

By: Representatives Criswell, Williamson,  
Lancaster

To: Judiciary B

## HOUSE BILL NO. 1041

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

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

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

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



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

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

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



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

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

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

45-9-101. (1) (a) Except as otherwise provided, the Department of Public Safety is authorized to issue licenses to carry stun guns, concealed pistols or revolvers to persons 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

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

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

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

(e) Does not chronically or habitually abuse controlled substances to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses controlled substances to the extent that his faculties are impaired if the applicant has been voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance or been found guilty of a crime under the provisions of



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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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





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

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

207 (i) Issue the license;

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

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



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

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

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

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



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

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

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



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

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

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

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

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



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

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



lawfully transported on any aircraft; any church or other place of worship, except as provided in Section 45-9-171; or any place where the carrying of firearms is prohibited by federal law. In addition to the places enumerated in this subsection, the carrying of a stun gun, concealed pistol or revolver may be disallowed in any place in the discretion of the person or entity exercising control over the physical location of such place by the placing of a written notice clearly readable at a distance of not less than ten (10) 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.

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

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

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





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

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

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

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



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

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

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

97-37-5. (1) It shall be unlawful for any person who has been convicted of a felony under the laws of this state, any other state, or of the United States to possess any firearm or any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, or any muffler or silencer for any firearm



unless such person has received a pardon for such felony, has received a relief from disability pursuant to Section 925(c) of Title 18 of the United States Code, or has received a certificate of rehabilitation pursuant to subsection (3) of this section.

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

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

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

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



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

(ii) The person's mental history;

(iii) The person's criminal history; and

(iv) The person's reputation.

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

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

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

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

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

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



491 fee of One Hundred Dollars (\$100.00) to the Department of Public  
492 Safety.

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

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



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

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

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

(iii) A permit cannot be renewed six (6) months or more after its expiration date, and such permit shall be deemed to be permanently expired; the holder may reapply for an original 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



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



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





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

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

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

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



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

(3) 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 any out-of-state, full-time commissioned law enforcement officer who holds a valid commission card from the appropriate out-of-state law enforcement agency and a photo identification. The provisions of this subsection shall only apply if the state where the out-of-state officer is employed has entered into a reciprocity agreement with the state that allows full-time commissioned law enforcement officers in Mississippi to lawfully carry or possess a weapon in such other states. The Commissioner of Public Safety is authorized to enter into reciprocal agreements with other states to carry out the provisions of this subsection.

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

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

97-37-31. Except as otherwise provided in Sections 1 and 2 of this act, it shall be unlawful for any person, persons, corporation or manufacturing establishment, not duly authorized under federal law, to make, manufacture, sell or possess any instrument or device which, if used on firearms of any kind, will arrest or muffle the report of the firearm when shot or fired.



Any person violating this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned in the county jail not more than thirty (30) days, or both.

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

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

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

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

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

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

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

97-37-105. (1) Except as otherwise provided in Section 1 of this act, any person who knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances



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

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

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

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

679 **SECTION 8.** This act shall take effect and be in force from  
680 and after July 1, 2021.

