

House Amendments to Senate Bill No. 2107

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

18 **SECTION 1.** Section 45-9-51, Mississippi Code of 1972, is
19 amended as follows:

20 45-9-51. (1) (a) Subject to the provisions of Section
21 45-9-53, no county or municipality may adopt any ordinance or
22 enter into any contract or rental agreement that restricts the
23 possession, carrying, transportation, sale, transfer or ownership
24 of firearms or ammunition or their components.

25 (b) No state agency may adopt a posted written notice,
26 rule, regulation, order or policy or enter into any contract or
27 rental agreement that restricts the possession, carrying,
28 transportation, sale, transfer or ownership of firearms or
29 ammunition or their components.

30 (c) No state agency or their officers or employees may
31 participate in any program in which individuals are given a thing
32 of value provided by another individual or other entity in
33 exchange for surrendering a firearm to the state agency or other
34 governmental body.

35 (2) No public housing authority operating in this state may
36 adopt any rule or regulation restricting a lessee or tenant of a
37 dwelling owned and operated by such public housing authority from
38 lawfully possessing firearms or ammunition or their components
39 within individual dwelling units or the transportation of such
40 firearms or ammunition or their components to and from such
41 dwelling.

42 (3) (a) A citizen of this state, or a person licensed to
43 carry a concealed pistol or revolver under Section 45-9-101, or a
44 person licensed to carry a concealed pistol or revolver with the
45 endorsement under Section 97-37-7, who is adversely affected by a
46 posted written notice, rule, regulation, order or policy adopted
47 or verbally imposed by a state agency in violation of this section
48 may file suit for declarative and injunctive relief against the
49 state agency's head or member of the state agency's governing body
50 in the circuit court which shall have jurisdiction over the state
51 agency where the violation of this section occurs.

52 (b) If the circuit court finds that a state agency
53 adopted a posted written notice, rule, regulation, order or policy
54 in violation of this section, the circuit court shall issue a
55 permanent injunction against the state agency prohibiting it from
56 enforcing the posted written notice, rule, regulation, order or
57 policy. Any state agency head or member of a state agency's
58 governing body under whose jurisdiction the violation occurred may
59 be civilly liable in a sum not to exceed One Thousand Dollars
60 (\$1,000.00), plus all reasonable attorney's fees and costs

61 incurred by the party bringing the suit. Public funds shall not
62 be used to defend or reimburse officials who are found by the
63 court to have violated this section.

64 (c) It shall be an affirmative defense to any claim
65 brought against a state agency head or member of a state agency's
66 governing body under this subsection (3) that the state official:

67 (i) Did not vote in the affirmative for the
68 adopted posted written notice, rule, regulation, order or policy
69 deemed by the court to be in violation of this section;

70 (ii) Did attempt to take recorded action to
71 rescind the posted written notice, rule, regulation, order, or
72 policy deemed by the court to be in violation of this section.

73 (4) This section does not apply to:

74 (a) The authority of a state law enforcement agency
75 from adopting and enforcing regulations pertaining to the
76 possession, carrying, transportation, sale, transfer or ownership
77 of firearms or ammunition or their components issued or used by
78 law enforcement officers in the course of their official duties.

79 (b) The authority of the Commission on Wildlife,
80 Fisheries and Parks or the Department of Wildlife, Fisheries and
81 Parks from regulating the use of firearms or ammunition as a
82 method of taking wildlife and regulating the shooting ranges
83 managed by the commission and department.

84 (c) A state agency listed in Article VIII, Section
85 213-A of the Mississippi Constitution of 1890, provided that such

86 agency or institution has adopted related rules and regulations
87 which comply with all applicable state and federal laws.

88 (d) A public community or junior college coordinated
89 under Section 37-4-3(1), provided the institution has adopted
90 related rules and regulations which comply with all applicable
91 state and federal laws.

92 **SECTION 2.** Section 45-9-53, Mississippi Code of 1972, is
93 amended as follows:

94 45-9-53. (1) This section and Section 45-9-51 do not affect
95 the authority that a county or municipality may have under another
96 law:

97 (a) To require citizens or public employees to be armed
98 for personal or national defense, law enforcement, or another
99 lawful purpose;

100 (b) To regulate the discharge of firearms within the
101 limits of the county or municipality. A county or municipality
102 may not apply a regulation relating to the discharge of firearms
103 or other weapons in the extraterritorial jurisdiction of the
104 county or municipality or in an area annexed by the county or
105 municipality after September 1, 1981, if the firearm or other
106 weapon is:

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

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

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

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

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

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

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

126 (d) To regulate the use of firearms in cases of
127 insurrection, riots and natural disasters in which the city finds
128 such regulation necessary to protect the health and safety of the
129 public. However, the provisions of this section shall not apply
130 to the lawful possession, transfer, sale, transportation, storage,
131 display, carry or use of firearms, ammunition or components of
132 firearms or ammunition;

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

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

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

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

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

152 (4) No county or a municipality including, but not limited
153 to, bureaus and other local government entities, may use * * * any
154 notice provisions * * *, or any other rule, regulation, order,
155 policy or practice to ban, delay, deny or impose additional entry
156 requirements for concealed firearms or otherwise impede or
157 "shadow" a license holder with a concealed firearm * * * on
158 property under their control except:

159 (a) At a location listed in Section 45-9-101(13)
160 indicating that a license issued under Section 45-9-101 does not
161 authorize the holder to carry a firearm into that location, as
162 long as the * * * notice or policy also indicates that carrying a
163 firearm is unauthorized only for license holders without a

164 training endorsement or that it is a location included in Section
165 97-37-7(2) where carrying a firearm is unauthorized for all
166 license holders; and

167 (b) At any location under the control of the county or
168 municipality aside from a location listed in subsection (1)(f) of
169 this section or Section 45-9-101(13) indicating that the
170 possession of a firearm is prohibited on the premises, as long as
171 the * * * notice or policy also indicates that it does not apply
172 to a person properly licensed under Section 45-9-101 or Section
173 97-37-7(2) to carry a concealed firearm or to a person lawfully
174 carrying a firearm that is not concealed.

175 (5) (a) A citizen of this state, or a person licensed to
176 carry a concealed pistol or revolver under Section 45-9-101, or a
177 person licensed to carry a concealed pistol or revolver with the
178 endorsement under Section 97-37-7, who is adversely affected by an
179 ordinance * * *, notice or any other rule, regulation, order or
180 policy adopted or verbally imposed by a county or municipality in
181 violation of this section may file suit for declarative and
182 injunctive relief against a county or municipality in the circuit
183 court which shall have jurisdiction over the county or
184 municipality where the violation of this section occurs.

185 (b) (i) Before instituting suit under this subsection,
186 the party adversely impacted by the ordinance * * *, notice or
187 policy shall notify the Attorney General in writing of the
188 violation and include evidence of the violation. The Attorney
189 General shall, within thirty (30) days, investigate whether the

190 county or municipality * * * violated this section and provide the
191 chief administrative officer of the county or municipality notice
192 of his findings, including, if applicable, a description of the
193 violation * * *, specific language of * * * any ordinance * * *,
194 posted written notice or any other notice found to be in
195 violation. The county or municipality shall have thirty (30) days
196 from receipt of that notice to cure the violation. If the county
197 or municipality fails to cure the violation within that thirty-day
198 time period, a suit under paragraph (a) of this subsection may
199 proceed. The findings of the Attorney General shall constitute a
200 "Public Record" as defined by the Mississippi Public Records Act
201 of 1983, Section 25-61-1 et seq.

202 (ii) The Attorney General is also authorized to
203 pursue criminal charges against any public official or his or her
204 employee who violates the rights of any enhanced license holder
205 under the provisions of Section 45-9-51, 45-9-53, 45-9-101 or
206 97-32-7(2) as a case of official corruption under Section 7-5-59
207 if the officials responsible for the violation fail to correct
208 such violation within thirty (30) days of being notified of the
209 violation.

210 (c) If the circuit court finds that a county or
211 municipality adopted an ordinance * * *, posted written notice or
212 imposed any rule, regulation, order or policy in violation of this
213 section and failed to cure that violation in accordance with
214 paragraph (b) of this subsection, the circuit court shall issue a
215 permanent injunction against a county or municipality prohibiting

216 it from enforcing the ordinance, rule, regulation, order, policy
217 or posted written notice. Any elected county or municipal
218 official under whose jurisdiction the violation occurred may be
219 civilly liable in a sum not to exceed One Thousand Dollars
220 (\$1,000.00), plus all reasonable attorney's fees and costs
221 incurred by the party bringing the suit. Public funds may not be
222 used to defend or reimburse officials who are found by the court
223 to have violated this section.

224 (d) It shall be an affirmative defense to any claim
225 brought against an elected county or municipal official under this
226 subsection (5) that the elected official:

227 (i) Did not vote in the affirmative for the
228 adopted ordinance * * *, posted written notice, rule, regulation,
229 order or policy deemed by the court to be in violation of this
230 section;

231 (ii) Did attempt to take recorded action to cure
232 the violation as noticed by the Attorney General in paragraph (b)
233 of this subsection; or

234 (iii) Did attempt to take recorded action to
235 rescind the ordinance, rule, regulation, order or policy or remove
236 the posted written notice deemed by the court to be in violation
237 of this section.

238 (6) No county or municipality or their officers or employees
239 may participate in any program in which individuals are given a
240 thing of value provided by another individual or other entity in

241 exchange for surrendering a firearm to the county, municipality or
242 other governmental body * * *.

243 * * *

244 **SECTION 3.** Section 45-9-101, Mississippi Code of 1972, is
245 amended as follows:

246 45-9-101. (1) (a) Except as otherwise provided, the
247 Department of Public Safety is authorized to issue licenses to
248 carry stun guns, concealed pistols or revolvers to persons
249 qualified as provided in this section. Such licenses shall be
250 valid throughout the state for a period of five (5) years from the
251 date of issuance. Any person possessing a valid license issued
252 pursuant to this section may carry a stun gun, concealed pistol or
253 concealed revolver.

254 (b) The licensee must carry the license, together with
255 valid identification, at all times in which the licensee is
256 carrying a stun gun, concealed pistol or revolver and must display
257 both the license and proper identification upon demand by a law
258 enforcement officer. No licensee shall be required to submit to
259 any further demands unless the officer granting passage has
260 probable cause that the licensee has or is about to commit a
261 crime. A violation of the provisions of this paragraph (b) shall
262 constitute a noncriminal violation with a penalty of Twenty-five
263 Dollars (\$25.00) and shall be enforceable by summons.

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

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

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

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

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

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

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

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

284 (e) Does not chronically or habitually abuse controlled
285 substances to the extent that his normal faculties are impaired.

286 It shall be presumed that an applicant chronically and habitually
287 uses controlled substances to the extent that his faculties are
288 impaired if the applicant has been voluntarily or involuntarily
289 committed to a treatment facility for the abuse of a controlled
290 substance or been found guilty of a crime under the provisions of
291 the Uniform Controlled Substances Law or similar laws of any other

292 state or the United States relating to controlled substances
293 within a three-year period immediately preceding the date on which
294 the application is submitted;

295 (f) Does not chronically and habitually use alcoholic
296 beverages to the extent that his normal faculties are impaired.
297 It shall be presumed that an applicant chronically and habitually
298 uses alcoholic beverages to the extent that his normal faculties
299 are impaired if the applicant has been voluntarily or
300 involuntarily committed as an alcoholic to a treatment facility or
301 has been convicted of two (2) or more offenses related to the use
302 of alcohol under the laws of this state or similar laws of any
303 other state or the United States within the three-year period
304 immediately preceding the date on which the application is
305 submitted;

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

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

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

316 (j) Has not had adjudication of guilt withheld or
317 imposition of sentence suspended on any felony unless three (3)

318 years have elapsed since probation or any other conditions set by
319 the court have been fulfilled;

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

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

323 (3) The Department of Public Safety may deny a license if
324 the applicant has been found guilty of one or more crimes of
325 violence constituting a misdemeanor unless three (3) years have
326 elapsed since probation or any other conditions set by the court
327 have been fulfilled or expunction has occurred prior to the date
328 on which the application is submitted, or may revoke a license if
329 the licensee has been found guilty of one or more crimes of
330 violence within the preceding three (3) years. The department
331 shall, upon notification by a law enforcement agency or a court
332 and subsequent written verification, suspend a license or the
333 processing of an application for a license if the licensee or
334 applicant is arrested or formally charged with a crime which would
335 disqualify such person from having a license under this section,
336 until final disposition of the case. The provisions of subsection
337 (7) of this section shall apply to any suspension or revocation of
338 a license pursuant to the provisions of this section.

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

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

344 (b) The driver's license number or social security
345 number of applicant;

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

348 (d) A statement that the applicant is in compliance
349 with criteria contained within subsections (2) and (3) of this
350 section;

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

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

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

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

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

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

369 (c) A nonrefundable license fee of Eighty Dollars
370 (\$80.00). Costs for processing the set of fingerprints as
371 required in paragraph (d) of this subsection shall be borne by the
372 applicant. Honorably retired law enforcement officers, disabled
373 veterans and active duty members of the Armed Forces of the United
374 States shall be exempt from the payment of the license fee;

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

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

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

386 (b) The Department of Public Safety shall forward a
387 copy of the applicant's application to the sheriff of the
388 applicant's county of residence and, if applicable, the police
389 chief of the applicant's municipality of residence. The sheriff
390 of the applicant's county of residence and, if applicable, the
391 police chief of the applicant's municipality of residence may, at
392 his discretion, participate in the process by submitting a
393 voluntary report to the Department of Public Safety containing any
394 readily discoverable prior information that he feels may be

395 pertinent to the licensing of any applicant. The reporting shall
396 be made within thirty (30) days after the date he receives the
397 copy of the application. Upon receipt of a response from a
398 sheriff or police chief, such sheriff or police chief shall be
399 reimbursed at a rate set by the department.

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

403 (i) Issue the license;

404 (ii) Deny the application based solely on the
405 ground that the applicant fails to qualify under the criteria
406 listed in subsections (2) and (3) of this section. If the
407 Department of Public Safety denies the application, it shall
408 notify the applicant in writing, stating the ground for denial,
409 and the denial shall be subject to the appeal process set forth in
410 subsection (7); or

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

416 (d) In the event a legible set of fingerprints, as
417 determined by the Department of Public Safety and the Federal
418 Bureau of Investigation, cannot be obtained after a minimum of two
419 (2) attempts, the Department of Public Safety shall determine
420 eligibility based upon a name check by the Mississippi Highway

421 Safety Patrol and a Federal Bureau of Investigation name check
422 conducted by the Mississippi Highway Safety Patrol at the request
423 of the Department of Public Safety.

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

436 (b) If the revocation, suspension or denial of issuance
437 is sustained by the Commissioner of Public Safety, or his duly
438 authorized agent pursuant to paragraph (a) of this subsection, the
439 aggrieved party may file within ten (10) days after the rendition
440 of such decision a petition in the circuit or county court of his
441 residence for review of such decision. A hearing for review shall
442 be held and shall proceed before the court without a jury upon the
443 record made at the hearing before the Commissioner of Public
444 Safety or his duly authorized agent. No such party shall be
445 allowed to carry a stun gun, concealed pistol or revolver pursuant

446 to the provisions of this section while any such appeal is
447 pending.

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

458 (9) Within thirty (30) days after the changing of a
459 permanent address, or within thirty (30) days after having a
460 license lost or destroyed, the licensee shall notify the
461 Department of Public Safety in writing of such change or loss.
462 Failure to notify the Department of Public Safety pursuant to the
463 provisions of this subsection shall constitute a noncriminal
464 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
465 be enforceable by a summons.

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

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

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

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

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

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

497 (iii) The renewal fee for a Mississippi resident
498 aged sixty-five (65) years of age or older shall be Twenty Dollars
499 (\$20.00).

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

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

515 (13) No license issued pursuant to this section shall
516 authorize any person to carry a stun gun, concealed pistol or
517 revolver into any place of nuisance as defined in Section 95-3-1,
518 Mississippi Code of 1972; any police, sheriff or highway patrol
519 station; any detention facility, prison or jail; any courthouse;
520 any courtroom, except that nothing in this section shall preclude
521 a judge from carrying a concealed weapon or determining who will
522 carry a concealed weapon in his courtroom; any polling place; any

523 meeting place of the governing body of any governmental entity;
524 any meeting of the Legislature or a committee thereof; any school,
525 college or professional athletic event not related to firearms;
526 any portion of an establishment, licensed to dispense alcoholic
527 beverages for consumption on the premises, that is primarily
528 devoted to dispensing alcoholic beverages; any portion of an
529 establishment in which beer, light spirit product or light wine is
530 consumed on the premises, that is primarily devoted to such
531 purpose; any elementary or secondary school facility; any junior
532 college, community college, college or university facility unless
533 for the purpose of participating in any authorized
534 firearms-related activity; inside the passenger terminal of any
535 airport, except that no person shall be prohibited from carrying
536 any legal firearm into the terminal if the firearm is encased for
537 shipment, for purposes of checking such firearm as baggage to be
538 lawfully transported on any aircraft; any church or other place of
539 worship, except as provided in Section 45-9-171; or any place
540 where the carrying of firearms is prohibited by federal law. In
541 addition to the places enumerated in this subsection, the carrying
542 of a stun gun, concealed pistol or revolver may be disallowed in
543 any place in the discretion of the person or entity exercising
544 control over the physical location of such place by the placing of
545 a written notice clearly readable at a distance of not less than
546 ten (10) feet that the "carrying of a pistol or revolver is
547 prohibited * * *" or authorizing a policy with the same effect.
548 No license issued pursuant to this section shall authorize the

549 participants in a parade or demonstration for which a permit is
550 required to carry a stun gun, concealed pistol or revolver.

551 (14) A law enforcement officer as defined in Section 45-6-3,
552 chiefs of police, sheriffs and persons licensed as professional
553 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
554 1972, shall be exempt from the licensing requirements of this
555 section. The licensing requirements of this section do not apply
556 to the carrying by any person of a stun gun, pistol or revolver,
557 knife, or other deadly weapon that is not concealed as defined in
558 Section 97-37-1.

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

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

572 (17) All funds received by a sheriff or police chief
573 pursuant to the provisions of this section shall be deposited into
574 the general fund of the county or municipality, as appropriate,

575 and shall be budgeted to the sheriff's office or police department
576 as appropriate.

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

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

588 (20) The provisions of this section shall be under the
589 supervision of the Commissioner of Public Safety. The
590 commissioner is authorized to promulgate reasonable rules and
591 regulations to carry out the provisions of this section.

592 (21) For the purposes of this section, the term "stun gun"
593 means a portable device or weapon from which an electric current,
594 impulse, wave or beam may be directed, which current, impulse,
595 wave or beam is designed to incapacitate temporarily, injure,
596 momentarily stun, knock out, cause mental disorientation or
597 paralyze.

598 (22) (a) From and after January 1, 2016, the Commissioner
599 of Public Safety shall promulgate rules and regulations which
600 provide that licenses authorized by this section for honorably

601 retired law enforcement officers and honorably retired
602 correctional officers from the Mississippi Department of
603 Corrections shall (i) include the words "retired law enforcement
604 officer" on the front of the license, and (ii) that the license
605 itself have a red background to distinguish it from other licenses
606 issued under this section.

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

616 (23) A disabled veteran who seeks to qualify for an
617 exemption under this section shall be required to provide a
618 veterans health services identification card issued by the United
619 States Department of Veterans Affairs indicating a
620 service-connected disability, which shall be sufficient proof of
621 such service-connected disability.

622 (24) A license under this section is not required for a
623 loaded or unloaded pistol or revolver to be carried upon the
624 person in a sheath, belt holster or shoulder holster or in a
625 purse, handbag, satchel, other similar bag or briefcase or fully
626 enclosed case if the person is not engaged in criminal activity

627 other than a misdemeanor traffic offense, is not otherwise
628 prohibited from possessing a pistol or revolver under state or
629 federal law, and is not in a location prohibited under subsection
630 (13) of this section.

631 **SECTION 4.** Section 7-5-59, Mississippi Code of 1972, is
632 amended as follows:

633 7-5-59. (1) The following terms shall have the meanings
634 ascribed to them herein unless the context requires otherwise:

635 (a) "Computer crimes" means those crimes defined in
636 Chapter 45 of Title 97 and sex offenses involving a computer
637 affecting children as defined in Chapter 5 of Title 97.

638 (b) "White-collar crime and official corruption"
639 includes crimes chargeable under the following provisions of law:

640 (i) Paragraphs (b) and (c) of Section 7-5-59(4),
641 which relates to obstruction of white-collar crime investigations.

642 (ii) Section 97-7-10, which relates to the
643 defrauding of state and local governments.

644 (iii) Section 97-19-73, which relates to fraud by
645 mail, wire, radio or television.

646 (iv) Section 97-9-10, which relates to commercial
647 bribery.

648 (v) Section 97-45-3, which relates to computer
649 fraud.

650 (vi) Sections 97-11-25 through 97-11-31, which
651 relate to embezzlement by public officials.

652 (vii) Section 97-11-33, which relates to extortion
653 by public officials.

654 (viii) Sections 97-19-5 through 97-19-31, which
655 relate to unlawful procurement or use of credit cards.

656 (ix) Sections 97-23-1 and 97-23-3, which relate to
657 false, misleading or deceptive advertising.

658 (x) Sections 97-15-3 and 97-15-5, which relate to
659 bribery of members and employees of the Highway Commission and the
660 defrauding of the state by Highway Commission members, employees
661 or highway contractors.

662 (xi) Section 97-9-5, which relates to bribery of
663 jurors.

664 (xii) Sections 97-11-11, 97-11-13 and 97-11-53,
665 which relate to acceptance of bribes by public officials and
666 bribery of public officials.

667 (xiii) Sections 97-13-1 and 97-13-3, which relate
668 to bribery of electors or election officials.

669 (xiv) Sections 97-23-19 through 97-23-27, which
670 relate to embezzlement.

671 (xv) Section 45-9-53 which relates to corruption
672 for violating concealed firearm provisions.

673 (c) "White-collar crime investigations" means an
674 investigation into any illegal act or acts defined as white-collar
675 crime.

676 (d) "Computer crimes investigations" means an
677 investigation into any illegal act or acts defined as computer
678 crime.

679 (e) "Person" means and includes not only an individual,
680 but also a partnership, corporation, professional firm, nonprofit
681 organization or other business entity.

682 (2) The Attorney General is hereby authorized to conduct
683 official corruption investigations and such other white-collar
684 crime investigations and computer crime investigations that are of
685 statewide interest or which are in the protection of public
686 rights.

687 (3) (a) In conducting white-collar crime and computer crime
688 investigations, the Attorney General shall have the authority to
689 issue and serve subpoenas to any person in control of any
690 designated documents for the production of such documents,
691 including, but not limited to, writings, drawings, graphs, charts,
692 photographs, phono-records, subscriber records and other data
693 compilations from which information can be obtained, or translated
694 through detection devices into reasonably usable form. Such
695 subpoenas shall require the named person, his agent or attorney,
696 to appear and deliver the designated documents to a location in
697 the county of his residence unless the court for good cause shown
698 directs that the subpoena be issued for the person to deliver such
699 documents to a location outside of the county of his residence.
700 Mere convenience of the Attorney General shall not be considered
701 good cause. The Attorney General or his designee shall have the

702 authority to inspect and copy such documents. Such subpoenas
703 shall be issued only upon the ex parte and in camera application
704 of the Attorney General to the circuit or chancery court of the
705 county of residence of the person in control of the documents or
706 the circuit or chancery court of the county where the person in
707 control of the documents may be found, and only upon a showing
708 that the documents sought are relevant to a criminal investigation
709 under this section or may lead to the discovery of such relevant
710 evidence. Thereafter said court shall have jurisdiction to
711 enforce or quash such subpoenas and to enter appropriate orders
712 thereon, and nothing contained in this section shall affect the
713 right of a person to assert a claim that the information sought is
714 privileged by law.

715 (b) A subpoena issued pursuant to this subsection shall
716 be in substantially the following form:

717 "SUBPOENA TO PRODUCE DOCUMENTS PURSUANT TO AN
718 INVESTIGATION BY THE ATTORNEY GENERAL

719 TO:

720 YOU ARE HEREBY COMMANDED to appear before the Attorney
721 General of the State of Mississippi or his designated staff
722 attorney at the place, date and time specified below in an
723 investigation being conducted by the Attorney General pursuant to
724 Section 7-5-59, Mississippi Code of 1972:

725 Place _____ Date and Time _____

726 YOU ARE ALSO COMMANDED to bring with you the following
727 document(s) or object(s).

728 _____
729 You are advised that the _____ Court of the _____
730 Judicial District of _____ County, Mississippi, has
731 approved the ex parte and in camera application of the Attorney
732 General to issue this subpoena, and jurisdiction to enforce and/or
733 quash the subpoena and to enter appropriate orders thereon is
734 statutorily vested in the said court; enforcement and penal
735 provisions applicable to an Attorney General's investigation
736 include those set forth in Section 7-5-59(4), Mississippi Code of
737 1972; and disclosure of testimony and/or records coming into
738 possession of the Attorney General pursuant to this subpoena shall
739 be limited by and subject to the provisions of Section 7-5-59(6),
740 Mississippi Code of 1972, (for informational purposes, these cited
741 statutes are reproduced on the reverse side of this subpoena).

742 You may wish to consult an attorney in regard to this
743 subpoena. You have certain state and federal constitutional
744 rights, including your protection against self-incrimination and
745 unreasonable search and seizure which this subpoena may affect.

746 ISSUED BY AND UNDER SEAL OF THE ATTORNEY GENERAL OF THE STATE
747 OF MISSISSIPPI, this the ____ day of _____, 20__.

748 (SEAL) _____"

749 (c) Following service of any subpoena, pursuant to the
750 provisions of this subsection, a record of the return shall be
751 made and kept by the Attorney General and subject only to such
752 disclosure as may be authorized pursuant to the provisions of this
753 section.

754 (4) Enforcement and penal provisions applicable to an
755 investigation under this section shall include the following:

756 (a) If a person who has been served with a subpoena,
757 which has been issued and served upon him in accordance with the
758 provisions of this section, shall fail to deliver or have
759 delivered the designated documents at the time and place required
760 in the subpoena, on application of the Attorney General the
761 circuit or chancery court having approved the issuance of the
762 subpoena may issue an attachment for such person, returnable
763 immediately, or at such time and place as the court may direct.
764 Bond may be required and fine imposed and proceedings had thereon
765 as in the case of a subpoenaed witness who fails to appear in
766 circuit or chancery court.

767 (b) Every person who shall knowingly and willfully
768 obstruct, interfere with or impede an investigation under this
769 section by concealing or destroying any documents, papers or other
770 tangible evidence which are relevant to an investigation under
771 this section shall be guilty of a felony and, upon conviction,
772 shall be punished by a fine of not more than Five Thousand Dollars
773 (\$5,000.00) or by imprisonment for not more than five (5) years,
774 or by both such fine and imprisonment.

775 (c) Every person who shall knowingly and willfully
776 endeavor, by means of bribery, force or intimidation, to obstruct,
777 delay or prevent the communication of information to any agent or
778 employee of the Office of the Attorney General or who injures
779 another person for the purpose of preventing the communication of

780 such information or an account of the giving of such information
781 relevant to an investigation under this section shall be guilty of
782 a felony and, upon conviction, shall be punished by a fine of not
783 more than Five Thousand Dollars (\$5,000.00) or by imprisonment for
784 not more than five (5) years, or by both such fine and
785 imprisonment.

786 (d) The provisions of paragraphs (a), (b) and (c) of
787 this subsection shall not prohibit the enforcement of, or
788 prosecution under, any other statutes of this state.

789 (5) (a) If any person shall refuse, or is likely to refuse,
790 on the basis of his privilege against self-incrimination, produce
791 the designated documents as requested by a subpoena issued under
792 this section or issued by a court, the Attorney General may
793 request the court, ex parte and in camera, to issue an order
794 requiring such person to produce the documents information which
795 he refuses to give or provide on the basis of his privilege
796 against self-incrimination. The Attorney General may request said
797 order under this subsection when, in his judgment:

798 (i) The documents sought from such individual may
799 be necessary to the public interest; and

800 (ii) Such individual has refused or is likely to
801 refuse to produce the designated document on the basis of his
802 privilege against self-incrimination.

803 Following such request, an order shall issue in accordance
804 with this section requiring such person to produce the documents

805 which he refuses to produce on the basis of his privilege against
806 self-incrimination.

807 (b) Whenever a witness refuses, on the basis of his
808 privilege against self-incrimination, to produce documents, and
809 the court issues to the witness an order under paragraph (a) of
810 this subsection, the witness may not refuse to comply with the
811 order on the basis of his privilege against self-incrimination,
812 but no documents or information compelled under the aforesaid
813 order, or any information directly or indirectly derived from such
814 documents may be used against the witness in any criminal
815 proceeding, except a prosecution for perjury, giving a false
816 statement, or otherwise failing to comply with the order.

817 (6) Documents in the possession of the Attorney General
818 gathered pursuant to the provisions of this section and subpoenas
819 issued by him shall be maintained in confidential files with
820 access limited to prosecutorial and other law enforcement
821 investigative personnel on a "need-to-know" basis and shall be
822 exempt from the provisions of the Mississippi Public Records Act
823 of 1983, except that upon the filing of an indictment or
824 information, or upon the filing of an action for recovery of
825 property, funds or fines, such documents shall be subject to such
826 disclosure as may be required pursuant to the applicable statutes
827 or court rules governing the trial of any such judicial
828 proceeding.

829 (7) No person, including the Attorney General, a member of
830 his staff, prosecuting attorney, law enforcement officer, witness,

831 court reporter, attorney or other person, shall disclose to an
832 unauthorized person documents, including subpoenas issued and
833 served, gathered by the Attorney General pursuant to the
834 provisions of this section, except that upon the filing of an
835 indictment or information, or upon the filing of an action for
836 recovery of property, funds or fines, or in other legal
837 proceedings, such documents shall be subject to such disclosure as
838 may be required pursuant to applicable statutes and court rules
839 governing the trial of any such judicial proceeding. In event of
840 an unauthorized disclosure of any such documents gathered by the
841 Attorney General pursuant to the provisions of this section, the
842 person making any such unauthorized disclosure shall be guilty of
843 a misdemeanor, and upon conviction thereof, shall be punished by a
844 fine of not more than One Thousand Dollars (\$1,000.00) or
845 imprisonment of not more than six (6) months, or by both such fine
846 and imprisonment.

847 (8) The powers of the Attorney General under this section
848 shall not diminish the powers of local authorities to investigate
849 or prosecute any type of white-collar crime violation, computer
850 crime violation or any other criminal conduct within their
851 respective jurisdictions, and the provisions of this section shall
852 be in addition to the powers and authority previously granted the
853 Attorney General by common, constitutional, statutory or case law.

854 (9) No person, agent or employee upon whom a subpoena is
855 served pursuant to this section shall disclose the existence of
856 the investigation to any person unless such disclosure is

857 necessary for compliance with the subpoena. Any person who
858 willfully violates this subsection shall be guilty of a
859 misdemeanor and may be confined in the county jail for a period
860 not to exceed one (1) year or fined not more than Ten Thousand
861 Dollars (\$10,000.00), or both.

862 **SECTION 5.** Section 97-37-7, Mississippi Code of 1972, is
863 amended as follows:

864 97-37-7. (1) (a) It shall not be a violation of Section
865 97-37-1 or any other statute for pistols, firearms or other
866 suitable and appropriate weapons to be carried by duly constituted
867 bank guards, company guards, watchmen, railroad special agents or
868 duly authorized representatives who are not sworn law enforcement
869 officers, agents or employees of a patrol service, guard service,
870 or a company engaged in the business of transporting money,
871 securities or other valuables, while actually engaged in the
872 performance of their duties as such, provided that such persons
873 have made a written application and paid a nonrefundable permit
874 fee of One Hundred Dollars (\$100.00) to the Department of Public
875 Safety.

876 (b) No permit shall be issued to any person who has
877 ever been convicted of a felony under the laws of this or any
878 other state or of the United States. To determine an applicant's
879 eligibility for a permit, the person shall be fingerprinted. If
880 no disqualifying record is identified at the state level, the
881 fingerprints shall be forwarded by the Department of Public Safety
882 to the Federal Bureau of Investigation for a national criminal

883 history record check. The department shall charge a fee which
884 includes the amounts required by the Federal Bureau of
885 Investigation and the department for the national and state
886 criminal history record checks and any necessary costs incurred by
887 the department for the handling and administration of the criminal
888 history background checks. In the event a legible set of
889 fingerprints, as determined by the Department of Public Safety and
890 the Federal Bureau of Investigation, cannot be obtained after a
891 minimum of three (3) attempts, the Department of Public Safety
892 shall determine eligibility based upon a name check by the
893 Mississippi Highway Safety Patrol and a Federal Bureau of
894 Investigation name check conducted by the Mississippi Highway
895 Safety Patrol at the request of the Department of Public Safety.

896 (c) A person may obtain a duplicate of a lost or
897 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
898 replacement fee to the Department of Public Safety, if he
899 furnishes a notarized statement to the department that the permit
900 has been lost or destroyed.

901 (d) (i) No less than ninety (90) days prior to the
902 expiration date of a permit, the Department of Public Safety shall
903 mail to the permit holder written notice of expiration together
904 with the renewal form prescribed by the department. The permit
905 holder shall renew the permit on or before the expiration date by
906 filing with the department the renewal form, a notarized affidavit
907 stating that the permit holder remains qualified, and the renewal
908 fee of Fifty Dollars (\$50.00); honorably retired law enforcement

909 officers shall be exempt from payment of the renewal fee. A
910 permit holder who fails to file a renewal application on or before
911 its expiration date shall pay a late fee of Fifteen Dollars
912 (\$15.00).

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

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

921 (2) It shall not be a violation of this or any other statute
922 for pistols, firearms or other suitable and appropriate weapons to
923 be carried by Department of Wildlife, Fisheries and Parks law
924 enforcement officers, railroad special agents who are sworn law
925 enforcement officers, investigators employed by the Attorney
926 General, criminal investigators employed by the district
927 attorneys, all prosecutors, public defenders, investigators or
928 probation officers employed by the Department of Corrections,
929 employees of the State Auditor who are authorized by the State
930 Auditor to perform investigative functions, employees of the
931 Secretary of State who are authorized by the Secretary to perform
932 investigative or regulatory enforcement functions, or any deputy
933 fire marshal or investigator employed by the State Fire Marshal,
934 while engaged in the performance of their duties as such, or by

935 fraud investigators with the Department of Human Services, or by
936 judges of the Mississippi Supreme Court, Court of Appeals,
937 circuit, chancery, county, justice and municipal courts, or by
938 coroners. Before any person shall be authorized under this
939 subsection to carry a weapon, he shall complete a weapons training
940 course approved by the Board of Law Enforcement Officer Standards
941 and Training. Before any criminal investigator employed by a
942 district attorney shall be authorized under this section to carry
943 a pistol, firearm or other weapon, he shall have complied with
944 Section 45-6-11 or any training program required for employment as
945 an agent of the Federal Bureau of Investigation. A law
946 enforcement officer, as defined in Section 45-6-3, shall be
947 authorized to carry weapons in courthouses in performance of his
948 official duties. A person licensed under Section 45-9-101 to
949 carry a concealed pistol, who (a) has voluntarily completed an
950 instructional course in the safe handling and use of firearms
951 offered by an instructor certified by a nationally recognized
952 organization that customarily offers firearms training, or by any
953 other organization approved by the Department of Public Safety,
954 (b) is a member or veteran of any active or reserve component
955 branch of the United States of America Armed Forces having
956 completed law enforcement or combat training with pistols or other
957 handguns as recognized by such branch after submitting an
958 affidavit attesting to have read, understand and agree to comply
959 with all provisions of the enhanced carry law, or (c) is an
960 honorably retired law enforcement officer or honorably retired

961 member or veteran of any active or reserve component branch of the
962 United States of America Armed Forces having completed law
963 enforcement or combat training with pistols or other handguns,
964 after submitting an affidavit attesting to have read, understand
965 and agree to comply with all provisions of Mississippi enhanced
966 carry law shall also be authorized to carry weapons in courthouses
967 except in courtrooms during a judicial proceeding, and any
968 location listed in subsection (13) of Section 45-9-101, except any
969 place of nuisance as defined in Section 95-3-1, any police,
970 sheriff or highway patrol station or any detention facility,
971 prison or jail. For the purposes of this subsection (2),
972 component branch of the United States Armed Forces includes the
973 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
974 National Guard, the Army National Guard of the United States, the
975 Air National Guard or the Air National Guard of the United States,
976 as those terms are defined in Section 101, Title 10, United States
977 Code, and any other reserve component of the United States Armed
978 Forces enumerated in Section 10101, Title 10, United States Code.
979 The department shall promulgate rules and regulations allowing
980 concealed pistol permit holders to obtain an endorsement on their
981 permit indicating that they have completed the aforementioned
982 course and have the authority to carry in these locations. This
983 section shall in no way interfere with the right of a trial judge
984 to restrict the carrying of firearms in the courtroom.

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

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

992 (ii) "Courtroom" means the actual room in which a
993 judicial proceeding occurs, including any jury room, witness room,
994 judge's chamber, office housing the judge's staff, or similar
995 room. "Courtroom" shall not mean hallways, courtroom entrances,
996 courthouse grounds, lobbies, corridors, or other areas within a
997 courthouse which are generally open to the public for the
998 transaction of business outside of an active judicial proceeding,
999 the grassed areas, cultivated flower beds, sidewalks, parking
1000 lots, or other areas contained within the boundaries of the public
1001 land upon which the courthouse is located.

1002 (3) It shall not be a violation of this or any other statute
1003 for pistols, firearms or other suitable and appropriate weapons,
1004 to be carried by any out-of-state, full-time commissioned law
1005 enforcement officer who holds a valid commission card from the
1006 appropriate out-of-state law enforcement agency and a photo
1007 identification. The provisions of this subsection shall only
1008 apply if the state where the out-of-state officer is employed has
1009 entered into a reciprocity agreement with the state that allows
1010 full-time commissioned law enforcement officers in Mississippi to

1011 lawfully carry or possess a weapon in such other states. The
1012 Commissioner of Public Safety is authorized to enter into
1013 reciprocal agreements with other states to carry out the
1014 provisions of this subsection.

1015 **SECTION 6.** Section 97-37-5, Mississippi Code of 1972, is
1016 amended as follows:

1017 97-37-5. (1) It shall be unlawful for any person who has
1018 been convicted of a felony under the laws of this state, any other
1019 state, or of the United States to possess any firearm or any bowie
1020 knife, dirk knife, butcher knife, switchblade knife, metallic
1021 knuckles, blackjack, or any muffler or silencer for any firearm
1022 unless such person has received a pardon for such felony, has
1023 received a relief from disability pursuant to Section 925(c) of
1024 Title 18 of the United States Code, or has received a certificate
1025 of rehabilitation pursuant to subsection (3) of this section.

1026 (2) Any person violating this section shall be guilty of a
1027 felony and, upon conviction thereof, shall be fined not more than
1028 Five Thousand Dollars (\$5,000.00), or committed to the custody of
1029 the State Department of Corrections for not less than one (1) year
1030 nor more than ten (10) years, or both.

1031 (3) A person who has been convicted of a federal crime or a
1032 felony under the laws of this state or any other state may apply
1033 to the court in which he was convicted or in the court of the
1034 person's residence if the person was convicted out of state or of
1035 a federal crime for a certificate of rehabilitation. A person who
1036 has been convicted of a federal crime or a felony in another state

1037 shall attach a certified copy of his or her judgment and a
1038 certified copy of his or her completion of sentence to the
1039 petition for a certificate of rehabilitation. The court may grant
1040 such certificate in its discretion upon a showing to the
1041 satisfaction of the court that the applicant has been
1042 rehabilitated and has led a useful, productive and law-abiding
1043 life since the completion of his sentence and upon the finding of
1044 the court that he will not be likely to act in a manner dangerous
1045 to public safety.

1046 (4) (a) A person who is discharged from court-ordered
1047 mental health treatment may petition the court which entered the
1048 commitment order for an order stating that the person qualifies
1049 for relief from a firearms disability.

1050 (b) In determining whether to grant relief, the court
1051 must hear and consider evidence about:

1052 (i) The circumstances that led to imposition of
1053 the firearms disability under 18 * * * USCS, Section 922(d)(4);

1054 (ii) The person's mental history;

1055 (iii) The person's criminal history; and

1056 (iv) The person's reputation.

1057 (c) A court may not grant relief unless it makes and
1058 enters in the record the following affirmative findings:

1059 (i) That the person is no longer likely to act in
1060 a manner dangerous to public safety; and

1061 (ii) Removing the person's disability to purchase
1062 a firearm is not against the public interest.

1063 **SECTION 7.** This act shall take effect and be in force from
1064 and after July 1, 2021, and shall stand repealed on June 30, 2021.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 45-9-51, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT STATE AGENCIES FROM RESTRICTING THE POSSESSION OF
3 FIREARMS; TO AMEND SECTION 45-9-53, MISSISSIPPI CODE OF 1972, TO
4 PROHIBIT CITIES AND COUNTIES FROM USING A NOTICE OR BAN TO
5 RESTRICT A LICENSED CONCEALED FIREARM HOLDER FROM ENTERING CERTAIN
6 LOCATIONS; TO AUTHORIZE THE ATTORNEY GENERAL TO PROSECUTE
7 VIOLATIONS OF THIS PROVISION USING STATE CORRUPTION PROVISIONS; TO
8 AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO CONFORM TO
9 THE PRECEDING SECTION; TO AMEND SECTION 7-5-59, MISSISSIPPI CODE
10 OF 1972, TO ADD TO THE LIST OF CORRUPTION CRIMES VIOLATIONS OF
11 SECTION 45-9-53; TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF
12 1972, TO AUTHORIZE INVESTIGATIVE AND REGULATORY EMPLOYEES OF THE
13 SECRETARY OF STATE'S OFFICE TO CARRY WEAPONS; TO AMEND SECTION
14 97-37-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A CERTIFICATE OF
15 REHABILITATION FOR ANY PERSON CONVICTED OF A FEDERAL CRIME OR A
16 FELONY OUT OF STATE; AND FOR RELATED PURPOSES.

HR31\SB2107A.J

Andrew Ketchings
Clerk of the House of Representatives