

By: Senator(s) Seymour, Hill, Jackson
(11th), McMahan, Chism, Sparks, Branning

To: Veterans and Military
Affairs; Judiciary, Division
B

SENATE BILL NO. 2225
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A DISABLED VETERAN SHALL ONLY BE REQUIRED TO
3 PROVIDE A UNITED STATES DEPARTMENT OF VETERANS AFFAIRS HEALTH
4 SERVICES IDENTIFICATION CARD IN ORDER TO OBTAIN A CONCEALED
5 WEAPONS PERMIT; AND FOR RELATED PURPOSES.

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

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

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

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



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

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

27 (a) Is a resident of the state. However, this
28 residency requirement may be waived if the applicant possesses a
29 valid permit from another state, is active military personnel
30 stationed in Mississippi, or is a retired law enforcement officer
31 establishing residency in the state;

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

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

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

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

41 (d) Is not ineligible to possess a firearm by virtue of
42 having been convicted of a felony in a court of this state, of any
43 other state, or of the United States without having been pardoned
44 or without having been expunged for same;



45 (e) Does not chronically or habitually abuse controlled
46 substances to the extent that his normal faculties are impaired.
47 It shall be presumed that an applicant chronically and habitually
48 uses controlled substances to the extent that his faculties are
49 impaired if the applicant has been voluntarily or involuntarily
50 committed to a treatment facility for the abuse of a controlled
51 substance or been found guilty of a crime under the provisions of
52 the Uniform Controlled Substances Law or similar laws of any other
53 state or the United States relating to controlled substances
54 within a three-year period immediately preceding the date on which
55 the application is submitted;

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

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



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

72 (i) Has not been voluntarily or involuntarily committed
73 to a mental institution or mental health treatment facility unless
74 he possesses a certificate from a psychiatrist licensed in this
75 state that he has not suffered from disability for a period of
76 five (5) years;

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

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

82 (l) Is not disqualified to possess a weapon based on
83 federal law.

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



94 processing of an application for a license if the licensee or
95 applicant is arrested or formally charged with a crime which would
96 disqualify such person from having a license under this section,
97 until final disposition of the case. The provisions of subsection
98 (7) of this section shall apply to any suspension or revocation of
99 a license pursuant to the provisions of this section.

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

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

105 (b) The driver's license number or social security
106 number of applicant;

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

109 (d) A statement that the applicant is in compliance
110 with criteria contained within subsections (2) and (3) of this
111 section;

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

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



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

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

123 (a) A completed application as described in subsection
124 (4) of this section;

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

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

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

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



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

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

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

164 (i) Issue the license;

165 (ii) Deny the application based solely on the
166 ground that the applicant fails to qualify under the criteria
167 listed in subsections (2) and (3) of this section. If the



168 Department of Public Safety denies the application, it shall
169 notify the applicant in writing, stating the ground for denial,
170 and the denial shall be subject to the appeal process set forth in
171 subsection (7); or

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

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

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



193 failure to rule within this thirty-day period shall constitute
194 sustaining such denial, suspension or revocation. Such review
195 shall be conducted pursuant to such reasonable rules and
196 regulations as the Commissioner of Public Safety may adopt.

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

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



217 and shall be released only upon order of a court having proper
218 jurisdiction over a petition for release of the record or records.

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

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

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

237 (12) (a) No less than ninety (90) days prior to the
238 expiration date of the license, the Department of Public Safety
239 shall mail to each licensee a written notice of the expiration and
240 a renewal form prescribed by the department. The licensee must
241 renew his license on or before the expiration date by filing with



242 the department the renewal form, a notarized affidavit stating
243 that the licensee remains qualified pursuant to the criteria
244 specified in subsections (2) and (3) of this section, and a full
245 set of fingerprints administered by the Department of Public
246 Safety or the sheriff of the county of residence of the licensee.
247 The first renewal may be processed by mail and the subsequent
248 renewal must be made in person. Thereafter every other renewal
249 may be processed by mail to assure that the applicant must appear
250 in person every ten (10) years for the purpose of obtaining a new
251 photograph.

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

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

258 (iii) The renewal fee for a Mississippi resident
259 aged sixty-five (65) years of age or older shall be Twenty Dollars
260 (\$20.00).

261 (b) The Department of Public Safety shall forward the
262 full set of fingerprints of the applicant to the appropriate
263 agencies for state and federal processing. The license shall be
264 renewed upon receipt of the completed renewal application and
265 appropriate payment of fees.



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

276 (13) No license issued pursuant to this section shall
277 authorize any person to carry a stun gun, concealed pistol or
278 revolver into any place of nuisance as defined in Section 95-3-1,
279 Mississippi Code of 1972; any police, sheriff or highway patrol
280 station; any detention facility, prison or jail; any courthouse;
281 any courtroom, except that nothing in this section shall preclude
282 a judge from carrying a concealed weapon or determining who will
283 carry a concealed weapon in his courtroom; any polling place; any
284 meeting place of the governing body of any governmental entity;
285 any meeting of the Legislature or a committee thereof; any school,
286 college or professional athletic event not related to firearms;
287 any portion of an establishment, licensed to dispense alcoholic
288 beverages for consumption on the premises, that is primarily
289 devoted to dispensing alcoholic beverages; any portion of an
290 establishment in which beer or light wine is consumed on the



291 premises, that is primarily devoted to such purpose; any
292 elementary or secondary school facility; any junior college,
293 community college, college or university facility unless for the
294 purpose of participating in any authorized firearms-related
295 activity; inside the passenger terminal of any airport, except
296 that no person shall be prohibited from carrying any legal firearm
297 into the terminal if the firearm is encased for shipment, for
298 purposes of checking such firearm as baggage to be lawfully
299 transported on any aircraft; any church or other place of worship,
300 except as provided in Section 45-9-171; or any place where the
301 carrying of firearms is prohibited by federal law. In addition to
302 the places enumerated in this subsection, the carrying of a stun
303 gun, concealed pistol or revolver may be disallowed in any place
304 in the discretion of the person or entity exercising control over
305 the physical location of such place by the placing of a written
306 notice clearly readable at a distance of not less than ten (10)
307 feet that the "carrying of a pistol or revolver is prohibited."
308 No license issued pursuant to this section shall authorize the
309 participants in a parade or demonstration for which a permit is
310 required to carry a stun gun, concealed pistol or revolver.

311 (14) A law enforcement officer as defined in Section 45-6-3,
312 chiefs of police, sheriffs and persons licensed as professional
313 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
314 1972, shall be exempt from the licensing requirements of this
315 section. The licensing requirements of this section do not apply



316 to the carrying by any person of a stun gun, pistol or revolver,
317 knife, or other deadly weapon that is not concealed as defined in
318 Section 97-37-1.

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

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

332 (17) All funds received by a sheriff or police chief
333 pursuant to the provisions of this section shall be deposited into
334 the general fund of the county or municipality, as appropriate,
335 and shall be budgeted to the sheriff's office or police department
336 as appropriate.

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



340 (19) Any person holding a valid unrevoked and unexpired
341 license to carry stun guns, concealed pistols or revolvers issued
342 in another state shall have such license recognized by this state
343 to carry stun guns, concealed pistols or revolvers. The
344 Department of Public Safety is authorized to enter into a
345 reciprocal agreement with another state if that state requires a
346 written agreement in order to recognize licenses to carry stun
347 guns, concealed pistols or revolvers issued by this state.

348 (20) The provisions of this section shall be under the
349 supervision of the Commissioner of Public Safety. The
350 commissioner is authorized to promulgate reasonable rules and
351 regulations to carry out the provisions of this section.

352 (21) For the purposes of this section, the term "stun gun"
353 means a portable device or weapon from which an electric current,
354 impulse, wave or beam may be directed, which current, impulse,
355 wave or beam is designed to incapacitate temporarily, injure,
356 momentarily stun, knock out, cause mental disorientation or
357 paralyze.

358 (22) (a) From and after January 1, 2016, the Commissioner
359 of Public Safety shall promulgate rules and regulations which
360 provide that licenses authorized by this section for honorably
361 retired law enforcement officers and honorably retired
362 correctional officers from the Mississippi Department of
363 Corrections shall (i) include the words "retired law enforcement
364 officer" on the front of the license, and (ii) that the license



365 itself have a red background to distinguish it from other licenses
366 issued under this section.

367 (b) An honorably retired law enforcement officer and
368 honorably retired correctional officer shall provide the following
369 information to receive the license described in this section: (i)
370 a letter, with the official letterhead of the agency or department
371 from which such officer is retiring, which explains that such
372 officer is honorably retired, and (ii) a letter with the official
373 letterhead of the agency or department, which explains that such
374 officer has completed a certified law enforcement training
375 academy.

376 (23) A disabled veteran who seeks to qualify for an
377 exemption under this section shall be required to provide * * * a
378 veterans health services identification card issued by the United
379 States Department of Veterans Affairs indicating a
380 service-connected disability, which shall be sufficient proof of
381 such service-connected disability.

382 (24) A license under this section is not required for a
383 loaded or unloaded pistol or revolver to be carried upon the
384 person in a sheath, belt holster or shoulder holster or in a
385 purse, handbag, satchel, other similar bag or briefcase or fully
386 enclosed case if the person is not engaged in criminal activity
387 other than a misdemeanor traffic offense, is not otherwise
388 prohibited from possessing a pistol or revolver under state or



389 federal law, and is not in a location prohibited under subsection
390 (13) of this section.

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

