

By: Representative Carpenter

To: Military Affairs

## HOUSE BILL NO. 1182

1 AN ACT TO AMEND SECTIONS 35-1-7, 35-3-9, 35-3-11, 35-3-13,  
2 35-3-21, 35-7-5, 25-9-301, 25-11-109, 27-19-56.125, 37-103-25 AND  
3 45-9-101, MISSISSIPPI CODE OF 1972; TO PRESCRIBE A UNIFORM  
4 DEFINITION OF "VETERAN" FOR PURPOSES OF SUCH STATUTES TO  
5 SPECIFICALLY INCLUDE MEMBERS OF THE NATIONAL OCEANIC AND  
6 ATMOSPHERIC ADMINISTRATION CORPS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 35-1-7, Mississippi Code of 1972, is  
9 amended as follows:

10 35-1-7. The duties of the State Veterans Affairs Board shall  
11 be to assist former and present members of the Armed Forces of the  
12 United States, and their dependents, in securing any benefits or  
13 privileges under any federal or state law or regulation to which  
14 they are entitled and to advise the Governor and Legislature on  
15 veterans affairs. Moreover, veterans or their dependents shall be  
16 given their choice of organizations to represent them in instances  
17 where a case is appealed, and the board shall lend its full  
18 cooperation in connection therewith.

19 The board and its employees shall cooperate fully with all  
20 congressionally chartered veterans organizations within the state,



21 including servicing the power of attorney of the congressionally  
22 chartered veterans organizations upon the request of the  
23 organizations to the State Veterans Affairs Board in the  
24 prosecution of all claims on behalf of veterans. However, all  
25 powers of attorney to the State Veterans Affairs Board shall be  
26 processed first, and thereafter, powers of attorney shall be  
27 processed for veterans organizations in the ratio that the  
28 membership of the organization bears to the total number of  
29 veterans residing in Mississippi.

30       The State Veterans Affairs Board is designated as the "state  
31 approving agency" for the State of Mississippi. It shall be the  
32 duty of the State Veterans Affairs Board to inspect, approve and  
33 supervise schools, institutions and establishments for war orphan  
34 and veteran training as provided in Section 1771, Chapter 35,  
35 Title 38, United States Code, and in any subsequent acts passed by  
36 the Congress of the United States for the purpose of education and  
37 training of war orphans or former and present members of the Armed  
38 Forces of the United States. The State Veterans Affairs Board is  
39 authorized to employ the needed personnel to perform the duties as  
40 outlined in Section 1771, Chapter 35, Title 38, United States  
41 Code, and in any subsequent acts as enacted by the Congress of the  
42 United States, and to enter into contract with the Department of  
43 Veterans Affairs for salary and travel reimbursement for personnel  
44 employed for this purpose.



The State Veterans Affairs Board shall operate all Mississippi State Veterans Homes when established as authorized by Sections 35-1-19 through 35-1-29.

The State Veterans Affairs Board is authorized to adopt such policies and to prescribe such rules and regulations as it may deem necessary for the proper administration of this chapter. However, such policies and regulations shall not be in conflict with any of the provisions of this chapter.

For purposes of this chapter, the term "veteran" means any person enlisted, appointed or inducted in a component of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration Corps (or its predecessor organization the Coast and Geodetic Survey), and Uniformed Public Health Service as stated in 42 USCA Section 410.

**SECTION 2.** Section 35-3-9, Mississippi Code of 1972, is amended as follows:

35-3-9. When requested by the Veterans Administration, State Veterans Affairs Board, any holder of a power of attorney from a veteran or his claimant, or any recognized Veterans Service Officer, the Bureau of Vital Statistics of the State of Mississippi shall furnish to such organizations or officers, without charge, copies of birth and death certificates when the same are needed to establish claims for dependency, disability or survivors' benefits for any veterans who are legal residents of the State of Mississippi, or their claimants.



70 For purposes of this section, the term "veteran" means any  
71 person enlisted, appointed or inducted in a component of the Army,  
72 Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and  
73 Atmospheric Administration Corps (or its predecessor organization  
74 the Coast and Geodetic Survey), and Uniformed Public Health  
75 Service as stated in 42 USCA Section 410.

76 **SECTION 3.** Section 35-3-11, Mississippi Code of 1972, is  
77 amended as follows:

78 35-3-11. When requested by the Veterans Administration,  
79 State Veteran Affairs Board, any holder of a power of attorney  
80 from a veteran or his claimant, or any recognized Veterans Service  
81 Officer, the chancery clerks and circuit clerks of all counties of  
82 the State of Mississippi shall, upon application by such  
83 organizations or officers, furnish, without charge, certified  
84 copies of marriage licenses, divorce decrees, adoption decrees,  
85 and any and all other records when the same are needed to  
86 establish claims for dependency, disability or survivors' benefits  
87 for any veterans who are legal residents of the State of  
88 Mississippi, or their claimants.

89 For purposes of this chapter, the term "veteran" means any  
90 person enlisted, appointed or inducted in a component of the Army,  
91 Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and  
92 Atmospheric Administration Corps (or its predecessor organization  
93 the Coast and Geodetic Survey), and Uniformed Public Health  
94 Service as stated in 42 USCA Section 410.



95       **SECTION 4.** Section 35-3-13, Mississippi Code of 1972, is  
96 amended as follows:

97       35-3-13. (1) All chancery clerks, of all counties of the  
98 State of Mississippi, shall record, without any cost whatsoever to  
99 any person of the Armed Forces of the United States residing in  
100 the same county as the chancery clerk, all honorable discharges  
101 and all certificates of service of any and all members of the  
102 Armed Forces of the United States of America who have served in  
103 the Armed Forces of the United States, including the Army, Navy  
104 and Marine, Coast Guard and Nurses Corps.

105       (2) The board of supervisors of all counties shall furnish  
106 to the chancery clerk all necessary supplies and equipment for the  
107 recording of these instruments, and allow out of the general fund  
108 of the county the sum of One Dollar (\$1.00) for recording the  
109 discharge certificate. All certified copies will be furnished  
110 free without cost either to the soldier, sailor, marine, coast  
111 guardsman, nurse or the county.

112       (3) The chancery clerk of all counties shall keep a record  
113 of all honorable discharges and certificates of discharge in a  
114 separate record safeguarded and protected from theft, and  
115 definitely marked "Record of Discharged Members of the Armed  
116 Forces." The chancery clerk shall furnish certified copies of the  
117 discharge or discharge certificate of any veteran when so  
118 requested by the veteran, his dependents or his authorized  
119 representative; however, before furnishing any copy of the



120 discharge or discharge certificate, the chancery clerk must verify  
121 the identity and relationship to the veteran of the person  
122 requesting the copy and must obtain and maintain on file a signed  
123 consent for the release of information from the veteran, dependent  
124 or authorized representative.

125       (4) (a) The chancery clerk of all counties shall keep a  
126 record of all veterans Form DD-214 in a separate record  
127 safeguarded and protected from theft, and marked "Record of  
128 Veterans Service Form DD-214 Members of the Armed Forces." The  
129 chancery clerk shall record the form without charge and shall  
130 furnish certified copies of the Form DD-214 without charge when so  
131 requested by the veteran, his dependents or his authorized  
132 representative. The Form DD-214 record is not a public record  
133 under the public records law, and before furnishing any copy of  
134 the form, the chancery clerk shall verify the identity and  
135 relationship to the veteran of the person requesting the copy and  
136 obtain and maintain in the file a signed consent for the release  
137 of information from the veteran, dependent or authorized  
138 representative. The chancery clerk shall prepare and provide a  
139 form for use by the veteran, dependent or authorized  
140 representative to provide such consent for the release of  
141 information from the veteran, dependent or authorized  
142 representative.

143       (b) The chancery clerk of all counties shall keep a  
144 record of all veterans Form NGB-22 in a separate record



145 safeguarded and protected from theft, and marked "Record of  
146 Veterans Service Form NGB-22 Members of the Armed Forces." The  
147 chancery clerk shall record the form without charge and shall  
148 furnish certified copies of the Form NGB-22 without charge when so  
149 requested by the veteran, his dependents or his authorized  
150 representative. The Form NGB-22 record is not a public record  
151 under the public records law, and before furnishing any copy of  
152 the form, the chancery clerk shall verify the identity and  
153 relationship to the veteran of the person requesting the copy and  
154 obtain and maintain in the file a signed consent for the release  
155 of information from the veteran, dependent or authorized  
156 representative. The chancery clerk shall prepare and provide a  
157 form for use by the veteran, dependent or authorized  
158 representative to provide such consent for the release of  
159 information from the veteran, dependent or authorized  
160 representative.

161 (5) For purposes of this chapter, the term "veteran" means  
162 any person enlisted, appointed or inducted in a component of the  
163 Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic  
164 and Atmospheric Administration Corps (or its predecessor  
165 organization the Coast and Geodetic Survey), and Uniformed Public  
166 Health Service as stated in 42 USCA Section 410.

167 **SECTION 5.** Section 35-3-21, Mississippi Code of 1972, is  
168 amended as follows:



169           35-3-21. In order to maintain offices and pay personnel for  
170 the purpose of assisting all residents of the State of Mississippi  
171 who served in the military or naval forces of the United States  
172 during any war, their relatives, beneficiaries or dependents, to  
173 receive from the United States any and all compensation,  
174 hospitalization, insurance or other aid or benefits to which they  
175 may be entitled under existing or hereafter enacted laws of the  
176 United States, the boards of supervisors in the various counties  
177 in the state are hereby authorized and empowered, in their  
178 discretion, to expend out of the general county fund, or special  
179 veterans' fund herein authorized to be set up, or from both of  
180 such funds, such monies necessary to defray the office operating  
181 expenses and salary of the county veterans<sub>u</sub> service officers.

182           Two (2) or more counties may, upon resolution duly adopted by  
183 the board of supervisors of each of such counties, agree to  
184 establish one (1) veterans<sub>u</sub> service office for all of such  
185 counties. When two (2) or more counties enter into such an  
186 agreement, each county shall pay such amount mutually agreed upon  
187 and duly adopted by resolution of the respective boards of  
188 supervisors.

189           County veterans<sub>u</sub> service officers shall be (a) honorably  
190 discharged or honorably released veterans of any war or police  
191 action in which the Armed Forces of the United States have been,  
192 are or shall be committed for action; (b) the surviving spouse or  
193 child of any such deceased veteran; or (c) any person employed as





194 a county veterans service officer in any county of this state on  
195 March 30, 1990. From and after July 1, 1990, county veterans  
196 service officers shall be certified by the Mississippi State  
197 Veterans' Affairs Board which, among any other criteria it may  
198 establish, shall require such officers to (a) attend at least one  
199 (1) of the two (2) annual training programs provided for such  
200 officers and (b) successfully complete a written examination each  
201 year on the duties and responsibilities of and assistance  
202 available to such officers and veterans. The programs shall be  
203 developed by the State Veterans' Affairs Board. The program shall  
204 include a period of instruction which shall be not more than three  
205 (3) days for veterans service officers receiving initial  
206 certification, and not more than two (2) days for veterans service  
207 officers being recertified. County veterans service officers who  
208 annually receive and complete such instruction in a manner  
209 satisfactory to the Veterans' Affairs Board and in accordance with  
210 this section shall be certified by the board. No county veterans  
211 service officer shall be entitled to receive any compensation for  
212 his services, to which he is otherwise entitled by law, unless he  
213 is annually certified by the board.

214 County veterans service officers may be employed, in the  
215 discretion of the boards of supervisors, either full time or part  
216 time.

217 The boards of supervisors of the various counties are further  
218 authorized and empowered to pay all necessary and actual expenses



of county veterans<sub>u</sub> service officers who attend a school of instruction within the State of Mississippi for such county veterans<sub>u</sub> service officers.

It shall also be the duty of the boards of supervisors to aid the United States to defeat all unjust claims for aid or benefit therefrom.

Such expenditures may be made by the several counties acting alone, or in cooperation with other counties, and in cooperation with any federal or state agency carrying out such purposes.

In the event that the general revenues of the county levied under and within the limits of existing taxing statutes are not sufficient to pay the expenses authorized herein, the board of supervisors may, in its discretion, levy an additional tax not to exceed one (1) mill on all taxable property in the county to defray such expenses or any part thereof. Any tax levy made under authority of this chapter shall not be considered in refunding homestead exemption losses under Title 27, Chapter 33, Mississippi Code of 1972.

For purposes of this chapter, the term "veteran" means any person enlisted, appointed or inducted in a component of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration Corps (or its predecessor organization the Coast and Geodetic Survey), and Uniformed Public Health Service as stated in 42 USCA Section 410.



243           **SECTION 6.** Section 35-7-5, Mississippi Code of 1972, is  
244 amended as follows:

245           35-7-5. When used in this chapter, the word or term:

246                 (a) "Veterans" includes:

247                         (i) Any person who, upon presentation of his  
248 United States Armed Services record is eligible for a certificate  
249 of eligibility for a Home Loan Guaranty from the United States  
250 Veterans' Administration.

251                         (ii) Unremarried surviving spouses of the  
252 above-described eligible persons who died as the result of service  
253 or service-connected injuries. The unremarried spouse of any  
254 eligible veteran who has not purchased a home since the veteran's  
255 death shall be eligible for the benefits of this chapter, except  
256 that the benefits of a Veterans' Administration Guaranteed Loan  
257 will not be available.

258                         (iii) The spouse of any member of the Armed Forces  
259 serving on active duty who is listed as missing in action, or is a  
260 prisoner of war, and has been so listed for a total of more than  
261 ninety (90) days.

262           Any such person shall have been discharged under conditions  
263 other than dishonorable from the branch of service in which he or  
264 she served, shall have been a bona fide resident of the United  
265 States of America at the time of his or her enlistment, induction,  
266 commission or drafting, and shall have lived in this state for two  
267 (2) years immediately preceding entry to extended active duty or



the filing of the purchase application, or have married a person who has been a legal resident of this state for at least two (2) consecutive years immediately preceding the marriage and application.

The veteran must obtain a certificate of eligibility for home loan guaranty from the Veterans' Administration and present both an original certificate and a record of service or original discharge (DD 214) to the board.

(b) "Applicant" is a person meeting the criteria of "veteran" who has made written application to the board in the format prescribed by the board.

(c) "Mortgagor" is the person described as "applicant" who has subsequently executed a deed of trust on real property to the board, and may otherwise be described as "owner" or title holder.

(d) "Board" means the Veterans' Home Purchase Board of the State of Mississippi.

(e) "Home" means a parcel of real estate upon which there is a single family dwelling house and such other buildings as will, in the opinion of the board, suit the needs of the purchaser and his dependents as a place of abode.

(f) "Veteran" means any person enlisted, appointed or inducted in a component of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration Corps (or its predecessor organization the Coast



and Geodetic Survey), and Uniformed Public Health Service as  
stated in 42 USCA Section 410.

**SECTION 7.** Section 25-9-301, Mississippi Code of 1972, is  
amended as follows:

25-9-301. The following terms shall have the meaning  
ascribed herein unless the context shall require otherwise:

(a) "Veteran" means a person who served in the active  
Armed Forces of the United States for a period of ninety (90) days  
during a period of war or armed conflict and was granted an  
honorable discharge therefrom; or was discharged therefrom for a  
service-connected injury in less than ninety (90) days. The term  
"veteran" specifically includes any person enlisted, appointed or  
inducted in a component of the Army, Navy, Air Force, Marine  
Corps, Coast Guard, National Oceanic and Atmospheric  
Administration Corps (or its predecessor organization the Coast  
and Geodetic Survey), and Uniformed Public Health Service as  
stated in 42 USCA Section 410.

(b) "Disabled veteran" means a veteran who the Veterans  
Administration has certified to have a service-connected  
disability rating of at least thirty percent (30%) within the last  
ninety (90) days, or a veteran who was awarded the Purple Heart  
for wounds received in combat.

**SECTION 8.** Section 25-11-109, Mississippi Code of 1972, is  
amended as follows:



25-11-109. (1) Under such rules and regulations as the board of trustees shall adopt, each person who becomes a member of this retirement system, as provided in Section 25-11-105, on or before July 1, 1953, or who became a member of the system before July 1, 2007, and contributes to the system for a minimum period of four (4) years, or who became a member of the system on or after July 1, 2007, and contributes to the system for a minimum period of eight (8) years, shall receive credit for all state service rendered before February 1, 1953. To receive that credit, the member shall file a detailed statement of all services as an employee rendered by him in the state service before February 1, 1953. For any member who joined the system after July 1, 1953, and before July 1, 2007, any creditable service for which the member is not required to make contributions shall not be credited to the member until the member has contributed to the system for a minimum period of at least four (4) years. For any member who joined the system on or after July 1, 2007, any creditable service for which the member is not required to make contributions shall not be credited to the member until the member has contributed to the system for a minimum period of at least eight (8) years.

(2) (a) (i) In the computation of creditable service for service rendered before July 1, 2017, under the provisions of this article, the total months of accumulative service during any fiscal year shall be calculated in accordance with the schedule as follows: ten (10) or more months of creditable service during any



fiscal year shall constitute a year of creditable service; seven (7) months to nine (9) months inclusive, three-quarters (3/4) of a year of creditable service; four (4) months to six (6) months inclusive, one-half (1/2) year of creditable service; one (1) month to three (3) months inclusive, one-quarter (1/4) of a year of creditable service.

(ii) In the computation of creditable service rendered on or after July 1, 2017, under the provisions of this article, service credit shall be awarded in monthly increments in a manner prescribed by regulations of the board.

(b) In no case shall credit be allowed for any period of absence without compensation except for disability while in receipt of a disability retirement allowance, nor shall less than fifteen (15) days of service in any month, or service less than the equivalent of one-half (1/2) of the normal working load for the position and less than one-half (1/2) of the normal compensation for the position in any month, constitute a month of creditable service, nor shall more than one (1) year of service be creditable for all services rendered in any one (1) fiscal year; however, for a school employee, substantial completion of the legal school term when and where the service was rendered shall constitute a year of service credit. Any state or local elected official shall be deemed a full-time employee for the purpose of creditable service. However, an appointed or elected official



366 compensated on a per diem basis only shall not be allowed  
367 creditable service for terms of office.

368 (c) In the computation of any retirement allowance or  
369 any annuity or benefits provided in this article, any fractional  
370 period of service of less than one (1) year shall be taken into  
371 account and a proportionate amount of such retirement allowance,  
372 annuity or benefit shall be granted for any such fractional period  
373 of service.

374 (d) (i) In the computation of unused leave for  
375 creditable service authorized in Section 25-11-103, the following  
376 shall govern for members who retire before July 1, 2017:  
377 twenty-one (21) days of unused leave shall constitute one (1)  
378 month of creditable service and in no case shall credit be allowed  
379 for any period of unused leave of less than fifteen (15) days.  
380 The number of months of unused leave shall determine the number of  
381 quarters or years of creditable service in accordance with the  
382 above schedule for membership and prior service.

383 (ii) In the computation of unused leave for  
384 creditable service authorized in Section 25-11-103, the following  
385 shall govern for members who retire on or after July 1, 2017:  
386 creditable service for unused leave shall be calculated in monthly  
387 increments in which one (1) month of service credit shall be  
388 awarded for each twenty-one (21) days of unused leave, except that  
389 the first fifteen (15) to fifty-seven (57) days of leave shall





constitute three (3) months of service for those who became a member of the system before July 1, 2017.

(iii) In order for the member to receive creditable service for the number of days of unused leave under this paragraph, the system must receive certification from the governing authority.

(e) For the purposes of this subsection, members of the system who retire on or after July 1, 2010, shall receive credit for one-half (1/2) day of leave for each full year of membership service accrued after June 30, 2010. The amount of leave received by a member under this paragraph shall be added to the lawfully credited unused leave for which creditable service is provided under Section 25-11-103(i).

(f) For the purpose of this subsection, for members of the system who are elected officers and who retire on or after July 1, 1987, the following shall govern:

(i) For service before July 1, 1984, the members shall receive credit for leave (combined personal and major medical) for service as an elected official before that date at the rate of thirty (30) days per year.

(ii) For service on and after July 1, 1984, the member shall receive credit for personal and major medical leave beginning July 1, 1984, at the rates authorized in Sections 25-3-93 and 25-3-95, computed as a full-time employee.



(iii) If a member is employed in a covered nonelected position and a covered elected position simultaneously, that member may not receive service credit for accumulated unused leave for both positions at retirement for the period during which the member was dually employed. During the period during which the member is dually employed, the member shall only receive credit for leave as provided for in this paragraph for an elected official.

(3) Subject to the above restrictions and to such other rules and regulations as the board may adopt, the board shall verify, as soon as practicable after the filing of such statements of service, the services therein claimed.

(4) Upon verification of the statement of prior service, the board shall issue a prior service certificate certifying to each member the length of prior service for which credit shall have been allowed on the basis of his statement of service. So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service, provided that any member may within five (5) years from the date of issuance or modification of such certificate request the board of trustees to modify or correct his prior service certificate. Any modification or correction authorized shall only apply prospectively.

When membership ceases, such prior service certificates shall become void. Should the employee again become a member, he shall



enter the system as an employee not entitled to prior service credit except as provided in Sections 25-11-105(I), 25-11-113 and 25-11-117.

(5) Creditable service at retirement, on which the retirement allowance of a member shall be based, shall consist of the membership service rendered by him since he last became a member, and also, if he has a prior service certificate that is in full force and effect, the amount of the service certified on his prior service certificate.

(6) Any member who served on active duty in the Armed Forces of the United States, who served in the Commissioned Corps of the United States Public Health Service before 1972 or who served in maritime service during periods of hostility in World War II, or served in the National Oceanic and Atmospheric Administration Corps (or its predecessor organization the Coast and Geodetic Survey), shall be entitled to creditable service at no cost for his service on active duty in the Armed Forces, in the Commissioned Corps of the United States Public Health Service before 1972 or in such maritime service, provided he entered state service after his discharge from the Armed Forces or entered state service after he completed such maritime service. The maximum period for such creditable service for all military service as defined in this subsection (6) shall not exceed four (4) years unless positive proof can be furnished by such person that he was retained in the Armed Forces during World War II or in maritime



464 service during World War II by causes beyond his control and  
465 without opportunity of discharge. The member shall furnish proof  
466 satisfactory to the board of trustees of certification of military  
467 service or maritime service records showing dates of entrance into  
468 active duty service and the date of discharge. From and after  
469 July 1, 1993, no creditable service shall be granted for any  
470 military service or maritime service to a member who qualifies for  
471 a retirement allowance in another public retirement system  
472 administered by the Board of Trustees of the Public Employees'  
473 Retirement System based, in whole or in part, on such military or  
474 maritime service. In no case shall the member receive creditable  
475 service if the member received a dishonorable discharge from the  
476 Armed Forces of the United States.

477 (7) (a) Any member of the Public Employees' Retirement  
478 System whose membership service is interrupted as a result of  
479 qualified military service within the meaning of Section 414(u) (5)  
480 of the Internal Revenue Code, and who has received the maximum  
481 service credit available under subsection (6) of this section,  
482 shall receive creditable service for the period of qualified  
483 military service that does not qualify as creditable service under  
484 subsection (6) of this section upon reentering membership service  
485 in an amount not to exceed five (5) years if:

486 (i) The member pays the contributions he would  
487 have made to the retirement system if he had remained in  
488 membership service for the period of qualified military service



based upon his salary at the time his membership service was interrupted;

(ii) The member returns to membership service within ninety (90) days of the end of his qualified military service; and

(iii) The employer at the time the member's service was interrupted and to which employment the member returns pays the contributions it would have made into the retirement system for such period based on the member's salary at the time the service was interrupted.

(b) The payments required to be made in paragraph (a)(i) of this subsection may be made over a period beginning with the date of return to membership service and not exceeding three (3) times the member's qualified military service; however, in no event shall such period exceed five (5) years.

(c) The member shall furnish proof satisfactory to the board of trustees of certification of military service showing dates of entrance into qualified service and the date of discharge as well as proof that the member has returned to active employment within the time specified.

(8) Any member of the Public Employees' Retirement System who became a member of the system before July 1, 2007, and who has at least four (4) years of membership service credit, or who became a member of the system on or after July 1, 2007, and who has at least eight (8) years of membership service credit, shall



514 be entitled to receive a maximum of five (5) years' creditable  
515 service for service rendered in another state as a public employee  
516 of such other state, or a political subdivision, public education  
517 system or other governmental instrumentality thereof, or service  
518 rendered as a teacher in American overseas dependent schools  
519 conducted by the Armed Forces of the United States for children of  
520 citizens of the United States residing in areas outside the  
521 continental United States, provided that:

522           (a) The member shall furnish proof satisfactory to the  
523 board of trustees of certification of such services from the  
524 state, public education system, political subdivision or  
525 retirement system of the state where the services were performed  
526 or the governing entity of the American overseas dependent school  
527 where the services were performed; and

528           (b) The member is not receiving or will not be entitled  
529 to receive from the public retirement system of the other state or  
530 from any other retirement plan, including optional retirement  
531 plans, sponsored by the employer, a retirement allowance including  
532 such services; and

533           (c) The member shall pay to the retirement system on  
534 the date he or she is eligible for credit for such out-of-state  
535 service or at any time thereafter before the date of retirement  
536 the actuarial cost as determined by the actuary for each year of  
537 out-of-state creditable service. The provisions of this  
538 subsection are subject to the limitations of Section 415 of the



539 Internal Revenue Code and regulations promulgated under that  
540 section.

541 (9) Any member of the Public Employees' Retirement System  
542 who became a member of the system before July 1, 2007, and has at  
543 least four (4) years of membership service credit, or who became a  
544 member of the system on or after July 1, 2007, and has at least  
545 eight (8) years of membership service credit, and who receives, or  
546 has received, professional leave without compensation for  
547 professional purposes directly related to the employment in state  
548 service shall receive creditable service for the period of  
549 professional leave without compensation provided:

550 (a) The professional leave is performed with a public  
551 institution or public agency of this state, or another state or  
552 federal agency;

553 (b) The employer approves the professional leave  
554 showing the reason for granting the leave and makes a  
555 determination that the professional leave will benefit the  
556 employee and employer;

557 (c) Such professional leave shall not exceed two (2)  
558 years during any ten-year period of state service;

559 (d) The employee shall serve the employer on a  
560 full-time basis for a period of time equivalent to the  
561 professional leave period granted immediately following the  
562 termination of the leave period;



563           (e) The contributing member shall pay to the retirement  
564 system the actuarial cost as determined by the actuary for each  
565 year of professional leave. The provisions of this subsection are  
566 subject to the regulations of the Internal Revenue Code  
567 limitations;

568           (f) Such other rules and regulations consistent  
569 herewith as the board may adopt and in case of question, the board  
570 shall have final power to decide the questions.

571           Any actively contributing member participating in the School  
572 Administrator Sabbatical Program established in Section 37-9-77  
573 shall qualify for continued participation under this subsection  
574 (9).

575           (10) Any member of the Public Employees' Retirement System  
576 who became a member of the system before July 1, 2007, and has at  
577 least four (4) years of credited membership service, or who became  
578 a member of the system on or after July 1, 2007, and has at least  
579 eight (8) years of credited membership service, shall be entitled  
580 to receive a maximum of ten (10) years creditable service for:

581           (a) Any service rendered as an employee of any  
582 political subdivision of this state, or any instrumentality  
583 thereof, that does not participate in the Public Employees'  
584 Retirement System; or

585           (b) Any service rendered as an employee of any  
586 political subdivision of this state, or any instrumentality





587 thereof, that participates in the Public Employees' Retirement  
588 System but did not elect retroactive coverage; or

589 (c) Any service rendered as an employee of any  
590 political subdivision of this state, or any instrumentality  
591 thereof, for which coverage of the employee's position was or is  
592 excluded; provided that the member pays into the retirement system  
593 the actuarial cost as determined by the actuary for each year, or  
594 portion thereof, of such service. After a member has made full  
595 payment to the retirement system for all or any part of such  
596 service, the member shall receive creditable service for the  
597 period of such service for which full payment has been made to the  
598 retirement system.

599 **SECTION 9.** Section 27-19-56.125, Mississippi Code of 1972,  
600 is amended as follows:

601 27-19-56.125. In recognition of the patriotic service  
602 rendered by Mississippians who are veterans of the United States  
603 Armed Forces, beginning with any registration year commencing on  
604 or after July 1, 2011, any such person is privileged to obtain  
605 distinctive motorcycle license plates or tags for each motorcycle  
606 registered in his name identifying his status as a veteran. The  
607 Department of Revenue, with concurrence by the State Veterans  
608 Affairs Board, shall develop decals to be affixed to the license  
609 tag indicating branch and period of military service. The  
610 distinctive plates or tags shall be of a color and design



611 designated by the Department of Revenue with concurrence by the  
612 State Veterans Affairs Board.

613       The distinctive license plates shall be prepared by the  
614 Department of Revenue and shall be issued through the tax  
615 collectors of the counties in the same manner as are other motor  
616 vehicle license plates or tags. An additional annual tag fee of  
617 Thirty Dollars (\$30.00) shall be collected by the tax collector  
618 for such license plates or tags and shall be remitted to the  
619 Department of Revenue on a monthly basis as prescribed by the  
620 department. The additional fee is due and payable at the time the  
621 original application is made for a distinctive tag under this  
622 section and thereafter annually at the time of renewal  
623 registration as long as the owner retains the distinctive license  
624 tag. The Department of Revenue shall deposit such fee to the  
625 credit of a fund to be administered by the board overseeing the  
626 veterans nursing homes in this state for the benefit of indigent  
627 veterans who are residents of such nursing homes.

628       An applicant for the distinctive plates shall present to the  
629 issuing official written evidence of the veteran's service. The  
630 evidence shall include a copy of the applicant's DD-214 form, a  
631 Report of Separation from Military Service, a military discharge  
632 document, a written certification of military service from the  
633 State Veterans Affairs Board or a valid military identification  
634 card; however, a distinctive license plate or tag shall not be  
635 issued under this section to any person who was dishonorably



636 discharged from the United States Armed Forces. The distinctive  
637 license plates or tags so issued shall be used only upon a  
638 personally or jointly owned private motorcycle registered in the  
639 name, or jointly in the name, of the person making the  
640 application, and when issued to the person shall be used upon the  
641 motorcycle for which issued in lieu of the standard license plate  
642 or license tag normally issued for the motorcycle.

643 The distinctive license plates shall not be transferable  
644 between motorcycle owners; and in the event the owner of a  
645 motorcycle bearing a distinctive plate shall sell, trade, exchange  
646 or otherwise dispose of the motorcycle, the plate shall be  
647 retained by the owner and returned to the tax collector.

648 Distinctive license tags shall not be issued under this  
649 section after the effective date of this act. A person issued a  
650 distinctive tag under this section before the effective date of  
651 this act may renew the license tag under Section 27-19-56.524(4)  
652 in the manner provided for the issuance and renewal of a tag in  
653 Section 27-19-56.524(4).

654 For purposes of this section, the term "veteran" means any  
655 person enlisted, appointed or inducted in a component of the Army,  
656 Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and  
657 Atmospheric Administration Corps (or its predecessor organization  
658 the Coast and Geodetic Survey), and Uniformed Public Health  
659 Service as stated in 42 USCA Section 410.



660           **SECTION 10.** Section 37-103-25, Mississippi Code of 1972, is  
661 amended as follows:

662           37-103-25. (1) The Board of Trustees of State Institutions  
663 of Higher Learning and the boards of trustees of the community  
664 colleges and junior colleges are authorized to prescribe the  
665 amount of tuition and fees to be paid by students attending the  
666 several state-supported institutions of higher learning and  
667 community colleges and junior colleges of the State of  
668 Mississippi.

669           (2) Except as otherwise provided in this subsection and  
670 subsections (3) and (4) of this section, the total tuition to be  
671 paid by residents of other states shall not be less than the  
672 average cost per student from appropriated funds. However, the  
673 tuition to be paid by a resident of another state shall be equal  
674 to the tuition amount established under subsection (1) of this  
675 section if:

676           (a) The nonresident student is either a veteran, as  
677 defined by Title 38 of the United States Code or as defined by 42  
678 USCA Section 410(m), or a person entitled to education benefits  
679 under Title 38 of the United States Code. Nonresident students  
680 enrolled in a professional school or college at a state  
681 institution of higher learning are excluded from this paragraph  
682 (2)(a) except for those nonresident students who must be charged  
683 tuition equal to the amount established under subsection (1) due  
684 to the provisions of Section 702 of the Veterans Access, Choice



and Accountability Act of 2014. This paragraph (a) shall be administered and interpreted in the manner necessary to obtain or retain approval of courses of education by the Secretary of the United States Department of Veterans Affairs;

(b) The nonresident student is an evacuee of an area affected by Hurricane Katrina or Hurricane Rita. This waiver shall be applicable to the 2005-2006 school year only \* \* \*; and

(c) The nonresident student's out-of-state tuition was waived according to subsection (3) or (4) of this section.

(3) The Board of Trustees of State Institutions of Higher Learning may, in its discretion, consider and grant requests to approve institution specific policies permitting the waiver of out-of-state tuition when such an official request is made by the president or chancellor of the institution and when such request is determined by the board to be fiscally responsible and in accordance with the educational mission of the requesting institution.

(4) The board of trustees of any community college or junior college may develop and implement a policy for waiving out-of-state tuition for the college if the policy is determined by the board to be in accordance with the educational mission of the college and if a local industry or business or a state agency agrees to reimburse the college for the entire amount of the out-of-state tuition that will be waived under the policy. State funds shall be allocated and spent only on students who reside



within the State of Mississippi. However, associate degree nursing students who reside outside the State of Mississippi may be counted for pay purposes.

**SECTION 11.** 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; or is any person enlisted, appointed or inducted in a component of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration Corps (or its predecessor organization the Coast and Geodetic Survey), and Uniformed Public Health Service as stated in 42 USCA Section 410; 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 the Uniform Controlled Substances Law or similar laws of any other state or the United States relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant has been voluntarily or 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 elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred prior to the date on which the application is submitted, or may revoke a license if the licensee has been found guilty of one or more crimes of violence within the preceding three (3) years. The department shall, upon notification by a law enforcement agency or a court and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime which would disqualify such person from having a license under this section, until final disposition of the case. The provisions of subsection



809 (7) of this section shall apply to any suspension or revocation of  
810 a license pursuant to the provisions of this section.

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

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

816 (b) The driver's license number or social security  
817 number of applicant;

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

820 (d) A statement that the applicant is in compliance  
821 with criteria contained within subsections (2) and (3) of this  
822 section;

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

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

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

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



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

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

841           (c) A nonrefundable license fee of Eighty Dollars  
842 (\$80.00). Costs for processing the set of fingerprints as  
843 required in paragraph (d) of this subsection shall be borne by the  
844 applicant. Honorably retired law enforcement officers, disabled  
845 veterans and active duty members of the Armed Forces of the United  
846 States shall be exempt from the payment of the license fee;

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

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

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



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

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

875                   (i) Issue the license;

876                   (ii) Deny the application based solely on the  
877 ground that the applicant fails to qualify under the criteria  
878 listed in subsections (2) and (3) of this section. If the  
879 Department of Public Safety denies the application, it shall  
880 notify the applicant in writing, stating the ground for denial,  
881 and the denial shall be subject to the appeal process set forth in  
882 subsection (7); or



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

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

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



908           (b) If the revocation, suspension or denial of issuance  
909 is sustained by the Commissioner of Public Safety, or his duly  
910 authorized agent pursuant to paragraph (a) of this subsection, the  
911 aggrieved party may file within ten (10) days after the rendition  
912 of such decision a petition in the circuit or county court of his  
913 residence for review of such decision. A hearing for review shall  
914 be held and shall proceed before the court without a jury upon the  
915 record made at the hearing before the Commissioner of Public  
916 Safety or his duly authorized agent. No such party shall be  
917 allowed to carry a stun gun, concealed pistol or revolver pursuant  
918 to the provisions of this section while any such appeal is  
919 pending.

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

930           (9) Within thirty (30) days after the changing of a  
931 permanent address, or within thirty (30) days after having a  
932 license lost or destroyed, the licensee shall notify the



933 Department of Public Safety in writing of such change or loss.  
934 Failure to notify the Department of Public Safety pursuant to the  
935 provisions of this subsection shall constitute a noncriminal  
936 violation with a penalty of Twenty-five Dollars (\$25.00) and shall  
937 be enforceable by a summons.

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

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

948 (12) (a) No less than ninety (90) days prior to the  
949 expiration date of the license, the Department of Public Safety  
950 shall mail to each licensee a written notice of the expiration and  
951 a renewal form prescribed by the department. The licensee must  
952 renew his license on or before the expiration date by filing with  
953 the department the renewal form, a notarized affidavit stating  
954 that the licensee remains qualified pursuant to the criteria  
955 specified in subsections (2) and (3) of this section, and a full  
956 set of fingerprints administered by the Department of Public  
957 Safety or the sheriff of the county of residence of the licensee.



958 The first renewal may be processed by mail and the subsequent  
959 renewal must be made in person. Thereafter every other renewal  
960 may be processed by mail to assure that the applicant must appear  
961 in person every ten (10) years for the purpose of obtaining a new  
962 photograph.

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

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

969 (iii) The renewal fee for a Mississippi resident  
970 aged sixty-five (65) years of age or older shall be Twenty Dollars  
971 (\$20.00).

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

977 (c) A licensee who fails to file a renewal application  
978 on or before its expiration date must renew his license by paying  
979 a late fee of Fifteen Dollars (\$15.00). No license shall be  
980 renewed six (6) months or more after its expiration date, and such  
981 license shall be deemed to be permanently expired. A person whose  
982 license has been permanently expired may reapply for licensure;





983 however, an application for licensure and fees pursuant to  
984 subsection (5) of this section must be submitted, and a background  
985 investigation shall be conducted pursuant to the provisions of  
986 this section.

987       (13) No license issued pursuant to this section shall  
988 authorize any person to carry a stun gun, concealed pistol or  
989 revolver into any place of nuisance as defined in Section 95-3-1,  
990 Mississippi Code of 1972; any police, sheriff or highway patrol  
991 station; any detention facility, prison or jail; any courthouse;  
992 any courtroom, except that nothing in this section shall preclude  
993 a judge from carrying a concealed weapon or determining who will  
994 carry a concealed weapon in his courtroom; any polling place; any  
995 meeting place of the governing body of any governmental entity;  
996 any meeting of the Legislature or a committee thereof; any school,  
997 college or professional athletic event not related to firearms;  
998 any portion of an establishment, licensed to dispense alcoholic  
999 beverages for consumption on the premises, that is primarily  
1000 devoted to dispensing alcoholic beverages; any portion of an  
1001 establishment in which beer, light spirit product or light wine is  
1002 consumed on the premises, that is primarily devoted to such  
1003 purpose; any elementary or secondary school facility; any junior  
1004 college, community college, college or university facility unless  
1005 for the purpose of participating in any authorized  
1006 firearms-related activity; inside the passenger terminal of any  
1007 airport, except that no person shall be prohibited from carrying



any legal firearm into the terminal if the firearm is encased for 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



1033 section, or who knowingly submits a false document when applying  
1034 for a license issued pursuant to this section, shall, upon  
1035 conviction, be guilty of a misdemeanor and shall be punished as  
1036 provided in Section 99-19-31, Mississippi Code of 1972.

1037 (16) All fees collected by the Department of Public Safety  
1038 pursuant to this section shall be deposited into a special fund  
1039 hereby created in the State Treasury and shall be used for  
1040 implementation and administration of this section. After the  
1041 close of each fiscal year, the balance in this fund shall be  
1042 certified to the Legislature and then may be used by the  
1043 Department of Public Safety as directed by the Legislature.

1044 (17) All funds received by a sheriff or police chief  
1045 pursuant to the provisions of this section shall be deposited into  
1046 the general fund of the county or municipality, as appropriate,  
1047 and shall be budgeted to the sheriff's office or police department  
1048 as appropriate.

1049 (18) Nothing in this section shall be construed to require  
1050 or allow the registration, documentation or providing of serial  
1051 numbers with regard to any stun gun or firearm.

1052 (19) Any person holding a valid unrevoked and unexpired  
1053 license to carry stun guns, concealed pistols or revolvers issued  
1054 in another state shall have such license recognized by this state  
1055 to carry stun guns, concealed pistols or revolvers. The  
1056 Department of Public Safety is authorized to enter into a  
1057 reciprocal agreement with another state if that state requires a



1058 written agreement in order to recognize licenses to carry stun  
1059 guns, concealed pistols or revolvers issued by this state.

1060 (20) The provisions of this section shall be under the  
1061 supervision of the Commissioner of Public Safety. The  
1062 commissioner is authorized to promulgate reasonable rules and  
1063 regulations to carry out the provisions of this section.

1064 (21) For the purposes of this section, the term "stun gun"  
1065 means a portable device or weapon from which an electric current,  
1066 impulse, wave or beam may be directed, which current, impulse,  
1067 wave or beam is designed to incapacitate temporarily, injure,  
1068 momentarily stun, knock out, cause mental disorientation or  
1069 paralyze.

1070 (22) (a) From and after January 1, 2016, the Commissioner  
1071 of Public Safety shall promulgate rules and regulations which  
1072 provide that licenses authorized by this section for honorably  
1073 retired law enforcement officers and honorably retired  
1074 correctional officers from the Mississippi Department of  
1075 Corrections shall (i) include the words "retired law enforcement  
1076 officer" on the front of the license, and (ii) that the license  
1077 itself have a red background to distinguish it from other licenses  
1078 issued under this section.

1079 (b) An honorably retired law enforcement officer and  
1080 honorably retired correctional officer shall provide the following  
1081 information to receive the license described in this section: (i)  
1082 a letter, with the official letterhead of the agency or department



1083 from which such officer is retiring, which explains that such  
1084 officer is honorably retired, and (ii) a letter with the official  
1085 letterhead of the agency or department, which explains that such  
1086 officer has completed a certified law enforcement training  
1087 academy.

1088 (23) A disabled veteran who seeks to qualify for an  
1089 exemption under this section shall be required to provide a  
1090 veterans health services identification card issued by the United  
1091 States Department of Veterans Affairs indicating a  
1092 service-connected disability, which shall be sufficient proof of  
1093 such service-connected disability.

1094 (24) A license under this section is not required for a  
1095 loaded or unloaded pistol or revolver to be carried upon the  
1096 person in a sheath, belt holster or shoulder holster or in a  
1097 purse, handbag, satchel, other similar bag or briefcase or fully  
1098 enclosed case if the person is not engaged in criminal activity  
1099 other than a misdemeanor traffic offense, is not otherwise  
1100 prohibited from possessing a pistol or revolver under state or  
1101 federal law, and is not in a location prohibited under subsection  
1102 (13) of this section.

1103 **SECTION 12.** This act shall take effect and be in force from  
1104 and after July 1, 2021.

