

By: Representative Patterson

To: Judiciary B

HOUSE BILL NO. 170

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

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

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

8 45-9-101. (1) (a) Except as otherwise provided, the
9 Department of Public Safety is authorized to issue licenses to
10 carry stun guns, concealed pistols or revolvers to persons
11 qualified as provided in this section. Such licenses shall be
12 valid throughout the state for a period of five (5) years from the
13 date of issuance, except as provided in subsection (25) of this
14 section. Any person possessing a valid license issued pursuant to
15 this section may carry a stun gun, concealed pistol or concealed
16 revolver.

17 (b) * * * (i) Except as otherwise provided in this
18 paragraph (b) for evacuation during emergencies, licensee must
19 carry the license, together with valid identification, at all



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

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

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

38 (a) Is a resident of the state. However, this
39 residency requirement may be waived if the applicant possesses a
40 valid permit from another state, is a member of any active or
41 reserve component branch of the United States of America Armed
42 Forces stationed in Mississippi, is the spouse of a member of any
43 active or reserve component branch of the United States of America



44 Armed Forces stationed in Mississippi, or is a retired law
45 enforcement officer establishing residency in the state;

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

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

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

51 2. Holds a valid Mississippi driver's license
52 or identification card issued by the Department of Public Safety
53 or a valid and current tribal identification card issued by a
54 federally recognized Indian tribe containing a photograph of the
55 holder;

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

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

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

64 It shall be presumed that an applicant chronically and habitually
65 uses controlled substances to the extent that his faculties are
66 impaired if the applicant has been voluntarily or involuntarily
67 committed to a treatment facility for the abuse of a controlled
68 substance or been found guilty of a crime under the provisions of



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

73 (f) Does not chronically and habitually use alcoholic
74 beverages to the extent that his normal faculties are impaired.
75 It shall be presumed that an applicant chronically and habitually
76 uses alcoholic beverages to the extent that his normal faculties
77 are impaired if the applicant has been voluntarily or
78 involuntarily committed as an alcoholic to a treatment facility or
79 has been convicted of two (2) or more offenses related to the use
80 of alcohol under the laws of this state or similar laws of any
81 other state or the United States within the three-year period
82 immediately preceding the date on which the application is
83 submitted;

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

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

89 (i) Has not been voluntarily or involuntarily committed
90 to a mental institution or mental health treatment facility unless
91 he possesses a certificate from a psychiatrist licensed in this
92 state that he has not suffered from disability for a period of
93 five (5) years;



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

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

99 (l) Is not disqualified to possess a weapon based on
100 federal law.

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



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

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

122 (b) The driver's license number or social security
123 number of applicant;

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

126 (d) A statement that the applicant is in compliance
127 with criteria contained within subsections (2) and (3) of this
128 section;

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

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

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

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

140 (a) A completed application as described in subsection
141 (4) of this section;



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

147 (c) A nonrefundable license fee of Eighty Dollars
148 (\$80.00). Costs for processing the set of fingerprints as
149 required in paragraph (d) of this subsection shall be borne by the
150 applicant. Honorably retired law enforcement officers, disabled
151 veterans and active duty members of the Armed Forces of the United
152 States, and law enforcement officers employed with a law
153 enforcement agency of a municipality, county or state at the time
154 of application for the license, shall be exempt from the payment
155 of the license fee;

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

158 (e) A waiver authorizing the Department of Public
159 Safety access to any records concerning commitments of the
160 applicant to any of the treatment facilities or institutions
161 referred to in subsection (2) of this section and permitting
162 access to all the applicant's criminal records.

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



167 (b) The Department of Public Safety shall forward a
168 copy of the applicant's application to the sheriff of the
169 applicant's county of residence and, if applicable, the police
170 chief of the applicant's municipality of residence. The sheriff
171 of the applicant's county of residence, and, if applicable, the
172 police chief of the applicant's municipality of residence may, at
173 his discretion, participate in the process by submitting a
174 voluntary report to the Department of Public Safety containing any
175 readily discoverable prior information that he feels may be
176 pertinent to the licensing of any applicant. The reporting shall
177 be made within thirty (30) days after the date he receives the
178 copy of the application. Upon receipt of a response from a
179 sheriff or police chief, such sheriff or police chief shall be
180 reimbursed at a rate set by the department.

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

184 (i) Issue the license;

185 (ii) Deny the application based solely on the
186 ground that the applicant fails to qualify under the criteria
187 listed in subsections (2) and (3) of this section. If the
188 Department of Public Safety denies the application, it shall
189 notify the applicant in writing, stating the ground for denial,
190 and the denial shall be subject to the appeal process set forth in
191 subsection (7); or



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

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

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



217 (b) If the revocation, suspension or denial of issuance
218 is sustained by the Commissioner of Public Safety, or his duly
219 authorized agent pursuant to paragraph (a) of this subsection, the
220 aggrieved party may file within ten (10) days after the rendition
221 of such decision a petition in the circuit or county court of his
222 residence for review of such decision. A hearing for review shall
223 be held and shall proceed before the court without a jury upon the
224 record made at the hearing before the Commissioner of Public
225 Safety or his duly authorized agent. No such party shall be
226 allowed to carry a stun gun, concealed pistol or revolver pursuant
227 to the provisions of this section while any such appeal is
228 pending.

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

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



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

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

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

257 (12) (a) Except as provided in subsection (25) of this
258 section, no less than ninety (90) days prior to the expiration
259 date of the license, the Department of Public Safety shall mail to
260 each licensee a written notice of the expiration and a renewal
261 form prescribed by the department. The licensee must renew his
262 license on or before the expiration date by filing with the
263 department the renewal form, a notarized affidavit stating that
264 the licensee remains qualified pursuant to the criteria specified
265 in subsections (2) and (3) of this section, and a full set of
266 fingerprints administered by the Department of Public Safety or



267 the sheriff of the county of residence of the licensee. The first
268 renewal may be processed by mail and the subsequent renewal must
269 be made in person. Thereafter every other renewal may be
270 processed by mail to assure that the applicant must appear in
271 person every ten (10) years for the purpose of obtaining a new
272 photograph.

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

276 (ii) Honorably retired law enforcement officers,
277 disabled veterans, active duty members of the Armed Forces of the
278 United States and law enforcement officers employed with a law
279 enforcement agency of a municipality, county or state at the time
280 of renewal, shall be exempt from the renewal fee; and

281 (iii) The renewal fee for a Mississippi resident
282 aged sixty-five (65) years of age or older shall be Twenty Dollars
283 (\$20.00).

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

289 (c) A licensee who fails to file a renewal application
290 on or before its expiration date must renew his license by paying
291 a late fee of Fifteen Dollars (\$15.00). No license shall be



292 renewed six (6) months or more after its expiration date, and such
293 license shall be deemed to be permanently expired. A person whose
294 license has been permanently expired may reapply for licensure;
295 however, an application for licensure and fees pursuant to
296 subsection (5) of this section must be submitted, and a background
297 investigation shall be conducted pursuant to the provisions of
298 this section.

299 (13) No license issued pursuant to this section shall
300 authorize any person, except a law enforcement officer as defined
301 in Section 45-6-3 with a distinct license authorized by the
302 Department of Public Safety, to carry a stun gun, concealed pistol
303 or revolver into any place of nuisance as defined in Section
304 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
305 patrol station; any detention facility, prison or jail; any
306 courthouse; any courtroom, except that nothing in this section
307 shall preclude a judge from carrying a concealed weapon or
308 determining who will carry a concealed weapon in his courtroom;
309 any polling place; any meeting place of the governing body of any
310 governmental entity; any meeting of the Legislature or a committee
311 thereof; any school, college or professional athletic event not
312 related to firearms; any portion of an establishment, licensed to
313 dispense alcoholic beverages for consumption on the premises, that
314 is primarily devoted to dispensing alcoholic beverages; any
315 portion of an establishment in which beer, light spirit product or
316 light wine is consumed on the premises, that is primarily devoted



317 to such purpose; any elementary or secondary school facility; any
318 junior college, community college, college or university facility
319 unless for the purpose of participating in any authorized
320 firearms-related activity; inside the passenger terminal of any
321 airport, except that no person shall be prohibited from carrying
322 any legal firearm into the terminal if the firearm is encased for
323 shipment, for purposes of checking such firearm as baggage to be
324 lawfully transported on any aircraft; any church or other place of
325 worship, except as provided in Section 45-9-171; or any place
326 where the carrying of firearms is prohibited by federal law. In
327 addition to the places enumerated in this subsection, the carrying
328 of a stun gun, concealed pistol or revolver may be disallowed in
329 any place in the discretion of the person or entity exercising
330 control over the physical location of such place by the placing of
331 a written notice clearly readable at a distance of not less than
332 ten (10) feet that the "carrying of a pistol or revolver is
333 prohibited." No license issued pursuant to this section shall
334 authorize the participants in a parade or demonstration for which
335 a permit is required to carry a stun gun, concealed pistol or
336 revolver.

337 (14) A law enforcement officer as defined in Section 45-6-3,
338 chiefs of police, sheriffs and persons licensed as professional
339 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
340 1972, shall be exempt from the licensing requirements of this
341 section.



342 (a) The Commissioner of Public Safety shall promulgate
343 rules and regulations to provide licenses to law enforcement
344 officers as defined in Section 45-6-3 who choose to obtain a
345 license under the provisions of this section, which shall include
346 a distinction that the officer is an "active duty" law enforcement
347 officer and an endorsement that such officer is authorized to
348 carry in the locations listed in subsection (13). A law
349 enforcement officer shall provide the following information to
350 receive the license described in this subsection: (i) a letter,
351 with the official letterhead of the agency or department for which
352 the officer is employed at the time of application and (ii) a
353 letter with the official letterhead of the agency or department,
354 which explains that such officer has completed a certified law
355 enforcement training academy.

356 (b) The licensing requirements of this section do not
357 apply to the carrying by any person of a stun gun, pistol or
358 revolver, knife, or other deadly weapon that is not concealed as
359 defined in Section 97-37-1.

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



366 (16) All fees collected by the Department of Public Safety
367 pursuant to this section shall be deposited into a special fund
368 hereby created in the State Treasury and shall be used for
369 implementation and administration of this section. After the
370 close of each fiscal year, the balance in this fund shall be
371 certified to the Legislature and then may be used by the
372 Department of Public Safety as directed by the Legislature.

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

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

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

389 (20) The provisions of this section shall be under the
390 supervision of the Commissioner of Public Safety. The



391 commissioner is authorized to promulgate reasonable rules and
392 regulations to carry out the provisions of this section.

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

399 (22) (a) From and after January 1, 2016, the Commissioner
400 of Public Safety shall promulgate rules and regulations which
401 provide that licenses authorized by this section for honorably
402 retired law enforcement officers and honorably retired
403 correctional officers from the Mississippi Department of
404 Corrections shall (i) include the words "retired law enforcement
405 officer" on the front of the license, and (ii) unless the licensee
406 chooses to have this license combined with a driver's license or
407 identification card under subsection (25) of this section, that
408 the license itself have a red background to distinguish it from
409 other licenses issued under this section.

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



416 letterhead of the agency or department, which explains that such
417 officer has completed a certified law enforcement training
418 academy.

419 (23) A disabled veteran who seeks to qualify for an
420 exemption under this section shall be required to provide a
421 veterans health services identification card issued by the United
422 States Department of Veterans Affairs indicating a
423 service-connected disability, which shall be sufficient proof of
424 such service-connected disability.

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

434 (25) An applicant for a license under this section shall
435 have the option of, instead of being issued a separate card for
436 the license, having the license appear as a notation on the
437 individual's driver's license or identification card. If the
438 applicant chooses this option, the license issued under this
439 section shall have the same expiration date as the driver's
440 license or identification card, and renewal shall take place at



441 the same time and place as renewal of the driver's license or
442 identification card. The Commissioner of Public Safety shall have
443 the authority to promulgate rules and regulations which may be
444 necessary to ensure the effectiveness of the concurrent
445 application and renewal processes.

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

448 97-37-1. (1) Except as otherwise provided in this section
449 and Sections 97-37-7 and 45-9-101, any person who carries,
450 concealed on or about one's person, any bowie knife, dirk knife,
451 butcher knife, switchblade knife, metallic knuckles, blackjack,
452 slingshot, pistol, revolver, or any rifle with a barrel of less
453 than sixteen (16) inches in length, or any shotgun with a barrel
454 of less than eighteen (18) inches in length, machine gun or any
455 fully automatic firearm or deadly weapon, or any muffler or
456 silencer for any firearm, whether or not it is accompanied by a
457 firearm, or uses or attempts to use against another person any
458 imitation firearm, shall, upon conviction, be punished as follows:

459 (a) By a fine of not less than One Hundred Dollars
460 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
461 imprisonment in the county jail for not more than six (6) months,
462 or both, in the discretion of the court, for the first conviction
463 under this section.

464 (b) By a fine of not less than One Hundred Dollars
465 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and



466 imprisonment in the county jail for not less than thirty (30) days
467 nor more than six (6) months, for the second conviction under this
468 section.

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

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

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

481 (3) It shall not be a violation of this section for any
482 person to carry a firearm or deadly weapon concealed if the
483 possessor of the weapon is then engaged in a legitimate
484 weapon-related sports activity or is going to or returning from
485 such activity. For purposes of this subsection, "legitimate
486 weapon-related sports activity" means hunting, fishing, target
487 shooting or any other legal activity which normally involves the
488 use of a firearm or other weapon.

489 (4) For the purposes of this section, "concealed" means
490 hidden or obscured from common observation and shall not include



491 any weapon listed in subsection (1) of this section, including,
492 but not limited to, a loaded or unloaded pistol carried upon the
493 person in a sheath, belt holster or shoulder holster that is
494 wholly or partially visible, or carried upon the person in a
495 scabbard or case for carrying the weapon that is wholly or
496 partially visible.

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

499 97-37-7. (1) (a) It shall not be a violation of Section
500 97-37-1 or 45-9-101 or any other statute for pistols, firearms or
501 other suitable and appropriate weapons to be carried by duly
502 constituted bank guards, company guards, watchmen, railroad
503 special agents or duly authorized representatives who are not
504 sworn law enforcement officers, agents or employees of a patrol
505 service, guard service, or a company engaged in the business of
506 transporting money, securities or other valuables, while actually
507 engaged in the performance of their duties as such, provided that
508 such persons have made a written application and paid a
509 nonrefundable permit fee of One Hundred Dollars (\$100.00) to the
510 Department of Public Safety.

511 (b) No permit shall be issued to any person who has
512 ever been convicted of a felony under the laws of this or any
513 other state or of the United States. To determine an applicant's
514 eligibility for a permit, the person shall be fingerprinted. If
515 no disqualifying record is identified at the state level, the



516 fingerprints shall be forwarded by the Department of Public Safety
517 to the Federal Bureau of Investigation for a national criminal
518 history record check. The department shall charge a fee which
519 includes the amounts required by the Federal Bureau of
520 Investigation and the department for the national and state
521 criminal history record checks and any necessary costs incurred by
522 the department for the handling and administration of the criminal
523 history background checks. In the event a legible set of
524 fingerprints, as determined by the Department of Public Safety and
525 the Federal Bureau of Investigation, cannot be obtained after a
526 minimum of three (3) attempts, the Department of Public Safety
527 shall determine eligibility based upon a name check by the
528 Mississippi Highway Safety Patrol and a Federal Bureau of
529 Investigation name check conducted by the Mississippi Highway
530 Safety Patrol at the request of the Department of Public Safety.

531 (c) A person may obtain a duplicate of a lost or
532 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
533 replacement fee to the Department of Public Safety, if he
534 furnishes a notarized statement to the department that the permit
535 has been lost or destroyed.

536 (d) (i) No less than ninety (90) days prior to the
537 expiration date of a permit, the Department of Public Safety shall
538 mail to the permit holder written notice of expiration together
539 with the renewal form prescribed by the department. The permit
540 holder shall renew the permit on or before the expiration date by



541 filing with the department the renewal form, a notarized affidavit
542 stating that the permit holder remains qualified, and the renewal
543 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
544 officers shall be exempt from payment of the renewal fee. A
545 permit holder who fails to file a renewal application on or before
546 its expiration date shall pay a late fee of Fifteen Dollars
547 (\$15.00).

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

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

556 (2) It shall not be a violation of this or any other statute
557 for pistols, firearms or other suitable and appropriate weapons to
558 be carried by Department of Wildlife, Fisheries and Parks law
559 enforcement officers, railroad special agents who are sworn law
560 enforcement officers, investigators employed by the Attorney
561 General, criminal investigators employed by the district
562 attorneys, all prosecutors, public defenders, investigators or
563 probation officers employed by the Department of Corrections,
564 employees of the State Auditor who are authorized by the State
565 Auditor to perform investigative functions, or any deputy fire



566 marshal or investigator employed by the State Fire Marshal, while
567 engaged in the performance of their duties as such, or by fraud
568 investigators with the Department of Human Services, or by judges
569 of the Mississippi Supreme Court, Court of Appeals, circuit,
570 chancery, county, justice and municipal courts, or by coroners.
571 Before any person shall be authorized under this subsection to
572 carry a weapon, he shall complete a weapons training course
573 approved by the Board of Law Enforcement Officer Standards and
574 Training. Before any criminal investigator employed by a district
575 attorney shall be authorized under this section to carry a pistol,
576 firearm or other weapon, he shall have complied with Section
577 45-6-11 or any training program required for employment as an
578 agent of the Federal Bureau of Investigation. A law enforcement
579 officer, as defined in Section 45-6-3, shall be authorized to
580 carry weapons in courthouses in performance of his official
581 duties. A person licensed under Section 45-9-101 to carry a
582 concealed pistol, who (a) has voluntarily completed an
583 instructional course in the safe handling and use of firearms
584 offered by an instructor certified by a nationally recognized
585 organization that customarily offers firearms training, or by any
586 other organization approved by the Department of Public Safety,
587 (b) is a member or veteran of any active or reserve component
588 branch of the United States of America Armed Forces having
589 completed law enforcement or combat training with pistols or other
590 handguns as recognized by such branch after submitting an



591 affidavit attesting to have read, understand and agree to comply
592 with all provisions of the enhanced carry law, or (c) is an
593 honorably retired law enforcement officer or honorably retired
594 member or veteran of any active or reserve component branch of the
595 United States of America Armed Forces having completed law
596 enforcement or combat training with pistols or other handguns,
597 after submitting an affidavit attesting to have read, understand
598 and agree to comply with all provisions of Mississippi enhanced
599 carry law shall also be authorized to carry weapons in courthouses
600 except in courtrooms during a judicial proceeding, and any
601 location listed in subsection (13) of Section 45-9-101, except any
602 place of nuisance as defined in Section 95-3-1, any police,
603 sheriff or highway patrol station or any detention facility,
604 prison or jail. For the purposes of this subsection (2),
605 component branch of the United States Armed Forces includes the
606 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
607 National Guard, the Army National Guard of the United States, the
608 Air National Guard or the Air National Guard of the United States,
609 as those terms are defined in Section 101, Title 10, United States
610 Code, and any other reserve component of the United States Armed
611 Forces enumerated in Section 10101, Title 10, United States Code.
612 The department shall promulgate rules and regulations allowing
613 concealed pistol permit holders to obtain an endorsement on their
614 permit indicating that they have completed the aforementioned
615 course and have the authority to carry in these locations. This



616 section shall in no way interfere with the right of a trial judge
617 to restrict the carrying of firearms in the courtroom.

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

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

625 (ii) "Courtroom" means the actual room in which a
626 judicial proceeding occurs, including any jury room, witness room,
627 judge's chamber, office housing the judge's staff, or similar
628 room. "Courtroom" shall not mean hallways, courtroom entrances,
629 courthouse grounds, lobbies, corridors, or other areas within a
630 courthouse which are generally open to the public for the
631 transaction of business outside of an active judicial proceeding,
632 the grassed areas, cultivated flower beds, sidewalks, parking
633 lots, or other areas contained within the boundaries of the public
634 land upon which the courthouse is located.

635 (3) It shall not be a violation of this or any other statute
636 for pistols, firearms or other suitable and appropriate weapons,
637 to be carried by any out-of-state, full-time commissioned law
638 enforcement officer who holds a valid commission card from the
639 appropriate out-of-state law enforcement agency and a photo
640 identification. The provisions of this subsection shall only



641 apply if the state where the out-of-state officer is employed has
642 entered into a reciprocity agreement with the state that allows
643 full-time commissioned law enforcement officers in Mississippi to
644 lawfully carry or possess a weapon in such other states. The
645 Commissioner of Public Safety is authorized to enter into
646 reciprocal agreements with other states to carry out the
647 provisions of this subsection.

648 (4) It shall not be a violation of this or any other statute
649 for any person to carry a concealed pistol, firearm or other
650 suitable and appropriate weapon in the act of evacuating during a
651 mandatory evacuation order issued by local governing authorities,
652 the Governor of this state or President of the United States. For
653 purposes of this subsection, the phrase "in the act of evacuating"
654 means the immediate and urgent movement of a person away from the
655 evacuation zone within forty-eight (48) hours after a mandatory
656 evacuation is ordered. The forty-eight (48) hours may be extended
657 by an order issued by the Governor.

658 **SECTION 4.** This act shall take effect and be in force from
659 and after July 1, 2022.

