

By: Representative Banks

To: Constitution; Judiciary
B

HOUSE BILL NO. 569

1 AN ACT TO AMEND SECTION 45-9-53, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE LIMITATIONS PLACED ON COUNTIES AND MUNICIPALITIES TO
3 REGULATE THE CARRYING OF FIREARMS; TO AMEND SECTION 97-37-7,
4 MISSISSIPPI CODE OF 1972, TO REMOVE THE AUTHORITY OF A CONCEALED
5 LICENSE HOLDER TO ENTER CERTAIN BUILDINGS; TO BRING FORWARD
6 SECTION 45-9-101, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
7 FIREARMS PERMITS, FOR PURPOSES OF AMENDMENT; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** Section 45-9-53, Mississippi Code of 1972, is
11 amended as follows:

12 45-9-53. (1) This section and Section 45-9-51 do not affect
13 the authority that a county or municipality may have under another
14 law:

15 (a) To require citizens or public employees to be armed
16 for personal or national defense, law enforcement, or another
17 lawful purpose;

18 (b) To regulate the discharge of firearms within the
19 limits of the county or municipality. A county or municipality
20 may not apply a regulation relating to the discharge of firearms
21 or other weapons in the extraterritorial jurisdiction of the



22 county or municipality or in an area annexed by the county or
23 municipality after September 1, 1981, if the firearm or other
24 weapon is:

25 (i) A shotgun, air rifle or air pistol, BB gun or
26 bow and arrow discharged:

27 1. On a tract of land of ten (10) acres or
28 more and more than one hundred fifty (150) feet from a residence
29 or occupied building located on another property; and

30 2. In a manner not reasonably expected to
31 cause a projectile to cross the boundary of the tract; or

32 (ii) A center fire or rimfire rifle or pistol or a
33 muzzle-loading rifle or pistol of any caliber discharged:

34 1. On a tract of land of fifty (50) acres or
35 more and more than three hundred (300) feet from a residence or
36 occupied building located on another property; and

37 2. In a manner not reasonably expected to
38 cause a projectile to cross the boundary of the tract;

39 (c) To regulate the use of property or location of
40 businesses for uses therein pursuant to fire code, zoning
41 ordinances, or land-use regulations, so long as such codes,
42 ordinances and regulations are not used to circumvent the intent
43 of Section 45-9-51 or paragraph (e) of this subsection;

44 (d) To regulate the use of firearms in cases of
45 insurrection, riots and natural disasters in which the city finds
46 such regulation necessary to protect the health and safety of the



public. However, the provisions of this section shall not apply to the lawful possession of firearms, ammunition or components of firearms or ammunition;

(e) To regulate the storage or transportation of explosives in order to protect the health and safety of the public, with the exception of black powder which is exempt up to twenty-five (25) pounds per private residence and fifty (50) pounds per retail dealer;

(f) To regulate the carrying of a firearm at: (i) a public park or at a public meeting of a county, municipality or other governmental body; (ii) a political rally, parade or official political meeting; or (iii) a nonfirearm-related school, college or professional athletic event; or

(g) To regulate the receipt of firearms by pawnshops.

(2) The exception provided by subsection (1)(f) of this section does not apply if the firearm was in or carried to and from an area designated for use in a lawful hunting, fishing or other sporting event and the firearm is of the type commonly used in the activity.

(3) This section and Section 45-9-51 do not authorize a county or municipality or their officers or employees to act in contravention of Section 33-7-303.

* * *

(* * *4) No county or municipality or their officers or employees may participate in any program in which individuals are



72 given a thing of value provided by another individual or other
73 entity in exchange for surrendering a firearm to the county,
74 municipality or other governmental body unless:

75 (a) The county or municipality has adopted an ordinance
76 authorizing the participation of the county or municipality, or
77 participation by an officer or employee of the county or
78 municipality in such a program; and

79 (b) Any ordinance enacted pursuant to this section must
80 require that any firearm received shall be offered for sale at
81 auction as provided by Sections 19-3-85 and 21-39-21 to federally
82 licensed firearms dealers, with the proceeds from such sale at
83 auction reverting to the general operating fund of the county,
84 municipality or other governmental body. Any firearm remaining in
85 possession of the county, municipality or other governmental body
86 after attempts to sell at auction may be disposed of in a manner
87 that the body deems appropriate.

88 **SECTION 2.** Section 97-37-7, Mississippi Code of 1972, is
89 amended as follows:

90 97-37-7. (1) (a) It shall not be a violation of Section
91 97-37-1 or any other statute for pistols, firearms or other
92 suitable and appropriate weapons to be carried by duly constituted
93 bank guards, company guards, watchmen, railroad special agents or
94 duly authorized representatives who are not sworn law enforcement
95 officers, agents or employees of a patrol service, guard service,
96 or a company engaged in the business of transporting money,



97 securities or other valuables, while actually engaged in the
98 performance of their duties as such, provided that such persons
99 have made a written application and paid a nonrefundable permit
100 fee of One Hundred Dollars (\$100.00) to the Department of Public
101 Safety.

102 (b) No permit shall be issued to any person who has
103 ever been convicted of a felony under the laws of this or any
104 other state or of the United States. To determine an applicant's
105 eligibility for a permit, the person shall be fingerprinted. If
106 no disqualifying record is identified at the state level, the
107 fingerprints shall be forwarded by the Department of Public Safety
108 to the Federal Bureau of Investigation for a national criminal
109 history record check. The department shall charge a fee which
110 includes the amounts required by the Federal Bureau of
111 Investigation and the department for the national and state
112 criminal history record checks and any necessary costs incurred by
113 the department for the handling and administration of the criminal
114 history background checks. In the event a legible set of
115 fingerprints, as determined by the Department of Public Safety and
116 the Federal Bureau of Investigation, cannot be obtained after a
117 minimum of three (3) attempts, the Department of Public Safety
118 shall determine eligibility based upon a name check by the
119 Mississippi Highway Safety Patrol and a Federal Bureau of
120 Investigation name check conducted by the Mississippi Highway
121 Safety Patrol at the request of the Department of Public Safety.



122 (c) A person may obtain a duplicate of a lost or
123 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
124 replacement fee to the Department of Public Safety, if he
125 furnishes a notarized statement to the department that the permit
126 has been lost or destroyed.

127 (d) (i) No less than ninety (90) days prior to the
128 expiration date of a permit, the Department of Public Safety shall
129 mail to the permit holder written notice of expiration together
130 with the renewal form prescribed by the department. The permit
131 holder shall renew the permit on or before the expiration date by
132 filing with the department the renewal form, a notarized affidavit
133 stating that the permit holder remains qualified, and the renewal
134 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
135 officers shall be exempt from payment of the renewal fee. A
136 permit holder who fails to file a renewal application on or before
137 its expiration date shall pay a late fee of Fifteen Dollars
138 (\$15.00).

139 (ii) Renewal of the permit shall be required every
140 four (4) years. The permit of a qualified renewal applicant shall
141 be renewed upon receipt of the completed renewal application and
142 appropriate payment of fees.

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



(2) It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by Department of Wildlife, Fisheries and Parks law enforcement officers, railroad special agents who are sworn law enforcement officers, investigators employed by the Attorney General, criminal investigators employed by the district attorneys, all prosecutors, public defenders, investigators or probation officers employed by the Department of Corrections, employees of the State Auditor who are authorized by the State Auditor to perform investigative functions, or any deputy fire marshal or investigator employed by the State Fire Marshal, while engaged in the performance of their duties as such, or by fraud investigators with the Department of Human Services, or by judges of the Mississippi Supreme Court, Court of Appeals, circuit, chancery, county, justice and municipal courts, or by coroners. Before any person shall be authorized under this subsection to carry a weapon, he shall complete a weapons training course approved by the Board of Law Enforcement Officer Standards and Training. Before any criminal investigator employed by a district attorney shall be authorized under this section to carry a pistol, firearm or other weapon, he shall have complied with Section 45-6-11 or any training program required for employment as an agent of the Federal Bureau of Investigation. A law enforcement officer, as defined in Section 45-6-3, shall be authorized to carry weapons in courthouses in performance of his official



172 duties. * * * For the purposes of this subsection (2), component
173 branch of the United States Armed Forces includes the Army, Navy,
174 Air Force, Coast Guard or Marine Corps, or the Army National
175 Guard, the Army National Guard of the United States, the Air
176 National Guard or the Air National Guard of the United States, as
177 those terms are defined in Section 101, Title 10, United States
178 Code, and any other reserve component of the United States Armed
179 Forces enumerated in Section 10101, Title 10, United States Code.
180 The department shall promulgate rules and regulations allowing
181 concealed pistol permit holders to obtain an endorsement on their
182 permit indicating that they have completed the aforementioned
183 course and have the authority to carry in these locations. This
184 section shall in no way interfere with the right of a trial judge
185 to restrict the carrying of firearms in the courtroom.

186 For purposes of this subsection (2), the following words
187 shall have the meanings described herein, unless the context
188 otherwise requires:

189 (i) "Courthouse" means any building in which a
190 circuit court, chancery court, youth court, municipal court,
191 justice court or any appellate court is located, or any building
192 in which a court of law is regularly held.

193 (ii) "Courtroom" means the actual room in which a
194 judicial proceeding occurs, including any jury room, witness room,
195 judge's chamber, office housing the judge's staff, or similar
196 room. "Courtroom" shall not mean hallways, courtroom entrances,



197 courthouse grounds, lobbies, corridors, or other areas within a
198 courthouse which are generally open to the public for the
199 transaction of business outside of an active judicial proceeding,
200 the grassed areas, cultivated flower beds, sidewalks, parking
201 lots, or other areas contained within the boundaries of the public
202 land upon which the courthouse is located.

203 (3) It shall not be a violation of this or any other statute
204 for pistols, firearms or other suitable and appropriate weapons,
205 to be carried by any out-of-state, full-time commissioned law
206 enforcement officer who holds a valid commission card from the
207 appropriate out-of-state law enforcement agency and a photo
208 identification. The provisions of this subsection shall only
209 apply if the state where the out-of-state officer is employed has
210 entered into a reciprocity agreement with the state that allows
211 full-time commissioned law enforcement officers in Mississippi to
212 lawfully carry or possess a weapon in such other states. The
213 Commissioner of Public Safety is authorized to enter into
214 reciprocal agreements with other states to carry out the
215 provisions of this subsection.

216 **SECTION 3.** Section 45-9-101, Mississippi Code of 1972, is
217 brought forward as follows:

218 45-9-101. (1) (a) Except as otherwise provided, the
219 Department of Public Safety is authorized to issue licenses to
220 carry stun guns, concealed pistols or revolvers to persons
221 qualified as provided in this section. Such licenses shall be



valid throughout the state for a period of five (5) years from the date of issuance. Any person possessing a valid license issued pursuant to this section may carry a stun gun, concealed pistol or concealed revolver.

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

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

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

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

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



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

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

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

254 (e) Does not chronically or habitually abuse controlled
255 substances to the extent that his normal faculties are impaired.
256 It shall be presumed that an applicant chronically and habitually
257 uses controlled substances to the extent that his faculties are
258 impaired if the applicant has been voluntarily or involuntarily
259 committed to a treatment facility for the abuse of a controlled
260 substance or been found guilty of a crime under the provisions of
261 the Uniform Controlled Substances Law or similar laws of any other
262 state or the United States relating to controlled substances
263 within a three-year period immediately preceding the date on which
264 the application is submitted;

265 (f) Does not chronically and habitually use alcoholic
266 beverages to the extent that his normal faculties are impaired.
267 It shall be presumed that an applicant chronically and habitually
268 uses alcoholic beverages to the extent that his normal faculties
269 are impaired if the applicant has been voluntarily or
270 involuntarily committed as an alcoholic to a treatment facility or



has been convicted of two (2) or more offenses related to the use of alcohol under the laws of this state or similar laws of any other state or the United States within the three-year period immediately preceding the date on which the application is submitted;

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

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

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

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

(k) Is not a fugitive from justice; and

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

(3) The Department of Public Safety may deny a license if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor unless three (3) years have



296 elapsed since probation or any other conditions set by the court
297 have been fulfilled or expunction has occurred prior to the date
298 on which the application is submitted, or may revoke a license if
299 the licensee has been found guilty of one or more crimes of
300 violence within the preceding three (3) years. The department
301 shall, upon notification by a law enforcement agency or a court
302 and subsequent written verification, suspend a license or the
303 processing of an application for a license if the licensee or
304 applicant is arrested or formally charged with a crime which would
305 disqualify such person from having a license under this section,
306 until final disposition of the case. The provisions of subsection
307 (7) of this section shall apply to any suspension or revocation of
308 a license pursuant to the provisions of this section.

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

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

314 (b) The driver's license number or social security
315 number of applicant;

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

318 (d) A statement that the applicant is in compliance
319 with criteria contained within subsections (2) and (3) of this
320 section;



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

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

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

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

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

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

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



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

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

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

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



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

373 (i) Issue the license;

374 (ii) Deny the application based solely on the
375 ground that the applicant fails to qualify under the criteria
376 listed in subsections (2) and (3) of this section. If the
377 Department of Public Safety denies the application, it shall
378 notify the applicant in writing, stating the ground for denial,
379 and the denial shall be subject to the appeal process set forth in
380 subsection (7); or

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

386 (d) In the event a legible set of fingerprints, as
387 determined by the Department of Public Safety and the Federal
388 Bureau of Investigation, cannot be obtained after a minimum of two
389 (2) attempts, the Department of Public Safety shall determine
390 eligibility based upon a name check by the Mississippi Highway
391 Safety Patrol and a Federal Bureau of Investigation name check
392 conducted by the Mississippi Highway Safety Patrol at the request
393 of the Department of Public Safety.



394 (7) (a) If the Department of Public Safety denies the
395 issuance of a license, or suspends or revokes a license, the party
396 aggrieved may appeal such denial, suspension or revocation to the
397 Commissioner of Public Safety, or his authorized agent, within
398 thirty (30) days after the aggrieved party receives written notice
399 of such denial, suspension or revocation. The Commissioner of
400 Public Safety, or his duly authorized agent, shall rule upon such
401 appeal within thirty (30) days after the appeal is filed and
402 failure to rule within this thirty-day period shall constitute
403 sustaining such denial, suspension or revocation. Such review
404 shall be conducted pursuant to such reasonable rules and
405 regulations as the Commissioner of Public Safety may adopt.

406 (b) If the revocation, suspension or denial of issuance
407 is sustained by the Commissioner of Public Safety, or his duly
408 authorized agent pursuant to paragraph (a) of this subsection, the
409 aggrieved party may file within ten (10) days after the rendition
410 of such decision a petition in the circuit or county court of his
411 residence for review of such decision. A hearing for review shall
412 be held and shall proceed before the court without a jury upon the
413 record made at the hearing before the Commissioner of Public
414 Safety or his duly authorized agent. No such party shall be
415 allowed to carry a stun gun, concealed pistol or revolver pursuant
416 to the provisions of this section while any such appeal is
417 pending.



418 (8) The Department of Public Safety shall maintain an
419 automated listing of license holders and such information shall be
420 available online, upon request, at all times, to all law
421 enforcement agencies through the Mississippi Crime Information
422 Center. However, the records of the department relating to
423 applications for licenses to carry stun guns, concealed pistols or
424 revolvers and records relating to license holders shall be exempt
425 from the provisions of the Mississippi Public Records Act of 1983,
426 and shall be released only upon order of a court having proper
427 jurisdiction over a petition for release of the record or records.

428 (9) Within thirty (30) days after the changing of a
429 permanent address, or within thirty (30) days after having a
430 license lost or destroyed, the licensee shall notify the
431 Department of Public Safety in writing of such change or loss.
432 Failure to notify the Department of Public Safety pursuant to the
433 provisions of this subsection shall constitute a noncriminal
434 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
435 be enforceable by a summons.

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



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

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

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

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



467 (iii) The renewal fee for a Mississippi resident
468 aged sixty-five (65) years of age or older shall be Twenty Dollars
469 (\$20.00).

470 (b) The Department of Public Safety shall forward the
471 full set of fingerprints of the applicant to the appropriate
472 agencies for state and federal processing. The license shall be
473 renewed upon receipt of the completed renewal application and
474 appropriate payment of fees.

475 (c) A licensee who fails to file a renewal application
476 on or before its expiration date must renew his license by paying
477 a late fee of Fifteen Dollars (\$15.00). No license shall be
478 renewed six (6) months or more after its expiration date, and such
479 license shall be deemed to be permanently expired. A person whose
480 license has been permanently expired may reapply for licensure;
481 however, an application for licensure and fees pursuant to
482 subsection (5) of this section must be submitted, and a background
483 investigation shall be conducted pursuant to the provisions of
484 this section.

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



492 carry a concealed weapon in his courtroom; any polling place; any
493 meeting place of the governing body of any governmental entity;
494 any meeting of the Legislature or a committee thereof; any school,
495 college or professional athletic event not related to firearms;
496 any portion of an establishment, licensed to dispense alcoholic
497 beverages for consumption on the premises, that is primarily
498 devoted to dispensing alcoholic beverages; any portion of an
499 establishment in which beer or light wine is consumed on the
500 premises, that is primarily devoted to such purpose; any
501 elementary or secondary school facility; any junior college,
502 community college, college or university facility unless for the
503 purpose of participating in any authorized firearms-related
504 activity; inside the passenger terminal of any airport, except
505 that no person shall be prohibited from carrying any legal firearm
506 into the terminal if the firearm is encased for shipment, for
507 purposes of checking such firearm as baggage to be lawfully
508 transported on any aircraft; any church or other place of worship,
509 except as provided in Section 45-9-171; or any place where the
510 carrying of firearms is prohibited by federal law. In addition to
511 the places enumerated in this subsection, the carrying of a stun
512 gun, concealed pistol or revolver may be disallowed in any place
513 in the discretion of the person or entity exercising control over
514 the physical location of such place by the placing of a written
515 notice clearly readable at a distance of not less than ten (10)
516 feet that the "carrying of a pistol or revolver is prohibited."



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

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

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

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



541 (17) All funds received by a sheriff or police chief
542 pursuant to the provisions of this section shall be deposited into
543 the general fund of the county or municipality, as appropriate,
544 and shall be budgeted to the sheriff's office or police department
545 as appropriate.

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

549 (19) Any person holding a valid unrevoked and unexpired
550 license to carry stun guns, concealed pistols or revolvers issued
551 in another state shall have such license recognized by this state
552 to carry stun guns, concealed pistols or revolvers. The
553 Department of Public Safety is authorized to enter into a
554 reciprocal agreement with another state if that state requires a
555 written agreement in order to recognize licenses to carry stun
556 guns, concealed pistols or revolvers issued by this state.

557 (20) The provisions of this section shall be under the
558 supervision of the Commissioner of Public Safety. The
559 commissioner is authorized to promulgate reasonable rules and
560 regulations to carry out the provisions of this section.

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



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

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

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

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



589 service-connected disability, which shall be sufficient proof of
590 such service-connected disability.

591 (24) A license under this section is not required for a
592 loaded or unloaded pistol or revolver to be carried upon the
593 person in a sheath, belt holster or shoulder holster or in a
594 purse, handbag, satchel, other similar bag or briefcase or fully
595 enclosed case if the person is not engaged in criminal activity
596 other than a misdemeanor traffic offense, is not otherwise
597 prohibited from possessing a pistol or revolver under state or
598 federal law, and is not in a location prohibited under subsection
599 (13) of this section.

600 **SECTION 4.** This act shall take effect and be in force from
601 and after July 1, 2021.

