons.

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

94 (a) Is a resident of the state. However, this
95 residency requirement may be waived if the applicant possesses a



96 valid permit from another state, is active military personnel
97 stationed in Mississippi, or is a retired law enforcement officer
98 establishing residency in the state;

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

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

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

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

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

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

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

114 It shall be presumed that an applicant chronically and habitually
115 uses controlled substances to the extent that his faculties are
116 impaired if the applicant has been voluntarily or involuntarily
117 committed to a treatment facility for the abuse of a controlled
118 substance or been found guilty of a crime under the provisions of
119 the Uniform Controlled Substances Law or similar laws of any other
120 state or the United States relating to controlled substances



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

123 (f) Does not chronically and habitually use alcoholic
124 beverages to the extent that his normal faculties are impaired.
125 It shall be presumed that an applicant chronically and habitually
126 uses alcoholic beverages to the extent that his normal faculties
127 are impaired if the applicant has been voluntarily or
128 involuntarily committed as an alcoholic to a treatment facility or
129 has been convicted of two (2) or more offenses related to the use
130 of alcohol under the laws of this state or similar laws of any
131 other state or the United States within the three-year period
132 immediately preceding the date on which the application is
133 submitted;

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

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

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

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



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

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

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

151 (3) The Department of Public Safety may deny a license if
152 the applicant has been found guilty of one or more crimes of
153 violence constituting a misdemeanor unless three (3) years have
154 elapsed since probation or any other conditions set by the court
155 have been fulfilled or expunction has occurred prior to the date
156 on which the application is submitted, or may revoke a license if
157 the licensee has been found guilty of one or more crimes of
158 violence within the preceding three (3) years. The department
159 shall, upon notification by a law enforcement agency or a court
160 and subsequent written verification, suspend a license or the
161 processing of an application for a license if the licensee or
162 applicant is arrested or formally charged with a crime which would
163 disqualify such person from having a license under this section,
164 until final disposition of the case. The provisions of subsection
165 (7) of this section shall apply to any suspension or revocation of
166 a license pursuant to the provisions of this section.

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



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

172 (b) The driver's license number or social security
173 number of applicant;

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

176 (d) A statement that the applicant is in compliance
177 with criteria contained within subsections (2) and (3) of this
178 section;

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

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

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

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

190 (a) A completed application as described in subsection
191 (4) of this section;

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



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

197 (c) A nonrefundable license fee of Eighty Dollars
198 (\$80.00). Costs for processing the set of fingerprints as
199 required in paragraph (d) of this subsection shall be borne by the
200 applicant. Honorably retired law enforcement officers, disabled
201 veterans and active duty members of the Armed Forces of the United
202 States shall be exempt from the payment of the license fee;

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

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

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

214 (b) The Department of Public Safety shall forward a
215 copy of the applicant's application to the sheriff of the
216 applicant's county of residence and, if applicable, the police
217 chief of the applicant's municipality of residence. The sheriff
218 of the applicant's county of residence and, if applicable, the
219 police chief of the applicant's municipality of residence may, at



220 his discretion, participate in the process by submitting a
221 voluntary report to the Department of Public Safety containing any
222 readily discoverable prior information that he feels may be
223 pertinent to the licensing of any applicant. The reporting shall
224 be made within thirty (30) days after the date he receives the
225 copy of the application. Upon receipt of a response from a
226 sheriff or police chief, such sheriff or police chief shall be
227 reimbursed at a rate set by the department.

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

231 (i) Issue the license;

232 (ii) Deny the application based solely on the
233 ground that the applicant fails to qualify under the criteria
234 listed in subsections (2) and (3) of this section. If the
235 Department of Public Safety denies the application, it shall
236 notify the applicant in writing, stating the ground for denial,
237 and the denial shall be subject to the appeal process set forth in
238 subsection (7); or

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



244 (d) In the event a legible set of fingerprints, as
245 determined by the Department of Public Safety and the Federal
246 Bureau of Investigation, cannot be obtained after a minimum of two
247 (2) attempts, the Department of Public Safety shall determine
248 eligibility based upon a name check by the Mississippi Highway
249 Safety Patrol and a Federal Bureau of Investigation name check
250 conducted by the Mississippi Highway Safety Patrol at the request
251 of the Department of Public Safety.

252 (7) (a) If the Department of Public Safety denies the
253 issuance of a license, or suspends or revokes a license, the party
254 aggrieved may appeal such denial, suspension or revocation to the
255 Commissioner of Public Safety, or his authorized agent, within
256 thirty (30) days after the aggrieved party receives written notice
257 of such denial, suspension or revocation. The Commissioner of
258 Public Safety, or his duly authorized agent, shall rule upon such
259 appeal within thirty (30) days after the appeal is filed and
260 failure to rule within this thirty-day period shall constitute
261 sustaining such denial, suspension or revocation. Such review
262 shall be conducted pursuant to such reasonable rules and
263 regulations as the Commissioner of Public Safety may adopt.

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



269 residence for review of such decision. A hearing for review shall
270 be held and shall proceed before the court without a jury upon the
271 record made at the hearing before the Commissioner of Public
272 Safety or his duly authorized agent. No such party shall be
273 allowed to carry a stun gun, concealed pistol or revolver pursuant
274 to the provisions of this section while any such appeal is
275 pending.

276 (8) The Department of Public Safety shall maintain an
277 automated listing of license holders and such information shall be
278 available online, upon request, at all times, to all law
279 enforcement agencies through the Mississippi Crime Information
280 Center. However, the records of the department relating to
281 applications for licenses to carry stun guns, concealed pistols or
282 revolvers and records relating to license holders shall be exempt
283 from the provisions of the Mississippi Public Records Act of 1983,
284 and shall be released only upon order of a court having proper
285 jurisdiction over a petition for release of the record or records.

286 (9) Within thirty (30) days after the changing of a
287 permanent address, or within thirty (30) days after having a
288 license lost or destroyed, the licensee shall notify the
289 Department of Public Safety in writing of such change or loss.
290 Failure to notify the Department of Public Safety pursuant to the
291 provisions of this subsection shall constitute a noncriminal
292 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
293 be enforceable by a summons.



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

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

304 (12) (a) No less than ninety (90) days prior to the
305 expiration date of the license, the Department of Public Safety
306 shall mail to each licensee a written notice of the expiration and
307 a renewal form prescribed by the department. The licensee must
308 renew his license on or before the expiration date by filing with
309 the department the renewal form, a notarized affidavit stating
310 that the licensee remains qualified pursuant to the criteria
311 specified in subsections (2) and (3) of this section, and a full
312 set of fingerprints administered by the Department of Public
313 Safety or the sheriff of the county of residence of the licensee.
314 The first renewal may be processed by mail and the subsequent
315 renewal must be made in person. Thereafter every other renewal
316 may be processed by mail to assure that the applicant must appear
317 in person every ten (10) years for the purpose of obtaining a new
318 photograph.



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

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

325 (iii) The renewal fee for a Mississippi resident
326 aged sixty-five (65) years of age or older shall be Twenty Dollars
327 (\$20.00).

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

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



343 (13) No license issued pursuant to this section shall
344 authorize any person to carry a stun gun, concealed pistol or
345 revolver into any place of nuisance as defined in Section 95-3-1,
346 Mississippi Code of 1972; any police, sheriff or highway patrol
347 station; any detention facility, prison or jail; any courthouse;
348 any courtroom, except that nothing in this section shall preclude
349 a judge from carrying a concealed weapon or determining who will
350 carry a concealed weapon in his courtroom; any polling place; any
351 meeting place of the governing body of any governmental entity;
352 any meeting of the Legislature or a committee thereof; any school,
353 college or professional athletic event not related to firearms;
354 any portion of an establishment, licensed to dispense alcoholic
355 beverages for consumption on the premises, that is primarily
356 devoted to dispensing alcoholic beverages; any portion of an
357 establishment in which beer or light wine is consumed on the
358 premises, that is primarily devoted to such purpose; any
359 elementary or secondary school facility; any junior college,
360 community college, college or university facility unless for the
361 purpose of participating in any authorized firearms-related
362 activity; inside the passenger terminal of any airport, except
363 that no person shall be prohibited from carrying any legal firearm
364 into the terminal if the firearm is encased for shipment, for
365 purposes of checking such firearm as baggage to be lawfully
366 transported on any aircraft; any church or other place of worship,
367 except as provided in Section 45-9-171; or any place where the



368 carrying of firearms is prohibited by federal law. In addition to
369 the places enumerated in this subsection, the carrying of a stun
370 gun, concealed pistol or revolver may be disallowed in any place
371 in the discretion of the person or entity exercising control over
372 the physical location of such place by the placing of a written
373 notice clearly readable at a distance of not less than ten (10)
374 feet that the "carrying of a pistol or revolver is prohibited."
375 No license issued pursuant to this section shall authorize the
376 participants in a parade or demonstration for which a permit is
377 required to carry a stun gun, concealed pistol or revolver.

378 (14) A law enforcement officer as defined in Section 45-6-3,
379 chiefs of police, sheriffs and persons licensed as professional
380 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
381 1972, shall be exempt from the licensing requirements of this
382 section. The licensing requirements of this section do not apply
383 to the carrying by any person of a stun gun, pistol or
384 revolver, * * * or other deadly weapon that is not concealed as
385 defined in Section 97-37-1.

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



392 (16) All fees collected by the Department of Public Safety
393 pursuant to this section shall be deposited into a special fund
394 hereby created in the State Treasury and shall be used for
395 implementation and administration of this section. After the
396 close of each fiscal year, the balance in this fund shall be
397 certified to the Legislature and then may be used by the
398 Department of Public Safety as directed by the Legislature.

399 (17) All funds received by a sheriff or police chief
400 pursuant to the provisions of this section shall be deposited into
401 the general fund of the county or municipality, as appropriate,
402 and shall be budgeted to the sheriff's office or police department
403 as appropriate.

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

407 (19) Any person holding a valid unrevoked and unexpired
408 license to carry stun guns, concealed pistols or revolvers issued
409 in another state shall have such license recognized by this state
410 to carry stun guns, concealed pistols or revolvers. The
411 Department of Public Safety is authorized to enter into a
412 reciprocal agreement with another state if that state requires a
413 written agreement in order to recognize licenses to carry stun
414 guns, concealed pistols or revolvers issued by this state.

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



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

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

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

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



441 officer has completed a certified law enforcement training
442 academy.

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

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

456 **SECTION 4.** Section 97-37-5, Mississippi Code of 1972, is
457 amended as follows:

458 97-37-5. (1) It shall be unlawful for any person who has
459 been convicted of a felony under the laws of this state, any other
460 state, or of the United States to possess any firearm or any bowie
461 knife, dirk knife, butcher knife, switchblade knife, metallic
462 knuckles, blackjack, or any muffler or silencer for any firearm
463 unless such person has received a pardon for such felony, has
464 received a relief from disability pursuant to Section 925(c) of



465 Title 18 of the United States Code, or has received a certificate
466 of rehabilitation pursuant to subsection (3) of this section.

467 (2) Any person violating this section shall be guilty of a
468 felony and, upon conviction thereof, shall be fined not more than
469 Five Thousand Dollars (\$5,000.00), or committed to the custody of
470 the State Department of Corrections for not less than one (1) year
471 nor more than ten (10) years, or both.

472 (3) A person who has been convicted of a felony under the
473 laws of this state may apply to the court in which he was
474 convicted for a certificate of rehabilitation. The court may
475 grant such certificate in its discretion upon a showing to the
476 satisfaction of the court that the applicant has been
477 rehabilitated and has led a useful, productive and law-abiding
478 life since the completion of his sentence and upon the finding of
479 the court that he will not be likely to act in a manner dangerous
480 to public safety.

481 (4) (a) A person who is discharged from court-ordered
482 mental health treatment may petition the court which entered the
483 commitment order for an order stating that the person qualifies
484 for relief from a firearms disability.

485 (b) In determining whether to grant relief, the court
486 must hear and consider evidence about:

487 (i) The circumstances that led to imposition of
488 the firearms disability under 18 * * * USCS, Section 922(d)(4);

489 (ii) The person's mental history;



490 (iii) The person's criminal history; and

491 (iv) The person's reputation.

492 (c) A court may not grant relief unless it makes and
493 enters in the record the following affirmative findings:

494 (i) That the person is no longer likely to act in
495 a manner dangerous to public safety; and

496 (ii) Removing the person's disability to purchase
497 a firearm is not against the public interest.

498 **SECTION 5.** This act shall take effect and be in force from
499 and after July 1, 2020.

