

By: Senator(s) Fillingane

To: Judiciary, Division A

SENATE BILL NO. 2253

1 AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THE OPTION OF INCLUDING A CONCEALED CARRY WEAPONS
3 PERMIT AS A NOTATION ON A DRIVER'S LICENSE OR IDENTIFICATION CARD;
4 TO PROVIDE THAT THE EXPIRATION DATE SHALL BE THE SAME AS THAT OF
5 THE DRIVER'S LICENSE OR IDENTIFICATION CARD; TO GRANT THE
6 COMMISSIONER OF PUBLIC SAFETY THE AUTHORITY TO PROMULGATE RULES
7 AND REGULATIONS WHICH MAY BE NECESSARY TO ENSURE THE EFFECTIVENESS
8 OF THE CONCURRENT APPLICATION AND RENEWAL PROCESSES; AND FOR
9 RELATED PURPOSES.

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

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

13 45-9-101. (1) (a) Except as otherwise provided, the
14 Department of Public Safety is authorized to issue licenses to
15 carry stun guns, concealed pistols or revolvers to persons
16 qualified as provided in this section. Such licenses shall be
17 valid throughout the state for a period of five (5) years from the
18 date of issuance, except as provided in subsection (25) of this
19 section. Any person possessing a valid license issued pursuant to
20 this section may carry a stun gun, concealed pistol or concealed
21 revolver.



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

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

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

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

38 (ii) Is at least eighteen (18) years of age but
39 not yet twenty-one (21) years of age and the applicant:

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

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

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



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

50 (e) Does not chronically or habitually abuse controlled
51 substances to the extent that his normal faculties are impaired.
52 It shall be presumed that an applicant chronically and habitually
53 uses controlled substances to the extent that his faculties are
54 impaired if the applicant has been voluntarily or involuntarily
55 committed to a treatment facility for the abuse of a controlled
56 substance or been found guilty of a crime under the provisions of
57 the Uniform Controlled Substances Law or similar laws of any other
58 state or the United States relating to controlled substances
59 within a three-year period immediately preceding the date on which
60 the application is submitted;

61 (f) Does not chronically and habitually use alcoholic
62 beverages to the extent that his normal faculties are impaired.
63 It shall be presumed that an applicant chronically and habitually
64 uses alcoholic beverages to the extent that his normal faculties
65 are impaired if the applicant has been voluntarily or
66 involuntarily committed as an alcoholic to a treatment facility or
67 has been convicted of two (2) or more offenses related to the use
68 of alcohol under the laws of this state or similar laws of any
69 other state or the United States within the three-year period



70 immediately preceding the date on which the application is
71 submitted;

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

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

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

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

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

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

89 (3) The Department of Public Safety may deny a license if
90 the applicant has been found guilty of one or more crimes of
91 violence constituting a misdemeanor unless three (3) years have
92 elapsed since probation or any other conditions set by the court
93 have been fulfilled or expunction has occurred prior to the date
94 on which the application is submitted, or may revoke a license if



95 the licensee has been found guilty of one or more crimes of
96 violence within the preceding three (3) years. The department
97 shall, upon notification by a law enforcement agency or a court
98 and subsequent written verification, suspend a license or the
99 processing of an application for a license if the licensee or
100 applicant is arrested or formally charged with a crime which would
101 disqualify such person from having a license under this section,
102 until final disposition of the case. The provisions of subsection
103 (7) of this section shall apply to any suspension or revocation of
104 a license pursuant to the provisions of this section.

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

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

110 (b) The driver's license number or social security
111 number of applicant;

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

114 (d) A statement that the applicant is in compliance
115 with criteria contained within subsections (2) and (3) of this
116 section;

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



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

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

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

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

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

135 (c) A nonrefundable license fee of Eighty Dollars
136 (\$80.00). Costs for processing the set of fingerprints as
137 required in paragraph (d) of this subsection shall be borne by the
138 applicant. Honorably retired law enforcement officers, disabled
139 veterans and active duty members of the Armed Forces of the United
140 States shall be exempt from the payment of the license fee;

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



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

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

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



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

169 (i) Issue the license;

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

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

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



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

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



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

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

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



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

242 (12) (a) Except as provided in subsection (25) of this
243 section, no less than ninety (90) days prior to the expiration
244 date of the license, the Department of Public Safety shall mail to
245 each licensee a written notice of the expiration and a renewal
246 form prescribed by the department. The licensee must renew his
247 license on or before the expiration date by filing with the
248 department the renewal form, a notarized affidavit stating that
249 the licensee remains qualified pursuant to the criteria specified
250 in subsections (2) and (3) of this section, and a full set of
251 fingerprints administered by the Department of Public Safety or
252 the sheriff of the county of residence of the licensee. The first
253 renewal may be processed by mail and the subsequent renewal must
254 be made in person. Thereafter every other renewal may be
255 processed by mail to assure that the applicant must appear in
256 person every ten (10) years for the purpose of obtaining a new
257 photograph.

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

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



264 (iii) The renewal fee for a Mississippi resident
265 aged sixty-five (65) years of age or older shall be Twenty Dollars
266 (\$20.00).

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

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

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



289 carry a concealed weapon in his courtroom; any polling place; any
290 meeting place of the governing body of any governmental entity;
291 any meeting of the Legislature or a committee thereof; any school,
292 college or professional athletic event not related to firearms;
293 any portion of an establishment, licensed to dispense alcoholic
294 beverages for consumption on the premises, that is primarily
295 devoted to dispensing alcoholic beverages; any portion of an
296 establishment in which beer, light spirit product or light wine is
297 consumed on the premises, that is primarily devoted to such
298 purpose; any elementary or secondary school facility; any junior
299 college, community college, college or university facility unless
300 for the purpose of participating in any authorized
301 firearms-related activity; inside the passenger terminal of any
302 airport, except that no person shall be prohibited from carrying
303 any legal firearm into the terminal if the firearm is encased for
304 shipment, for purposes of checking such firearm as baggage to be
305 lawfully transported on any aircraft; any church or other place of
306 worship, except as provided in Section 45-9-171; or any place
307 where the carrying of firearms is prohibited by federal law. In
308 addition to the places enumerated in this subsection, the carrying
309 of a stun gun, concealed pistol or revolver may be disallowed in
310 any place in the discretion of the person or entity exercising
311 control over the physical location of such place by the placing of
312 a written notice clearly readable at a distance of not less than
313 ten (10) feet that the "carrying of a pistol or revolver is



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

318 (14) A law enforcement officer as defined in Section 45-6-3,
319 chiefs of police, sheriffs and persons licensed as professional
320 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
321 1972, shall be exempt from the licensing requirements of this
322 section. The licensing requirements of this section do not apply
323 to the carrying by any person of a stun gun, pistol or revolver,
324 knife, or other deadly weapon that is not concealed as defined in
325 Section 97-37-1.

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

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



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

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

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

355 (20) The provisions of this section shall be under the
356 supervision of the Commissioner of Public Safety. The
357 commissioner is authorized to promulgate reasonable rules and
358 regulations to carry out the provisions of this section.

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



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

365 (22) (a) From and after January 1, 2016, the Commissioner
366 of Public Safety shall promulgate rules and regulations which
367 provide that licenses authorized by this section for honorably
368 retired law enforcement officers and honorably retired
369 correctional officers from the Mississippi Department of
370 Corrections shall (i) include the words "retired law enforcement
371 officer" on the front of the license, and (ii) unless the licensee
372 chooses to have this license combined with a driver's license or
373 identification card under subsection (25) of this section, that
374 the license itself have a red background to distinguish it from
375 other licenses issued under this section.

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

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



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

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

400 (25) An applicant for a license under this section shall
401 have the option of, instead of being issued a separate card for
402 the license, having the license appear as a notation on the
403 individual's driver's license or identification card. If the
404 applicant chooses this option, the license issued under this
405 section shall have the same expiration date as the driver's
406 license or identification card, and renewal shall take place at
407 the same time and place as renewal of the driver's license or
408 identification card. The Commissioner of Public Safety shall have
409 the authority to promulgate rules and regulations which may be
410 necessary to ensure the effectiveness of the concurrent
411 application and renewal processes.



412 **SECTION 2.** This act shall take effect and be in force from
413 and after July 1, 2021.

