

By: Representatives Oliver, Ladner, Barnett

To: Constitution

HOUSE BILL NO. 253

1 AN ACT ENTITLED THE "SECOND AMENDMENT PRESERVATION ACT"; TO
2 PROVIDE THAT THE MISSISSIPPI LEGISLATURE PREEMPTS THE LAW OF
3 FIREARMS, COMPONENTS, AMMUNITION AND FIREARM SUPPLIES TO THE
4 COMPLETE EXCLUSION OF ANY ORDER, ORDINANCE OR REGULATION BY ANY
5 POLITICAL SUBDIVISION OR MUNICIPALITY OF THIS STATE; TO PROVIDE
6 THAT THE COMPREHENSIVE FIREARMS CODE OF THE STATE OF MISSISSIPPI
7 IS INTERPOSED IN PLACE OF ANY FEDERAL LAW CONFISCATING FIREARMS OF
8 LAW-ABIDING CITIZENS; TO BRING FORWARD SECTIONS 45-9-51, 45-9-53
9 AND 45-9-101, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CONDITIONS
10 ON CARRYING CONCEALED WEAPONS; TO BRING FORWARD SECTIONS 97-37-7
11 AND 97-37-9, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CONDITIONS
12 AND PENALTIES FOR CARRYING CONCEALED FIREARMS AND DEADLY WEAPONS;
13 AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** This section shall be known and may be cited as
16 the "Second Amendment Preservation Act."

17 **SECTION 2.** (1) The Mississippi Legislature hereby occupies
18 and preempts the entire field of legislation touching in any way
19 firearms, components, ammunition and supplies to the complete
20 exclusion of any order, ordinance or regulation by any political
21 subdivision of this state. Any existing or future orders,
22 ordinances or regulations in this field are hereby and shall be



23 null and void except as provided in subsection (3) of this
24 section.

25 (2) No county, city, town, village, municipality, or other
26 political subdivision of this state shall adopt any order,
27 ordinance or regulation concerning in any way the sale, purchase,
28 purchase delay, transfer, ownership, use, keeping, possession,
29 bearing, transportation, licensing, permit, registration, taxation
30 other than sales and compensating use taxes or other controls on
31 firearms, components, ammunition, and supplies except as provided
32 in subsection (3) of this section.

33 (3) Except as provided in this subsection, nothing contained
34 in this section shall prohibit any ordinance of any political
35 subdivision which conforms exactly with any of the provisions of
36 Sections 45-9-51, 45-9-53, 45-9-101, 97-37-7 and 97-37-9,
37 Mississippi Code of 1972, with appropriate penalty provisions, or
38 which regulates the open carrying of firearms readily capable of
39 lethal use or the discharge of firearms within a jurisdiction.

40 (4) The lawful design, marketing, manufacture, distribution,
41 or sale of firearms or ammunition to the public is not an
42 abnormally dangerous activity and does not constitute a public or
43 private nuisance.

44 (5) No county, city, town, village or any other political
45 subdivision nor the state shall bring suit or have any right to
46 recover against any firearms or ammunition manufacturer, trade
47 association or dealer for damages, abatement or injunctive relief



48 resulting from or relating to the lawful design, manufacture,
49 marketing, distribution, or sale of firearms or ammunition to the
50 public. Provided, however, that nothing in this section shall
51 restrict the rights of individual citizens to recover for injury
52 or death caused by the negligent or defective design or
53 manufacture of firearms or ammunition.

54 (6) Nothing in this section shall prevent the state, a
55 county, city, town, village or any other political subdivision
56 from bringing an action against a firearms or ammunition
57 manufacturer or dealer for breach of contract or warranty as to
58 firearms or ammunition purchased by the state or such political
59 subdivision.

60 **SECTION 3.** (1) All federal acts, laws, orders, rules and
61 regulations, whether past, present or future, which infringe on
62 the people's right to keep and bear arms as guaranteed by the
63 Second Amendment to the United States Constitution and Article I,
64 Section 12 of the Mississippi Constitution of 1890 shall be
65 invalid in this state, shall not be recognized by this state,
66 shall be specifically rejected by this state and have no effect in
67 this state.

68 (2) Such federal acts, laws, orders, rules, and regulations
69 which include any act ordering the confiscation of firearms,
70 firearm accessories, or ammunition from law-abiding citizens.

71 (3) It shall be the duty of the courts and law enforcement
72 agencies of this state to protect the rights of law-abiding



73 citizens to keep and bear arms within the borders of this state
74 and from the infringements in subsection (2) of this section.

75 (4) No public officer or employee of this state shall have
76 any authority to enforce or attempt to enforce any of the
77 infringements on the right to keep and bear arms included in
78 subsection (2) of this section.

79 (5) Any official, agent, or employee of the United States
80 government who enforces or attempts to enforce any of the
81 infringements on the right to keep and bear arms included in
82 subsection (2) of this section is guilty of a misdemeanor.

83 (6) Any Mississippi citizen who has been subject to an
84 effort to enforce any of the infringements on the right to keep
85 and bear arms included in subsection (2) of this section shall
86 have a private cause of action for declaratory judgment and for
87 damages against any person or entity attempting such enforcement.

88 **SECTION 4.** Section 45-9-51, Mississippi Code of 1972, is
89 brought forward as follows:

90 45-9-51. (1) Subject to the provisions of Section 45-9-53,
91 no county or municipality may adopt any ordinance that restricts
92 the possession, carrying, transportation, sale, transfer or
93 ownership of firearms or ammunition or their components.

94 (2) No public housing authority operating in this state may
95 adopt any rule or regulation restricting a lessee or tenant of a
96 dwelling owned and operated by such public housing authority from
97 lawfully possessing firearms or ammunition or their components



98 within individual dwelling units or the transportation of such
99 firearms or ammunition or their components to and from such
100 dwelling.

101 **SECTION 5.** Section 45-9-53, Mississippi Code of 1972, is
102 brought forward as follows:

103 45-9-53. (1) This section and Section 45-9-51 do not affect
104 the authority that a county or municipality may have under another
105 law:

106 (a) To require citizens or public employees to be armed
107 for personal or national defense, law enforcement, or another
108 lawful purpose;

109 (b) To regulate the discharge of firearms within the
110 limits of the county or municipality. A county or municipality
111 may not apply a regulation relating to the discharge of firearms
112 or other weapons in the extraterritorial jurisdiction of the
113 county or municipality or in an area annexed by the county or
114 municipality after September 1, 1981, if the firearm or other
115 weapon is:

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

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

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



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

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

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

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

135 (d) To regulate the use of firearms in cases of
136 insurrection, riots and natural disasters in which the city finds
137 such regulation necessary to protect the health and safety of the
138 public. However, the provisions of this section shall not apply
139 to the lawful possession of firearms, ammunition or components of
140 firearms or ammunition;

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

146 (f) To regulate the carrying of a firearm at: (i) a
147 public park or at a public meeting of a county, municipality or



148 other governmental body; (ii) a political rally, parade or
149 official political meeting; or (iii) a nonfirearm-related school,
150 college or professional athletic event; or

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

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

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

160 (4) No county or a municipality may use the written notice
161 provisions of Section 45-9-101(13) to prohibit concealed firearms
162 on property under their control except:

163 (a) At a location listed in Section 45-9-101(13)
164 indicating that a license issued under Section 45-9-101 does not
165 authorize the holder to carry a firearm into that location, as
166 long as the sign also indicates that carrying a firearm is
167 unauthorized only for license holders without a training
168 endorsement or that it is a location included in Section
169 97-37-7(2) where carrying a firearm is unauthorized for all
170 license holders; and

171 (b) At any location under the control of the county or
172 municipality aside from a location listed in subsection (1)(f) of



173 this section or Section 45-9-101(13) indicating that the
174 possession of a firearm is prohibited on the premises, as long as
175 the sign also indicates that it does not apply to a person
176 properly licensed under Section 45-9-101 or Section 97-37-7(2) to
177 carry a concealed firearm or to a person lawfully carrying a
178 firearm that is not concealed.

179 (5) (a) A citizen of this state, or a person licensed to
180 carry a concealed pistol or revolver under Section 45-9-101, or a
181 person licensed to carry a concealed pistol or revolver with the
182 endorsement under Section 97-37-7, who is adversely affected by an
183 ordinance or posted written notice adopted by a county or
184 municipality in violation of this section may file suit for
185 declarative and injunctive relief against a county or municipality
186 in the circuit court which shall have jurisdiction over the county
187 or municipality where the violation of this section occurs.

188 (b) Before instituting suit under this subsection, the
189 party adversely impacted by the ordinance or posted written notice
190 shall notify the Attorney General in writing of the violation and
191 include evidence of the violation. The Attorney General shall,
192 within thirty (30) days, investigate whether the county or
193 municipality adopted an ordinance or posted written notice in
194 violation of this section and provide the chief administrative
195 officer of the county or municipality notice of his findings,
196 including, if applicable, a description of the violation and
197 specific language of the ordinance or posted written notice found



198 to be in violation. The county or municipality shall have thirty
199 (30) days from receipt of that notice to cure the violation. If
200 the county or municipality fails to cure the violation within that
201 thirty-day time period, a suit under paragraph (a) of this
202 subsection may proceed. The findings of the Attorney General
203 shall constitute a "Public Record" as defined by the Mississippi
204 Public Records Act of 1983, Section 25-61-1 et seq.

205 (c) If the circuit court finds that a county or
206 municipality adopted an ordinance or posted written notice in
207 violation of this section and failed to cure that violation in
208 accordance with paragraph (b) of this subsection, the circuit
209 court shall issue a permanent injunction against a county or
210 municipality prohibiting it from enforcing the ordinance or posted
211 written notice. Any elected county or municipal official under
212 whose jurisdiction the violation occurred may be civilly liable in
213 a sum not to exceed One Thousand Dollars (\$1,000.00), plus all
214 reasonable attorney's fees and costs incurred by the party
215 bringing the suit. Public funds may not be used to defend or
216 reimburse officials who are found by the court to have violated
217 this section.

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



221 (i) Did not vote in the affirmative for the
222 adopted ordinance or posted written notice deemed by the court to
223 be in violation of this section;

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

227 (iii) Did attempt to take recorded action to
228 rescind the ordinance or remove the posted written notice deemed
229 by the court to be in violation of this section.

230 (6) No county or municipality or their officers or employees
231 may participate in any program in which individuals are given a
232 thing of value provided by another individual or other entity in
233 exchange for surrendering a firearm to the county, municipality or
234 other governmental body unless:

235 (a) The county or municipality has adopted an ordinance
236 authorizing the participation of the county or municipality, or
237 participation by an officer or employee of the county or
238 municipality in such a program; and

239 (b) Any ordinance enacted pursuant to this section must
240 require that any firearm received shall be offered for sale at
241 auction as provided by Sections 19-3-85 and 21-39-21 to federally
242 licensed firearms dealers, with the proceeds from such sale at
243 auction reverting to the general operating fund of the county,
244 municipality or other governmental body. Any firearm remaining in
245 possession of the county, municipality or other governmental body



246 after attempts to sell at auction may be disposed of in a manner
247 that the body deems appropriate.

248 **SECTION 6.** Section 45-9-101, Mississippi Code of 1972, is
249 brought forward as follows:

250 45-9-101. (1) (a) Except as otherwise provided, the
251 Department of Public Safety is authorized to issue licenses to
252 carry stun guns, concealed pistols or revolvers to persons
253 qualified as provided in this section. Such licenses shall be
254 valid throughout the state for a period of five (5) years from the
255 date of issuance, except as provided in subsection (25) of this
256 section. Any person possessing a valid license issued pursuant to
257 this section may carry a stun gun, concealed pistol or concealed
258 revolver.

259 (b) The licensee must carry the license, together with
260 valid identification, at all times in which the licensee is
261 carrying a stun gun, concealed pistol or revolver and must display
262 both the license and proper identification upon demand by a law
263 enforcement officer. A violation of the provisions of this
264 paragraph (b) shall constitute a noncriminal violation with a
265 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
266 by summons.

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

269 (a) Is a resident of the state. However, this
270 residency requirement may be waived if the applicant possesses a



271 valid permit from another state, is a member of any active or
272 reserve component branch of the United States of America Armed
273 Forces stationed in Mississippi, is the spouse of a member of any
274 active or reserve component branch of the United States of America
275 Armed Forces stationed in Mississippi, or is a retired law
276 enforcement officer establishing residency in the state;

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

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

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

282 2. Holds a valid Mississippi driver's license
283 or identification card issued by the Department of Public Safety
284 or a valid and current tribal identification card issued by a
285 federally recognized Indian tribe containing a photograph of the
286 holder;

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

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

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

295 It shall be presumed that an applicant chronically and habitually



296 uses controlled substances to the extent that his faculties are
297 impaired if the applicant has been voluntarily or involuntarily
298 committed to a treatment facility for the abuse of a controlled
299 substance or been found guilty of a crime under the provisions of
300 the Uniform Controlled Substances Law or similar laws of any other
301 state or the United States relating to controlled substances
302 within a three-year period immediately preceding the date on which
303 the application is submitted;

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

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

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



320 (i) Has not been voluntarily or involuntarily committed
321 to a mental institution or mental health treatment facility unless
322 he possesses a certificate from a psychiatrist licensed in this
323 state that he has not suffered from disability for a period of
324 five (5) years;

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

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

330 (l) Is not disqualified to possess a weapon based on
331 federal law.

332 (3) The Department of Public Safety may deny a license if
333 the applicant has been found guilty of one or more crimes of
334 violence constituting a misdemeanor unless three (3) years have
335 elapsed since probation or any other conditions set by the court
336 have been fulfilled or expunction has occurred prior to the date
337 on which the application is submitted, or may revoke a license if
338 the licensee has been found guilty of one or more crimes of
339 violence within the preceding three (3) years. The department
340 shall, upon notification by a law enforcement agency or a court
341 and subsequent written verification, suspend a license or the
342 processing of an application for a license if the licensee or
343 applicant is arrested or formally charged with a crime which would
344 disqualify such person from having a license under this section,



345 until final disposition of the case. The provisions of subsection
346 (7) of this section shall apply to any suspension or revocation of
347 a license pursuant to the provisions of this section.

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

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

353 (b) The driver's license number or social security
354 number of applicant;

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

357 (d) A statement that the applicant is in compliance
358 with criteria contained within subsections (2) and (3) of this
359 section;

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

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

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



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

371 (a) A completed application as described in subsection
372 (4) of this section;

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

378 (c) A nonrefundable license fee of Eighty Dollars
379 (\$80.00). Costs for processing the set of fingerprints as
380 required in paragraph (d) of this subsection shall be borne by the
381 applicant. Honorably retired law enforcement officers, disabled
382 veterans and active duty members of the Armed Forces of the United
383 States, and law enforcement officers employed with a law
384 enforcement agency of a municipality, county or state at the time
385 of application for the license, shall be exempt from the payment
386 of the license fee;

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

389 (e) A waiver authorizing the Department of Public
390 Safety access to any records concerning commitments of the
391 applicant to any of the treatment facilities or institutions
392 referred to in subsection (2) of this section and permitting
393 access to all the applicant's criminal records.



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

398 (b) The Department of Public Safety shall forward a
399 copy of the applicant's application to the sheriff of the
400 applicant's county of residence and, if applicable, the police
401 chief of the applicant's municipality of residence. The sheriff
402 of the applicant's county of residence, and, if applicable, the
403 police chief of the applicant's municipality of residence may, at
404 his discretion, participate in the process by submitting a
405 voluntary report to the Department of Public Safety containing any
406 readily discoverable prior information that he feels may be
407 pertinent to the licensing of any applicant. The reporting shall
408 be made within thirty (30) days after the date he receives the
409 copy of the application. Upon receipt of a response from a
410 sheriff or police chief, such sheriff or police chief shall be
411 reimbursed at a rate set by the department.

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

- 415 (i) Issue the license;
- 416 (ii) Deny the application based solely on the
417 ground that the applicant fails to qualify under the criteria
418 listed in subsections (2) and (3) of this section. If the



419 Department of Public Safety denies the application, it shall
420 notify the applicant in writing, stating the ground for denial,
421 and the denial shall be subject to the appeal process set forth in
422 subsection (7); or

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

428 (d) In the event a legible set of fingerprints, as
429 determined by the Department of Public Safety and the Federal
430 Bureau of Investigation, cannot be obtained after a minimum of two
431 (2) attempts, the Department of Public Safety shall determine
432 eligibility based upon a name check by the Mississippi Highway
433 Safety Patrol and a Federal Bureau of Investigation name check
434 conducted by the Mississippi Highway Safety Patrol at the request
435 of the Department of Public Safety.

436 (7) (a) If the Department of Public Safety denies the
437 issuance of a license, or suspends or revokes a license, the party
438 aggrieved may appeal such denial, suspension or revocation to the
439 Commissioner of Public Safety, or his authorized agent, within
440 thirty (30) days after the aggrieved party receives written notice
441 of such denial, suspension or revocation. The Commissioner of
442 Public Safety, or his duly authorized agent, shall rule upon such
443 appeal within thirty (30) days after the appeal is filed and



444 failure to rule within this thirty-day period shall constitute
445 sustaining such denial, suspension or revocation. Such review
446 shall be conducted pursuant to such reasonable rules and
447 regulations as the Commissioner of Public Safety may adopt.

448 (b) If the revocation, suspension or denial of issuance
449 is sustained by the Commissioner of Public Safety, or his duly
450 authorized agent pursuant to paragraph (a) of this subsection, the
451 aggrieved party may file within ten (10) days after the rendition
452 of such decision a petition in the circuit or county court of his
453 residence for review of such decision. A hearing for review shall
454 be held and shall proceed before the court without a jury upon the
455 record made at the hearing before the Commissioner of Public
456 Safety or his duly authorized agent. No such party shall be
457 allowed to carry a stun gun, concealed pistol or revolver pursuant
458 to the provisions of this section while any such appeal is
459 pending.

460 (8) The Department of Public Safety shall maintain an
461 automated listing of license holders and such information shall be
462 available online, upon request, at all times, to all law
463 enforcement agencies through the Mississippi Crime Information
464 Center. However, the records of the department relating to
465 applications for licenses to carry stun guns, concealed pistols or
466 revolvers and records relating to license holders shall be exempt
467 from the provisions of the Mississippi Public Records Act of 1983,



468 and shall be released only upon order of a court having proper
469 jurisdiction over a petition for release of the record or records.

470 (9) Within thirty (30) days after the changing of a
471 permanent address, or within thirty (30) days after having a
472 license lost or destroyed, the licensee shall notify the
473 Department of Public Safety in writing of such change or loss.
474 Failure to notify the Department of Public Safety pursuant to the
475 provisions of this subsection shall constitute a noncriminal
476 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
477 be enforceable by a summons.

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

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

488 (12) (a) Except as provided in subsection (25) of this
489 section, no less than ninety (90) days prior to the expiration
490 date of the license, the Department of Public Safety shall mail to
491 each licensee a written notice of the expiration and a renewal
492 form prescribed by the department. The licensee must renew his



493 license on or before the expiration date by filing with the
494 department the renewal form, a notarized affidavit stating that
495 the licensee remains qualified pursuant to the criteria specified
496 in subsections (2) and (3) of this section, and a full set of
497 fingerprints administered by the Department of Public Safety or
498 the sheriff of the county of residence of the licensee. The first
499 renewal may be processed by mail and the subsequent renewal must
500 be made in person. Thereafter every other renewal may be
501 processed by mail to assure that the applicant must appear in
502 person every ten (10) years for the purpose of obtaining a new
503 photograph.

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

507 (ii) Honorably retired law enforcement officers,
508 disabled veterans, active duty members of the Armed Forces of the
509 United States and law enforcement officers employed with a law
510 enforcement agency of a municipality, county or state at the time
511 of renewal, shall be exempt from the renewal fee; and

512 (iii) The renewal fee for a Mississippi resident
513 aged sixty-five (65) years of age or older shall be Twenty Dollars
514 (\$20.00).

515 (b) The Department of Public Safety shall forward the
516 full set of fingerprints of the applicant to the appropriate
517 agencies for state and federal processing. The license shall be



518 renewed upon receipt of the completed renewal application and
519 appropriate payment of fees.

520 (c) A licensee who fails to file a renewal application
521 on or before its expiration date must renew his license by paying
522 a late fee of Fifteen Dollars (\$15.00). No license shall be
523 renewed six (6) months or more after its expiration date, and such
524 license shall be deemed to be permanently expired. A person whose
525 license has been permanently expired may reapply for licensure;
526 however, an application for licensure and fees pursuant to
527 subsection (5) of this section must be submitted, and a background
528 investigation shall be conducted pursuant to the provisions of
529 this section.

530 (13) No license issued pursuant to this section shall
531 authorize any person, except a law enforcement officer as defined
532 in Section 45-6-3 with a distinct license authorized by the
533 Department of Public Safety, to carry a stun gun, concealed pistol
534 or revolver into any place of nuisance as defined in Section
535 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
536 patrol station; any detention facility, prison or jail; any
537 courthouse; any courtroom, except that nothing in this section
538 shall preclude a judge from carrying a concealed weapon or
539 determining who will carry a concealed weapon in his courtroom;
540 any polling place; any meeting place of the governing body of any
541 governmental entity; any meeting of the Legislature or a committee
542 thereof; any school, college or professional athletic event not



543 related to firearms; any portion of an establishment, licensed to
544 dispense alcoholic beverages for consumption on the premises, that
545 is primarily devoted to dispensing alcoholic beverages; any
546 portion of an establishment in which beer, light spirit product or
547 light wine is consumed on the premises, that is primarily devoted
548 to such purpose; any elementary or secondary school facility; any
549 junior college, community college, college or university facility
550 unless for the purpose of participating in any authorized
551 firearms-related activity; inside the passenger terminal of any
552 airport, except that no person shall be prohibited from carrying
553 any legal firearm into the terminal if the firearm is encased for
554 shipment, for purposes of checking such firearm as baggage to be
555 lawfully transported on any aircraft; any church or other place of
556 worship, except as provided in Section 45-9-171; or any place
557 where the carrying of firearms is prohibited by federal law. In
558 addition to the places enumerated in this subsection, the carrying
559 of a stun gun, concealed pistol or revolver may be disallowed in
560 any place in the discretion of the person or entity exercising
561 control over the physical location of such place by the placing of
562 a written notice clearly readable at a distance of not less than
563 ten (10) feet that the "carrying of a pistol or revolver is
564 prohibited." No license issued pursuant to this section shall
565 authorize the participants in a parade or demonstration for which
566 a permit is required to carry a stun gun, concealed pistol or
567 revolver.



568 (14) A law enforcement officer as defined in Section 45-6-3,
569 chiefs of police, sheriffs and persons licensed as professional
570 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
571 1972, shall be exempt from the licensing requirements of this
572 section.

573 (a) The Commissioner of Public Safety shall promulgate
574 rules and regulations to provide licenses to law enforcement
575 officers as defined in Section 45-6-3 who choose to obtain a
576 license under the provisions of this section, which shall include
577 a distinction that the officer is an "active duty" law enforcement
578 officer and an endorsement that such officer is authorized to
579 carry in the locations listed in subsection (13). A law
580 enforcement officer shall provide the following information to
581 receive the license described in this subsection: (i) a letter,
582 with the official letterhead of the agency or department for which
583 the officer is employed at the time of application and (ii) a
584 letter with the official letterhead of the agency or department,
585 which explains that such officer has completed a certified law
586 enforcement training academy.

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

591 (15) Any person who knowingly submits a false answer to any
592 question on an application for a license issued pursuant to this



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

597 (16) All fees collected by the Department of Public Safety
598 pursuant to this section shall be deposited into a special fund
599 hereby created in the State Treasury and shall be used for
600 implementation and administration of this section. After the
601 close of each fiscal year, the balance in this fund shall be
602 certified to the Legislature and then may be used by the
603 Department of Public Safety as directed by the Legislature.

604 (17) All funds received by a sheriff or police chief
605 pursuant to the provisions of this section shall be deposited into
606 the general fund of the county or municipality, as appropriate,
607 and shall be budgeted to the sheriff's office or police department
608 as appropriate.

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

612 (19) Any person holding a valid unrevoked and unexpired
613 license to carry stun guns, concealed pistols or revolvers issued
614 in another state shall have such license recognized by this state
615 to carry stun guns, concealed pistols or revolvers. The
616 Department of Public Safety is authorized to enter into a
617 reciprocal agreement with another state if that state requires a



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

620 (20) The provisions of this section shall be under the
621 supervision of the Commissioner of Public Safety. The
622 commissioner is authorized to promulgate reasonable rules and
623 regulations to carry out the provisions of this section.

624 (21) For the purposes of this section, the term "stun gun"
625 means a portable device or weapon from which an electric current,
626 impulse, wave or beam may be directed, which current, impulse,
627 wave or beam is designed to incapacitate temporarily, injure,
628 momentarily stun, knock out, cause mental disorientation or
629 paralyze.

630 (22) (a) From and after January 1, 2016, the Commissioner
631 of Public Safety shall promulgate rules and regulations which
632 provide that licenses authorized by this section for honorably
633 retired law enforcement officers and honorably retired
634 correctional officers from the Mississippi Department of
635 Corrections shall (i) include the words "retired law enforcement
636 officer" on the front of the license, and (ii) unless the licensee
637 chooses to have this license combined with a driver's license or
638 identification card under subsection (25) of this section, that
639 the license itself have a red background to distinguish it from
640 other licenses issued under this section.

641 (b) An honorably retired law enforcement officer and
642 honorably retired correctional officer shall provide the following



643 information to receive the license described in this section: (i)
644 a letter, with the official letterhead of the agency or department
645 from which such officer is retiring, which explains that such
646 officer is honorably retired, and (ii) a letter with the official
647 letterhead of the agency or department, which explains that such
648 officer has completed a certified law enforcement training
649 academy.

650 (23) A disabled veteran who seeks to qualify for an
651 exemption under this section shall be required to provide a
652 veterans health services identification card issued by the United
653 States Department of Veterans Affairs indicating a
654 service-connected disability, which shall be sufficient proof of
655 such service-connected disability.

656 (24) A license under this section is not required for a
657 loaded or unloaded pistol or revolver to be carried upon the
658 person in a sheath, belt holster or shoulder holster or in a
659 purse, handbag, satchel, other similar bag or briefcase or fully
660 enclosed case if the person is not engaged in criminal activity
661 other than a misdemeanor traffic offense, is not otherwise
662 prohibited from possessing a pistol or revolver under state or
663 federal law, and is not in a location prohibited under subsection
664 (13) of this section.

665 (25) An applicant for a license under this section shall
666 have the option of, instead of being issued a separate card for
667 the license, having the license appear as a notation on the



668 individual's driver's license or identification card. If the
669 applicant chooses this option, the license issued under this
670 section shall have the same expiration date as the driver's
671 license or identification card, and renewal shall take place at
672 the same time and place as renewal of the driver's license or
673 identification card. The Commissioner of Public Safety shall have
674 the authority to promulgate rules and regulations which may be
675 necessary to ensure the effectiveness of the concurrent
676 application and renewal processes.

677 **SECTION 7.** Section 97-37-7, Mississippi Code of 1972, is
678 brought forward as follows:

679 97-37-7. (1) (a) It shall not be a violation of Section
680 97-37-1 or any other statute for pistols, firearms or other
681 suitable and appropriate weapons to be carried by duly constituted
682 bank guards, company guards, watchmen, railroad special agents or
683 duly authorized representatives who are not sworn law enforcement
684 officers, agents or employees of a patrol service, guard service,
685 or a company engaged in the business of transporting money,
686 securities or other valuables, while actually engaged in the
687 performance of their duties as such, provided that such persons
688 have made a written application and paid a nonrefundable permit
689 fee of One Hundred Dollars (\$100.00) to the Department of Public
690 Safety.

691 (b) No permit shall be issued to any person who has
692 ever been convicted of a felony under the laws of this or any



693 other state or of the United States. To determine an applicant's
694 eligibility for a permit, the person shall be fingerprinted. If
695 no disqualifying record is identified at the state level, the
696 fingerprints shall be forwarded by the Department of Public Safety
697 to the Federal Bureau of Investigation for a national criminal
698 history record check. The department shall charge a fee which
699 includes the amounts required by the Federal Bureau of
700 Investigation and the department for the national and state
701 criminal history record checks and any necessary costs incurred by
702 the department for the handling and administration of the criminal
703 history background checks. In the event a legible set of
704 fingerprints, as determined by the Department of Public Safety and
705 the Federal Bureau of Investigation, cannot be obtained after a
706 minimum of three (3) attempts, the Department of Public Safety
707 shall determine eligibility based upon a name check by the
708 Mississippi Highway Safety Patrol and a Federal Bureau of
709 Investigation name check conducted by the Mississippi Highway
710 Safety Patrol at the request of the Department of Public Safety.

711 (c) A person may obtain a duplicate of a lost or
712 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
713 replacement fee to the Department of Public Safety, if he
714 furnishes a notarized statement to the department that the permit
715 has been lost or destroyed.

716 (d) (i) No less than ninety (90) days prior to the
717 expiration date of a permit, the Department of Public Safety shall



718 mail to the permit holder written notice of expiration together
719 with the renewal form prescribed by the department. The permit
720 holder shall renew the permit on or before the expiration date by
721 filing with the department the renewal form, a notarized affidavit
722 stating that the permit holder remains qualified, and the renewal
723 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
724 officers shall be exempt from payment of the renewal fee. A
725 permit holder who fails to file a renewal application on or before
726 its expiration date shall pay a late fee of Fifteen Dollars
727 (\$15.00).

728 (ii) Renewal of the permit shall be required every
729 four (4) years. The permit of a qualified renewal applicant shall
730 be renewed upon receipt of the completed renewal application and
731 appropriate payment of fees.

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

736 (2) It shall not be a violation of this or any other statute
737 for pistols, firearms or other suitable and appropriate weapons to
738 be carried by Department of Wildlife, Fisheries and Parks law
739 enforcement officers, railroad special agents who are sworn law
740 enforcement officers, investigators employed by the Attorney
741 General, criminal investigators employed by the district
742 attorneys, all prosecutors, public defenders, investigators or



743 probation officers employed by the Department of Corrections,
744 employees of the State Auditor who are authorized by the State
745 Auditor to perform investigative functions, or any deputy fire
746 marshal or investigator employed by the State Fire Marshal, while
747 engaged in the performance of their duties as such, or by fraud
748 investigators with the Department of Human Services, or by judges
749 of the Mississippi Supreme Court, Court of Appeals, circuit,
750 chancery, county, justice and municipal courts, or by coroners.
751 Before any person shall be authorized under this subsection to
752 carry a weapon, he shall complete a weapons training course
753 approved by the Board of Law Enforcement Officer Standards and
754 Training. Before any criminal investigator employed by a district
755 attorney shall be authorized under this section to carry a pistol,
756 firearm or other weapon, he shall have complied with Section
757 45-6-11 or any training program required for employment as an
758 agent of the Federal Bureau of Investigation. A law enforcement
759 officer, as defined in Section 45-6-3, shall be authorized to
760 carry weapons in courthouses in performance of his official
761 duties. A person licensed under Section 45-9-101 to carry a
762 concealed pistol, who (a) has voluntarily completed an
763 instructional course in the safe handling and use of firearms
764 offered by an instructor certified by a nationally recognized
765 organization that customarily offers firearms training, or by any
766 other organization approved by the Department of Public Safety,
767 (b) is a member or veteran of any active or reserve component



768 branch of the United States of America Armed Forces having
769 completed law enforcement or combat training with pistols or other
770 handguns as recognized by such branch after submitting an
771 affidavit attesting to have read, understand and agree to comply
772 with all provisions of the enhanced carry law, or (c) is an
773 honorably retired law enforcement officer or honorably retired
774 member or veteran of any active or reserve component branch of the
775 United States of America Armed Forces having completed law
776 enforcement or combat training with pistols or other handguns,
777 after submitting an affidavit attesting to have read, understand
778 and agree to comply with all provisions of Mississippi enhanced
779 carry law shall also be authorized to carry weapons in courthouses
780 except in courtrooms during a judicial proceeding, and any
781 location listed in subsection (13) of Section 45-9-101, except any
782 place of nuisance as defined in Section 95-3-1, any police,
783 sheriff or highway patrol station or any detention facility,
784 prison or jail. For the purposes of this subsection (2),
785 component branch of the United States Armed Forces includes the
786 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
787 National Guard, the Army National Guard of the United States, the
788 Air National Guard or the Air National Guard of the United States,
789 as those terms are defined in Section 101, Title 10, United States
790 Code, and any other reserve component of the United States Armed
791 Forces enumerated in Section 10101, Title 10, United States Code.
792 The department shall promulgate rules and regulations allowing



793 concealed pistol permit holders to obtain an endorsement on their
794 permit indicating that they have completed the aforementioned
795 course and have the authority to carry in these locations. This
796 section shall in no way interfere with the right of a trial judge
797 to restrict the carrying of firearms in the courtroom.

798 For purposes of this subsection (2), the following words
799 shall have the meanings described herein, unless the context
800 otherwise requires:

801 (i) "Courthouse" means any building in which a
802 circuit court, chancery court, youth court, municipal court,
803 justice court or any appellate court is located, or any building
804 in which a court of law is regularly held.

805 (ii) "Courtroom" means the actual room in which a
806 judicial proceeding occurs, including any jury room, witness room,
807 judge's chamber, office housing the judge's staff, or similar
808 room. "Courtroom" shall not mean hallways, courtroom entrances,
809 courthouse grounds, lobbies, corridors, or other areas within a
810 courthouse which are generally open to the public for the
811 transaction of business outside of an active judicial proceeding,
812 the grassed areas, cultivated flower beds, sidewalks, parking
813 lots, or other areas contained within the boundaries of the public
814 land upon which the courthouse is located.

815 (3) It shall not be a violation of this or any other statute
816 for pistols, firearms or other suitable and appropriate weapons,
817 to be carried by any out-of-state, full-time commissioned law



818 enforcement officer who holds a valid commission card from the
819 appropriate out-of-state law enforcement agency and a photo
820 identification. The provisions of this subsection shall only
821 apply if the state where the out-of-state officer is employed has
822 entered into a reciprocity agreement with the state that allows
823 full-time commissioned law enforcement officers in Mississippi to
824 lawfully carry or possess a weapon in such other states. The
825 Commissioner of Public Safety is authorized to enter into
826 reciprocal agreements with other states to carry out the
827 provisions of this subsection.

828 **SECTION 8.** Section 97-37-9, Mississippi Code of 1972, is
829 brought forward as follows:

830 97-37-9. Any person indicted or charged for a violation of
831 Section 97-37-1 may show as a defense:

832 (a) That he was threatened, and had good and sufficient
833 reason to apprehend a serious attack from any enemy, and that he
834 did so apprehend; or

835 (b) That he was traveling and was not a tramp, or was
836 setting out on a journey and was not a tramp; or

837 (c) That he was a law enforcement or peace officer in
838 the discharge of his duties; or

839 (d) That he was at the time in the discharge of his
840 duties as a mail carrier; or

841 (e) That he was at the time engaged in transporting
842 valuables for an express company or bank; or



843 (f) That he was a member of the Armed Forces of the
844 United States, National Guard, State Militia, Emergency Management
845 Corps, guard or patrolman in a state or municipal institution
846 while in the performance of his official duties; or

847 (g) That he was in lawful pursuit of a felon; or

848 (h) That he was lawfully engaged in legitimate sports;

849 (i) That at the time he was a company guard, bank
850 guard, watchman, or other person enumerated in Section 97-37-7,
851 and was then actually engaged in the performance of his duties as
852 such, and then held a valid permit from the sheriff, the
853 commissioner of public safety, or a valid permit issued by the
854 Secretary of State prior to May 1, 1974, to carry the weapon; and
855 the burden of proving either of said defenses shall be on the
856 accused; or

857 (j) That at the time he or she was a member of a church
858 or place of worship security program, and was then actually
859 engaged in the performance of his or her duties as such and met
860 the requirements of Section 45-9-171.

861 **SECTION 9.** This act shall take effect and be in force from
862 and after July 1, 2022.

