

By: Representative Criswell

To: Judiciary B

HOUSE BILL NO. 706

1 AN ACT TO PROHIBIT ENFORCEMENT OF FEDERAL LAW REGARDING
 2 FIREARMS, ACCESSORIES OR AMMUNITION MANUFACTURED IN THE STATE THAT
 3 REMAINS WITHIN THE BORDERS OF THE STATE; TO PROVIDE THAT ANY
 4 FEDERAL LAW WHICH ATTEMPTS TO BAN A SEMI-AUTOMATIC FIREARM OR TO
 5 LIMIT THE SIZE OF A MAGAZINE OF A FIREARM OR OTHER LIMITATION ON
 6 FIREARMS IN THIS STATE SHALL BE UNENFORCEABLE IN THE STATE; TO
 7 PROVIDE A PENALTY FOR VIOLATIONS OF THIS ACT; TO AMEND SECTIONS
 8 45-9-101, 97-37-5, 97-37-7, 97-37-31, 97-37-103 AND 97-37-105,
 9 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) No public servant or dealer selling any
 12 firearm in this state shall enforce or attempt to enforce any act,
 13 order, law, statute, rule or regulation of the United States
 14 government that has not been duly adopted by the United States
 15 Congress and signed by the President of the United States of
 16 America relating to a personal firearm, firearm accessory or
 17 ammunition that is owned or manufactured commercially or privately
 18 in Mississippi and that remains exclusively within the borders of
 19 Mississippi.

20 (2) Any official, agent or employee of the United States
 21 government who enforces or attempts to enforce any act, order,



22 law, statute, rule or regulation of the United States government
23 that has not been duly adopted by the United States Congress and
24 signed by the President of the United States of America upon a
25 personal firearm, a firearm accessory or ammunition that is owned
26 or manufactured commercially or privately in Mississippi and that
27 remains exclusively within the borders of Mississippi shall be
28 guilty of a felony and, upon conviction, shall be subject to
29 imprisonment for not less than one (1) year nor more than five (5)
30 years, or a fine of not more than Five Thousand Dollars
31 (\$5,000.00), or both.

32 (3) The Attorney General may defend a citizen of Mississippi
33 who is prosecuted by the United States government for violation of
34 a federal law that has not been duly adopted by the United States
35 Congress and signed by the President of the United States of
36 America relating to the manufacture, sale, transfer or possession
37 of a firearm, a firearm accessory or ammunition owned or
38 manufactured and retained exclusively within the borders of
39 Mississippi.

40 (4) Any federal law, rule, regulation or order that has not
41 been duly adopted by the United States Congress and signed by the
42 President of the United States of America and created or effective
43 on or after January 1, 2020, shall be unenforceable within the
44 borders of Mississippi if the law, rule, regulation or order
45 attempts to:



46 (a) Ban or restrict ownership of a semi-automatic
47 firearm or any magazine of a firearm; or

48 (b) Require any firearm, magazine or other firearm
49 accessory to be registered in any manner.

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

52 45-9-101. (1) (a) Except as otherwise provided, the
53 Department of Public Safety is authorized to issue licenses to
54 carry stun guns, concealed pistols or revolvers to persons
55 qualified as provided in this section. Such licenses shall be
56 valid throughout the state for a period of five (5) years from the
57 date of issuance. Any person possessing a valid license issued
58 pursuant to this section may carry a stun gun, concealed pistol or
59 concealed revolver.

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

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



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

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

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

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

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

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

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

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

90 It shall be presumed that an applicant chronically and habitually
91 uses controlled substances to the extent that his faculties are
92 impaired if the applicant has been voluntarily or involuntarily
93 committed to a treatment facility for the abuse of a controlled
94 substance or been found guilty of a crime under the provisions of



95 the Uniform Controlled Substances Law or similar laws of any other
96 state or the United States relating to controlled substances
97 within a three-year period immediately preceding the date on which
98 the application is submitted;

99 (f) Does not chronically and habitually use alcoholic
100 beverages to the extent that his normal faculties are impaired.
101 It shall be presumed that an applicant chronically and habitually
102 uses alcoholic beverages to the extent that his normal faculties
103 are impaired if the applicant has been voluntarily or
104 involuntarily committed as an alcoholic to a treatment facility or
105 has been convicted of two (2) or more offenses related to the use
106 of alcohol under the laws of this state or similar laws of any
107 other state or the United States within the three-year period
108 immediately preceding the date on which the application is
109 submitted;

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

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

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



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

124 (k) Is not a fugitive from justice; * * *

125 (l) * * * Except as otherwise provided in Section 1 of
126 this act, not disqualified to possess a weapon based on federal
127 law.

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



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

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

149 (b) The driver's license number or social security
150 number of applicant;

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

153 (d) A statement that the applicant is in compliance
154 with criteria contained within subsections (2) and (3) of this
155 section;

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

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

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

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

167 (a) A completed application as described in subsection
168 (4) of this section;



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

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

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

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

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

191 (b) The Department of Public Safety shall forward a
192 copy of the applicant's application to the sheriff of the
193 applicant's county of residence and, if applicable, the police



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

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

208 (i) Issue the license;

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

216 (iii) Notify the applicant that the department is
217 unable to make a determination regarding the issuance or denial of
218 a license within the forty-five-day period prescribed by this



219 subsection, and provide an estimate of the amount of time the
220 department will need to make the determination.

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

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

241 (b) If the revocation, suspension or denial of issuance
242 is sustained by the Commissioner of Public Safety, or his duly
243 authorized agent pursuant to paragraph (a) of this subsection, the



244 aggrieved party may file within ten (10) days after the rendition
245 of such decision a petition in the circuit or county court of his
246 residence for review of such decision. A hearing for review shall
247 be held and shall proceed before the court without a jury upon the
248 record made at the hearing before the Commissioner of Public
249 Safety or his duly authorized agent. No such party shall be
250 allowed to carry a stun gun, concealed pistol or revolver pursuant
251 to the provisions of this section while any such appeal is
252 pending.

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

263 (9) Within thirty (30) days after the changing of a
264 permanent address, or within thirty (30) days after having a
265 license lost or destroyed, the licensee shall notify the
266 Department of Public Safety in writing of such change or loss.
267 Failure to notify the Department of Public Safety pursuant to the
268 provisions of this subsection shall constitute a noncriminal



269 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
270 be enforceable by a summons.

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

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

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



294 in person every ten (10) years for the purpose of obtaining a new
295 photograph.

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

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

302 (iii) The renewal fee for a Mississippi resident
303 aged sixty-five (65) years of age or older shall be Twenty Dollars
304 (\$20.00).

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

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



318 investigation shall be conducted pursuant to the provisions of
319 this section.

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



343 transported on any aircraft; any church or other place of worship,
344 except as provided in Section 45-9-171; or any place where the
345 carrying of firearms is prohibited by federal law. In addition to
346 the places enumerated in this subsection, the carrying of a stun
347 gun, concealed pistol or revolver may be disallowed in any place
348 in the discretion of the person or entity exercising control over
349 the physical location of such place by the placing of a written
350 notice clearly readable at a distance of not less than ten (10)
351 feet that the "carrying of a pistol or revolver is prohibited."
352 No license issued pursuant to this section shall authorize the
353 participants in a parade or demonstration for which a permit is
354 required to carry a stun gun, concealed pistol or revolver.

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

363 (15) Any person who knowingly submits a false answer to any
364 question on an application for a license issued pursuant to this
365 section, or who knowingly submits a false document when applying
366 for a license issued pursuant to this section, shall, upon



367 conviction, be guilty of a misdemeanor and shall be punished as
368 provided in Section 99-19-31, Mississippi Code of 1972.

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

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

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

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



392 (20) The provisions of this section shall be under the
393 supervision of the Commissioner of Public Safety. The
394 commissioner is authorized to promulgate reasonable rules and
395 regulations to carry out the provisions of this section.

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

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

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



417 letterhead of the agency or department, which explains that such
418 officer has completed a certified law enforcement training
419 academy.

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

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

433 **SECTION 3.** Section 97-37-5, Mississippi Code of 1972, is
434 amended as follows:

435 97-37-5. (1) It shall be unlawful for any person who has
436 been convicted of a felony under the laws of this state, any other
437 state, or of the United States to possess any firearm or any bowie
438 knife, dirk knife, butcher knife, switchblade knife, metallic
439 knuckles, blackjack, or any muffler or silencer for any firearm
440 unless such person has received a pardon for such felony, has
441 received a relief from disability pursuant to Section 925(c) of



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

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

449 (3) A person who has been convicted of a felony under the
450 laws of this state may apply to the court in which he was
451 convicted for a certificate of rehabilitation. The court may
452 grant such certificate in its discretion upon a showing to the
453 satisfaction of the court that the applicant has been
454 rehabilitated and has led a useful, productive and law-abiding
455 life since the completion of his sentence and upon the finding of
456 the court that he will not be likely to act in a manner dangerous
457 to public safety.

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

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

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

466 (ii) The person's mental history;



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

468 (iv) The person's reputation.

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

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

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

475 (5) The provisions of this section shall be subject to the
476 provisions of Section 1 of this act.

477 **SECTION 4.** Section 97-37-7, Mississippi Code of 1972, is
478 amended as follows:

479 97-37-7. (1) (a) It shall not be a violation of Section
480 97-37-1 or any other statute for pistols, firearms or other
481 suitable and appropriate weapons to be carried by duly constituted
482 bank guards, company guards, watchmen, railroad special agents or
483 duly authorized representatives who are not sworn law enforcement
484 officers, agents or employees of a patrol service, guard service,
485 or a company engaged in the business of transporting money,
486 securities or other valuables, while actually engaged in the
487 performance of their duties as such, provided that such persons
488 have made a written application and paid a nonrefundable permit
489 fee of One Hundred Dollars (\$100.00) to the Department of Public
490 Safety.



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

511 (c) A person may obtain a duplicate of a lost or
512 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
513 replacement fee to the Department of Public Safety, if he
514 furnishes a notarized statement to the department that the permit
515 has been lost or destroyed.



516 (d) (i) No less than ninety (90) days prior to the
517 expiration date of a permit, the Department of Public Safety shall
518 mail to the permit holder written notice of expiration together
519 with the renewal form prescribed by the department. The permit
520 holder shall renew the permit on or before the expiration date by
521 filing with the department the renewal form, a notarized affidavit
522 stating that the permit holder remains qualified, and the renewal
523 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
524 officers shall be exempt from payment of the renewal fee. A
525 permit holder who fails to file a renewal application on or before
526 its expiration date shall pay a late fee of Fifteen Dollars
527 (\$15.00).

528 (ii) Renewal of the permit shall be required every
529 four (4) years. The permit of a qualified renewal applicant shall
530 be renewed upon receipt of the completed renewal application and
531 appropriate payment of fees.

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

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



541 General, criminal investigators employed by the district
542 attorneys, all prosecutors, public defenders, investigators or
543 probation officers employed by the Department of Corrections,
544 employees of the State Auditor who are authorized by the State
545 Auditor to perform investigative functions, or any deputy fire
546 marshal or investigator employed by the State Fire Marshal, while
547 engaged in the performance of their duties as such, or by fraud
548 investigators with the Department of Human Services, or by judges
549 of the Mississippi Supreme Court, Court of Appeals, circuit,
550 chancery, county, justice and municipal courts, or by coroners.
551 Before any person shall be authorized under this subsection to
552 carry a weapon, he shall complete a weapons training course
553 approved by the Board of Law Enforcement Officer Standards and
554 Training. Before any criminal investigator employed by a district
555 attorney shall be authorized under this section to carry a pistol,
556 firearm or other weapon, he shall have complied with Section
557 45-6-11 or any training program required for employment as an
558 agent of the Federal Bureau of Investigation. A law enforcement
559 officer, as defined in Section 45-6-3, shall be authorized to
560 carry weapons in courthouses in performance of his official
561 duties. A person licensed under Section 45-9-101 to carry a
562 concealed pistol, who (a) has voluntarily completed an
563 instructional course in the safe handling and use of firearms
564 offered by an instructor certified by a nationally recognized
565 organization that customarily offers firearms training, or by any



566 other organization approved by the Department of Public Safety,
567 (b) is a member or veteran of any active or reserve component
568 branch of the United States of America Armed Forces having
569 completed law enforcement or combat training with pistols or other
570 handguns as recognized by such branch after submitting an
571 affidavit attesting to have read, understand and agree to comply
572 with all provisions of the enhanced carry law, or (c) is an
573 honorably retired law enforcement officer or honorably retired
574 member or veteran of any active or reserve component branch of the
575 United States of America Armed Forces having completed law
576 enforcement or combat training with pistols or other handguns,
577 after submitting an affidavit attesting to have read, understand
578 and agree to comply with all provisions of Mississippi enhanced
579 carry law shall also be authorized to carry weapons in courthouses
580 except in courtrooms during a judicial proceeding, and any
581 location listed in subsection (13) of Section 45-9-101, except any
582 place of nuisance as defined in Section 95-3-1, any police,
583 sheriff or highway patrol station or any detention facility,
584 prison or jail. For the purposes of this subsection (2),
585 component branch of the United States Armed Forces includes the
586 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
587 National Guard, the Army National Guard of the United States, the
588 Air National Guard or the Air National Guard of the United States,
589 as those terms are defined in Section 101, Title 10, United States
590 Code, and any other reserve component of the United States Armed



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

598 For purposes of this subsection (2), the following words
599 shall have the meanings described herein, unless the context
600 otherwise requires:

601 (i) "Courthouse" means any building in which a
602 circuit court, chancery court, youth court, municipal court,
603 justice court or any appellate court is located, or any building
604 in which a court of law is regularly held.

605 (ii) "Courtroom" means the actual room in which a
606 judicial proceeding occurs, including any jury room, witness room,
607 judge's chamber, office housing the judge's staff, or similar
608 room. "Courtroom" shall not mean hallways, courtroom entrances,
609 courthouse grounds, lobbies, corridors, or other areas within a
610 courthouse which are generally open to the public for the
611 transaction of business outside of an active judicial proceeding,
612 the grassed areas, cultivated flower beds, sidewalks, parking
613 lots, or other areas contained within the boundaries of the public
614 land upon which the courthouse is located.



615 (3) It shall not be a violation of this or any other statute
616 for pistols, firearms or other suitable and appropriate weapons,
617 to be carried by any out-of-state, full-time commissioned law
618 enforcement officer who holds a valid commission card from the
619 appropriate out-of-state law enforcement agency and a photo
620 identification. The provisions of this subsection shall only
621 apply if the state where the out-of-state officer is employed has
622 entered into a reciprocity agreement with the state that allows
623 full-time commissioned law enforcement officers in Mississippi to
624 lawfully carry or possess a weapon in such other states. The
625 Commissioner of Public Safety is authorized to enter into
626 reciprocal agreements with other states to carry out the
627 provisions of this subsection.

628 (4) The provisions of this section shall be subject to the
629 provisions of Section 1 of this act.

630 **SECTION 5.** Section 97-37-31, Mississippi Code of 1972, is
631 amended as follows:

632 97-37-31. * * * Except as otherwise provided in Sections 1
633 and 2 of this act, it shall be unlawful for any person, persons,
634 corporation or manufacturing establishment, not duly authorized
635 under federal law, to make, manufacture, sell or possess any
636 instrument or device which, if used on firearms of any kind, will
637 arrest or muffle the report of the firearm when shot or fired.
638 Any person violating this section shall be guilty of a misdemeanor
639 and, upon conviction, shall be fined not more than Five Hundred



640 Dollars (\$500.00), or imprisoned in the county jail not more than
641 thirty (30) days, or both.

642 **SECTION 6.** Section 97-37-103, Mississippi Code of 1972, is
643 amended as follows:

644 97-37-103. * * * Except as otherwise provided in Sections 1
645 and 2 of this act, for purposes of Sections 97-37-101 through
646 97-37-105:

647 (a) "Licensed dealer" means a person who is licensed
648 pursuant to 18 USCS, Section 923, to engage in the business of
649 dealing in firearms.

650 (b) "Private seller" means a person who sells or offers
651 for sale any firearm or ammunition.

652 (c) "Ammunition" means any cartridge, shell or
653 projectile designed for use in a firearm.

654 (d) "Materially false information" means information
655 that portrays an illegal transaction as legal or a legal
656 transaction as illegal.

657 **SECTION 7.** Section 97-37-105, Mississippi Code of 1972, is
658 amended as follows:

659 97-37-105. (1) * * * Except as otherwise provided in
660 Section 1 of this act, any person who knowingly solicits,
661 persuades, encourages or entices a licensed dealer or private
662 seller of firearms or ammunition to transfer a firearm or
663 ammunition under circumstances which the person knows would



664 violate the laws of this state or the United States is guilty of a
665 felony.

666 (2) Any person who provides to a licensed dealer or private
667 seller of firearms or ammunition what the person knows to be
668 materially false information with intent to deceive the dealer or
669 seller about the legality of a transfer of a firearm or ammunition
670 is guilty of a felony.

671 (3) Any person found guilty of violating the provisions of
672 this section shall be punished by a fine not exceeding Five
673 Thousand Dollars (\$5,000.00) or imprisoned in the custody of the
674 Department of Corrections for not more than three (3) years, or
675 both.

676 (4) This section does not apply to a law enforcement officer
677 acting in the officer's official capacity or to a person acting at
678 the direction of a law enforcement officer.

679 **SECTION 8.** This act shall take effect and be in force from
680 and after July 1, 2020.

