

By: Representative Criswell

To: Judiciary B

HOUSE BILL NO. 641

1 AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE PROCEDURES FOR ISSUING FIREARMS LICENSES AND
3 ENHANCED CARRY FIREARMS LICENSES; AND FOR RELATED PURPOSES.

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

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

7 45-9-101. (1) (a) Except as otherwise provided, the
8 Department of Public Safety is authorized to issue licenses to
9 carry stun guns, concealed pistols or revolvers to persons
10 qualified as provided in this section. Such licenses shall be
11 valid throughout the state for a period of five (5) years from the
12 date of issuance. Any person possessing a valid license issued
13 pursuant to this section may carry a stun gun, concealed pistol or
14 concealed revolver.

15 (b) The licensee must carry the license, together with
16 valid identification, at all times in which the licensee is
17 carrying a stun gun, concealed pistol or revolver and must display



18 both the license and proper identification upon demand by a law
19 enforcement officer. * * *

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

22 (a) Is a resident of the state. However, this
23 residency requirement may be waived if the applicant possesses a
24 valid permit from another state, is active military personnel
25 stationed in Mississippi, or is a retired law enforcement officer
26 establishing residency in the state;

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

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

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

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

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

36 (d) Is not ineligible to possess a firearm by virtue of
37 having been convicted of a felony in a court of this state, of any
38 other state, or of the United States without having been pardoned
39 or without having an expungement for same;

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

42 It shall be presumed that an applicant chronically and habitually



43 uses controlled substances to the extent that his faculties are
44 impaired if the applicant has been voluntarily or involuntarily
45 committed to a treatment facility for the abuse of a controlled
46 substance or been found guilty of a crime under the provisions of
47 the Uniform Controlled Substances Law or similar laws of any other
48 state or the United States relating to controlled substances
49 within a three-year period immediately preceding the date on which
50 the application is submitted;

51 (f) Does not chronically and habitually use alcoholic
52 beverages to the extent that his normal faculties are impaired.
53 It shall be presumed that an applicant chronically and habitually
54 uses alcoholic beverages to the extent that his normal faculties
55 are impaired if the applicant has been voluntarily or
56 involuntarily committed as an alcoholic to a treatment facility or
57 has been convicted of two (2) or more offenses related to the use
58 of alcohol under the laws of this state or similar laws of any
59 other state or the United States within the three-year period
60 immediately preceding the date on which the application is
61 submitted;

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

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



67 (i) Has not been voluntarily or involuntarily committed
68 to a mental institution or mental health treatment facility and
69 has been evaluated as needing to stay for treatment unless he or
70 she possesses a certificate from a psychiatrist licensed in this
71 state that he has not suffered from disability for a period of
72 five (5) years;

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

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

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

80 (3) The Department of Public Safety may deny a license if
81 the applicant has been found guilty of one or more crimes of
82 violence constituting a misdemeanor unless three (3) years have
83 elapsed since probation or any other conditions set by the court
84 have been fulfilled or expunction has occurred prior to the date
85 on which the application is submitted, or may revoke a license if
86 the licensee has been found guilty of one or more crimes of
87 violence within the preceding three (3) years. The department
88 shall, upon notification by a law enforcement agency or a court
89 and subsequent written verification, suspend a license or the
90 processing of an application for a license if the licensee or
91 applicant is arrested or formally charged with a crime which would



92 disqualify such person from having a license under this section,
93 until final disposition of the case. The provisions of subsection
94 (7) of this section shall apply to any suspension or revocation of
95 a license pursuant to the provisions of this section.

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

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

101 (b) The driver's license number or social security
102 number of applicant;

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

105 (d) A statement that the applicant is in compliance
106 with criteria contained within subsections (2) and (3) of this
107 section;

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

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

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



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

119 (a) A completed application as described in subsection
120 (4) of this section;

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

126 (c) A nonrefundable license fee of Eighty Dollars
127 (\$80.00). Costs for processing the set of fingerprints as
128 required in paragraph (d) of this subsection shall be borne by the
129 applicant. Honorably retired law enforcement officers, disabled
130 veterans and active duty members of the Armed Forces of the United
131 States shall be exempt from the payment of the license fee;

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

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

139 (6) (a) The Department of Public Safety, upon receipt of
140 the items listed in subsection (5) of this section, shall forward



141 the full set of fingerprints of the applicant to the appropriate
142 agencies for state and federal processing.

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

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

160 (i) Issue the license;

161 (ii) Deny the application based solely on the
162 ground that the applicant fails to qualify under the criteria
163 listed in subsections (2) and (3) of this section. If the
164 Department of Public Safety denies the application, it shall
165 notify the applicant in writing, stating the ground for denial,



166 and the denial shall be subject to the appeal process set forth in
167 subsection (7); or

168 (iii) Notify the applicant that the department is
169 unable to make a determination regarding the issuance or denial of
170 a license within the forty-five-day period prescribed by this
171 subsection, and provide an estimate of the amount of time the
172 department will need to make the determination; however such
173 estimate shall not exceed forty-five (45) days, and the department
174 shall issue the license unless it can provide proof that the
175 applicant should be denied.

176 (d) In the event a legible set of fingerprints, as
177 determined by the Department of Public Safety and the Federal
178 Bureau of Investigation, cannot be obtained after a minimum of two
179 (2) attempts, the Department of Public Safety shall determine
180 eligibility based upon a name check by the Mississippi Highway
181 Safety Patrol and a Federal Bureau of Investigation name check
182 conducted by the Mississippi Highway Safety Patrol at the request
183 of the Department of Public Safety.

184 (7) (a) If the Department of Public Safety denies the
185 issuance of a license, or suspends or revokes a license, the party
186 aggrieved may appeal such denial, suspension or revocation to the
187 Commissioner of Public Safety, or his authorized agent, within
188 thirty (30) days after the aggrieved party receives written notice
189 of such denial, suspension or revocation. The Commissioner of
190 Public Safety, or his duly authorized agent, shall rule upon such



191 appeal within thirty (30) days after the appeal is filed and
192 failure to rule within this thirty-day period shall constitute
193 sustaining such denial, suspension or revocation. Such review
194 shall be conducted pursuant to such reasonable rules and
195 regulations as the Commissioner of Public Safety may adopt.

196 (b) If the revocation, suspension or denial of issuance
197 is sustained by the Commissioner of Public Safety, or his duly
198 authorized agent pursuant to paragraph (a) of this subsection, the
199 aggrieved party may file within ten (10) days after the rendition
200 of such decision a petition in the circuit or county court of his
201 residence for review of such decision. A hearing for review shall
202 be held and shall proceed before the court without a jury upon the
203 record made at the hearing before the Commissioner of Public
204 Safety or his duly authorized agent. No such party shall be
205 allowed to carry a stun gun, concealed pistol or revolver pursuant
206 to the provisions of this section while any such appeal is
207 pending.

208 (8) The Department of Public Safety shall maintain an
209 automated listing of license holders and such information shall be
210 available online, upon request, at all times, to all law
211 enforcement agencies through the Mississippi Crime Information
212 Center. However, the records of the department relating to
213 applications for licenses to carry stun guns, concealed pistols or
214 revolvers and records relating to license holders shall be exempt
215 from the provisions of the Mississippi Public Records Act of 1983,



216 and shall be released only upon order of a court having proper
217 jurisdiction over a petition for release of the record or records.
218 The Department of Public Safety shall also maintain statistical
219 records of license suspensions and revocations, which shall
220 include the reason for such suspension and revocation and the date
221 of such action, and exclude any names of the persons who received
222 the suspension or revocation. The Department of Public Safety
223 shall make the statistical records available to the public
224 following a properly filed public records request.

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

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



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

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

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

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



264 (iii) The renewal fee for a Mississippi resident
265 aged sixty-five (65) years of age or older shall be Twenty Dollars
266 (\$20.00).

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

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

282 (13) No license issued pursuant to this section shall
283 authorize any person to carry a stun gun, concealed pistol or
284 revolver into any place of nuisance as defined in Section 95-3-1,
285 Mississippi Code of 1972; any police, sheriff or highway patrol
286 station; any detention facility, prison or jail; any courthouse;
287 any courtroom, except that nothing in this section shall preclude
288 a judge from carrying a concealed weapon or determining who will



289 carry a concealed weapon in his courtroom; any polling place; any
290 meeting place of the governing body of any governmental entity;
291 any meeting of the Legislature or a committee thereof; any school,
292 college or professional athletic event not related to firearms;
293 any portion of an establishment, licensed to dispense alcoholic
294 beverages for consumption on the premises, that is primarily
295 devoted to dispensing alcoholic beverages; any portion of an
296 establishment in which beer or light wine is consumed on the
297 premises, that is primarily devoted to such purpose; any
298 elementary or secondary school facility; any junior college,
299 community college, college or university facility unless for the
300 purpose of participating in any authorized firearms-related
301 activity; inside the passenger terminal of any airport, except
302 that no person shall be prohibited from carrying any legal firearm
303 into the terminal if the firearm is encased for shipment, for
304 purposes of checking such firearm as baggage to be lawfully
305 transported on any aircraft; any church or other place of worship,
306 except as provided in Section 45-9-171; or any place where the
307 carrying of firearms is prohibited by federal law. In addition to
308 the places enumerated in this subsection, the carrying of a stun
309 gun, concealed pistol or revolver may be disallowed in any place
310 in the discretion of the person or entity exercising control over
311 the physical location of such place by the placing of a written
312 notice clearly readable at a distance of not less than ten (10)
313 feet that the "carrying of a pistol or revolver is prohibited."



314 No license issued pursuant to this section shall authorize the
315 participants in a parade or demonstration for which a permit is
316 required to carry a stun gun, concealed pistol or revolver.

317 (14) A law enforcement officer as defined in Section 45-6-3,
318 chiefs of police, sheriffs and persons licensed as professional
319 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
320 1972, shall be exempt from the licensing requirements of this
321 section. The licensing requirements of this section do not apply
322 to the carrying by any person of a stun gun, pistol or revolver,
323 knife, or other deadly weapon that is not concealed as defined in
324 Section 97-37-1.

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

331 (16) All fees collected by the Department of Public Safety
332 pursuant to this section shall be deposited into a special fund
333 hereby created in the State Treasury and shall be used for
334 implementation and administration of this section. After the
335 close of each fiscal year, the balance in this fund shall be
336 certified to the Legislature and then may be used by the
337 Department of Public Safety as directed by the Legislature.



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

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

346 (19) Any person holding a valid unrevoked and unexpired
347 license to carry stun guns, concealed pistols or revolvers issued
348 in another state or under the authority of 18 USCS 926 B or C,
349 shall have such license recognized by this state to carry stun
350 guns, concealed pistols or revolvers. The Department of Public
351 Safety is authorized to enter into a reciprocal agreement with
352 another state if that state requires a written agreement in order
353 to recognize licenses to carry stun guns, concealed pistols or
354 revolvers issued by this state.

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

359 (21) For the purposes of this section, the term "stun gun"
360 means a portable device or weapon from which an electric current,
361 impulse, wave or beam may be directed, which current, impulse,
362 wave or beam is designed to incapacitate temporarily, injure,



363 momentarily stun, knock out, cause mental disorientation or
364 paralyze.

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

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

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



388 Veterans Affairs healthcare service connected picture
389 identification card.

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 inside the belt, an ankle holster, in a sheath, belt
393 holster or shoulder holster or in a purse, handbag, satchel, other
394 similar bag or briefcase or fully enclosed case if the person is
395 not engaged in criminal activity other than a misdemeanor traffic
396 offense, is not otherwise prohibited from possessing a pistol or
397 revolver under state or federal law, and is not in a location
398 prohibited under subsection (13) of this section.

399 (25) The Department of Public Safety shall issue an
400 "enhanced carry" license, unless the person is otherwise
401 disqualified from being issued a license under the provisions of
402 this section, if such person (a) has voluntarily completed an
403 instructional course in the safe handling and use of firearms
404 offered by an instructor certified by a nationally recognized
405 organization that customarily offers firearms training, or by any
406 other organization approved by the Department of Public Safety,
407 (b) is a member or veteran of any active or reserve component
408 branch of the United States of America Armed Forces having
409 completed law enforcement or combat training with pistols or other
410 handguns as recognized by such branch after submitting an
411 affidavit attesting to have read, understand and agree to comply
412 with all provisions of the enhanced carry law, or (c) is an



413 honorably retired law enforcement officer or honorably retired
414 member or veteran of any active or reserve component branch of the
415 United States of America Armed Forces having completed law
416 enforcement or combat training with pistols or other handguns,
417 after submitting an affidavit attesting to have read, understand
418 and agree to comply with all provisions of Mississippi enhanced
419 carry law shall also be authorized to carry weapons in courthouses
420 except in courtrooms during a judicial proceeding, and any
421 location listed in subsection (13) of this section, except any
422 place of nuisance as defined in Section 95-3-1, any police,
423 sheriff or highway patrol station or any detention facility,
424 prison or jail. For the purposes of this subsection (25),
425 component branch of the United States Armed Forces includes the
426 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
427 National Guard, the Army National Guard of the United States, the
428 Air National Guard or the Air National Guard of the United States,
429 as those terms are defined in Section 101, Title 10, United States
430 Code, and any other reserve component of the United States Armed
431 Forces enumerated in Section 10101, Title 10, United States Code.
432 The department shall promulgate rules and regulations allowing
433 "enhanced carry" license holders to obtain an endorsement on their
434 license indicating that they have completed the aforementioned
435 course and have the authority to carry in the locations listed in
436 this subsection. This section shall in no way interfere with the



437 right of a trial judge to restrict the carrying of firearms in the
438 courtroom.

439 **SECTION 2.** This act shall take effect and be in force from
440 and after July 1, 2020.

