

By: Representative Patterson

To: Judiciary B

HOUSE BILL NO. 864

1 AN ACT TO AMEND SECTIONS 45-9-101, 97-37-1 AND 97-37-7,  
2 MISSISSIPPI CODE OF 1972, TO AUTHORIZE CONCEALED CARRY OF FIREARMS  
3 WITHOUT A LICENSE DURING AN EMERGENCY EVACUATION; AND FOR RELATED  
4 PURPOSES.

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

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

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

16 (b) (i) Except as otherwise provided in this paragraph  
17 (b) for evacuation during emergencies, the licensee must carry the  
18 license, together with valid identification, at all times in which  
19 the licensee is carrying a stun gun, concealed pistol or revolver



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

25 (ii) The licensee is not required to meet the  
26 provisions of subparagraph (i) of this paragraph (b) when carrying  
27 a stun gun, concealed pistol or revolver in the act of evacuating  
28 during a mandatory evacuation order issued by local governing  
29 authorities, the Governor of this state or President of the United  
30 States. For purposes of this subparagraph, the phrase "in the act  
31 of evacuating" means the immediate and urgent movement of a person  
32 away from the evacuation zone within forty-eight (48) hours after  
33 a mandatory evacuation is ordered. The forty-eight (48) hours may  
34 be extended by an order issued by the Governor.

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

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

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

43 (ii) Is at least eighteen (18) years of age but

44 not yet twenty-one (21) years of age and the applicant:



45                   1. Is a member or veteran of the United  
46 States Armed Forces, including National Guard or Reserve; and  
47                   2. Holds a valid Mississippi driver's license  
48 or identification card issued by the Department of Public Safety;  
49                   (c) Does not suffer from a physical infirmity which  
50 prevents the safe handling of a stun gun, pistol or revolver;  
51                   (d) Is not ineligible to possess a firearm by virtue of  
52 having been convicted of a felony in a court of this state, of any  
53 other state, or of the United States without having been pardoned  
54 or without having been expunged for same;  
55                   (e) Does not chronically or habitually abuse controlled  
56 substances to the extent that his normal faculties are impaired.  
57 It shall be presumed that an applicant chronically and habitually  
58 uses controlled substances to the extent that his faculties are  
59 impaired if the applicant has been voluntarily or involuntarily  
60 committed to a treatment facility for the abuse of a controlled  
61 substance or been found guilty of a crime under the provisions of  
62 the Uniform Controlled Substances Law or similar laws of any other  
63 state or the United States relating to controlled substances  
64 within a three-year period immediately preceding the date on which  
65 the application is submitted;  
66                   (f) Does not chronically and habitually use alcoholic  
67 beverages to the extent that his normal faculties are impaired.  
68 It shall be presumed that an applicant chronically and habitually  
69 uses alcoholic beverages to the extent that his normal faculties



70 are impaired if the applicant has been voluntarily or  
71 involuntarily committed as an alcoholic to a treatment facility or  
72 has been convicted of two (2) or more offenses related to the use  
73 of alcohol under the laws of this state or similar laws of any  
74 other state or the United States within the three-year period  
75 immediately preceding the date on which the application is  
76 submitted;

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

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

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

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

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

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



94 (3) The Department of Public Safety may deny a license if  
95 the applicant has been found guilty of one or more crimes of  
96 violence constituting a misdemeanor unless three (3) years have  
97 elapsed since probation or any other conditions set by the court  
98 have been fulfilled or expunction has occurred prior to the date  
99 on which the application is submitted, or may revoke a license if  
100 the licensee has been found guilty of one or more crimes of  
101 violence within the preceding three (3) years. The department  
102 shall, upon notification by a law enforcement agency or a court  
103 and subsequent written verification, suspend a license or the  
104 processing of an application for a license if the licensee or  
105 applicant is arrested or formally charged with a crime which would  
106 disqualify such person from having a license under this section,  
107 until final disposition of the case. The provisions of subsection  
108 (7) of this section shall apply to any suspension or revocation of  
109 a license pursuant to the provisions of this section.

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

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

115 (b) The driver's license number or social security  
116 number of applicant;

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



119 (d) A statement that the applicant is in compliance  
120 with criteria contained within subsections (2) and (3) of this  
121 section;

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

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

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

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

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

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

140 (c) A nonrefundable license fee of Eighty Dollars  
141 (\$80.00). Costs for processing the set of fingerprints as  
142 required in paragraph (d) of this subsection shall be borne by the  
143 applicant. Honorably retired law enforcement officers, disabled



144 veterans and active duty members of the Armed Forces of the United  
145 States shall be exempt from the payment of the license fee;

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

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

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

157 (b) The Department of Public Safety shall forward a  
158 copy of the applicant's application to the sheriff of the  
159 applicant's county of residence and, if applicable, the police  
160 chief of the applicant's municipality of residence. The sheriff  
161 of the applicant's county of residence and, if applicable, the  
162 police chief of the applicant's municipality of residence may, at  
163 his discretion, participate in the process by submitting a  
164 voluntary report to the Department of Public Safety containing any  
165 readily discoverable prior information that he feels may be  
166 pertinent to the licensing of any applicant. The reporting shall  
167 be made within thirty (30) days after the date he receives the  
168 copy of the application. Upon receipt of a response from a



169 sheriff or police chief, such sheriff or police chief shall be  
170 reimbursed at a rate set by the department.

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

174 (i) Issue the license;

175 (ii) Deny the application based solely on the  
176 ground that the applicant fails to qualify under the criteria  
177 listed in subsections (2) and (3) of this section. If the  
178 Department of Public Safety denies the application, it shall  
179 notify the applicant in writing, stating the ground for denial,  
180 and the denial shall be subject to the appeal process set forth in  
181 subsection (7); or

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

187 (d) In the event a legible set of fingerprints, as  
188 determined by the Department of Public Safety and the Federal  
189 Bureau of Investigation, cannot be obtained after a minimum of two  
190 (2) attempts, the Department of Public Safety shall determine  
191 eligibility based upon a name check by the Mississippi Highway  
192 Safety Patrol and a Federal Bureau of Investigation name check





193 conducted by the Mississippi Highway Safety Patrol at the request  
194 of the Department of Public Safety.

195 (7) (a) If the Department of Public Safety denies the  
196 issuance of a license, or suspends or revokes a license, the party  
197 aggrieved may appeal such denial, suspension or revocation to the  
198 Commissioner of Public Safety, or his authorized agent, within  
199 thirty (30) days after the aggrieved party receives written notice  
200 of such denial, suspension or revocation. The Commissioner of  
201 Public Safety, or his duly authorized agent, shall rule upon such  
202 appeal within thirty (30) days after the appeal is filed and  
203 failure to rule within this thirty-day period shall constitute  
204 sustaining such denial, suspension or revocation. Such review  
205 shall be conducted pursuant to such reasonable rules and  
206 regulations as the Commissioner of Public Safety may adopt.

207 (b) If the revocation, suspension or denial of issuance  
208 is sustained by the Commissioner of Public Safety, or his duly  
209 authorized agent pursuant to paragraph (a) of this subsection, the  
210 aggrieved party may file within ten (10) days after the rendition  
211 of such decision a petition in the circuit or county court of his  
212 residence for review of such decision. A hearing for review shall  
213 be held and shall proceed before the court without a jury upon the  
214 record made at the hearing before the Commissioner of Public  
215 Safety or his duly authorized agent. No such party shall be  
216 allowed to carry a stun gun, concealed pistol or revolver pursuant



217 to the provisions of this section while any such appeal is  
218 pending.

219 (8) The Department of Public Safety shall maintain an  
220 automated listing of license holders and such information shall be  
221 available online, upon request, at all times, to all law  
222 enforcement agencies through the Mississippi Crime Information  
223 Center. However, the records of the department relating to  
224 applications for licenses to carry stun guns, concealed pistols or  
225 revolvers and records relating to license holders shall be exempt  
226 from the provisions of the Mississippi Public Records Act of 1983,  
227 and shall be released only upon order of a court having proper  
228 jurisdiction over a petition for release of the record or records.

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

237 (10) In the event that a stun gun, concealed pistol or  
238 revolver license is lost or destroyed, the person to whom the  
239 license was issued shall comply with the provisions of subsection  
240 (9) of this section and may obtain a duplicate, or substitute  
241 thereof, upon payment of Fifteen Dollars (\$15.00) to the



242 Department of Public Safety, and furnishing a notarized statement  
243 to the department that such license has been lost or destroyed.

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

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

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



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

268 (iii) The renewal fee for a Mississippi resident  
269 aged sixty-five (65) years of age or older shall be Twenty Dollars  
270 (\$20.00).

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

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

286 (13) No license issued pursuant to this section shall  
287 authorize any person to carry a stun gun, concealed pistol or  
288 revolver into any place of nuisance as defined in Section 95-3-1,  
289 Mississippi Code of 1972; any police, sheriff or highway patrol



290 station; any detention facility, prison or jail; any courthouse;  
291 any courtroom, except that nothing in this section shall preclude  
292 a judge from carrying a concealed weapon or determining who will  
293 carry a concealed weapon in his courtroom; any polling place; any  
294 meeting place of the governing body of any governmental entity;  
295 any meeting of the Legislature or a committee thereof; any school,  
296 college or professional athletic event not related to firearms;  
297 any portion of an establishment, licensed to dispense alcoholic  
298 beverages for consumption on the premises, that is primarily  
299 devoted to dispensing alcoholic beverages; any portion of an  
300 establishment in which beer, light spirit product or light wine is  
301 consumed on the premises, that is primarily devoted to such  
302 purpose; any elementary or secondary school facility; any junior  
303 college, community college, college or university facility unless  
304 for the purpose of participating in any authorized  
305 firearms-related activity; inside the passenger terminal of any  
306 airport, except that no person shall be prohibited from carrying  
307 any legal firearm into the terminal if the firearm is encased for  
308 shipment, for purposes of checking such firearm as baggage to be  
309 lawfully transported on any aircraft; any church or other place of  
310 worship, except as provided in Section 45-9-171; or any place  
311 where the carrying of firearms is prohibited by federal law. In  
312 addition to the places enumerated in this subsection, the carrying  
313 of a stun gun, concealed pistol or revolver may be disallowed in  
314 any place in the discretion of the person or entity exercising



315 control over the physical location of such place by the placing of  
316 a written notice clearly readable at a distance of not less than  
317 ten (10) feet that the "carrying of a pistol or revolver is  
318 prohibited." No license issued pursuant to this section shall  
319 authorize the participants in a parade or demonstration for which  
320 a permit is required to carry a stun gun, concealed pistol or  
321 revolver.

322 (14) A law enforcement officer as defined in Section 45-6-3,  
323 chiefs of police, sheriffs and persons licensed as professional  
324 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
325 1972, shall be exempt from the licensing requirements of this  
326 section. The licensing requirements of this section do not apply  
327 to the carrying by any person of a stun gun, pistol or revolver,  
328 knife, or other deadly weapon that is not concealed as defined in  
329 Section 97-37-1.

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

336 (16) All fees collected by the Department of Public Safety  
337 pursuant to this section shall be deposited into a special fund  
338 hereby created in the State Treasury and shall be used for  
339 implementation and administration of this section. After the



340 close of each fiscal year, the balance in this fund shall be  
341 certified to the Legislature and then may be used by the  
342 Department of Public Safety as directed by the Legislature.

343 (17) All funds received by a sheriff or police chief  
344 pursuant to the provisions of this section shall be deposited into  
345 the general fund of the county or municipality, as appropriate,  
346 and shall be budgeted to the sheriff's office or police department  
347 as appropriate.

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

351 (19) Any person holding a valid unrevoked and unexpired  
352 license to carry stun guns, concealed pistols or revolvers issued  
353 in another state shall have such license recognized by this state  
354 to carry stun guns, concealed pistols or revolvers. The  
355 Department of Public Safety is authorized to enter into a  
356 reciprocal agreement with another state if that state requires a  
357 written agreement in order to recognize licenses to carry stun  
358 guns, concealed pistols or revolvers issued by this state.

359 (20) The provisions of this section shall be under the  
360 supervision of the Commissioner of Public Safety. The  
361 commissioner is authorized to promulgate reasonable rules and  
362 regulations to carry out the provisions of this section.

363 (21) For the purposes of this section, the term "stun gun"  
364 means a portable device or weapon from which an electric current,



365 impulse, wave or beam may be directed, which current, impulse,  
366 wave or beam is designed to incapacitate temporarily, injure,  
367 momentarily stun, knock out, cause mental disorientation or  
368 paralyze.

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

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

387 (23) A disabled veteran who seeks to qualify for an  
388 exemption under this section shall be required to provide a  
389 veterans health services identification card issued by the United





390 States Department of Veterans Affairs indicating a  
391 service-connected disability, which shall be sufficient proof of  
392 such service-connected disability.

393 (24) A license under this section is not required for a  
394 loaded or unloaded pistol or revolver to be carried upon the  
395 person in a sheath, belt holster or shoulder holster or in a  
396 purse, handbag, satchel, other similar bag or briefcase or fully  
397 enclosed case if the person is not engaged in criminal activity  
398 other than a misdemeanor traffic offense, is not otherwise  
399 prohibited from possessing a pistol or revolver under state or  
400 federal law, and is not in a location prohibited under subsection  
401 (13) of this section.

402 **SECTION 2.** Section 97-37-1, Mississippi Code of 1972, is  
403 amended as follows:

404 97-37-1. (1) Except as otherwise provided in this section  
405 and Sections 97-37-7 and 45-9-101, any person who carries,  
406 concealed on or about one's person, any bowie knife, dirk knife,  
407 butcher knife, switchblade knife, metallic knuckles, blackjack,  
408 slingshot, pistol, revolver, or any rifle with a barrel of less  
409 than sixteen (16) inches in length, or any shotgun with a barrel  
410 of less than eighteen (18) inches in length, machine gun or any  
411 fully automatic firearm or deadly weapon, or any muffler or  
412 silencer for any firearm, whether or not it is accompanied by a  
413 firearm, or uses or attempts to use against another person any  
414 imitation firearm, shall, upon conviction, be punished as follows:



415           (a) By a fine of not less than One Hundred Dollars  
416   (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by  
417   imprisonment in the county jail for not more than six (6) months,  
418   or both, in the discretion of the court, for the first conviction  
419   under this section.

420           (b) By a fine of not less than One Hundred Dollars  
421   (\$100.00) nor more than Five Hundred Dollars (\$500.00), and  
422   imprisonment in the county jail for not less than thirty (30) days  
423   nor more than six (6) months, for the second conviction under this  
424   section.

425           (c) By confinement in the custody of the Department of  
426   Corrections for not less than one (1) year nor more than five (5)  
427   years, for the third or subsequent conviction under this section.

428           (d) By confinement in the custody of the Department of  
429   Corrections for not less than one (1) year nor more than ten (10)  
430   years for any person previously convicted of any felony who is  
431   convicted under this section.

432           (2) It shall not be a violation of this section for any  
433   person over the age of eighteen (18) years to carry a firearm or  
434   deadly weapon concealed within the confines of his own home or his  
435   place of business, or any real property associated with his home  
436   or business or within any motor vehicle.

437           (3) It shall not be a violation of this section for any  
438   person to carry a firearm or deadly weapon concealed if the  
439   possessor of the weapon is then engaged in a legitimate



440 weapon-related sports activity or is going to or returning from  
441 such activity. For purposes of this subsection, "legitimate  
442 weapon-related sports activity" means hunting, fishing, target  
443 shooting or any other legal activity which normally involves the  
444 use of a firearm or other weapon.

445 (4) For the purposes of this section, "concealed" means  
446 hidden or obscured from common observation and shall not include  
447 any weapon listed in subsection (1) of this section, including,  
448 but not limited to, a loaded or unloaded pistol carried upon the  
449 person in a sheath, belt holster or shoulder holster that is  
450 wholly or partially visible, or carried upon the person in a  
451 scabbard or case for carrying the weapon that is wholly or  
452 partially visible.

453 **SECTION 3.** Section 97-37-7, Mississippi Code of 1972, is  
454 amended as follows:

455 97-37-7. (1) (a) It shall not be a violation of Section  
456 97-37-1 or 45-9-101 or any other statute for pistols, firearms or  
457 other suitable and appropriate weapons to be carried by duly  
458 constituted bank guards, company guards, watchmen, railroad  
459 special agents or duly authorized representatives who are not  
460 sworn law enforcement officers, agents or employees of a patrol  
461 service, guard service, or a company engaged in the business of  
462 transporting money, securities or other valuables, while actually  
463 engaged in the performance of their duties as such, provided that  
464 such persons have made a written application and paid a



465 nonrefundable permit fee of One Hundred Dollars (\$100.00) to the  
466 Department of Public Safety.

467 (b) No permit shall be issued to any person who has  
468 ever been convicted of a felony under the laws of this or any  
469 other state or of the United States. To determine an applicant's  
470 eligibility for a permit, the person shall be fingerprinted. If  
471 no disqualifying record is identified at the state level, the  
472 fingerprints shall be forwarded by the Department of Public Safety  
473 to the Federal Bureau of Investigation for a national criminal  
474 history record check. The department shall charge a fee which  
475 includes the amounts required by the Federal Bureau of  
476 Investigation and the department for the national and state  
477 criminal history record checks and any necessary costs incurred by  
478 the department for the handling and administration of the criminal  
479 history background checks. In the event a legible set of  
480 fingerprints, as determined by the Department of Public Safety and  
481 the Federal Bureau of Investigation, cannot be obtained after a  
482 minimum of three (3) attempts, the Department of Public Safety  
483 shall determine eligibility based upon a name check by the  
484 Mississippi Highway Safety Patrol and a Federal Bureau of  
485 Investigation name check conducted by the Mississippi Highway  
486 Safety Patrol at the request of the Department of Public Safety.

487 (c) A person may obtain a duplicate of a lost or  
488 destroyed permit upon payment of a Fifteen Dollar (\$15.00)  
489 replacement fee to the Department of Public Safety, if he



490 furnishes a notarized statement to the department that the permit  
491 has been lost or destroyed.

492 (d) (i) No less than ninety (90) days prior to the  
493 expiration date of a permit, the Department of Public Safety shall  
494 mail to the permit holder written notice of expiration together  
495 with the renewal form prescribed by the department. The permit  
496 holder shall renew the permit on or before the expiration date by  
497 filing with the department the renewal form, a notarized affidavit  
498 stating that the permit holder remains qualified, and the renewal  
499 fee of Fifty Dollars (\$50.00); honorably retired law enforcement  
500 officers shall be exempt from payment of the renewal fee. A  
501 permit holder who fails to file a renewal application on or before  
502 its expiration date shall pay a late fee of Fifteen Dollars  
503 (\$15.00).

504 (ii) Renewal of the permit shall be required every  
505 four (4) years. The permit of a qualified renewal applicant shall  
506 be renewed upon receipt of the completed renewal application and  
507 appropriate payment of fees.

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

512 (2) It shall not be a violation of this or any other statute  
513 for pistols, firearms or other suitable and appropriate weapons to  
514 be carried by Department of Wildlife, Fisheries and Parks law



515 enforcement officers, railroad special agents who are sworn law  
516 enforcement officers, investigators employed by the Attorney  
517 General, criminal investigators employed by the district  
518 attorneys, all prosecutors, public defenders, investigators or  
519 probation officers employed by the Department of Corrections,  
520 employees of the State Auditor who are authorized by the State  
521 Auditor to perform investigative functions, or any deputy fire  
522 marshal or investigator employed by the State Fire Marshal, while  
523 engaged in the performance of their duties as such, or by fraud  
524 investigators with the Department of Human Services, or by judges  
525 of the Mississippi Supreme Court, Court of Appeals, circuit,  
526 chancery, county, justice and municipal courts, or by coroners.  
527 Before any person shall be authorized under this subsection to  
528 carry a weapon, he shall complete a weapons training course  
529 approved by the Board of Law Enforcement Officer Standards and  
530 Training. Before any criminal investigator employed by a district  
531 attorney shall be authorized under this section to carry a pistol,  
532 firearm or other weapon, he shall have complied with Section  
533 45-6-11 or any training program required for employment as an  
534 agent of the Federal Bureau of Investigation. A law enforcement  
535 officer, as defined in Section 45-6-3, shall be authorized to  
536 carry weapons in courthouses in performance of his official  
537 duties. A person licensed under Section 45-9-101 to carry a  
538 concealed pistol, who (a) has voluntarily completed an  
539 instructional course in the safe handling and use of firearms



540 offered by an instructor certified by a nationally recognized  
541 organization that customarily offers firearms training, or by any  
542 other organization approved by the Department of Public Safety,  
543 (b) is a member or veteran of any active or reserve component  
544 branch of the United States of America Armed Forces having  
545 completed law enforcement or combat training with pistols or other  
546 handguns as recognized by such branch after submitting an  
547 affidavit attesting to have read, understand and agree to comply  
548 with all provisions of the enhanced carry law, or (c) is an  
549 honorably retired law enforcement officer or honorably retired  
550 member or veteran of any active or reserve component branch of the  
551 United States of America Armed Forces having completed law  
552 enforcement or combat training with pistols or other handguns,  
553 after submitting an affidavit attesting to have read, understand  
554 and agree to comply with all provisions of Mississippi enhanced  
555 carry law shall also be authorized to carry weapons in courthouses  
556 except in courtrooms during a judicial proceeding, and any  
557 location listed in subsection (13) of Section 45-9-101, except any  
558 place of nuisance as defined in Section 95-3-1, any police,  
559 sheriff or highway patrol station or any detention facility,  
560 prison or jail. For the purposes of this subsection (2),  
561 component branch of the United States Armed Forces includes the  
562 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army  
563 National Guard, the Army National Guard of the United States, the  
564 Air National Guard or the Air National Guard of the United States,



565 as those terms are defined in Section 101, Title 10, United States  
566 Code, and any other reserve component of the United States Armed  
567 Forces enumerated in Section 10101, Title 10, United States Code.  
568 The department shall promulgate rules and regulations allowing  
569 concealed pistol permit holders to obtain an endorsement on their  
570 permit indicating that they have completed the aforementioned  
571 course and have the authority to carry in these locations. This  
572 section shall in no way interfere with the right of a trial judge  
573 to restrict the carrying of firearms in the courtroom.

574 For purposes of this subsection (2), the following words  
575 shall have the meanings described herein, unless the context  
576 otherwise requires:

577 (i) "Courthouse" means any building in which a  
578 circuit court, chancery court, youth court, municipal court,  
579 justice court or any appellate court is located, or any building  
580 in which a court of law is regularly held.

581 (ii) "Courtroom" means the actual room in which a  
582 judicial proceeding occurs, including any jury room, witness room,  
583 judge's chamber, office housing the judge's staff, or similar  
584 room. "Courtroom" shall not mean hallways, courtroom entrances,  
585 courthouse grounds, lobbies, corridors, or other areas within a  
586 courthouse which are generally open to the public for the  
587 transaction of business outside of an active judicial proceeding,  
588 the grassed areas, cultivated flower beds, sidewalks, parking





589 lots, or other areas contained within the boundaries of the public  
590 land upon which the courthouse is located.

591 (3) It shall not be a violation of this or any other statute  
592 for pistols, firearms or other suitable and appropriate weapons,  
593 to be carried by any out-of-state, full-time commissioned law  
594 enforcement officer who holds a valid commission card from the  
595 appropriate out-of-state law enforcement agency and a photo  
596 identification. The provisions of this subsection shall only  
597 apply if the state where the out-of-state officer is employed has  
598 entered into a reciprocity agreement with the state that allows  
599 full-time commissioned law enforcement officers in Mississippi to  
600 lawfully carry or possess a weapon in such other states. The  
601 Commissioner of Public Safety is authorized to enter into  
602 reciprocal agreements with other states to carry out the  
603 provisions of this subsection.

604 (4) It shall not be a violation of this or any other statute  
605 for any person to carry a concealed pistol, firearm or other  
606 suitable and appropriate weapon in the act of evacuating during a  
607 mandatory evacuation order issued by local governing authorities,  
608 the Governor of this state or President of the United States. For  
609 purposes of this subsection, the phrase "in the act of evacuating"  
610 means the immediate and urgent movement of a person away from the  
611 evacuation zone within forty-eight (48) hours after a mandatory  
612 evacuation is ordered. The forty-eight (48) hours may be extended  
613 by an order issued by the Governor.



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

