

By: Representative Patterson

To: Judiciary B

HOUSE BILL NO. 476

1 AN ACT TO AMEND SECTIONS 45-9-101, 97-37-1 AND 97-37-7,
2 MISSISSIPPI CODE OF 1972, TO AUTHORIZE CONCEALED CARRY OF FIREARMS
3 WITHOUT A LICENSE DURING AN EMERGENCY EVACUATION; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 45-9-101, Mississippi Code of 1972, is
7 amended as follows:

8 45-9-101. (1) (a) Except as otherwise provided by law, the
9 Department of Public Safety is authorized to issue licenses to
10 carry stun guns, concealed pistols or revolvers to persons
11 qualified as provided in this section. Such licenses shall be
12 valid throughout the state for a period of five (5) years from the
13 date of issuance. Any person possessing a valid license issued
14 pursuant to this section may carry a stun gun, concealed pistol or
15 concealed revolver.

16 (b) (i) Except as otherwise provided in this paragraph
17 (b) for evacuation during emergencies, the licensee must carry the
18 license, together with valid identification, at all times in which
19 the licensee is carrying a stun gun, concealed pistol or revolver



20 and must display both the license and proper identification upon
21 demand by a law enforcement officer. A violation of the
22 provisions of this paragraph (b) shall constitute a noncriminal
23 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
24 be enforceable by summons.

25 (ii) The licensee is not required to meet the
26 provisions of subparagraph (i) of this paragraph (b) when carrying
27 a stun gun, concealed pistol or revolver in the act of evacuating
28 during a mandatory evacuation order issued by local governing
29 authorities, the Governor of this state or President of the United
30 States. For purposes of this subparagraph, the phrase "in the act
31 of evacuating" means the immediate and urgent movement of a person
32 away from the evacuation zone within forty-eight (48) hours after
33 a mandatory evacuation is ordered. The forty-eight (48) hours may
34 be extended by an order issued by the Governor.

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

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

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



45 1. Is a member or veteran of the United
46 States Armed Forces, including National Guard or Reserve; and
47 2. Holds a valid Mississippi driver's license
48 or identification card issued by the Department of Public Safety;
49 (c) Does not suffer from a physical infirmity which
50 prevents the safe handling of a stun gun, pistol or revolver;
51 (d) Is not ineligible to possess a firearm by virtue of
52 having been convicted of a felony in a court of this state, of any
53 other state, or of the United States without having been pardoned
54 for same;
55 (e) Does not chronically or habitually abuse controlled
56 substances to the extent that his normal faculties are impaired.
57 It shall be presumed that an applicant chronically and habitually
58 uses controlled substances to the extent that his faculties are
59 impaired if the applicant has been voluntarily or involuntarily
60 committed to a treatment facility for the abuse of a controlled
61 substance or been found guilty of a crime under the provisions of
62 the Uniform Controlled Substances Law or similar laws of any other
63 state or the United States relating to controlled substances
64 within a three-year period immediately preceding the date on which
65 the application is submitted;
66 (f) Does not chronically and habitually use alcoholic
67 beverages to the extent that his normal faculties are impaired.
68 It shall be presumed that an applicant chronically and habitually
69 uses alcoholic beverages to the extent that his normal faculties



70 are impaired if the applicant has been voluntarily or
71 involuntarily committed as an alcoholic to a treatment facility or
72 has been convicted of two (2) or more offenses related to the use
73 of alcohol under the laws of this state or similar laws of any
74 other state or the United States within the three-year period
75 immediately preceding the date on which the application is
76 submitted;

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

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

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

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

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

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



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

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

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

115 (b) The driver's license number or social security
116 number of applicant;

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



119 (d) A statement that the applicant is in compliance
120 with criteria contained within subsections (2) and (3) of this
121 section;

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

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

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

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

133 (a) A completed application as described in subsection
134 (4) of this section;

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

140 (c) A nonrefundable license fee of Eighty Dollars
141 (\$80.00). Costs for processing the set of fingerprints as
142 required in paragraph (d) of this subsection shall be borne by the
143 applicant. Honorably retired law enforcement officers, disabled



144 veterans and active duty members of the Armed Forces of the United
145 States shall be exempt from the payment of the license fee;

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

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

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

157 (b) The Department of Public Safety shall forward a
158 copy of the applicant's application to the sheriff of the
159 applicant's county of residence and, if applicable, the police
160 chief of the applicant's municipality of residence. The sheriff
161 of the applicant's county of residence and, if applicable, the
162 police chief of the applicant's municipality of residence may, at
163 his discretion, participate in the process by submitting a
164 voluntary report to the Department of Public Safety containing any
165 readily discoverable prior information that he feels may be
166 pertinent to the licensing of any applicant. The reporting shall
167 be made within thirty (30) days after the date he receives the
168 copy of the application. Upon receipt of a response from a



169 sheriff or police chief, such sheriff or police chief shall be
170 reimbursed at a rate set by the department.

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

174 (i) Issue the license;

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

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

187 (d) In the event a legible set of fingerprints, as
188 determined by the Department of Public Safety and the Federal
189 Bureau of Investigation, cannot be obtained after a minimum of two
190 (2) attempts, the Department of Public Safety shall determine
191 eligibility based upon a name check by the Mississippi Highway
192 Safety Patrol and a Federal Bureau of Investigation name check



193 conducted by the Mississippi Highway Safety Patrol at the request
194 of the Department of Public Safety.

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

207 (b) If the revocation, suspension or denial of issuance
208 is sustained by the Commissioner of Public Safety, or his duly
209 authorized agent pursuant to paragraph (a) of this subsection, the
210 aggrieved party may file within ten (10) days after the rendition
211 of such decision a petition in the circuit or county court of his
212 residence for review of such decision. A hearing for review shall
213 be held and shall proceed before the court without a jury upon the
214 record made at the hearing before the Commissioner of Public
215 Safety or his duly authorized agent. No such party shall be
216 allowed to carry a stun gun, concealed pistol or revolver pursuant



217 to the provisions of this section while any such appeal is
218 pending.

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

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

237 (10) In the event that a stun gun, concealed pistol or
238 revolver license is lost or destroyed, the person to whom the
239 license was issued shall comply with the provisions of subsection
240 (9) of this section and may obtain a duplicate, or substitute
241 thereof, upon payment of Fifteen Dollars (\$15.00) to the



242 Department of Public Safety, and furnishing a notarized statement
243 to the department that such license has been lost or destroyed.

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

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

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



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

268 (iii) The renewal fee for a Mississippi resident
269 aged sixty-five (65) years of age or older shall be Twenty Dollars
270 (\$20.00).

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

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

286 (13) No license issued pursuant to this section shall
287 authorize any person to carry a stun gun, concealed pistol or
288 revolver into any place of nuisance as defined in Section 95-3-1,
289 Mississippi Code of 1972; any police, sheriff or highway patrol



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



315 the physical location of such place by the placing of a written
316 notice clearly readable at a distance of not less than ten (10)
317 feet that the "carrying of a pistol or revolver is prohibited."
318 No license issued pursuant to this section shall authorize the
319 participants in a parade or demonstration for which a permit is
320 required to carry a stun gun, concealed pistol or revolver.

321 (14) A law enforcement officer as defined in Section 45-6-3,
322 chiefs of police, sheriffs and persons licensed as professional
323 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
324 1972, shall be exempt from the licensing requirements of this
325 section. The licensing requirements of this section do not apply
326 to the carrying by any person of a stun gun, pistol or revolver,
327 knife, or other deadly weapon that is not concealed as defined in
328 Section 97-37-1.

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

335 (16) All fees collected by the Department of Public Safety
336 pursuant to this section shall be deposited into a special fund
337 hereby created in the State Treasury and shall be used for
338 implementation and administration of this section. After the
339 close of each fiscal year, the balance in this fund shall be



340 certified to the Legislature and then may be used by the
341 Department of Public Safety as directed by the Legislature.

342 (17) All funds received by a sheriff or police chief
343 pursuant to the provisions of this section shall be deposited into
344 the general fund of the county or municipality, as appropriate,
345 and shall be budgeted to the sheriff's office or police department
346 as appropriate.

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

350 (19) Any person holding a valid unrevoked and unexpired
351 license to carry stun guns, concealed pistols or revolvers issued
352 in another state shall have such license recognized by this state
353 to carry stun guns, concealed pistols or revolvers. The
354 Department of Public Safety is authorized to enter into a
355 reciprocal agreement with another state if that state requires a
356 written agreement in order to recognize licenses to carry stun
357 guns, concealed pistols or revolvers issued by this state.

358 (20) The provisions of this section shall be under the
359 supervision of the Commissioner of Public Safety. The
360 commissioner is authorized to promulgate reasonable rules and
361 regulations to carry out the provisions of this section.

362 (21) For the purposes of this section, the term "stun gun"
363 means a portable device or weapon from which an electric current,
364 impulse, wave or beam may be directed, which current, impulse,



365 wave or beam is designed to incapacitate temporarily, injure,
366 momentarily stun, knock out, cause mental disorientation or
367 paralyze.

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

377 (b) An honorably retired law enforcement officer and
378 honorably retired correctional officer shall provide the following
379 information to receive the license described in this section: (i)
380 a letter, with the official letterhead of the agency or department
381 from which such officer is retiring, which explains that such
382 officer is honorably retired, and (ii) a letter with the official
383 letterhead of the agency or department, which explains that such
384 officer has completed a certified law enforcement training
385 academy.

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



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

399 **SECTION 2.** Section 97-37-1, Mississippi Code of 1972, is
400 amended as follows:

401 97-37-1. (1) Except as otherwise provided in this section
402 and Sections 97-37-7 and 45-9-101, any person who carries,
403 concealed on or about one's person, any bowie knife, dirk knife,
404 butcher knife, switchblade knife, metallic knuckles, blackjack,
405 slingshot, pistol, revolver, or any rifle with a barrel of less
406 than sixteen (16) inches in length, or any shotgun with a barrel
407 of less than eighteen (18) inches in length, machine gun or any
408 fully automatic firearm or deadly weapon, or any muffler or
409 silencer for any firearm, whether or not it is accompanied by a
410 firearm, or uses or attempts to use against another person any
411 imitation firearm, shall, upon conviction, be punished as follows:

412 (a) By a fine of not less than One Hundred Dollars
413 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
414 imprisonment in the county jail for not more than six (6) months,



415 or both, in the discretion of the court, for the first conviction
416 under this section.

417 (b) By a fine of not less than One Hundred Dollars
418 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
419 imprisonment in the county jail for not less than thirty (30) days
420 nor more than six (6) months, for the second conviction under this
421 section.

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

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

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

434 (3) It shall not be a violation of this section for any
435 person to carry a firearm or deadly weapon concealed if the
436 possessor of the weapon is then engaged in a legitimate
437 weapon-related sports activity or is going to or returning from
438 such activity. For purposes of this subsection, "legitimate
439 weapon-related sports activity" means hunting, fishing, target



440 shooting or any other legal activity which normally involves the
441 use of a firearm or other weapon.

442 (4) For the purposes of this section, "concealed" means
443 hidden or obscured from common observation and shall not include
444 any weapon listed in subsection (1) of this section, including,
445 but not limited to, a loaded or unloaded pistol carried upon the
446 person in a sheath, belt holster or shoulder holster that is
447 wholly or partially visible, or carried upon the person in a
448 scabbard or case for carrying the weapon that is wholly or
449 partially visible.

450 **SECTION 3.** Section 97-37-7, Mississippi Code of 1972, is
451 amended as follows:

452 97-37-7. (1) (a) It shall not be a violation of Section
453 97-37-1 or 45-9-101 or any other statute for pistols, firearms or
454 other suitable and appropriate weapons to be carried by duly
455 constituted bank guards, company guards, watchmen, railroad
456 special agents or duly authorized representatives who are not
457 sworn law enforcement officers, agents or employees of a patrol
458 service, guard service, or a company engaged in the business of
459 transporting money, securities or other valuables, while actually
460 engaged in the performance of their duties as such, provided that
461 such persons have made a written application and paid a
462 nonrefundable permit fee of One Hundred Dollars (\$100.00) to the
463 Department of Public Safety.



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

484 (c) A person may obtain a duplicate of a lost or
485 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
486 replacement fee to the Department of Public Safety, if he
487 furnishes a notarized statement to the department that the permit
488 has been lost or destroyed.



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

501 (ii) Renewal of the permit shall be required every
502 four (4) years. The permit of a qualified renewal applicant shall
503 be renewed upon receipt of the completed renewal application and
504 appropriate payment of fees.

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

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



514 General, criminal investigators employed by the district
515 attorneys, all prosecutors, public defenders, investigators or
516 probation officers employed by the Department of Corrections,
517 employees of the State Auditor who are authorized by the State
518 Auditor to perform investigative functions, or any deputy fire
519 marshal or investigator employed by the State Fire Marshal, while
520 engaged in the performance of their duties as such, or by fraud
521 investigators with the Department of Human Services, or by judges
522 of the Mississippi Supreme Court, Court of Appeals, circuit,
523 chancery, county, justice and municipal courts, or by coroners.
524 Before any person shall be authorized under this subsection to
525 carry a weapon, he shall complete a weapons training course
526 approved by the Board of Law Enforcement Officer Standards and
527 Training. Before any criminal investigator employed by a district
528 attorney shall be authorized under this section to carry a pistol,
529 firearm or other weapon, he shall have complied with Section
530 45-6-11 or any training program required for employment as an
531 agent of the Federal Bureau of Investigation. A law enforcement
532 officer, as defined in Section 45-6-3, shall be authorized to
533 carry weapons in courthouses in performance of his official
534 duties. A person licensed under Section 45-9-101 to carry a
535 concealed pistol, who (a) has voluntarily completed an
536 instructional course in the safe handling and use of firearms
537 offered by an instructor certified by a nationally recognized
538 organization that customarily offers firearms training, or by any



539 other organization approved by the Department of Public Safety,
540 (b) is a member or veteran of any active or reserve component
541 branch of the United States of America Armed Forces having
542 completed law enforcement or combat training with pistols or other
543 handguns as recognized by such branch after submitting an
544 affidavit attesting to have read, understand and agree to comply
545 with all provisions of the enhanced carry law, or (c) is an
546 honorably retired law enforcement officer or honorably retired
547 member or veteran of any active or reserve component branch of the
548 United States of America Armed Forces having completed law
549 enforcement or combat training with pistols or other handguns,
550 after submitting an affidavit attesting to have read, understand
551 and agree to comply with all provisions of Mississippi enhanced
552 carry law shall also be authorized to carry weapons in courthouses
553 except in courtrooms during a judicial proceeding, and any
554 location listed in subsection (13) of Section 45-9-101, except any
555 place of nuisance as defined in Section 95-3-1, any police,
556 sheriff or highway patrol station or any detention facility,
557 prison or jail. For the purposes of this subsection (2),
558 component branch of the United States Armed Forces includes the
559 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
560 National Guard, the Army National Guard of the United States, the
561 Air National Guard or the Air National Guard of the United States,
562 as those terms are defined in Section 101, Title 10, United States
563 Code, and any other reserve component of the United States Armed



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

571 For purposes of this subsection (2), the following words
572 shall have the meanings described herein, unless the context
573 otherwise requires:

574 (i) "Courthouse" means any building in which a
575 circuit court, chancery court, youth court, municipal court,
576 justice court or any appellate court is located, or any building
577 in which a court of law is regularly held.

578 (ii) "Courtroom" means the actual room in which a
579 judicial proceeding occurs, including any jury room, witness room,
580 judge's chamber, office housing the judge's staff, or similar
581 room. "Courtroom" shall not mean hallways, courtroom entrances,
582 courthouse grounds, lobbies, corridors, or other areas within a
583 courthouse which are generally open to the public for the
584 transaction of business outside of an active judicial proceeding,
585 the grassed areas, cultivated flower beds, sidewalks, parking
586 lots, or other areas contained within the boundaries of the public
587 land upon which the courthouse is located.



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

601 (4) It shall not be a violation of this or any other statute
602 for any person to carry a concealed pistol, firearm or other
603 suitable and appropriate weapon in the act of evacuating during a
604 mandatory evacuation order issued by local governing authorities,
605 the Governor of this state or President of the United States. For
606 purposes of this subsection, the phrase "in the act of evacuating"
607 means the immediate and urgent movement of a person away from the
608 evacuation zone within forty-eight (48) hours after a mandatory
609 evacuation is ordered. The forty-eight (48) hours may be extended
610 by an order issued by the Governor.

611 **SECTION 4.** This act shall take effect and be in force from
612 and after July 1, 2020.

