

By: Representatives Bounds, Crawford, Gibbs
(72nd), Stamps

To: Judiciary A

HOUSE BILL NO. 277

1 AN ACT TO CREATE NEW SECTION 1-3-42, MISSISSIPPI CODE OF
2 1972, TO DEFINE TERMS DESCRIBING PHOTO IDENTIFICATION THAT ARE
3 LEGAL IN THIS STATE; TO CREATE NEW SECTION 97-7-77, MISSISSIPPI
4 CODE OF 1972, TO CREATE THE CRIME OF COUNTERFEITING, FRAUD OR
5 MISREPRESENTATION IN RELATION TO A TRIBAL IDENTIFICATION CARD; TO
6 AMEND SECTION 27-115-73, MISSISSIPPI CODE OF 1972, TO CONFORM
7 PROOF OF AGE TO BUY A LOTTERY TICKET; TO AMEND SECTION 45-9-101,
8 MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY FOR A
9 CONCEALED CARRY LICENSE; TO AMEND SECTION 49-7-3, MISSISSIPPI CODE
10 OF 1972, TO CONFORM PROOF OF IDENTITY TO OBTAIN A HUNTING OR
11 FISHING LICENSE; TO AMEND SECTION 63-21-39, MISSISSIPPI CODE OF
12 1972, TO CONFORM PROOF OF IDENTITY REQUIRED FOR SCRAP SALES; TO
13 AMEND SECTION 67-3-69, MISSISSIPPI CODE OF 1972, TO REVISE PROOF
14 OF IDENTITY FOR PURCHASE OF ALCOHOL; TO AMEND SECTION 75-9-503,
15 MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY IN UCC
16 FILING STATEMENTS; TO AMEND SECTION 75-24-29, MISSISSIPPI CODE OF
17 1972, TO CONFORM THE PERSONALLY IDENTIFYING INFORMATION THAT CAN
18 BE COMPROMISED IN A SECURITY BREACH; TO AMEND SECTION 75-67-305,
19 MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY FOR
20 PAWNSHOP TRANSACTIONS; TO AMEND SECTION 75-95-5, MISSISSIPPI CODE
21 OF 1972, TO CONFORM PROOF OF IDENTITY REQUIRED FOR PRECIOUS ITEM
22 RESALE; TO AMEND SECTION 93-1-5, MISSISSIPPI CODE OF 1972, TO
23 CONFORM PROOF OF AGE REQUIRED TO OBTAIN A MARRIAGE LICENSE; TO
24 AMEND SECTION 93-29-13, MISSISSIPPI CODE OF 1972, TO CONFORM
25 FACTORS TO DETERMINE RISK OF ABDUCTION; TO AMEND SECTION 97-17-71,
26 MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY REQUIRED
27 FOR SCRAP SALES; TO AMEND SECTION 97-45-1, MISSISSIPPI CODE OF
28 1972, TO CONFORM THE DEFINITION OF PERSONAL INFORMATION IN THE
29 CONTEXT OF CERTAIN COMPUTER CRIMES; TO AMEND SECTION 45-35-13,
30 MISSISSIPPI CODE OF 1972, DEALING WITH FRAUDULENT NONDRIVER
31 IDENTIFICATION CARDS, TO MAKE A MINOR, NONSUBSTANTIVE CHANGE; AND
32 FOR RELATED PURPOSES.

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



34 **SECTION 1.** The following shall be codified as Section
35 1-3-42, Mississippi Code of 1972:

36 1-3-42. The terms "photo identification," "photographic
37 identification," "valid identification," "valid identification
38 card" or any similar term when used with reference to a personally
39 identifying document required as legal documentation or required
40 to be presented as part of a transaction includes all of the
41 following:

42 (a) A current and valid Mississippi driver's license;

43 (b) A current and valid identification card issued by a
44 branch, department, agency or entity of the State of Mississippi;

45 (c) A current and valid United States passport;

46 (d) A current and valid employee identification card
47 containing a photograph of the employee and issued by any branch,
48 department, agency or entity of the United States government, the
49 State of Mississippi, or any county, municipality, board,
50 authority or other entity of this state;

51 (e) A current and valid Mississippi license to carry a
52 pistol or revolver;

53 (f) A valid tribal identification card containing a
54 photograph of the holder;

55 (g) A current and valid United States military
56 identification card;

57 (h) A current and valid student identification card,
58 containing a photograph of the student, issued by any accredited



59 college, university or community or junior college in the State of
60 Mississippi;

61 (i) An official Mississippi voter identification card
62 containing a photograph of the elector; or

63 (j) Any other valid and unexpired government-issued
64 identification card that contains a color photograph of the card
65 holder and the card holder's legal name, residence address and
66 date of birth.

67 **SECTION 2.** The following shall be codified as Section
68 97-7-77, Mississippi Code of 1972:

69 97-7-77. (1) "Tribal identification card" means a valid
70 identification card issued by a federally recognized Indian tribe
71 that contains a color photograph of the card holder and the card
72 holder's legal name, residence address and date of birth.

73 (2) (a) It is unlawful for a person knowingly to:

74 (i) Display, or cause or permit to be displayed,
75 or have in the person's possession, any cancelled, fictitious,
76 fraudulently altered, forged, counterfeited or fraudulently
77 obtained tribal identification card;

78 (ii) Permit the use of a tribal identification
79 card issued to the person or lend a tribal identification card to
80 another person;

81 (iii) Display or represent a tribal identification
82 card not issued to the person as being the person's card;



83 (iv) Display or have in the person's possession a
84 fraudulently altered, forged or counterfeited tribal
85 identification card with intent that the altered, forged or
86 counterfeited card be offered, accepted or mistaken for a valid
87 tribal identification card.

88 (b) A violation of this subsection is a misdemeanor
89 punishable by a fine of not more than Five Hundred Dollars
90 (\$500.00), by imprisonment for not more than six (6) months, or
91 both.

92 (3) (a) It is unlawful for a person to photograph, copy,
93 duplicate, alter, forge, counterfeit or in any way reproduce,
94 manufacture, sell or distribute a tribal identification card or
95 facsimile thereof with intent that it be offered, accepted or
96 mistaken for a valid tribal identification card.

97 (b) A violation of this subsection (3) shall be
98 punished as follows:

99 (i) If the person was twenty-one (21) years of age
100 or older at the time of the offense, the person is guilty of a
101 felony and shall be punished by a fine of not less than Five
102 Thousand Dollars (\$5,000.00), imprisonment for not more than three
103 (3) years, or both.

104 (ii) If the person was under twenty-one (21) years
105 of age at the time of the offense, a first offense is a
106 misdemeanor punishable by a fine of not more than Five Hundred
107 Dollars (\$500.00), by imprisonment for not more than six (6)



108 months, or both, and a second or subsequent offense committed by a
109 minor is a misdemeanor punishable by a fine of not more than One
110 Thousand Dollars (\$1,000.00), imprisonment for not more than one
111 (1) year, or both.

112 **SECTION 3.** Section 27-115-73, Mississippi Code of 1972, is
113 amended as follows:

114 27-115-73. (1) (a) No lottery retailer and no agent,
115 associate, employee, representative or servant of any such person
116 shall allow any illegal lottery device to be on its premises, nor
117 shall any lottery retailer, agent, associate, employee,
118 representative or servant sell a lottery ticket to any person
119 unless the person submits any one (1) of the following forms of
120 identification which establish the age of the person as twenty-one
121 (21) years or older:

122 (i) A valid and current Mississippi driver's
123 license which contains a photograph of the person presenting the
124 driver's license.

125 (ii) A valid and current driver's license of
126 another state which contains a photograph of the person submitting
127 the driver's license.

128 (iii) A valid and current special identification
129 card issued by the State of Mississippi containing a photograph of
130 the person submitting the identification card.

131 (iv) A valid and current passport or visa issued
132 by the federal government or another country or nation that



133 contains a permanently attached photograph of the person
134 submitting the passport or visa.

135 (v) A valid and current military or federal
136 identification card issued by the federal government containing a
137 photograph of the person submitting the identification card.

138 (vi) A valid and current tribal identification
139 card issued by a federally recognized Indian tribe containing a
140 photograph of the person submitting the identification card.

141 (b) Each form of identification listed in paragraph (a)
142 of this subsection must on its face establish the age of the
143 person as twenty-one (21) years of age or older, and there must be
144 no reason to doubt the authenticity or correctness of the
145 identification. No form of identification mentioned in paragraph
146 (a) of this subsection shall be accepted as proof of age if it is
147 expired, defaced, mutilated or altered. If the driver's license,
148 state special identification card or lawful identification
149 submitted is a duplicate, the person shall submit additional
150 identification which contains the name, date of birth and
151 photograph of the person.

152 (c) An educational institution identification card,
153 check-cashing identification card, or employee identification card
154 shall not be considered as lawful identification for the purposes
155 of this subsection.

156 (2) Any lottery retailer who knowingly sells a lottery
157 ticket to a person under twenty-one (21) years of age will be



158 fined not less than One Hundred Dollars (\$100.00) nor more than
159 Five Hundred Dollars (\$500.00) for the first offense and, for each
160 subsequent offense, not less than Two Hundred Dollars (\$200.00)
161 nor more than One Thousand Dollars (\$1,000.00) and may be
162 disqualified as a lottery retailer.

163 (3) (a) It is unlawful for any person under twenty-one (21)
164 years of age to purchase a lottery ticket.

165 (b) Whoever violates the provisions of this subsection
166 shall be fined not more than One Hundred Dollars (\$100.00).

167 (c) Any person apprehended while violating the
168 provisions of this subsection shall be issued a citation by the
169 apprehending law enforcement officer, which shall be paid in the
170 same manner as provided for the offenders of local traffic
171 violations.

172 **SECTION 4.** Section 45-9-101, Mississippi Code of 1972, is
173 amended as follows:

174 45-9-101. (1) (a) Except as otherwise provided, the
175 Department of Public Safety is authorized to issue licenses to
176 carry stun guns, concealed pistols or revolvers to persons
177 qualified as provided in this section. Such licenses shall be
178 valid throughout the state for a period of five (5) years from the
179 date of issuance. Any person possessing a valid license issued
180 pursuant to this section may carry a stun gun, concealed pistol or
181 concealed revolver.



182 (b) The licensee must carry the license, together with
183 valid identification, at all times in which the licensee is
184 carrying a stun gun, concealed pistol or revolver and must display
185 both the license and proper identification upon demand by a law
186 enforcement officer. A violation of the provisions of this
187 paragraph (b) shall constitute a noncriminal violation with a
188 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
189 by summons.

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

192 (a) Is a resident of the state. However, this
193 residency requirement may be waived if the applicant possesses a
194 valid permit from another state, is active military personnel
195 stationed in Mississippi, or is a retired law enforcement officer
196 establishing residency in the state;

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

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

202 2. Holds a valid Mississippi driver's license
203 or identification card issued by the Department of Public Safety
204 or a valid and current tribal identification card issued by a
205 federally recognized Indian tribe containing a photograph of the
206 holder;



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

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

213 (e) Does not chronically or habitually abuse controlled
214 substances to the extent that his normal faculties are impaired.
215 It shall be presumed that an applicant chronically and habitually
216 uses controlled substances to the extent that his faculties are
217 impaired if the applicant has been voluntarily or involuntarily
218 committed to a treatment facility for the abuse of a controlled
219 substance or been found guilty of a crime under the provisions of
220 the Uniform Controlled Substances Law or similar laws of any other
221 state or the United States relating to controlled substances
222 within a three-year period immediately preceding the date on which
223 the application is submitted;

224 (f) Does not chronically and habitually use alcoholic
225 beverages to the extent that his normal faculties are impaired.
226 It shall be presumed that an applicant chronically and habitually
227 uses alcoholic beverages to the extent that his normal faculties
228 are impaired if the applicant has been voluntarily or
229 involuntarily committed as an alcoholic to a treatment facility or
230 has been convicted of two (2) or more offenses related to the use
231 of alcohol under the laws of this state or similar laws of any



232 other state or the United States within the three-year period
233 immediately preceding the date on which the application is
234 submitted;

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

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

240 (i) Has not been voluntarily or involuntarily committed
241 to a mental institution or mental health treatment facility unless
242 he possesses a certificate from a psychiatrist licensed in this
243 state that he has not suffered from disability for a period of
244 five (5) years;

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

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

250 (l) Is not disqualified to possess a weapon based on
251 federal law.

252 (3) The Department of Public Safety may deny a license if
253 the applicant has been found guilty of one or more crimes of
254 violence constituting a misdemeanor unless three (3) years have
255 elapsed since probation or any other conditions set by the court
256 have been fulfilled or expunction has occurred prior to the date



257 on which the application is submitted, or may revoke a license if
258 the licensee has been found guilty of one or more crimes of
259 violence within the preceding three (3) years. The department
260 shall, upon notification by a law enforcement agency or a court
261 and subsequent written verification, suspend a license or the
262 processing of an application for a license if the licensee or
263 applicant is arrested or formally charged with a crime which would
264 disqualify such person from having a license under this section,
265 until final disposition of the case. The provisions of subsection
266 (7) of this section shall apply to any suspension or revocation of
267 a license pursuant to the provisions of this section.

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

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

273 (b) The driver's license number or social security
274 number of applicant;

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

277 (d) A statement that the applicant is in compliance
278 with criteria contained within subsections (2) and (3) of this
279 section;

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



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

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

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

291 (a) A completed application as described in subsection
292 (4) of this section;

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

298 (c) A nonrefundable license fee of Eighty Dollars
299 (\$80.00). Costs for processing the set of fingerprints as
300 required in paragraph (d) of this subsection shall be borne by the
301 applicant. Honorably retired law enforcement officers, disabled
302 veterans and active duty members of the Armed Forces of the United
303 States shall be exempt from the payment of the license fee;

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



306 (e) A waiver authorizing the Department of Public
307 Safety access to any records concerning commitments of the
308 applicant to any of the treatment facilities or institutions
309 referred to in subsection (2) and permitting access to all the
310 applicant's criminal records.

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

315 (b) The Department of Public Safety shall forward a
316 copy of the applicant's application to the sheriff of the
317 applicant's county of residence and, if applicable, the police
318 chief of the applicant's municipality of residence. The sheriff
319 of the applicant's county of residence and, if applicable, the
320 police chief of the applicant's municipality of residence may, at
321 his discretion, participate in the process by submitting a
322 voluntary report to the Department of Public Safety containing any
323 readily discoverable prior information that he feels may be
324 pertinent to the licensing of any applicant. The reporting shall
325 be made within thirty (30) days after the date he receives the
326 copy of the application. Upon receipt of a response from a
327 sheriff or police chief, such sheriff or police chief shall be
328 reimbursed at a rate set by the department.



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

332 (i) Issue the license;

333 (ii) Deny the application based solely on the
334 ground that the applicant fails to qualify under the criteria
335 listed in subsections (2) and (3) of this section. If the
336 Department of Public Safety denies the application, it shall
337 notify the applicant in writing, stating the ground for denial,
338 and the denial shall be subject to the appeal process set forth in
339 subsection (7); or

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

345 (d) In the event a legible set of fingerprints, as
346 determined by the Department of Public Safety and the Federal
347 Bureau of Investigation, cannot be obtained after a minimum of two
348 (2) attempts, the Department of Public Safety shall determine
349 eligibility based upon a name check by the Mississippi Highway
350 Safety Patrol and a Federal Bureau of Investigation name check
351 conducted by the Mississippi Highway Safety Patrol at the request
352 of the Department of Public Safety.



353 (7) (a) If the Department of Public Safety denies the
354 issuance of a license, or suspends or revokes a license, the party
355 aggrieved may appeal such denial, suspension or revocation to the
356 Commissioner of Public Safety, or his authorized agent, within
357 thirty (30) days after the aggrieved party receives written notice
358 of such denial, suspension or revocation. The Commissioner of
359 Public Safety, or his duly authorized agent, shall rule upon such
360 appeal within thirty (30) days after the appeal is filed and
361 failure to rule within this thirty-day period shall constitute
362 sustaining such denial, suspension or revocation. Such review
363 shall be conducted pursuant to such reasonable rules and
364 regulations as the Commissioner of Public Safety may adopt.

365 (b) If the revocation, suspension or denial of issuance
366 is sustained by the Commissioner of Public Safety, or his duly
367 authorized agent pursuant to paragraph (a) of this subsection, the
368 aggrieved party may file within ten (10) days after the rendition
369 of such decision a petition in the circuit or county court of his
370 residence for review of such decision. A hearing for review shall
371 be held and shall proceed before the court without a jury upon the
372 record made at the hearing before the Commissioner of Public
373 Safety or his duly authorized agent. No such party shall be
374 allowed to carry a stun gun, concealed pistol or revolver pursuant
375 to the provisions of this section while any such appeal is
376 pending.



377 (8) The Department of Public Safety shall maintain an
378 automated listing of license holders and such information shall be
379 available online, upon request, at all times, to all law
380 enforcement agencies through the Mississippi Crime Information
381 Center. However, the records of the department relating to
382 applications for licenses to carry stun guns, concealed pistols or
383 revolvers and records relating to license holders shall be exempt
384 from the provisions of the Mississippi Public Records Act of 1983,
385 and shall be released only upon order of a court having proper
386 jurisdiction over a petition for release of the record or records.

387 (9) Within thirty (30) days after the changing of a
388 permanent address, or within thirty (30) days after having a
389 license lost or destroyed, the licensee shall notify the
390 Department of Public Safety in writing of such change or loss.
391 Failure to notify the Department of Public Safety pursuant to the
392 provisions of this subsection shall constitute a noncriminal
393 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
394 be enforceable by a summons.

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



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

405 (12) (a) No less than ninety (90) days prior to the
406 expiration date of the license, the Department of Public Safety
407 shall mail to each licensee a written notice of the expiration and
408 a renewal form prescribed by the department. The licensee must
409 renew his license on or before the expiration date by filing with
410 the department the renewal form, a notarized affidavit stating
411 that the licensee remains qualified pursuant to the criteria
412 specified in subsections (2) and (3) of this section, and a full
413 set of fingerprints administered by the Department of Public
414 Safety or the sheriff of the county of residence of the licensee.
415 The first renewal may be processed by mail and the subsequent
416 renewal must be made in person. Thereafter every other renewal
417 may be processed by mail to assure that the applicant must appear
418 in person every ten (10) years for the purpose of obtaining a new
419 photograph.

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

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



426 (iii) The renewal fee for a Mississippi resident
427 aged sixty-five (65) years of age or older shall be Twenty Dollars
428 (\$20.00).

429 (b) The Department of Public Safety shall forward the
430 full set of fingerprints of the applicant to the appropriate
431 agencies for state and federal processing. The license shall be
432 renewed upon receipt of the completed renewal application and
433 appropriate payment of fees.

434 (c) A licensee who fails to file a renewal application
435 on or before its expiration date must renew his license by paying
436 a late fee of Fifteen Dollars (\$15.00). No license shall be
437 renewed six (6) months or more after its expiration date, and such
438 license shall be deemed to be permanently expired. A person whose
439 license has been permanently expired may reapply for licensure;
440 however, an application for licensure and fees pursuant to
441 subsection (5) of this section must be submitted, and a background
442 investigation shall be conducted pursuant to the provisions of
443 this section.

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



451 carry a concealed weapon in his courtroom; any polling place; any
452 meeting place of the governing body of any governmental entity;
453 any meeting of the Legislature or a committee thereof; any school,
454 college or professional athletic event not related to firearms;
455 any portion of an establishment, licensed to dispense alcoholic
456 beverages for consumption on the premises, that is primarily
457 devoted to dispensing alcoholic beverages; any portion of an
458 establishment in which beer, light spirit product or light wine is
459 consumed on the premises, that is primarily devoted to such
460 purpose; any elementary or secondary school facility; any junior
461 college, community college, college or university facility unless
462 for the purpose of participating in any authorized
463 firearms-related activity; inside the passenger terminal of any
464 airport, except that no person shall be prohibited from carrying
465 any legal firearm into the terminal if the firearm is encased for
466 shipment, for purposes of checking such firearm as baggage to be
467 lawfully transported on any aircraft; any church or other place of
468 worship, except as provided in Section 45-9-171; or any place
469 where the carrying of firearms is prohibited by federal law. In
470 addition to the places enumerated in this subsection, the carrying
471 of a stun gun, concealed pistol or revolver may be disallowed in
472 any place in the discretion of the person or entity exercising
473 control over the physical location of such place by the placing of
474 a written notice clearly readable at a distance of not less than
475 ten (10) feet that the "carrying of a pistol or revolver is



476 prohibited." No license issued pursuant to this section shall
477 authorize the participants in a parade or demonstration for which
478 a permit is required to carry a stun gun, concealed pistol or
479 revolver.

480 (14) A law enforcement officer as defined in Section 45-6-3,
481 chiefs of police, sheriffs and persons licensed as professional
482 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
483 1972, shall be exempt from the licensing requirements of this
484 section. The licensing requirements of this section do not apply
485 to the carrying by any person of a stun gun, pistol or revolver,
486 knife, or other deadly weapon that is not concealed as defined in
487 Section 97-37-1.

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

494 (16) All fees collected by the Department of Public Safety
495 pursuant to this section shall be deposited into a special fund
496 hereby created in the State Treasury and shall be used for
497 implementation and administration of this section. After the
498 close of each fiscal year, the balance in this fund shall be
499 certified to the Legislature and then may be used by the
500 Department of Public Safety as directed by the Legislature.



501 (17) All funds received by a sheriff or police chief
502 pursuant to the provisions of this section shall be deposited into
503 the general fund of the county or municipality, as appropriate,
504 and shall be budgeted to the sheriff's office or police department
505 as appropriate.

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

509 (19) Any person holding a valid unrevoked and unexpired
510 license to carry stun guns, concealed pistols or revolvers issued
511 in another state shall have such license recognized by this state
512 to carry stun guns, concealed pistols or revolvers. The
513 Department of Public Safety is authorized to enter into a
514 reciprocal agreement with another state if that state requires a
515 written agreement in order to recognize licenses to carry stun
516 guns, concealed pistols or revolvers issued by this state.

517 (20) The provisions of this section shall be under the
518 supervision of the Commissioner of Public Safety. The
519 commissioner is authorized to promulgate reasonable rules and
520 regulations to carry out the provisions of this section.

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



525 momentarily stun, knock out, cause mental disorientation or
526 paralyze.

527 (22) (a) From and after January 1, 2016, the Commissioner
528 of Public Safety shall promulgate rules and regulations which
529 provide that licenses authorized by this section for honorably
530 retired law enforcement officers and honorably retired
531 correctional officers from the Mississippi Department of
532 Corrections shall (i) include the words "retired law enforcement
533 officer" on the front of the license, and (ii) that the license
534 itself have a red background to distinguish it from other licenses
535 issued under this section.

536 (b) An honorably retired law enforcement officer and
537 honorably retired correctional officer shall provide the following
538 information to receive the license described in this section: (i)
539 a letter, with the official letterhead of the agency or department
540 from which such officer is retiring, which explains that such
541 officer is honorably retired, and (ii) a letter with the official
542 letterhead of the agency or department, which explains that such
543 officer has completed a certified law enforcement training
544 academy.

545 (23) A disabled veteran who seeks to qualify for an
546 exemption under this section shall be required to provide a
547 veterans health services identification card issued by the United
548 States Department of Veterans Affairs indicating a



549 service-connected disability, which shall be sufficient proof of
550 such service-connected disability.

551 (24) A license under this section is not required for a
552 loaded or unloaded pistol or revolver to be carried upon the
553 person in a sheath, belt holster or shoulder holster or in a
554 purse, handbag, satchel, other similar bag or briefcase or fully
555 enclosed case if the person is not engaged in criminal activity
556 other than a misdemeanor traffic offense, is not otherwise
557 prohibited from possessing a pistol or revolver under state or
558 federal law, and is not in a location prohibited under subsection
559 (13) of this section.

560 **SECTION 5.** Section 49-7-3, Mississippi Code of 1972, is
561 amended as follows:

562 49-7-3. (1) Any resident of the State of Mississippi shall
563 be entitled to receive a resident fishing license.

564 (2) Any person domiciled within the State of Mississippi
565 shall be entitled to receive a resident hunting license provided
566 in Section 49-7-5. The domicile of a person is that person's
567 principal or primary home or place of abode. A "principal or
568 primary home or place of abode" is that home or place in which a
569 person's habitation is fixed and to which he, whenever absent, has
570 the present intention of returning after a departure of absence
571 therefrom, regardless of the duration of the absence. The burden
572 of proving domicile shall be on the person claiming such status.
573 The following evidence or other reliable evidence may be



574 considered in establishing, but is not necessarily determinative
575 of, domicile: driver's license, valid and current tribal
576 identification card issued by a federally recognized Indian tribe
577 containing a photograph of the person submitting the
578 identification card, residence for income or other tax purposes,
579 homestead exemption receipt, or any other means prescribed by the
580 department. In the case of minors, domicile of the parents shall
581 be used as evidence of the minor's domicile.

582 (3) A nondomiciliary of the state may be issued a resident
583 hunting or fishing license or combination resident hunting/fishing
584 license upon providing the following:

585 (a) A current identification card from a Mississippi
586 college or university; or

587 (b) A current military identification card showing that
588 the person is an active member of the United States Armed Forces
589 (excluding Reserves and the National Guard) and proof that the
590 person is stationed on a military base in Mississippi.

591 (4) A nondomiciliary of the state may be issued a special
592 Armed Forces fourteen-day hunting and fishing license with the
593 same hunting and fishing privileges and at the same fee of a
594 resident sportsman's license, if the nondomiciliary is an active
595 member of the United States Armed Forces (excluding Reserves and
596 the National Guard) and his application is approved by the
597 department. The applicant must file his application for the
598 special fourteen-day license in the office of the department. The



599 department shall establish requirements for proof of active
600 military status and any other requirements it deems desirable.
601 The department shall not issue more than two (2) special
602 fourteen-day licenses to the same applicant per license year.

603 (5) A holder of a resident or nonresident license is
604 required to carry the license on his person while engaged in
605 hunting, trapping or fishing. Any penalty for not carrying a
606 license while engaged in hunting, trapping or fishing shall be
607 waived if the person can verify purchase of a license prior to the
608 date of the violation.

609 (6) Each application or filing made under this section shall
610 include the social security number(s) of the applicant in
611 accordance with Section 93-11-64.

612 **SECTION 6.** Section 63-21-39, Mississippi Code of 1972, is
613 amended as follows:

614 63-21-39. (1) (a) An owner who scraps, dismantles or
615 destroys a vehicle and a person who purchases a vehicle as scrap
616 or to be dismantled or destroyed shall indicate same on the back
617 of the certificate of title and shall immediately cause the
618 certificate of title and any other documents required by the
619 Department of Revenue to be mailed or delivered to the Department
620 of Revenue for cancellation. A certificate of title of the
621 vehicle shall not again be issued except upon application
622 containing the information the Department of Revenue requires,
623 accompanied by a certificate of inspection in the form and content



624 specified in Section 63-21-15(5) and proof of payment of a fee as
625 provided in subsection (2) of this section.

626 (b) Notwithstanding any other provision of this chapter
627 to the contrary, if the owner or authorized agent of the owner has
628 not obtained a title in his or her name for the vehicle to be
629 transferred, has lost the title for the vehicle to be transferred,
630 or has returned the title to the Department of Revenue in
631 accordance with * * * paragraph (a) of this subsection, he or she
632 may sign a statement swearing that, in addition to the foregoing
633 conditions, the vehicle is at least ten (10) model years old. The
634 statement described in this paragraph may be used only to transfer
635 such a vehicle to a licensed used motor vehicle parts dealer or
636 scrap metal processor. The department shall promulgate a form for
637 the statement which shall include, but not be limited to:

638 (i) A statement that the vehicle shall never be
639 titled again; it must be dismantled or scrapped;

640 (ii) A description of the vehicle including the
641 year, make, model and vehicle identification number;

642 (iii) The name, address, and driver's license
643 number, nondriver identification card number or tribal
644 identification card number of the owner;

645 (iv) A certification that the owner:

646 1. Never obtained a title to the vehicle in
647 his or her name; or



648 2. Was issued a title for the vehicle, but
649 the title was lost or stolen;

650 (v) A certification that the vehicle:

651 1. Is at least ten (10) model years old; and

652 2. Is not subject to any security interest or
653 lien;

654 (vi) An acknowledgment that the owner and buyer of
655 the vehicle realizes this form will be filed with the department
656 and that:

657 1. It is a misdemeanor, punishable by a fine
658 of not more than One Thousand Dollars (\$1,000.00) or imprisonment
659 for not more than six (6) months, or both, for conviction of a
660 first offense of knowingly falsifying any information on this
661 statement; and

662 2. It is a felony, punishable by a fine of
663 not less than One Thousand Dollars (\$1,000.00) nor more than Five
664 Thousand Dollars (\$5,000.00) or imprisonment for not less than one
665 (1) year nor more than five (5) years, or both, for conviction of
666 a second or subsequent offense of knowingly falsifying any
667 information on this statement;

668 (vii) The owner's signature and the date of the
669 transaction;

670 (viii) The name and address of the business
671 acquiring the vehicle;



672 (ix) The National Motor Vehicle Title Information
673 System identification number; and

674 (x) The business agent's signature and date along
675 with a printed name and title if the agent is signing on behalf of
676 a corporation.

677 (c) Until such time as the department makes available
678 an Internet-based system, the used motor vehicle parts dealer or
679 scrap metal processor shall mail or otherwise deliver the
680 statement required under paragraph (b) of this subsection (1) to
681 the Department of Revenue within three (3) business days of the
682 completion of the transaction, requesting that the department
683 cancel the Mississippi certificate of title and registration.
684 Once the department develops an Internet-based system, the used
685 motor vehicle parts dealer or scrap metal processor shall utilize
686 such system and within two (2) business days electronically submit
687 the information contained in the statement using that system.

688 (d) Within two (2) business days of each day's close of
689 business, the used motor vehicle parts dealer or scrap metal
690 processor who purchases or receives motor vehicles for scrap or
691 for parts shall deliver in a format approved by the department, by
692 electronic means once developed and made available by the
693 department, a list of all such vehicles purchased that day for
694 scrap or for parts. That list shall contain the following
695 information:



696 (i) The name, address and contact information for
697 the reporting entity;

698 (ii) The vehicle identification numbers of such
699 vehicles;

700 (iii) The dates such vehicles were obtained;

701 (iv) The names of the individuals or entities from
702 whom the vehicles were obtained, for use by law enforcement
703 personnel and appropriate governmental agencies only;

704 (v) A statement of whether the vehicles were, or
705 will be, crushed or disposed of, or offered for sale or other
706 purposes;

707 (vi) A statement of whether the vehicle is
708 intended for export out of the United States; and

709 (vii) The National Motor Vehicle Title Information
710 System identification number of the business acquiring the
711 vehicle.

712 (e) (i) For purposes of this subsection, the term
713 "motor vehicle" shall not include a vehicle which has been crushed
714 or flattened by mechanical means such that it is no longer the
715 motor vehicle as described by the certificate of title, or such
716 that the vehicle identification number is no longer visible or
717 accessible.

718 (ii) In cases in which crushed or flattened
719 vehicles are purchased or received, the purchasing or receiving
720 used motor vehicle parts dealer or scrap metal processor shall



721 verify that the seller has reported the vehicles in accordance
722 with this subsection. Such verification may be in the form of a
723 certification from the seller or a contract between the seller and
724 the purchasing or receiving used motor vehicle parts dealer or
725 scrap metal processor attesting to the seller's compliance with
726 the reporting requirements of this subsection. Such verification
727 must clearly identify the seller by a government issued photograph
728 identification card or employer identification number, and the
729 verification and copy of the identification card or number shall
730 be maintained by the purchasing or receiving used motor vehicle
731 parts dealer or scrap metal processor for a period of not less
732 than two (2) years.

733 (f) The information obtained by the department in
734 accordance with paragraph (d) of this subsection (1) shall be
735 reported to the National Motor Vehicle Title Information System,
736 in a format that will satisfy the requirement for reporting this
737 information, in accordance with rules adopted by the United States
738 Department of Justice in 28 C.F.R. 25.56.

739 (g) Until such time as the department develops and
740 makes available the Internet-based system described in paragraph
741 (d) of this subsection, the used motor vehicle parts dealer or
742 scrap metal processor who purchases or receives motor vehicles for
743 scrap or for parts shall deliver the information required by
744 paragraph (d) to the National Motor Vehicle Title Information
745 System through any data consolidator approved by such system,



746 within forty-eight (48) hours of the day the vehicle was purchased
747 or acquired by such used motor vehicle parts dealer or scrap metal
748 processor which shall satisfy the requirements of paragraph (d).

749 (h) The information obtained by the department in
750 accordance with paragraph (d) of this subsection (1) shall be made
751 available only to law enforcement agencies and for purposes of
752 canceling certificates of title. The information shall otherwise
753 be considered to be confidential business information of the
754 respective reporting entities.

755 (i) All records required under the provisions of this
756 subsection shall be maintained for a period of two (2) years by
757 the reporting entity and shall include a scanned or photocopied
758 copy of the seller's or seller's representative's driver's license
759 or state-issued identification card or other valid form of
760 identification.

761 (j) A person who knowingly and willfully violates this
762 subsection (1), or any person who knowingly and willfully
763 falsifies or assists another person in falsifying the statement or
764 information required under * * * paragraph (b) or (d) of this
765 subsection, or any person who knowingly and willfully sells a
766 vehicle upon which there is an unsatisfied lien or security
767 interest, or who purchases a vehicle without complying with
768 either * * * paragraph (a) or (b) of this subsection and who
769 knowingly and willfully destroys or dismantles a vehicle upon



770 which he knows that there is an unsatisfied lien or security
771 interest shall:

772 (i) Be guilty of a misdemeanor, punishable by a
773 fine not more than One Thousand Dollars (\$1,000.00) or
774 imprisonment for not more than six (6) months, or both, for
775 conviction of a first offense; or

776 (ii) Upon conviction of a second or subsequent
777 offense, a felony, punishable by imprisonment for not less than
778 one (1) year nor more than five (5) years or a fine of not less
779 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand
780 Dollars (\$5,000.00), or both.

781 In addition, the court may order each person convicted to pay
782 restitution to any party suffering monetary loss in the amount of
783 such loss. No part of any sentence imposed by the court shall be
784 suspended unless such restitution has been paid in full.

785 (k) A person who knowingly and willfully fails to
786 deliver the title as required under paragraph (a) of this
787 subsection, or the statement required under paragraph (b) of this
788 subsection to the Department of Revenue within seventy-two (72)
789 hours of the completion of the transaction, or who, until such
790 time as the department develops and makes available the
791 Internet-based system described in paragraph (d), fails to deliver
792 the information required by paragraph (d) to the National Motor
793 Vehicle Title Information System through any data consolidator
794 approved by such system, within two (2) business days of the day



795 the vehicle was purchased or acquired by such used motor vehicle
796 parts dealer or scrap metal processor shall be in violation of
797 this section, and subject to a civil penalty of up to One Thousand
798 Dollars (\$1,000.00) per violation. Actions to impose this penalty
799 may be brought by any local or state law enforcement agency,
800 district attorney, or by the Attorney General, in any court of
801 competent jurisdiction. One-half (1/2) of the monies generated
802 from such civil penalties shall be deposited in a special fund
803 created in the State Treasury for use by the Department of
804 Revenue's Title Bureau, and one-half (1/2) of the monies generated
805 from such civil penalties shall be deposited in the general fund
806 of the municipality if the suit was brought in a municipal court,
807 or in the general fund of the county if the suit was brought in
808 the court of a county.

809 (2) For the purpose of requesting a branded title on a
810 vehicle with a salvage certificate of title, every owner of a
811 vehicle that has been issued a salvage certificate of title in
812 this state or any other state which has been restored in this
813 state to its operating condition which existed prior to the event
814 which caused the salvage certificate of title to be issued shall
815 make application to the Department of Revenue, accompanied by a
816 certificate of inspection issued by the Department of Public
817 Safety in the form and content specified in Section 63-21-15(5)
818 and the payment of a fee of Seventy-five Dollars (\$75.00) for each
819 motor vehicle for which a certificate of inspection is issued. In



820 addition, the Department of Public Safety may charge such a person
821 a fee in the amount of Twenty-five Dollars (\$25.00) for performing
822 any vehicle identification number verification required by federal
823 law or regulation for the vehicle for which the person is applying
824 for a title. All such monies shall be collected by the Department
825 of Public Safety and paid to the State Treasurer for deposit in a
826 special fund that is hereby created in the State Treasury to be
827 known as the "Salvage Certificate of Title Fund." Monies in the
828 special fund may be expended by the Department of Public Safety,
829 upon appropriation by the Legislature. The Department of Revenue
830 shall establish by regulation the minimum requirements by which a
831 vehicle which has been issued a salvage certificate of title may
832 be issued a branded title.

833 (3) Before a branded title may be issued for a vehicle for
834 which a salvage certificate of title has been issued, the
835 applicant shall submit, by hand delivery or mail, such documents
836 and information to the Department of Public Safety as the
837 department may require for the purpose of determining if the
838 vehicle complies with the requirements of this section and all
839 applicable regulations promulgated by the Commissioner of Public
840 Safety and the Department of Revenue. The Department of Public
841 Safety also may require that an applicant bring a vehicle for
842 which application for a branded title is being made to a Highway
843 Patrol facility for a visual inspection whenever the department
844 deems that a visual inspection is necessary or advisable. Nothing



845 in this section shall be construed to prohibit inspectors of the
846 Mississippi Highway Patrol from conducting on-site inspections and
847 investigations of motor vehicle rebuilders or motor vehicle repair
848 businesses to determine if such businesses are in compliance with
849 all applicable laws relating to the motor vehicle title laws of
850 this state and regulations promulgated by the Commissioner of
851 Public Safety and the Department of Revenue.

852 **SECTION 7.** Section 67-3-69, Mississippi Code of 1972, is
853 amended as follows:

854 67-3-69. (1) Except as to Sections 67-3-17, 67-3-23,
855 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of
856 this chapter or of any rule or regulation of the commissioner,
857 shall be a misdemeanor and, where the punishment therefor is not
858 elsewhere prescribed in this section, shall be punished by a fine
859 of not more than Five Hundred Dollars (\$500.00) or imprisonment
860 for not more than six (6) months, or both, in the discretion of
861 the court. If any person so convicted shall be the holder of any
862 permit or license issued by the commissioner under authority of
863 this chapter, the permit or license shall from and after the date
864 of such conviction be void and the holder thereof shall not
865 thereafter, for a period of one (1) year from the date of such
866 conviction, be entitled to any permit or license for any purpose
867 authorized by this chapter. Upon conviction of the holder of any
868 permit or license, the appropriate law enforcement officer shall
869 seize the permit or license and transmit it to the commissioner.



870 (2) (a) Any person who shall violate any provision of
871 Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a
872 misdemeanor, and upon conviction thereof shall be punished by a
873 fine of not more than Five Hundred Dollars (\$500.00) or by
874 imprisonment in the county jail for not more than six (6) months,
875 or by both such fine and imprisonment, in the discretion of the
876 court.

877 (b) Any person who shall violate any provision of
878 Section 67-3-57 shall be guilty of a misdemeanor, and upon
879 conviction thereof, shall be punished by a fine of not more than
880 One Thousand Dollars (\$1,000.00) or by imprisonment in the county
881 jail for not more than one (1) year, or by both, in the discretion
882 of the court. Any person convicted of violating any provision of
883 the sections referred to in this subsection shall forfeit his
884 permit, and shall not thereafter be permitted to engage in any
885 business taxable under the provisions of Sections 27-71-301
886 through 27-71-347.

887 (3) If the holder of a permit, or the employee of the holder
888 of a permit, shall be convicted of selling any beer, light spirit
889 product or wine to anyone who is visibly intoxicated from the
890 licensed premises or to any person under the age of twenty-one
891 (21) years from the licensed premises in violation of Section
892 67-3-53(b), then, in addition to any other penalty provided for by
893 law, the commissioner may impose the following penalties against
894 the holder of a permit:



895 (a) For the first offense on the licensed premises, by
896 a fine of not less than Five Hundred Dollars (\$500.00) nor more
897 than One Thousand Dollars (\$1,000.00) and/or suspension of the
898 permit for not more than three (3) months.

899 (b) For a second offense occurring on the licensed
900 premises within twelve (12) months of the first offense, by a fine
901 of not less than Five Hundred Dollars (\$500.00) nor more than Two
902 Thousand Dollars (\$2,000.00) and/or suspension of the permit for
903 not more than six (6) months.

904 (c) For a third offense occurring on the licensed
905 premises within twelve (12) months of the first, by a fine of not
906 less than Two Thousand Dollars (\$2,000.00) nor more than Five
907 Thousand Dollars (\$5,000.00) and/or suspension or revocation of
908 the permit to sell beer, light spirit product or light wine.

909 (d) For a fourth or subsequent offense occurring on the
910 licensed premises within twelve (12) months of the first, by a
911 fine of not less than Two Thousand Dollars (\$2,000.00) nor more
912 than Five Thousand Dollars (\$5,000.00) and/or suspension or
913 revocation of the permit to sell beer, light spirit product or
914 light wine.

915 (4) A person who sells any beer, light spirit product or
916 wine to a person under the age of twenty-one (21) years shall not
917 be guilty of a violation of Section 67-3-53(b) if the person under
918 the age of twenty-one (21) years represents himself to be
919 twenty-one (21) years of age or older by displaying an apparently



920 valid Mississippi driver's license containing a physical
921 description consistent with his appearance or by displaying some
922 other apparently valid identification card or document containing
923 a picture and physical description consistent with his appearance
924 for the purpose of inducing the person to sell beer, light spirit
925 product or wine to him.

926 (5) If a small craft brewery is convicted of violating the
927 provisions of Section 67-3-48, then, in addition to any other
928 provision provided for by law, the small craft brewery shall be
929 punished as follows:

930 (a) For the first offense, the small craft brewery may
931 be fined in an amount not to exceed Five Hundred Dollars
932 (\$500.00).

933 (b) For a second offense occurring within twelve (12)
934 months of the first offense, the small craft brewery may be fined
935 an amount not to exceed One Thousand Dollars (\$1,000.00).

936 (c) For a third or subsequent offense occurring within
937 twelve (12) months of the first offense, the small craft brewery
938 may be fined an amount not to exceed Five Thousand Dollars
939 (\$5,000.00) and the permit to operate as a manufacturer shall be
940 suspended for thirty (30) days.

941 **SECTION 8.** Section 75-9-503, Mississippi Code of 1972, is
942 amended as follows:

943 75-9-503. (a) A financing statement sufficiently provides
944 the name of the debtor:



945 (1) Except as otherwise provided in paragraph (3), if
946 the debtor is a registered organization or the collateral is held
947 in a trust that is a registered organization, only if the
948 financing statement provides the name that is stated to be the
949 registered organization's name on the public organic record most
950 recently filed with or issued or enacted by the registered
951 organization's jurisdiction of organization which purports to
952 state, amend or restate the registered organization's name;

953 (2) Subject to subsection (f) if the collateral is
954 being administered by the personal representative of a decedent,
955 only if the financing statement provides, as the name of the
956 debtor, the name of the decedent and, in a separate part of the
957 financing statement, indicates that collateral is being
958 administered by a personal representative;

959 (3) If the collateral is held in a trust that is not a
960 registered organization, only if the financing statement:

961 (A) Provides, as the name of the debtor:

962 (i) If the organic record of the trust
963 specifies a name for the trust, the name specified; or

964 (ii) If the organic record of the trust does
965 not specify a name for the trust, the name of the settlor or
966 testator; and

967 (B) In a separate part of the financing statement:



968 (i) If the name is provided in accordance
969 with subparagraph (A)(i), indicates that the collateral is held in
970 a trust; or

971 (ii) If the name is provided in accordance
972 with subparagraph (A)(ii), provides additional information
973 sufficient to distinguish the trust from other trusts having one
974 or more of the same settlors or the same testator and indicates
975 that the collateral is held in a trust, unless the additional
976 information so indicates;

977 (4) Subject to subsection (g), if the debtor is an
978 individual to whom this state has issued a driver's license or
979 nondriver's identification card that has not expired, or if the
980 debtor furnishes a valid identification card issued by a federally
981 recognized Indian tribe that contains a color photograph of the
982 card holder and the card holder's legal name, residence address
983 and date of birth that has not expired, only if the financing
984 statement provides the name of the individual which is indicated
985 on the driver's license * * *, nondriver's identification card or
986 tribal identification card;

987 (5) If the debtor is an individual to whom paragraph
988 (4) does not apply, only if the financing statement provides the
989 individual name of the debtor or the surname and first personal
990 name of the debtor; and

991 (6) In other cases:



992 (A) If the debtor has a name, only if the
993 financing statement provides the organizational name of the
994 debtor; and

995 (B) If the debtor does not have a name, only if it
996 provides the names of the partners, members, associates, or other
997 persons comprising the debtor, in a manner that each name provided
998 would be sufficient if the person named were the debtor.

999 (b) A financing statement that provides the name of the
1000 debtor in accordance with subsection (a) is not rendered
1001 ineffective by the absence of:

1002 (1) A trade name or other name of the debtor; or

1003 (2) Unless required under subsection (a)(6)(B), names
1004 of partners, members, associates, or other persons comprising the
1005 debtor.

1006 (c) A financing statement that provides only the debtor's
1007 trade name does not sufficiently provide the name of the debtor.

1008 (d) Failure to indicate the representative capacity of a
1009 secured party or representative of a secured party does not affect
1010 the sufficiency of a financing statement.

1011 (e) A financing statement may provide the name of more than
1012 one (1) debtor and the name of more than one (1) secured party.

1013 (f) The name of the decedent indicated on the order
1014 appointing the personal representative of the decedent issued by
1015 the court having jurisdiction over the collateral is sufficient as
1016 the "name of the decedent" under subsection (a)(2).



1017 (g) If this state has issued to an individual more than one
1018 (1) driver's license or nondriver's identification card of a kind
1019 described in subsection (a) (4), the one that was issued most
1020 recently is the one to which subsection (a) (4) refers.

1021 (h) In this section, the "name of the settlor or testator"
1022 means:

1023 (1) If the settlor is a registered organization, the
1024 name that is stated to be the settlor's name on the public organic
1025 record most recently filed with or issued or enacted by the
1026 settlor's jurisdiction of organization which purports to state,
1027 amend, or restate the settlor's name; or

1028 (2) In other cases, the name of the settlor or testator
1029 indicated in the trust's organic record.

1030 **SECTION 9.** Section 75-24-29, Mississippi Code of 1972, is
1031 amended as follows:

1032 75-24-29. (1) This section applies to any person who
1033 conducts business in this state and who, in the ordinary course of
1034 the person's business functions, owns, licenses or maintains
1035 personal information of any resident of this state.

1036 (2) For purposes of this section, the following terms shall
1037 have the meanings ascribed unless the context clearly requires
1038 otherwise:

1039 (a) "Breach of security" means unauthorized acquisition
1040 of electronic files, media, databases or computerized data
1041 containing personal information of any resident of this state when



1042 access to the personal information has not been secured by
1043 encryption or by any other method or technology that renders the
1044 personal information unreadable or unusable;

1045 (b) "Personal information" means an individual's first
1046 name or first initial and last name in combination with any one or
1047 more of the following data elements:

1048 (i) Social security number;

1049 (ii) Driver's license number * * *, state
1050 identification card number or tribal identification card number;
1051 or

1052 (iii) An account number or credit or debit card
1053 number in combination with any required security code, access code
1054 or password that would permit access to an individual's financial
1055 account; "personal information" does not include publicly
1056 available information that is lawfully made available to the
1057 general public from federal, state or local government records or
1058 widely distributed media;

1059 (iv) "Affected individual" means any individual
1060 who is a resident of this state whose personal information was, or
1061 is reasonably believed to have been, intentionally acquired by an
1062 unauthorized person through a breach of security.

1063 (3) A person who conducts business in this state shall
1064 disclose any breach of security to all affected individuals. The
1065 disclosure shall be made without unreasonable delay, subject to
1066 the provisions of subsections (4) and (5) of this section and the



1067 completion of an investigation by the person to determine the
1068 nature and scope of the incident, to identify the affected
1069 individuals, or to restore the reasonable integrity of the data
1070 system. Notification shall not be required if, after an
1071 appropriate investigation, the person reasonably determines that
1072 the breach will not likely result in harm to the affected
1073 individuals.

1074 (4) Any person who conducts business in this state that
1075 maintains computerized data which includes personal information
1076 that the person does not own or license shall notify the owner or
1077 licensee of the information of any breach of the security of the
1078 data as soon as practicable following its discovery, if the
1079 personal information was, or is reasonably believed to have been,
1080 acquired by an unauthorized person for fraudulent purposes.

1081 (5) Any notification required by this section shall be
1082 delayed for a reasonable period of time if a law enforcement
1083 agency determines that the notification will impede a criminal
1084 investigation or national security and the law enforcement agency
1085 has made a request that the notification be delayed. Any such
1086 delayed notification shall be made after the law enforcement
1087 agency determines that notification will not compromise the
1088 criminal investigation or national security and so notifies the
1089 person of that determination.

1090 (6) Any notice required by the provisions of this section
1091 may be provided by one (1) of the following methods: (a) written



1092 notice; (b) telephone notice; (c) electronic notice, if the
1093 person's primary means of communication with the affected
1094 individuals is by electronic means or if the notice is consistent
1095 with the provisions regarding electronic records and signatures
1096 set forth in 15 USCS 7001; or (d) substitute notice, provided the
1097 person demonstrates that the cost of providing notice in
1098 accordance with paragraph (a), (b) or (c) of this subsection would
1099 exceed Five Thousand Dollars (\$5,000.00), that the affected class
1100 of subject persons to be notified exceeds five thousand (5,000)
1101 individuals or the person does not have sufficient contact
1102 information. Substitute notice shall consist of the following:
1103 electronic mail notice when the person has an electronic mail
1104 address for the affected individuals; conspicuous posting of the
1105 notice on the website of the person if the person maintains one;
1106 and notification to major statewide media, including newspapers,
1107 radio and television.

1108 (7) Any person who conducts business in this state that
1109 maintains its own security breach procedures as part of an
1110 information security policy for the treatment of personal
1111 information, and otherwise complies with the timing requirements
1112 of this section, shall be deemed to be in compliance with the
1113 security breach notification requirements of this section if the
1114 person notifies affected individuals in accordance with the
1115 person's policies in the event of a breach of security. Any
1116 person that maintains such a security breach procedure pursuant to



1117 the rules, regulations, procedures or guidelines established by
1118 the primary or federal functional regulator, as defined in 15 USCS
1119 6809(2), shall be deemed to be in compliance with the security
1120 breach notification requirements of this section, provided the
1121 person notifies affected individuals in accordance with the
1122 policies or the rules, regulations, procedures or guidelines
1123 established by the primary or federal functional regulator in the
1124 event of a breach of security of the system.

1125 (8) Failure to comply with the requirements of this section
1126 shall constitute an unfair trade practice and shall be enforced by
1127 the Attorney General; however, nothing in this section may be
1128 construed to create a private right of action.

1129 **SECTION 10.** Section 75-67-305, Mississippi Code of 1972, is
1130 amended as follows:

1131 75-67-305. (1) At the time of making the pawn or purchase
1132 transaction, the pawnbroker shall enter upon the pawn ticket a
1133 record of the following information which shall be typed or
1134 written in ink and in the English language:

1135 (a) A clear and accurate description of the property,
1136 including the following:

- 1137 (i) Brand name;
- 1138 (ii) Model number;
- 1139 (iii) Serial number;
- 1140 (iv) Size;
- 1141 (v) Color, as apparent to the untrained eye;



1142 (vi) Precious metal type, weight and content, if
1143 known;

1144 (vii) Gemstone description, including the number
1145 of stones;

1146 (viii) In the case of firearms, the type of
1147 action, caliber or gauge, number of barrels, barrel length and
1148 finish; and

1149 (ix) Any other unique identifying marks, numbers,
1150 names or letters;

1151 (b) The name, residence address and date of birth of
1152 pledgor or seller;

1153 (c) Date of pawn or purchase transaction;

1154 (d) Driver's license number * * *, social security
1155 number * * *, Mississippi identification card number, as defined
1156 in Section 45-35-1, * * * or tribal identification card number of
1157 the pledgor or seller or identification information verified by at
1158 least two (2) forms of identification, one (1) of which * * * must
1159 be a photographic identification;

1160 (e) Description of the pledgor including approximate
1161 height, sex and race;

1162 (f) Amount of cash advanced;

1163 (g) The maturity date of the pawn transaction and the
1164 amount due; and

1165 (h) The monthly rate and pawn charge. Such rates and
1166 charges shall be disclosed using the requirements prescribed in



1167 Regulation Z (Truth in Lending) of the rules and regulations of
1168 the Board of Governors of the Federal Reserve.

1169 (2) Each pawn or purchase transaction document shall be
1170 consecutively numbered and entered in a corresponding log or
1171 record book. Separate logs or record books for pawn and purchase
1172 transactions shall be kept.

1173 (3) Records may be in the form of traditional hard copies,
1174 computer printouts or magnetic media if readily accessible for
1175 viewing on a screen with the capability of being promptly printed
1176 upon request.

1177 (4) Every licensee shall maintain a record which indicates
1178 the total number of accounts and the total dollar value of all
1179 pawn transactions outstanding as of December 31 of each year.

1180 **SECTION 11.** Section 75-95-5, Mississippi Code of 1972, is
1181 amended as follows:

1182 75-95-5. (1) Each dealer shall keep the following
1183 information for six (6) months from the date of purchase of a
1184 precious item:

1185 (a) The name, current address, date of birth and
1186 signature of the person from whom the dealer purchased the item.

1187 (b) A description of the person, including height,
1188 weight, race, complexion and hair color.

1189 (c) A copy and the serial number of a valid
1190 identification card number, as required under subsection (2).

1191 (d) A list describing the items purchased from that



1192 person.

1193 Upon the request of a local law enforcement agency, the
1194 dealer must make available any of the information required under
1195 this subsection.

1196 (2) Before making a purchase, a dealer shall require the
1197 person from whom he or she is purchasing the precious item to
1198 identify himself or herself with a valid driver's license,
1199 nondriver's identification card, armed services identification
1200 card, tribal identification card or other valid photo
1201 identification sufficient to obtain the information required under
1202 subsection (1). The photo identification must contain a traceable
1203 serial number, which must be recorded by the dealer. The local
1204 law enforcement agency shall make available to each dealer a list
1205 of the forms of photo identification that are acceptable under
1206 this chapter. A valid, unexpired tribal identification card is
1207 acceptable under this chapter.

1208 (3) Each dealer, at least once each week in which he or she
1209 makes a purchase, shall make out and deliver to the local law
1210 enforcement agency a true, complete and legible list of all items
1211 purchased during the period since the last report. If the local
1212 law enforcement agency has issued forms for the making of the
1213 reports, the dealer must use those forms to meet the requirements
1214 of this subsection. The list of items must include the following:

1215 (a) The brand name and serial number, if any, of the
1216 item or items purchased.



1217 (b) An accurate description of each item sufficient to
1218 enable the law enforcement agency to identify the item.

1219 (c) The date and time when the item was received.

1220 (d) The amount paid for each item.

1221 (e) All information required under subsection (1) of
1222 this section.

1223 **SECTION 12.** Section 93-1-5, Mississippi Code of 1972, is
1224 amended as follows:

1225 93-1-5. (1) Every male who is at least seventeen (17) years
1226 old and every female who is at least fifteen (15) years old shall
1227 be capable in law of contracting marriage. However, males and
1228 females under the age of twenty-one (21) years must furnish the
1229 circuit clerk satisfactory evidence of consent to the marriage by
1230 the parents or guardians of the parties. It shall be unlawful for
1231 the circuit court clerk to issue a marriage license until the
1232 following conditions precedent have been complied with:

1233 (a) Application for the license is to be made in
1234 writing to the clerk of the circuit court of any county in the
1235 State of Mississippi. The application shall be sworn to by both
1236 applicants and shall include:

1237 (i) The names, ages and addresses of the parties
1238 applying;

1239 (ii) The names and addresses of the parents of the
1240 applicants, and, for applicants under the age of twenty-one (21),



1241 if no parents, then names and addresses of the guardian or next of
1242 kin;

1243 (iii) The signatures of witnesses; and

1244 (iv) Any other data that may be required by law or
1245 the State Board of Health.

1246 (b) Proof of age shall be presented to the circuit
1247 court clerk in the form of either a birth certificate, baptismal
1248 record, armed service discharge, armed service identification
1249 card, life insurance policy, insurance certificate, school record,
1250 driver's license, tribal identification card or other official
1251 document evidencing age. The document substantiating age and date
1252 of birth shall be examined by the circuit court clerk before whom
1253 application is made, and the circuit court clerk shall retain in
1254 his file with the application the document or a certified or
1255 photostatic copy of the document.

1256 (c) Applicants under the age of twenty-one (21) must
1257 submit affidavits showing the age of both applying parties made by
1258 either the father, mother, guardian or next of kin of each of the
1259 contracting parties and filed with the clerk of the circuit court
1260 along with the application.

1261 (d) If the male applicant is under seventeen (17) years
1262 of age or the female is under fifteen (15) years of age, and
1263 satisfactory proof is furnished to the judge of any circuit,
1264 chancery or county court that sufficient reasons exist and that
1265 the parties desire to be married to each other and that the



1266 parents or other person in loco parentis of the person or persons
1267 so under age consent to the marriage, then the judge of any such
1268 court in the county where either of the parties resides may waive
1269 the minimum age requirement and by written instrument authorize
1270 the clerk of the court to issue the marriage license to the
1271 parties if they are otherwise qualified by law. Authorization
1272 shall be a part of the confidential files of the clerk of the
1273 court, subject to inspection only by written permission of the
1274 judge.

1275 (e) In no event shall a license be issued by the
1276 circuit court clerk when it appears to the circuit court clerk
1277 that the applicants are, or either of them is:

1278 (i) Intoxicated; or

1279 (ii) Suffering from a mental illness or an
1280 intellectual disability to the extent that the clerk believes that
1281 the person does not understand the nature and consequences of the
1282 application for a marriage license.

1283 (2) Any circuit clerk shall be liable under his official
1284 bond because of noncompliance with the provisions of this section.

1285 (3) Any circuit court clerk who issues a marriage license
1286 without complying with the provisions of this section shall be
1287 guilty of a misdemeanor and, upon conviction, shall be punished by
1288 a fine of not less than Fifty Dollars (\$50.00) and not more than
1289 Five Hundred Dollars (\$500.00).



1290 **SECTION 13.** Section 93-29-13, Mississippi Code of 1972, is
1291 amended as follows:

1292 93-29-13. **Factors to Determine Risk of Abduction.** (a) In
1293 determining whether there is a credible risk of abduction of a
1294 child, the court shall consider any evidence that the petitioner
1295 or respondent:

1296 (1) Has previously abducted or attempted to abduct the
1297 child;

1298 (2) Has threatened to abduct the child;

1299 (3) Has recently engaged in activities that may
1300 indicate a planned abduction, including:

1301 (A) Abandoning employment;

1302 (B) Selling a primary residence;

1303 (C) Terminating a lease;

1304 (D) Closing bank or other financial management
1305 accounts, liquidating assets, hiding or destroying financial
1306 documents or conducting any unusual financial activities;

1307 (E) Applying for a passport or visa or obtaining
1308 travel documents for the respondent, a family member or the child;
1309 or

1310 (F) Seeking to obtain the child's birth
1311 certificate or school or medical records;

1312 (4) Has engaged in domestic violence, stalking or child
1313 abuse or neglect;



1314 (5) Has refused to follow a child-custody
1315 determination;

1316 (6) Lacks strong familial, financial, emotional or
1317 cultural ties to the state or the United States;

1318 (7) Has strong familial, financial, emotional or
1319 cultural ties to another state or country;

1320 (8) Is likely to take the child to a country that:

1321 (A) Is not a party to the Hague Convention on the
1322 Civil Aspects of International Child Abduction and does not
1323 provide for the extradition of an abducting parent or for the
1324 return of an abducted child;

1325 (B) Is a party to the Hague Convention on the
1326 Civil Aspects of International Child Abduction but:

1327 (i) The Hague Convention on the Civil Aspects
1328 of International Child Abduction is not in force between the
1329 United States and that country;

1330 (ii) Is noncompliant according to the most
1331 recent compliance report issued by the United States Department of
1332 State; or

1333 (iii) Lacks legal mechanisms for immediately
1334 and effectively enforcing a return order under the Hague
1335 Convention on the Civil Aspects of International Child Abduction;

1336 (C) Poses a risk that the child's physical or
1337 emotional health or safety would be endangered in the country



1338 because of specific circumstances relating to the child or because
1339 of human rights violations committed against children;

1340 (D) Has laws or practices that would:

1341 (i) Enable the respondent, without due cause,
1342 to prevent the petitioner from contacting the child;

1343 (ii) Restrict the petitioner from freely
1344 traveling to or exiting from the country because of the
1345 petitioner's gender, nationality, marital status or religion; or

1346 (iii) Restrict the child's ability legally to
1347 leave the country after the child reaches the age of majority
1348 because of a child's gender, nationality or religion;

1349 (E) Is included by the United States Department of
1350 State on a current list of state sponsors of terrorism;

1351 (F) Does not have an official United States
1352 diplomatic presence in the country; or

1353 (G) Is engaged in active military action or war,
1354 including a civil war, to which the child may be exposed;

1355 (9) Is undergoing a change in immigration or
1356 citizenship status that would adversely affect the respondent's
1357 ability to remain in the United States legally;

1358 (10) Has had an application for United States
1359 citizenship denied;

1360 (11) Has forged or presented misleading or false
1361 evidence on government forms or supporting documents to obtain or
1362 attempt to obtain a passport, a visa, travel documents, a social



1363 security card, a driver's license, nondriver identification card,
1364 tribal identification card or other government-issued
1365 identification card or has made a misrepresentation to the United
1366 States government;

1367 (12) Has used multiple names to attempt to mislead or
1368 defraud; or

1369 (13) Has engaged in any other conduct the court
1370 considers relevant to the risk of abduction.

1371 (b) In the hearing on a petition under this chapter, the
1372 court shall consider any evidence that the respondent believed in
1373 good faith that the respondent's conduct was necessary to avoid
1374 imminent harm to the child or respondent and any other evidence
1375 that may be relevant to whether the respondent may be permitted to
1376 remove or retain the child.

1377 **SECTION 14.** Section 97-17-71, Mississippi Code of 1972, is
1378 amended as follows:

1379 97-17-71. (1) For the purposes of this section, the
1380 following terms shall have the meanings ascribed in this section:

1381 (a) "Railroad materials" means any materials, equipment
1382 and parts used in the construction, operation, protection and
1383 maintenance of a railroad.

1384 (b) "Copper materials" means any copper wire, bars,
1385 rods or tubing, including copper wire or cable or coaxial cable of
1386 the type used by public utilities, common carriers or
1387 communication services providers, whether wireless or wire line,



1388 copper air conditioner evaporator coil or condenser, aluminum
1389 copper radiators not attached to a motor vehicle, or any
1390 combination of these.

1391 (c) "Aluminum materials" means any aluminum cable,
1392 bars, rods or tubing of the type used to construct utility,
1393 communication or broadcasting towers, aluminum utility wire and
1394 aluminum irrigation pipes or tubing. "Aluminum materials" does
1395 not include aluminum cans that have served their original economic
1396 purpose.

1397 (d) "Law enforcement officer" means any person
1398 appointed or employed full time by the state or any political
1399 subdivision thereof, or by the state military department as
1400 provided in Section 33-1-33, who is duly sworn and vested with
1401 authority to bear arms and make arrests, and whose primary
1402 responsibility is the prevention and detection of crime, the
1403 apprehension of criminals and the enforcement of the criminal
1404 traffic laws of this state or the ordinances of any political
1405 subdivision thereof.

1406 (e) "Metal property" means materials as defined in this
1407 section as railroad track materials, copper materials and aluminum
1408 materials and electrical, communications or utility brass, metal
1409 covers for service access and entrances to sewers and storm
1410 drains, metal bridge pilings, irrigation wiring and other metal
1411 property attached to or part of center pivots, grain bins,
1412 stainless steel sinks, catalytic converters not attached to a



1413 motor vehicle and metal beer kegs. Metal property does not
1414 include ferrous materials not listed in this section.

1415 (f) "Person" means an individual, partnership,
1416 corporation, joint venture, trust, limited liability company,
1417 association or any other legal or commercial entity.

1418 (g) "Personal identification card" means any government
1419 issued photographic identification card including a valid
1420 identification card issued by a federally recognized Indian tribe
1421 that contains a color photograph of the card holder and the card
1422 holder's legal name, residence address and date of birth.

1423 (h) "Photograph" or "photographically" means a still
1424 photographic image, including images captured in digital format,
1425 that are of such quality that the persons and objects depicted are
1426 clearly identifiable.

1427 (i) "Purchase transaction" means a transaction in which
1428 a person gives consideration in exchange for metal property.

1429 (j) "Purchaser" means a person who gives consideration
1430 in exchange for metal property.

1431 (k) "Record" or "records" means a paper, electronic or
1432 other method of storing information.

1433 (l) "Scrap metal dealer" means any person who is
1434 engaged, from a fixed location or otherwise, in the business of
1435 paying compensation for metal property that has served its
1436 original economic purpose, whether or not the person is engaged in
1437 the business of performing the manufacturing process by which



1438 metals are converted into raw material products consisting of
1439 prepared grades and having an existing or potential economic
1440 value.

1441 (2) Every scrap metal dealer or other purchaser shall keep
1442 an accurate and legible record in which he shall enter the
1443 following information for each purchase transaction:

1444 (a) The name, address and age of the person from whom
1445 the metal property is purchased as obtained from the seller's
1446 personal identification card;

1447 (b) The date and place of each acquisition of the metal
1448 property;

1449 (c) The weight, quantity or volume and a general
1450 physical description of the type of metal property, such as wire,
1451 tubing, extrusions or casting, purchased in a purchase
1452 transaction;

1453 (d) The amount of consideration given in a purchase
1454 transaction for the metal property;

1455 (e) The vehicle license tag number, state of issue and
1456 the make and type of the vehicle used to deliver the metal
1457 property to the purchaser;

1458 (f) If a person other than the seller delivers the
1459 metal property to the purchaser, the name, address and age of the
1460 person who delivers the metal property;

1461 (g) A signed statement from the person receiving
1462 consideration in the purchase transaction stating that he is the



1463 rightful owner of the metal property or is entitled to sell the
1464 metal property being sold;

1465 (h) (i) A scanned copy or a photocopy of the personal
1466 identification card of the person receiving consideration in the
1467 purchase transaction; or

1468 (ii) If a person other than the seller delivers
1469 the metal property to the purchaser, a scanned copy or a photocopy
1470 of the personal identification card of the person delivering the
1471 metal property to the purchaser; and

1472 (i) A photograph, videotape or similar likeness of the
1473 person receiving consideration or any person other than the seller
1474 who delivers the metal property to the purchaser in which the
1475 person's facial features are clearly visible and in which the
1476 metal property the person is selling or delivering is clearly
1477 visible.

1478 Such records shall be maintained by the scrap metal dealer or
1479 purchaser for not less than two (2) years from the date of the
1480 purchase transaction, and such records shall be made available to
1481 any law enforcement officer during usual and customary business
1482 hours.

1483 (3) The purchaser of metal property must hold the metal
1484 property separate and identifiable from other purchases for not
1485 less than three (3) business days from the date of purchase. The
1486 purchaser shall also photographically capture the metal property
1487 in the same form, without change, in which the metal property was



1488 acquired, and maintain the photograph for a period of not less
1489 than two (2) years. The time and date shall be digitally recorded
1490 on the photograph, and the identity of the person taking the
1491 photograph shall be recorded. The purchaser shall permit any law
1492 enforcement officer to make an inspection of the metal property
1493 during the holding period, and of all photographs of the metal
1494 property. Any photograph of metal property taken and maintained
1495 pursuant to this subsection shall be admissible in any civil or
1496 criminal proceeding.

1497 (4) During the usual and customary business hours of a scrap
1498 metal dealer or other purchaser, a law enforcement officer, after
1499 proper identification as a law enforcement officer, shall have the
1500 right to inspect all purchased metal property in the possession of
1501 the scrap metal dealer or purchaser.

1502 (5) (a) Whenever a law enforcement officer has reasonable
1503 cause to believe that any item of metal property in the possession
1504 of a scrap metal dealer or other purchaser has been stolen, a law
1505 enforcement officer who has an affidavit from the alleged rightful
1506 owner of the property identifying the property with specificity,
1507 including any identifying markings, may issue and deliver a
1508 written hold notice to the scrap metal dealer or other purchaser.
1509 The hold notice shall specifically identify those items of metal
1510 property that are believed to have been stolen and that are
1511 subject to the hold notice. Upon receipt of the notice, the scrap
1512 metal dealer or other purchaser may not process or remove the



1513 metal property identified in the notice from the place of business
1514 of the scrap metal dealer or purchaser for fifteen (15) calendar
1515 days after receipt of the notice, unless sooner released by a law
1516 enforcement officer.

1517 (b) No later than the expiration of the fifteen-day
1518 period, a law enforcement officer, after receiving additional
1519 substantive evidence beyond the initial affidavit, may issue and
1520 deliver a second written hold notice, which shall be an extended
1521 hold notice. The extended hold notice shall specifically identify
1522 those items of metal property that are believed to have been
1523 stolen and that are subject to the extended hold notice. Upon
1524 receipt of the extended hold notice, the scrap metal dealer or
1525 purchaser may not process or remove the items of metal property
1526 identified in the notice from the place of business of the scrap
1527 metal dealer or purchaser for fifteen (15) calendar days after
1528 receipt of the extended hold notice, unless sooner released by a
1529 law enforcement officer.

1530 (c) At the expiration of the hold period or, if
1531 extended in accordance with this subsection, at the expiration of
1532 the extended hold period, the hold is automatically released, then
1533 the scrap metal dealer or purchaser may dispose of the metal
1534 property unless other disposition has been ordered by a court of
1535 competent jurisdiction.

1536 (d) If the scrap metal dealer or other purchaser
1537 contests the identification or ownership of the metal property,



1538 the party other than the scrap metal dealer or other purchaser
1539 claiming ownership of any metal property in the possession of a
1540 scrap metal dealer or other purchaser, provided that a timely
1541 report of the theft of the metal property was made to the proper
1542 authorities, may bring a civil action in the circuit court of the
1543 county in which the scrap metal dealer or purchaser is located.
1544 The petition for the action shall include the means of
1545 identification of the metal property utilized by the petitioner to
1546 determine ownership of the metal property in the possession of the
1547 scrap metal dealer or other purchaser.

1548 (e) When a lawful owner recovers stolen metal property
1549 from a scrap metal dealer or other purchaser who has complied with
1550 this section, and the person who sold the metal property to the
1551 scrap metal dealer or other purchaser is convicted of a violation
1552 of this section, or theft by receiving stolen property under
1553 Section 97-17-70, the court shall order the convicted person to
1554 make full restitution to the scrap metal dealer or other
1555 purchaser, including, without limitation, attorney's fees, court
1556 costs and other expenses.

1557 (6) This section shall not apply to purchases of metal
1558 property from any of the following:

1559 (a) A law enforcement officer acting in an official
1560 capacity;



1561 (b) A trustee in bankruptcy, executor, administrator or
1562 receiver who has presented proof of such status to the scrap metal
1563 dealer;

1564 (c) Any public official acting under a court order who
1565 has presented proof of such status to the scrap metal dealer;

1566 (d) A sale on the execution, or by virtue of any
1567 process issued by a court, if proof thereof has been presented to
1568 the scrap metal dealer; or

1569 (e) A manufacturing, industrial or other commercial
1570 vendor that generates or sells regulated metal property in the
1571 ordinary course of its business.

1572 (7) It shall be unlawful for any person to give a false
1573 statement of ownership or to give a false or altered
1574 identification or vehicle tag number and receive money or other
1575 consideration from a scrap metal dealer or other purchaser in
1576 return for metal property.

1577 (8) A scrap metal dealer or other purchaser shall not enter
1578 into any cash transactions in payment for the purchase of metal
1579 property. Payment shall be made by check issued to the seller of
1580 the metal, made payable to the name and address of the seller and
1581 mailed to the recorded address of the seller, or by electronic
1582 funds transfer. Payment shall not be made for a period of three
1583 (3) days after the purchase transaction.

1584 (9) If a person acquiring metal property fails to maintain
1585 the records or to hold such materials for the period of time



1586 prescribed by this section, such failure shall be prima facie
1587 evidence that the person receiving the metal property received it
1588 knowing it to be stolen in violation of Section 97-17-70.

1589 (10) It shall be unlawful for any person to transport or
1590 cause to be transported for himself or another from any point
1591 within this state to any point outside this state any metal
1592 property, unless the person or entity first reports to the sheriff
1593 of the county from which he departs this state transporting such
1594 materials the same information that a purchaser in this state
1595 would be required to obtain and keep in a record as set forth in
1596 subsection (2) of this section. In such a case the sheriff
1597 receiving the report shall keep the information in records
1598 maintained in his office as a public record available for
1599 inspection by any person at all reasonable times. This section
1600 shall not apply to a public utility, as that term is defined in
1601 Section 77-3-3, engaged in carrying on utility operations; to a
1602 railroad, as that term is defined in Section 77-9-5; to a
1603 communications service provider, whether wireless or wire line; to
1604 a scrap metal dealer; or to a person identified in subsection (6)
1605 as being exempt from the provisions of this section.

1606 (11) It shall be unlawful for a scrap metal dealer or other
1607 purchaser to knowingly purchase or possess a metal beer keg, or a
1608 metal syrup tank generally used by the soft drink industry,
1609 whether damaged or undamaged, or any reasonably recognizable part
1610 thereof, on any premises that the dealer uses to buy, sell, store,



1611 shred, melt, cut or otherwise alter scrap metal. However, it
1612 shall not be unlawful to purchase or possess a metal syrup tank
1613 generally used by the soft drink industry if the scrap metal
1614 dealer or other purchaser obtains a bill of sale at the time of
1615 purchase from a seller if the seller is a manufacturer of such
1616 tanks, a soft drink company or a soft drink distributor.

1617 (12) It shall be unlawful to sell to a scrap metal dealer
1618 any bronze vase and/or marker, memorial, statue, plaque, or other
1619 bronze object used at a cemetery or other location where deceased
1620 persons are interred or memorialized, or for any such dealer to
1621 purchase those objects, unless the source of the bronze is known
1622 and notice is provided to the municipal or county law enforcement
1623 agency where the dealer is located. The notice shall identify all
1624 names, letters, dates and symbols on the bronze and a photograph
1625 of the bronze shall be attached thereto. Written permission from
1626 the cemetery and the appropriate law enforcement agency must be
1627 received before any type of bronze described in this subsection
1628 may be purchased, processed, sold or melted.

1629 (13) It shall be unlawful for any scrap metal dealer to
1630 purchase any manhole cover and other similar types of utility
1631 access covers, including storm drain covers, or any metal property
1632 clearly identified as belonging to a political subdivision of the
1633 state or a municipality, unless that metal property is purchased
1634 from the political subdivision, the municipal utility or the
1635 manufacturer of the metal. Any purchaser who purchases metal



1636 property in bulk shall be allowed twenty-four (24) hours to
1637 determine if any metal property prohibited by this subsection is
1638 included in a bulk purchase. If such prohibited metal property is
1639 included in a bulk purchase, the purchaser shall notify law
1640 enforcement no later than twenty-four (24) hours after the
1641 purchase.

1642 (14) It shall be unlawful for a scrap metal dealer or other
1643 purchaser to purchase metal property from a person younger than
1644 eighteen (18) years of age.

1645 (15) Metal property may not be purchased, acquired or
1646 collected between the hours of 9:00 p.m. and 6:00 a.m.

1647 (16) Except as provided in this subsection, any person
1648 willfully or knowingly violating the provisions of this section
1649 shall, upon conviction thereof, be deemed guilty of a misdemeanor,
1650 and shall be punished by a fine not to exceed One Thousand Dollars
1651 (\$1,000.00) per offense, unless the purchase transaction or
1652 transactions related to the violation, in addition to any costs
1653 which are, or would be, incurred in repairing or in the attempt to
1654 recover any property damaged in the theft of or removal of the
1655 metal property, are in aggregate an amount which exceeds One
1656 Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars
1657 (\$5,000.00), in which case the person shall be guilty of a felony
1658 and shall be imprisoned in the custody of the Department of
1659 Corrections for a term not to exceed five (5) years, fined not
1660 more than Ten Thousand Dollars (\$10,000.00), or both. Any person



1661 found guilty of stealing metal property or receiving metal
1662 property, knowing it to be stolen in violation of Section
1663 97-17-70, shall be ordered to make full restitution to the victim,
1664 including, without limitation, restitution for property damage
1665 that resulted from the theft of the property.

1666 (17) If the purchase transaction or transactions related to
1667 the violation, in addition to any costs which are, or would be,
1668 incurred in repairing or in the attempt to recover any property
1669 damaged in the theft of or removal of the metal property, are in
1670 aggregate an amount which exceeds Five Thousand Dollars
1671 (\$5,000.00) but less than Twenty-five Thousand Dollars
1672 (\$25,000.00), the person shall be guilty of a felony and shall be
1673 imprisoned in the custody of the Department of Corrections for a
1674 term not to exceed ten (10) years, fined not more than Ten
1675 Thousand Dollars (\$10,000.00), or both.

1676 (18) If the purchase transaction or transactions related to
1677 the violation, in addition to any costs which are, or would be,
1678 incurred in repairing or in the attempt to recover any property
1679 damaged in the theft of or removal of the metal property, are in
1680 aggregate an amount which exceeds Twenty-five Thousand Dollars
1681 (\$25,000.00), the person shall be guilty of a felony and shall be
1682 imprisoned in the custody of the Department of Corrections for a
1683 term not to exceed twenty (20) years, fined not more than Ten
1684 Thousand Dollars (\$10,000.00), or both.



1685 (19) This section shall not be construed to repeal other
1686 criminal laws. Whenever conduct proscribed by any provision of
1687 this section is also proscribed by any other provision of law, the
1688 provision which carries the more serious penalty shall be applied.

1689 (20) This section shall apply to all businesses regulated
1690 under this section without regard to the location within the State
1691 of Mississippi.

1692 (21) This section shall not be construed to prohibit
1693 municipalities and counties from enacting and implementing
1694 ordinances, rules and regulations that impose stricter
1695 requirements relating to purchase transactions.

1696 **SECTION 15.** Section 97-45-1, Mississippi Code of 1972, is
1697 amended as follows:

1698 97-45-1. For the purposes of this chapter, the following
1699 words shall have the meanings ascribed herein unless the context
1700 clearly requires otherwise:

1701 (a) "Access" means to program, to execute programs on,
1702 to communicate with, store data in, retrieve data from or
1703 otherwise make use of any resources, including data or programs,
1704 of a computer, computer system or computer network.

1705 (b) "Computer" includes an electronic, magnetic,
1706 optical or other high-speed data processing device or system
1707 performing logical arithmetic and storage functions and includes
1708 any property, data storage facility or communications facility
1709 directly related to or operating in conjunction with such device



1710 or system. "Computer" shall not include an automated typewriter
1711 or typesetter, a machine designed solely for word processing which
1712 contains no database intelligence or a portable hand-held
1713 calculator nor shall "computer" include any other device which
1714 contains components similar to those in computers but in which the
1715 components have the sole function of controlling the device for
1716 the single purpose for which the device is intended unless the
1717 thus controlled device is a processor of data or is a storage of
1718 intelligence in which case it too is included.

1719 (c) "Computer network" means a set of related, remotely
1720 connected devices and communication facilities including at least
1721 one (1) computer system with the capability to transmit data
1722 through communication facilities.

1723 (d) "Computer program" means an ordered set of data
1724 representing coded instructions or statements that when executed
1725 by a computer cause the computer to process data.

1726 (e) "Computer software" means a set of computer
1727 programs, procedures and associated documentation concerned with
1728 operation of a computer system.

1729 (f) "Computer system" means a set of functionally
1730 related, connected or unconnected, computer equipment, devices or
1731 computer software.

1732 (g) "Computer services" means providing access to or
1733 service or data from a computer, a computer system or a computer
1734 network and includes the actual data processing.



1735 (h) "Credible threat" means a threat made with the
1736 intent and the apparent ability to carry out the threat so as to
1737 cause the person who is the target of the threat to reasonably
1738 fear for his or her safety.

1739 (i) "Loss or damage" includes any reasonable cost to
1740 any victim, including the cost of responding to an offense,
1741 conducting a damage assessment, and restoring the data, program,
1742 system, or information to its condition prior to the offense, and
1743 any revenue lost, cost incurred or other consequential damages
1744 incurred because of interruption of service.

1745 (j) "Device" includes, but is not limited to, an
1746 electronic, magnetic, electrochemical, biochemical, hydraulic,
1747 optical, or organic object that performs input, output, or storage
1748 functions by the manipulation of electronic, magnetic or other
1749 impulses.

1750 (k) "Electronic communication" means any transfer of
1751 signs, signals, writing, images, sounds, data, or intelligence of
1752 any nature, transmitted in whole or in part by a wire, radio,
1753 computer, electromagnetic, photoelectric or photo-optical system.

1754 (l) "Electronic mail" means the transmission of
1755 information or communication by the use of the Internet, a
1756 computer, a facsimile machine, a pager, a cellular telephone, a
1757 video recorder or other electronic means sent to a person
1758 identified by a unique address or address number and received by
1759 that person.



1760 (m) "Emotional distress" means significant mental
1761 suffering or distress that may, but does not necessarily, require
1762 medical or other professional treatment or counseling.

1763 (n) "Financial instrument" means any check, draft,
1764 money order, certificate of deposit, letter of credit, bill of
1765 exchange, credit card as defined in Section 97-19-9(b),
1766 Mississippi Code of 1972, or marketable security.

1767 (o) "Financial transaction device" means any of the
1768 following:

1769 (i) An electronic funds transfer card.

1770 (ii) A credit card.

1771 (iii) A debit card.

1772 (iv) A point-of-sale card.

1773 (v) Any instrument, device, card, plate, code,
1774 account number, personal identification number, or a record or
1775 copy of a code, account number, or personal identification number
1776 or other means of access to a credit account or deposit account,
1777 or a driver's license or state identification card used to access
1778 a proprietary account, other than access originated solely by a
1779 paper instrument, that can be used alone or in conjunction with
1780 another access device, for any of the following purposes.

1781 1. Obtaining money, cash refund or credit
1782 account credit, goods, services or any other thing of value.

1783 2. Certifying or guaranteeing to a person or
1784 business the availability to the device holder of funds on deposit



1785 to honor a draft or check payable to the order of that person or
1786 business.

1787 3. Providing the device holder access to a
1788 deposit account for the purpose of making deposits, withdrawing
1789 funds, transferring funds between deposit accounts, obtaining
1790 information pertaining to a deposit account or making an
1791 electronic funds transfer.

1792 (p) "Intellectual property" includes data, computer
1793 programs, computer software, trade secrets, copyrighted materials
1794 and confidential or proprietary information in any form or medium
1795 when such is stored in, produced by or intended for use or storage
1796 with or in a computer, a computer system or a computer network.

1797 (q) "Internet" means that term as defined in Section
1798 230 of Title II of the Communications Act of 1934, Chapter 652,
1799 110 Stat. 137, 47 USCS 230.

1800 (r) "Medical records" includes, but is not limited to,
1801 medical and mental health histories, reports, summaries, diagnoses
1802 and prognoses, treatment and medication information, notes,
1803 entries, and x-rays and other imaging records.

1804 (s) "Personal identity information" means any of the
1805 following information of another person:

1806 (i) A social security number.

1807 (ii) A driver's license number * * *, state
1808 personal identification card number or tribal identification card
1809 number.



1810 (iii) Employment information.
1811 (iv) Information regarding any financial account
1812 held by another person including, but not limited to, any of the
1813 following:

- 1814 1. A savings or checking account number.
- 1815 2. A financial transaction device account
1816 number.
- 1817 3. A stock or other security certificate or
1818 account number.
- 1819 4. A personal information number for an
1820 account described in items 1 through 4.

1821 (t) "Post a message" means transferring, sending,
1822 posting, publishing, disseminating, or otherwise communicating or
1823 attempting to transfer, send, post, publish, disseminate or
1824 otherwise communicate information, whether truthful or untruthful,
1825 about the victim.

1826 (u) "Property" means property as defined in Section
1827 1-3-45, Mississippi Code of 1972, and shall specifically include,
1828 but not be limited to, financial instruments, electronically
1829 stored or produced data and computer programs, whether in machine
1830 readable or human readable form.

1831 (v) "Proper means" includes:
1832 (i) Discovery by independent invention;
1833 (ii) Discovery by "reverse engineering"; that is,
1834 by starting with the known product and working backward to find



1835 the method by which it was developed. The acquisition of the
1836 known product must be by lawful means;

1837 (iii) Discovery under license or authority of the
1838 owner;

1839 (iv) Observation of the property in public use or
1840 on public display; or

1841 (v) Discovery in published literature.

1842 (w) "Unconsented contact" means any contact with
1843 another individual that is initiated or continued without that
1844 individual's consent or in disregard of that individual's
1845 expressed desire that the contact be avoided or discontinued.

1846 Unconsented contact includes any of the following:

1847 (i) Following or appearing within sight of the
1848 victim.

1849 (ii) Approaching or confronting the victim in a
1850 public place or on private property.

1851 (iii) Appearing at the victim's workplace or
1852 residence.

1853 (iv) Entering onto or remaining on property owned,
1854 leased or occupied by the victim.

1855 (v) Contacting the victim by telephone.

1856 (vi) Sending mail or electronic communications to
1857 the victim through the use of any medium, including the Internet
1858 or a computer, computer program, computer system or computer
1859 network.



1860 (vii) Placing an object on, or delivering or
1861 having delivered an object to, property owned, leased or occupied
1862 by the victim.

1863 (x) "Use" means to make use of, to convert to one's
1864 service, to avail oneself of or to employ. In the context of this
1865 chapter, "use" includes to instruct, communicate with, store data
1866 in or retrieve data from, or otherwise utilize the logical
1867 arithmetic or memory functions of a computer.

1868 (y) "Victim" means the individual who is the target of
1869 the conduct elicited by the posted message or a member of that
1870 individual's immediate family.

1871 **SECTION 16.** Section 45-35-13, Mississippi Code of 1972, is
1872 amended as follows:

1873 45-35-13. (1) No person shall:

1874 (a) Display, or cause or permit to be displayed, or
1875 have in his possession, any cancelled, fictitious, fraudulently
1876 altered or fraudulently obtained identification cards;

1877 (b) Lend an identification card to any person or
1878 knowingly permit the use thereof by another;

1879 (c) Display or represent any identification card not
1880 issued to him as being his card;

1881 (d) Permit any unlawful use of an identification card
1882 issued to him;

1883 (e) Do any act forbidden or fail to perform any act
1884 required by this article;



1885 (f) Photograph, photostat, duplicate or in any way
1886 reproduce, manufacture, sell or distribute any identification card
1887 or facsimile thereof so that it could be mistaken for a valid
1888 identification card; or

1889 (g) Display or have in his possession any photograph,
1890 photostat, duplicate, reproduction or facsimile of an
1891 identification card unless authorized by the provisions of this
1892 article.

1893 (2) Any person convicted of a violation of any provision
1894 of * * * paragraph (a), (b), (c), (d), (e) or (g) of subsection
1895 (1) of this section is guilty of a misdemeanor and shall be
1896 punished by a fine of not more than Five Hundred Dollars (\$500.00)
1897 or by imprisonment for not more than thirty (30) days, or by both
1898 such fine and imprisonment.

1899 (3) Any person under twenty-one (21) years of age at the
1900 time of the offense who is convicted of a violation of paragraph
1901 (f) of subsection (1) of this section shall be punished as
1902 follows:

1903 (a) A first offense shall be a misdemeanor punishable
1904 by a fine of not more than Five Hundred Dollars (\$500.00), or by
1905 imprisonment for not more than six (6) months, or by both such
1906 fine and imprisonment.

1907 (b) A second or subsequent offense, the offenses being
1908 committed within a period of five (5) years, shall be a
1909 misdemeanor punishable by a fine of not more than Five Thousand



1910 Dollars (\$5,000.00), or by imprisonment for not more than one (1)
1911 year, or by both such fine and imprisonment.

1912 (4) Any person twenty-one (21) years of age or older at the
1913 time of the offense who is convicted of a violation of paragraph
1914 (f) of subsection (1) of this section is guilty of a felony and
1915 shall be punished by a fine of not less than Five Thousand Dollars
1916 (\$5,000.00), or imprisonment for not more than three (3) years, or
1917 by both such fine and imprisonment.

1918 **SECTION 17.** This act shall take effect and be in force from
1919 and after July 1, 2021.

