

By: Representative Denton

To: Judiciary B;
Constitution

HOUSE BILL NO. 247

1 AN ACT TO PROVIDE THAT IF A COURT ADJUDICATES A PERSON AS
 2 MENTALLY INCOMPETENT OR ORDERS THAT A PERSON BE COMMITTED TO A
 3 HOSPITAL, MENTAL HEALTH TREATMENT FACILITY OR OTHER INSTITUTION
 4 QUALIFIED TO PROVIDE CARE AND TREATMENT FOR PERSONS WITH MENTAL
 5 ILLNESS, THEN THE CLERK OF COURT SHALL NOTIFY THE DEPARTMENT OF
 6 PUBLIC SAFETY OF SUCH ORDER; TO PROVIDE THAT IF A PERSON
 7 VOLUNTARILY COMMITS HIMSELF OR HERSELF TO SUCH A HOSPITAL,
 8 FACILITY OR INSTITUTION, THEN THE HOSPITAL, FACILITY OR
 9 INSTITUTION SHALL NOTIFY THE DEPARTMENT OF PUBLIC SAFETY; TO
 10 PROVIDE THAT THE DEPARTMENT MAY USE THE INFORMATION CONTAINED IN
 11 THE NOTIFICATION SOLELY FOR PURPOSES ASSOCIATED WITH ISSUING,
 12 DENYING, SUSPENDING OR REVOKING SUCH PERSON'S LICENSE, OR
 13 APPLICATION FOR A LICENSE TO CARRY A STUN GUN, CONCEALED PISTOL OR
 14 CONCEALED REVOLVER; TO PROVIDE THAT RECORDS ASSOCIATED WITH THIS
 15 INFORMATION ARE NOT PUBLIC; TO AMEND SECTION 45-9-101, MISSISSIPPI
 16 CODE OF 1972, TO REQUIRE THAT THE DEPARTMENT MAINTAIN AN AUTOMATED
 17 LISTING OF PERSONS WHO ARE THE SUBJECT OF SUCH NOTIFICATIONS AND
 18 REVIEW THE LISTING AS NECESSARY; TO BRING FORWARD SECTION 97-37-7,
 19 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND FOR
 20 RELATED PURPOSES.

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

22 **SECTION 1.** (1) (a) If a court adjudicates a person as
 23 mentally incompetent, then the clerk of court shall notify the
 24 Department of Public Safety of such adjudication.

25 (b) If a court orders that a person be committed to a
 26 public or private hospital, mental health treatment facility or
 27 other institution qualified to provide care and treatment for



28 persons with mental illness, then the clerk of court shall notify
29 the Department of Public Safety of such order.

30 (c) If a person voluntarily commits himself or herself
31 to a public or private hospital, mental health treatment facility
32 or other institution qualified to provide care and treatment for
33 persons with mental illness, then the hospital, facility or
34 institution shall notify the Department of Public Safety of such
35 order.

36 (2) The notification described in subsection (1) of this
37 section, and any information contained in the notification, shall
38 be used by the department solely for the purpose of determining
39 whether the person's license, or application for a license, to
40 carry a stun gun, concealed pistol or concealed revolver should be
41 issued, denied, suspended or revoked under the provisions of
42 Section 45-9-101(2) (h) or (i).

43 (3) The records of the department relating to the
44 notifications described in subsection (1) of this section shall be
45 exempt from the provisions of the Mississippi Public Records Act
46 of 1983.

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

49 45-9-101. (1) (a) Except as otherwise provided, the
50 Department of Public Safety is authorized to issue licenses to
51 carry stun guns, concealed pistols or revolvers to persons
52 qualified as provided in this section. Such licenses shall be



53 valid throughout the state for a period of five (5) years from the
54 date of issuance, except as provided in subsection (25) of this
55 section. Any person possessing a valid license issued pursuant to
56 this section may carry a stun gun, concealed pistol or concealed
57 revolver.

58 (b) The licensee must carry the license, together with
59 valid identification, at all times in which the licensee is
60 carrying a stun gun, concealed pistol or revolver and must display
61 both the license and proper identification upon demand by a law
62 enforcement officer. A violation of the provisions of this
63 paragraph (b) shall constitute a noncriminal violation with a
64 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
65 by summons.

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

68 (a) Is a resident of the state. However, this
69 residency requirement may be waived if the applicant possesses a
70 valid permit from another state, is a member of any active or
71 reserve component branch of the United States of America Armed
72 Forces stationed in Mississippi, is the spouse of a member of any
73 active or reserve component branch of the United States of America
74 Armed Forces stationed in Mississippi, or is a retired law
75 enforcement officer establishing residency in the state;

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



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

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

81 2. Holds a valid Mississippi driver's license
82 or identification card issued by the Department of Public Safety
83 or a valid and current tribal identification card issued by a
84 federally recognized Indian tribe containing a photograph of the
85 holder;

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

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

92 (e) Does not chronically or habitually abuse controlled
93 substances to the extent that his normal faculties are impaired.
94 It shall be presumed that an applicant chronically and habitually
95 uses controlled substances to the extent that his faculties are
96 impaired if the applicant has been voluntarily or involuntarily
97 committed to a treatment facility for the abuse of a controlled
98 substance or been found guilty of a crime under the provisions of
99 the Uniform Controlled Substances Law or similar laws of any other
100 state or the United States relating to controlled substances



101 within a three-year period immediately preceding the date on which
102 the application is submitted;

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

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

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

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

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



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

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

129 (l) Is not disqualified to possess a weapon based on
130 federal law.

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

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



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

152 (b) The driver's license number or social security
153 number of applicant;

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

156 (d) A statement that the applicant is in compliance
157 with criteria contained within subsections (2) and (3) of this
158 section;

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

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

165 (g) A statement that the applicant desires a legal
166 means to carry a stun gun, concealed pistol or revolver to defend
167 himself or herself.

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

170 (a) A completed application as described in subsection
171 (4) of this section;

172 (b) A full-face photograph of the applicant taken
173 within the preceding thirty (30) days in which the head, including
174 hair, in a size as determined by the Department of Public Safety,



175 except that an applicant who is younger than twenty-one (21) years
176 of age must submit a photograph in profile of the applicant;

177 (c) A nonrefundable license fee of Eighty Dollars
178 (\$80.00). Costs for processing the set of fingerprints as
179 required in paragraph (d) of this subsection shall be borne by the
180 applicant. Honorably retired law enforcement officers, disabled
181 veterans and active duty members of the Armed Forces of the United
182 States, and law enforcement officers employed with a law
183 enforcement agency of a municipality, county or state at the time
184 of application for the license, shall be exempt from the payment
185 of the license fee;

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

188 (e) A waiver authorizing the Department of Public
189 Safety access to any records concerning commitments of the
190 applicant to any of the treatment facilities or institutions
191 referred to in subsection (2) of this section and permitting
192 access to all the applicant's criminal records.

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

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



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

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

214 (i) Issue the license;

215 (ii) Deny the application based solely on the
216 ground that the applicant fails to qualify under the criteria
217 listed in subsections (2) and (3) of this section. If the
218 Department of Public Safety denies the application, it shall
219 notify the applicant in writing, stating the ground for denial,
220 and the denial shall be subject to the appeal process set forth in
221 subsection (7); or

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



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

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

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

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



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

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

269 (b) The department shall also maintain an automated
270 listing of persons who are the subject of the notifications
271 described in Section 1 of this act, and the department shall
272 review the listing regularly and as necessary to comply with the
273 provisions of subsection (2)(h) and (i) of this section.



274 (9) Within thirty (30) days after the changing of a
275 permanent address, or within thirty (30) days after having a
276 license lost or destroyed, the licensee shall notify the
277 Department of Public Safety in writing of such change or loss.
278 Failure to notify the Department of Public Safety pursuant to the
279 provisions of this subsection shall constitute a noncriminal
280 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
281 be enforceable by a summons.

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

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

292 (12) (a) Except as provided in subsection (25) of this
293 section, no less than ninety (90) days prior to the expiration
294 date of the license, the Department of Public Safety shall mail to
295 each licensee a written notice of the expiration and a renewal
296 form prescribed by the department. The licensee must renew his or
297 her license on or before the expiration date by filing with the
298 department the renewal form, a notarized affidavit stating that



299 the licensee remains qualified pursuant to the criteria specified
300 in subsections (2) and (3) of this section, and a full set of
301 fingerprints administered by the Department of Public Safety or
302 the sheriff of the county of residence of the licensee. The first
303 renewal may be processed by mail and the subsequent renewal must
304 be made in person. Thereafter every other renewal may be
305 processed by mail to assure that the applicant must appear in
306 person every ten (10) years for the purpose of obtaining a new
307 photograph.

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

311 (ii) Honorably retired law enforcement officers,
312 disabled veterans, active duty members of the Armed Forces of the
313 United States and law enforcement officers employed with a law
314 enforcement agency of a municipality, county or state at the time
315 of renewal, shall be exempt from the renewal fee; and

316 (iii) The renewal fee for a Mississippi resident
317 aged sixty-five (65) years of age or older shall be Twenty Dollars
318 (\$20.00).

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



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

334 (13) No license issued pursuant to this section shall
335 authorize any person, except a law enforcement officer as defined
336 in Section 45-6-3 with a distinct license authorized by the
337 Department of Public Safety, to carry a stun gun, concealed pistol
338 or revolver into any place of nuisance as defined in Section
339 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
340 patrol station; any detention facility, prison or jail; any
341 courthouse; any courtroom, except that nothing in this section
342 shall preclude a judge from carrying a concealed weapon or
343 determining who will carry a concealed weapon in his courtroom;
344 any polling place; any meeting place of the governing body of any
345 governmental entity; any meeting of the Legislature or a committee
346 thereof; any school, college or professional athletic event not
347 related to firearms; any portion of an establishment, licensed to
348 dispense alcoholic beverages for consumption on the premises, that



349 is primarily devoted to dispensing alcoholic beverages; any
350 portion of an establishment in which beer, light spirit product or
351 light wine is consumed on the premises, that is primarily devoted
352 to such purpose; any elementary or secondary school facility; any
353 junior college, community college, college or university facility
354 unless for the purpose of participating in any authorized
355 firearms-related activity; inside the passenger terminal of any
356 airport, except that no person shall be prohibited from carrying
357 any legal firearm into the terminal if the firearm is encased for
358 shipment, for purposes of checking such firearm as baggage to be
359 lawfully transported on any aircraft; any church or other place of
360 worship, except as provided in Section 45-9-171; or any place
361 where the carrying of firearms is prohibited by federal law. In
362 addition to the places enumerated in this subsection, the carrying
363 of a stun gun, concealed pistol or revolver may be disallowed in
364 any place in the discretion of the person or entity exercising
365 control over the physical location of such place by the placing of
366 a written notice clearly readable at a distance of not less than
367 ten (10) feet that the "carrying of a pistol or revolver is
368 prohibited." No license issued pursuant to this section shall
369 authorize the participants in a parade or demonstration for which
370 a permit is required to carry a stun gun, concealed pistol or
371 revolver.

372 (14) A law enforcement officer as defined in Section 45-6-3,
373 chiefs of police, sheriffs and persons licensed as professional



374 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
375 1972, shall be exempt from the licensing requirements of this
376 section.

377 (a) The Commissioner of Public Safety shall promulgate
378 rules and regulations to provide licenses to law enforcement
379 officers as defined in Section 45-6-3 who choose to obtain a
380 license under the provisions of this section, which shall include
381 a distinction that the officer is an "active duty" law enforcement
382 officer and an endorsement that such officer is authorized to
383 carry in the locations listed in subsection (13). A law
384 enforcement officer shall provide the following information to
385 receive the license described in this subsection: (i) a letter,
386 with the official letterhead of the agency or department for which
387 the officer is employed at the time of application and (ii) a
388 letter with the official letterhead of the agency or department,
389 which explains that such officer has completed a certified law
390 enforcement training academy.

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

395 (15) Any person who knowingly submits a false answer to any
396 question on an application for a license issued pursuant to this
397 section, or who knowingly submits a false document when applying
398 for a license issued pursuant to this section, shall, upon



399 conviction, be guilty of a misdemeanor and shall be punished as
400 provided in Section 99-19-31, Mississippi Code of 1972.

401 (16) All fees collected by the Department of Public Safety
402 pursuant to this section shall be deposited into a special fund
403 hereby created in the State Treasury and shall be used for
404 implementation and administration of this section. After the
405 close of each fiscal year, the balance in this fund shall be
406 certified to the Legislature and then may be used by the
407 Department of Public Safety as directed by the Legislature.

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

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

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



424 (20) The provisions of this section shall be under the
425 supervision of the Commissioner of Public Safety. The
426 commissioner is authorized to promulgate reasonable rules and
427 regulations to carry out the provisions of this section.

428 (21) For the purposes of this section, the term "stun gun"
429 means a portable device or weapon from which an electric current,
430 impulse, wave or beam may be directed, which current, impulse,
431 wave or beam is designed to incapacitate temporarily, injure,
432 momentarily stun, knock out, cause mental disorientation or
433 paralyze.

434 (22) (a) From and after January 1, 2016, the Commissioner
435 of Public Safety shall promulgate rules and regulations which
436 provide that licenses authorized by this section for honorably
437 retired law enforcement officers and honorably retired
438 correctional officers from the Mississippi Department of
439 Corrections shall (i) include the words "retired law enforcement
440 officer" on the front of the license, and (ii) unless the licensee
441 chooses to have this license combined with a driver's license or
442 identification card under subsection (25) of this section, that
443 the license itself have a red background to distinguish it from
444 other licenses issued under this section.

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



449 from which such officer is retiring, which explains that such
450 officer is honorably retired, and (ii) a letter with the official
451 letterhead of the agency or department, which explains that such
452 officer has completed a certified law enforcement training
453 academy.

454 (23) A disabled veteran who seeks to qualify for an
455 exemption under this section shall be required to provide a
456 veterans health services identification card issued by the United
457 States Department of Veterans Affairs indicating a
458 service-connected disability, which shall be sufficient proof of
459 such service-connected disability.

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

469 (25) An applicant for a license under this section shall
470 have the option of, instead of being issued a separate card for
471 the license, having the license appear as a notation on the
472 individual's driver's license or identification card. If the
473 applicant chooses this option, the license issued under this



474 section shall have the same expiration date as the driver's
475 license or identification card, and renewal shall take place at
476 the same time and place as renewal of the driver's license or
477 identification card. The Commissioner of Public Safety shall have
478 the authority to promulgate rules and regulations which may be
479 necessary to ensure the effectiveness of the concurrent
480 application and renewal processes.

481 **SECTION 3.** Section 97-37-7, Mississippi Code of 1972, is
482 brought forward as follows:

483 97-37-7. (1) (a) It shall not be a violation of Section
484 97-37-1 or any other statute for pistols, firearms or other
485 suitable and appropriate weapons to be carried by duly constituted
486 bank guards, company guards, watchmen, railroad special agents or
487 duly authorized representatives who are not sworn law enforcement
488 officers, agents or employees of a patrol service, guard service,
489 or a company engaged in the business of transporting money,
490 securities or other valuables, while actually engaged in the
491 performance of their duties as such, provided that such persons
492 have made a written application and paid a nonrefundable permit
493 fee of One Hundred Dollars (\$100.00) to the Department of Public
494 Safety.

495 (b) No permit shall be issued to any person who has
496 ever been convicted of a felony under the laws of this or any
497 other state or of the United States. To determine an applicant's
498 eligibility for a permit, the person shall be fingerprinted. If



499 no disqualifying record is identified at the state level, the
500 fingerprints shall be forwarded by the Department of Public Safety
501 to the Federal Bureau of Investigation for a national criminal
502 history record check. The department shall charge a fee which
503 includes the amounts required by the Federal Bureau of
504 Investigation and the department for the national and state
505 criminal history record checks and any necessary costs incurred by
506 the department for the handling and administration of the criminal
507 history background checks. In the event a legible set of
508 fingerprints, as determined by the Department of Public Safety and
509 the Federal Bureau of Investigation, cannot be obtained after a
510 minimum of three (3) attempts, the Department of Public Safety
511 shall determine eligibility based upon a name check by the
512 Mississippi Highway Safety Patrol and a Federal Bureau of
513 Investigation name check conducted by the Mississippi Highway
514 Safety Patrol at the request of the Department of Public Safety.

515 (c) A person may obtain a duplicate of a lost or
516 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
517 replacement fee to the Department of Public Safety, if he
518 furnishes a notarized statement to the department that the permit
519 has been lost or destroyed.

520 (d) (i) No less than ninety (90) days prior to the
521 expiration date of a permit, the Department of Public Safety shall
522 mail to the permit holder written notice of expiration together
523 with the renewal form prescribed by the department. The permit



524 holder shall renew the permit on or before the expiration date by
525 filing with the department the renewal form, a notarized affidavit
526 stating that the permit holder remains qualified, and the renewal
527 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
528 officers shall be exempt from payment of the renewal fee. A
529 permit holder who fails to file a renewal application on or before
530 its expiration date shall pay a late fee of Fifteen Dollars
531 (\$15.00).

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

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

540 (2) It shall not be a violation of this or any other statute
541 for pistols, firearms or other suitable and appropriate weapons to
542 be carried by Department of Wildlife, Fisheries and Parks law
543 enforcement officers, railroad special agents who are sworn law
544 enforcement officers, investigators employed by the Attorney
545 General, criminal investigators employed by the district
546 attorneys, all prosecutors, public defenders, investigators or
547 probation officers employed by the Department of Corrections,
548 employees of the State Auditor who are authorized by the State



549 Auditor to perform investigative functions, or any deputy fire
550 marshal or investigator employed by the State Fire Marshal, while
551 engaged in the performance of their duties as such, or by fraud
552 investigators with the Department of Human Services, or by judges
553 of the Mississippi Supreme Court, Court of Appeals, circuit,
554 chancery, county, justice and municipal courts, or by coroners.
555 Before any person shall be authorized under this subsection to
556 carry a weapon, he shall complete a weapons training course
557 approved by the Board of Law Enforcement Officer Standards and
558 Training. Before any criminal investigator employed by a district
559 attorney shall be authorized under this section to carry a pistol,
560 firearm or other weapon, he shall have complied with Section
561 45-6-11 or any training program required for employment as an
562 agent of the Federal Bureau of Investigation. A law enforcement
563 officer, as defined in Section 45-6-3, shall be authorized to
564 carry weapons in courthouses in performance of his official
565 duties. A person licensed under Section 45-9-101 to carry a
566 concealed pistol, who (a) has voluntarily completed an
567 instructional course in the safe handling and use of firearms
568 offered by an instructor certified by a nationally recognized
569 organization that customarily offers firearms training, or by any
570 other organization approved by the Department of Public Safety,
571 (b) is a member or veteran of any active or reserve component
572 branch of the United States of America Armed Forces having
573 completed law enforcement or combat training with pistols or other



574 handguns as recognized by such branch after submitting an
575 affidavit attesting to have read, understand and agree to comply
576 with all provisions of the enhanced carry law, or (c) is an
577 honorably retired law enforcement officer or honorably retired
578 member or veteran of any active or reserve component branch of the
579 United States of America Armed Forces having completed law
580 enforcement or combat training with pistols or other handguns,
581 after submitting an affidavit attesting to have read, understand
582 and agree to comply with all provisions of Mississippi enhanced
583 carry law shall also be authorized to carry weapons in courthouses
584 except in courtrooms during a judicial proceeding, and any
585 location listed in subsection (13) of Section 45-9-101, except any
586 place of nuisance as defined in Section 95-3-1, any police,
587 sheriff or highway patrol station or any detention facility,
588 prison or jail. For the purposes of this subsection (2),
589 component branch of the United States Armed Forces includes the
590 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
591 National Guard, the Army National Guard of the United States, the
592 Air National Guard or the Air National Guard of the United States,
593 as those terms are defined in Section 101, Title 10, United States
594 Code, and any other reserve component of the United States Armed
595 Forces enumerated in Section 10101, Title 10, United States Code.
596 The department shall promulgate rules and regulations allowing
597 concealed pistol permit holders to obtain an endorsement on their
598 permit indicating that they have completed the aforementioned



599 course and have the authority to carry in these locations. This
600 section shall in no way interfere with the right of a trial judge
601 to restrict the carrying of firearms in the courtroom.

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

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

609 (ii) "Courtroom" means the actual room in which a
610 judicial proceeding occurs, including any jury room, witness room,
611 judge's chamber, office housing the judge's staff, or similar
612 room. "Courtroom" shall not mean hallways, courtroom entrances,
613 courthouse grounds, lobbies, corridors, or other areas within a
614 courthouse which are generally open to the public for the
615 transaction of business outside of an active judicial proceeding,
616 the grassed areas, cultivated flower beds, sidewalks, parking
617 lots, or other areas contained within the boundaries of the public
618 land upon which the courthouse is located.

619 (3) It shall not be a violation of this or any other statute
620 for pistols, firearms or other suitable and appropriate weapons,
621 to be carried by any out-of-state, full-time commissioned law
622 enforcement officer who holds a valid commission card from the
623 appropriate out-of-state law enforcement agency and a photo



624 identification. The provisions of this subsection shall only
625 apply if the state where the out-of-state officer is employed has
626 entered into a reciprocity agreement with the state that allows
627 full-time commissioned law enforcement officers in Mississippi to
628 lawfully carry or possess a weapon in such other states. The
629 Commissioner of Public Safety is authorized to enter into
630 reciprocal agreements with other states to carry out the
631 provisions of this subsection.

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

