

By: Representative Criswell

To: Judiciary B

HOUSE BILL NO. 595

1 AN ACT TO PROHIBIT ENFORCEMENT OF FEDERAL LAW REGARDING
 2 FIREARMS, ACCESSORIES OR AMMUNITION MANUFACTURED IN THE STATE THAT
 3 REMAINS WITHIN THE BORDERS OF THE STATE; TO PROVIDE THAT ANY
 4 FEDERAL LAW WHICH ATTEMPTS TO BAN A SEMI-AUTOMATIC FIREARM OR TO
 5 LIMIT THE SIZE OF A MAGAZINE OF A FIREARM OR OTHER LIMITATION ON
 6 FIREARMS IN THIS STATE SHALL BE UNENFORCEABLE IN THE STATE; TO
 7 PROVIDE A PENALTY FOR VIOLATIONS OF THIS ACT; TO AMEND SECTIONS
 8 45-9-101, 97-37-5, 97-37-7, 97-37-31, 97-37-103 AND 97-37-105,
 9 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) No public servant or dealer selling any
 12 firearm in this state shall enforce or attempt to enforce any act,
 13 order, law, statute, rule or regulation of the United States
 14 government that has not been duly adopted by the United States
 15 Congress and signed by the President of the United States of
 16 America relating to a personal firearm, firearm accessory or
 17 ammunition that is owned or manufactured commercially or privately
 18 in Mississippi and that remains exclusively within the borders of
 19 Mississippi.

20 (2) Any official, agent or employee of the United States
 21 government who enforces or attempts to enforce any act, order,



22 law, statute, rule or regulation of the United States government
23 that has not been duly adopted by the United States Congress and
24 signed by the President of the United States of America upon a
25 personal firearm, a firearm accessory or ammunition that is owned
26 or manufactured commercially or privately in Mississippi and that
27 remains exclusively within the borders of Mississippi shall be
28 guilty of a felony and, upon conviction, shall be subject to
29 imprisonment for not less than one (1) year nor more than five (5)
30 years, or a fine of not more than Five Thousand Dollars
31 (\$5,000.00), or both.

32 (3) The Attorney General may defend a citizen of Mississippi
33 who is prosecuted by the United States government for violation of
34 a federal law that has not been duly adopted by the United States
35 Congress and signed by the President of the United States of
36 America relating to the manufacture, sale, transfer or possession
37 of a firearm, a firearm accessory or ammunition owned or
38 manufactured and retained exclusively within the borders of
39 Mississippi.

40 (4) Any federal law, rule, regulation or order that has not
41 been duly adopted by the United States Congress and signed by the
42 President of the United States of America and created or effective
43 on or after January 1, 2020, shall be unenforceable within the
44 borders of Mississippi if the law, rule, regulation or order
45 attempts to:



46 (a) Ban or restrict ownership of a semi-automatic
47 firearm or any magazine of a firearm; or

48 (b) Require any firearm, magazine or other firearm
49 accessory to be registered in any manner.

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

52 45-9-101. (1) (a) Except as otherwise provided, the
53 Department of Public Safety is authorized to issue licenses to
54 carry stun guns, concealed pistols or revolvers to persons
55 qualified as provided in this section. Such licenses shall be
56 valid throughout the state for a period of five (5) years from the
57 date of issuance, except as provided in subsection (25) of this
58 section. Any person possessing a valid license issued pursuant to
59 this section may carry a stun gun, concealed pistol or concealed
60 revolver.

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

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



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

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

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

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

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

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

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



95 (e) Does not chronically or habitually abuse controlled
96 substances to the extent that his normal faculties are impaired.
97 It shall be presumed that an applicant chronically and habitually
98 uses controlled substances to the extent that his faculties are
99 impaired if the applicant has been voluntarily or involuntarily
100 committed to a treatment facility for the abuse of a controlled
101 substance or been found guilty of a crime under the provisions of
102 the Uniform Controlled Substances Law or similar laws of any other
103 state or the United States relating to controlled substances
104 within a three-year period immediately preceding the date on which
105 the application is submitted;

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

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



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

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

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

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

132 (l) * * * Except as otherwise provided in Section 1 of
133 this act, not disqualified to possess a weapon based on federal
134 law.

135 (3) The Department of Public Safety may deny a license if
136 the applicant has been found guilty of one or more crimes of
137 violence constituting a misdemeanor unless three (3) years have
138 elapsed since probation or any other conditions set by the court
139 have been fulfilled or expunction has occurred prior to the date
140 on which the application is submitted, or may revoke a license if
141 the licensee has been found guilty of one or more crimes of
142 violence within the preceding three (3) years. The department
143 shall, upon notification by a law enforcement agency or a court



144 and subsequent written verification, suspend a license or the
145 processing of an application for a license if the licensee or
146 applicant is arrested or formally charged with a crime which would
147 disqualify such person from having a license under this section,
148 until final disposition of the case. The provisions of subsection
149 (7) of this section shall apply to any suspension or revocation of
150 a license pursuant to the provisions of this section.

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

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

156 (b) The driver's license number or social security
157 number of applicant;

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

160 (d) A statement that the applicant is in compliance
161 with criteria contained within subsections (2) and (3) of this
162 section;

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

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



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

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

174 (a) A completed application as described in subsection
175 (4) of this section;

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

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

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

192 (e) A waiver authorizing the Department of Public
193 Safety access to any records concerning commitments of the



194 applicant to any of the treatment facilities or institutions
195 referred to in subsection (2) of this section and permitting
196 access to all the applicant's criminal records.

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

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

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

218 (i) Issue the license;



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

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

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

239 (7) (a) If the Department of Public Safety denies the
240 issuance of a license, or suspends or revokes a license, the party
241 aggrieved may appeal such denial, suspension or revocation to the
242 Commissioner of Public Safety, or his authorized agent, within
243 thirty (30) days after the aggrieved party receives written notice



244 of such denial, suspension or revocation. The Commissioner of
245 Public Safety, or his duly authorized agent, shall rule upon such
246 appeal within thirty (30) days after the appeal is filed and
247 failure to rule within this thirty-day period shall constitute
248 sustaining such denial, suspension or revocation. Such review
249 shall be conducted pursuant to such reasonable rules and
250 regulations as the Commissioner of Public Safety may adopt.

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

263 (8) The Department of Public Safety shall maintain an
264 automated listing of license holders and such information shall be
265 available online, upon request, at all times, to all law
266 enforcement agencies through the Mississippi Crime Information
267 Center. However, the records of the department relating to
268 applications for licenses to carry stun guns, concealed pistols or



269 revolvers and records relating to license holders shall be exempt
270 from the provisions of the Mississippi Public Records Act of 1983,
271 and shall be released only upon order of a court having proper
272 jurisdiction over a petition for release of the record or records.

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

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

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

291 (12) (a) Except as provided in subsection (25) of this
292 section, no less than ninety (90) days prior to the expiration
293 date of the license, the Department of Public Safety shall mail to



294 each licensee a written notice of the expiration and a renewal
295 form prescribed by the department. The licensee must renew his
296 license on or before the expiration date by filing with the
297 department the renewal form, a notarized affidavit stating that
298 the licensee remains qualified pursuant to the criteria specified
299 in subsections (2) and (3) of this section, and a full set of
300 fingerprints administered by the Department of Public Safety or
301 the sheriff of the county of residence of the licensee. The first
302 renewal may be processed by mail and the subsequent renewal must
303 be made in person. Thereafter every other renewal may be
304 processed by mail to assure that the applicant must appear in
305 person every ten (10) years for the purpose of obtaining a new
306 photograph.

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

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

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



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

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

333 (13) No license issued pursuant to this section shall
334 authorize any person, except a law enforcement officer as defined
335 in Section 45-6-3 with a distinct license authorized by the
336 Department of Public Safety, to carry a stun gun, concealed pistol
337 or revolver into any place of nuisance as defined in Section
338 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
339 patrol station; any detention facility, prison or jail; any
340 courthouse; any courtroom, except that nothing in this section
341 shall preclude a judge from carrying a concealed weapon or
342 determining who will carry a concealed weapon in his courtroom;



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



368 authorize the participants in a parade or demonstration for which
369 a permit is required to carry a stun gun, concealed pistol or
370 revolver.

371 (14) A law enforcement officer as defined in Section 45-6-3,
372 chiefs of police, sheriffs and persons licensed as professional
373 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
374 1972, shall be exempt from the licensing requirements of this
375 section.

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

390 (b) The licensing requirements of this section do not
391 apply to the carrying by any person of a stun gun, pistol or



392 revolver, knife, or other deadly weapon that is not concealed as
393 defined in Section 97-37-1.

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

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

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

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

415 (19) Any person holding a valid unrevoked and unexpired
416 license to carry stun guns, concealed pistols or revolvers issued



417 in another state shall have such license recognized by this state
418 to carry stun guns, concealed pistols or revolvers. The
419 Department of Public Safety is authorized to enter into a
420 reciprocal agreement with another state if that state requires a
421 written agreement in order to recognize licenses to carry stun
422 guns, concealed pistols or revolvers issued by this state.

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

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

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



442 the license itself have a red background to distinguish it from
443 other licenses issued under this section.

444 (b) An honorably retired law enforcement officer and
445 honorably retired correctional officer shall provide the following
446 information to receive the license described in this section: (i)
447 a letter, with the official letterhead of the agency or department
448 from which such officer is retiring, which explains that such
449 officer is honorably retired, and (ii) a letter with the official
450 letterhead of the agency or department, which explains that such
451 officer has completed a certified law enforcement training
452 academy.

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

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



466 federal law, and is not in a location prohibited under subsection
467 (13) of this section.

468 (25) An applicant for a license under this section shall
469 have the option of, instead of being issued a separate card for
470 the license, having the license appear as a notation on the
471 individual's driver's license or identification card. If the
472 applicant chooses this option, the license issued under this
473 section shall have the same expiration date as the driver's
474 license or identification card, and renewal shall take place at
475 the same time and place as renewal of the driver's license or
476 identification card. The Commissioner of Public Safety shall have
477 the authority to promulgate rules and regulations which may be
478 necessary to ensure the effectiveness of the concurrent
479 application and renewal processes.

480 **SECTION 3.** Section 97-37-5, Mississippi Code of 1972, is
481 amended as follows:

482 97-37-5. (1) It shall be unlawful for any person who has
483 been convicted of a felony under the laws of this state, any other
484 state, or of the United States to possess any firearm or any bowie
485 knife, dirk knife, butcher knife, switchblade knife, metallic
486 knuckles, blackjack, or any muffler or silencer for any firearm
487 unless such person has received a pardon for such felony, has
488 received a relief from disability pursuant to Section 925(c) of
489 Title 18 of the United States Code, or has received a certificate
490 of rehabilitation pursuant to subsection (3) of this section.



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

496 (3) A person who has been convicted of a felony under the
497 laws of this state, under the laws of another state, under federal
498 law or in state military court may apply for a certificate of
499 rehabilitation as provided in this section. If the person was
500 convicted of a felony under the laws of this state, he or she may
501 apply to the court in which he was convicted for a certificate of
502 rehabilitation. If the person was convicted of a felony under the
503 laws of another state, under federal law or in state military
504 court, he or she may apply to the court in the person's county of
505 residence for a certificate of rehabilitation. A person convicted
506 of a felony under the laws of another state, under federal law or
507 in state military court shall attach a certified copy of his or
508 her judgment and a certified copy of his or her completion of
509 sentence to the petition for a certificate of rehabilitation. The
510 court may grant such certificate in its discretion upon a showing
511 to the satisfaction of the court that the applicant has been
512 rehabilitated and has led a useful, productive and law-abiding
513 life since the completion of his or her sentence and upon the
514 finding of the court that he or she will not be likely to act in a
515 manner dangerous to public safety.



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

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

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

524 (ii) The person's mental history;

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

526 (iv) The person's reputation.

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

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

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

533 (5) The provisions of this section shall be subject to the
534 provisions of Section 1 of this act.

535 **SECTION 4.** Section 97-37-7, Mississippi Code of 1972, is
536 amended as follows:

537 97-37-7. (1) (a) It shall not be a violation of Section
538 97-37-1 or any other statute for pistols, firearms or other
539 suitable and appropriate weapons to be carried by duly constituted
540 bank guards, company guards, watchmen, railroad special agents or



541 duly authorized representatives who are not sworn law enforcement
542 officers, agents or employees of a patrol service, guard service,
543 or a company engaged in the business of transporting money,
544 securities or other valuables, while actually engaged in the
545 performance of their duties as such, provided that such persons
546 have made a written application and paid a nonrefundable permit
547 fee of One Hundred Dollars (\$100.00) to the Department of Public
548 Safety.

549 (b) No permit shall be issued to any person who has
550 ever been convicted of a felony under the laws of this or any
551 other state or of the United States. To determine an applicant's
552 eligibility for a permit, the person shall be fingerprinted. If
553 no disqualifying record is identified at the state level, the
554 fingerprints shall be forwarded by the Department of Public Safety
555 to the Federal Bureau of Investigation for a national criminal
556 history record check. The department shall charge a fee which
557 includes the amounts required by the Federal Bureau of
558 Investigation and the department for the national and state
559 criminal history record checks and any necessary costs incurred by
560 the department for the handling and administration of the criminal
561 history background checks. In the event a legible set of
562 fingerprints, as determined by the Department of Public Safety and
563 the Federal Bureau of Investigation, cannot be obtained after a
564 minimum of three (3) attempts, the Department of Public Safety
565 shall determine eligibility based upon a name check by the



566 Mississippi Highway Safety Patrol and a Federal Bureau of
567 Investigation name check conducted by the Mississippi Highway
568 Safety Patrol at the request of the Department of Public Safety.

569 (c) A person may obtain a duplicate of a lost or
570 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
571 replacement fee to the Department of Public Safety, if he
572 furnishes a notarized statement to the department that the permit
573 has been lost or destroyed.

574 (d) (i) No less than ninety (90) days prior to the
575 expiration date of a permit, the Department of Public Safety shall
576 mail to the permit holder written notice of expiration together
577 with the renewal form prescribed by the department. The permit
578 holder shall renew the permit on or before the expiration date by
579 filing with the department the renewal form, a notarized affidavit
580 stating that the permit holder remains qualified, and the renewal
581 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
582 officers shall be exempt from payment of the renewal fee. A
583 permit holder who fails to file a renewal application on or before
584 its expiration date shall pay a late fee of Fifteen Dollars
585 (\$15.00).

586 (ii) Renewal of the permit shall be required every
587 four (4) years. The permit of a qualified renewal applicant shall
588 be renewed upon receipt of the completed renewal application and
589 appropriate payment of fees.



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

594 (2) It shall not be a violation of this or any other statute
595 for pistols, firearms or other suitable and appropriate weapons to
596 be carried by Department of Wildlife, Fisheries and Parks law
597 enforcement officers, railroad special agents who are sworn law
598 enforcement officers, investigators employed by the Attorney
599 General, criminal investigators employed by the district
600 attorneys, all prosecutors, public defenders, investigators or
601 probation officers employed by the Department of Corrections,
602 employees of the State Auditor who are authorized by the State
603 Auditor to perform investigative functions, or any deputy fire
604 marshal or investigator employed by the State Fire Marshal, while
605 engaged in the performance of their duties as such, or by fraud
606 investigators with the Department of Human Services, or by judges
607 of the Mississippi Supreme Court, Court of Appeals, circuit,
608 chancery, county, justice and municipal courts, or by coroners.
609 Before any person shall be authorized under this subsection to
610 carry a weapon, he shall complete a weapons training course
611 approved by the Board of Law Enforcement Officer Standards and
612 Training. Before any criminal investigator employed by a district
613 attorney shall be authorized under this section to carry a pistol,
614 firearm or other weapon, he shall have complied with Section



615 45-6-11 or any training program required for employment as an
616 agent of the Federal Bureau of Investigation. A law enforcement
617 officer, as defined in Section 45-6-3, shall be authorized to
618 carry weapons in courthouses in performance of his official
619 duties. A person licensed under Section 45-9-101 to carry a
620 concealed pistol, who (a) has voluntarily completed an
621 instructional course in the safe handling and use of firearms
622 offered by an instructor certified by a nationally recognized
623 organization that customarily offers firearms training, or by any
624 other organization approved by the Department of Public Safety,
625 (b) is a member or veteran of any active or reserve component
626 branch of the United States of America Armed Forces having
627 completed law enforcement or combat training with pistols or other
628 handguns as recognized by such branch after submitting an
629 affidavit attesting to have read, understand and agree to comply
630 with all provisions of the enhanced carry law, or (c) is an
631 honorably retired law enforcement officer or honorably retired
632 member or veteran of any active or reserve component branch of the
633 United States of America Armed Forces having completed law
634 enforcement or combat training with pistols or other handguns,
635 after submitting an affidavit attesting to have read, understand
636 and agree to comply with all provisions of Mississippi enhanced
637 carry law shall also be authorized to carry weapons in courthouses
638 except in courtrooms during a judicial proceeding, and any
639 location listed in subsection (13) of Section 45-9-101, except any



640 place of nuisance as defined in Section 95-3-1, any police,
641 sheriff or highway patrol station or any detention facility,
642 prison or jail. For the purposes of this subsection (2),
643 component branch of the United States Armed Forces includes the
644 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
645 National Guard, the Army National Guard of the United States, the
646 Air National Guard or the Air National Guard of the United States,
647 as those terms are defined in Section 101, Title 10, United States
648 Code, and any other reserve component of the United States Armed
649 Forces enumerated in Section 10101, Title 10, United States Code.
650 The department shall promulgate rules and regulations allowing
651 concealed pistol permit holders to obtain an endorsement on their
652 permit indicating that they have completed the aforementioned
653 course and have the authority to carry in these locations. This
654 section shall in no way interfere with the right of a trial judge
655 to restrict the carrying of firearms in the courtroom.

656 For purposes of this subsection (2), the following words
657 shall have the meanings described herein, unless the context
658 otherwise requires:

659 (i) "Courthouse" means any building in which a
660 circuit court, chancery court, youth court, municipal court,
661 justice court or any appellate court is located, or any building
662 in which a court of law is regularly held.

663 (ii) "Courtroom" means the actual room in which a
664 judicial proceeding occurs, including any jury room, witness room,



665 judge's chamber, office housing the judge's staff, or similar
666 room. "Courtroom" shall not mean hallways, courtroom entrances,
667 courthouse grounds, lobbies, corridors, or other areas within a
668 courthouse which are generally open to the public for the
669 transaction of business outside of an active judicial proceeding,
670 the grassed areas, cultivated flower beds, sidewalks, parking
671 lots, or other areas contained within the boundaries of the public
672 land upon which the courthouse is located.

673 (3) It shall not be a violation of this or any other statute
674 for pistols, firearms or other suitable and appropriate weapons,
675 to be carried by any out-of-state, full-time commissioned law
676 enforcement officer who holds a valid commission card from the
677 appropriate out-of-state law enforcement agency and a photo
678 identification. The provisions of this subsection shall only
679 apply if the state where the out-of-state officer is employed has
680 entered into a reciprocity agreement with the state that allows
681 full-time commissioned law enforcement officers in Mississippi to
682 lawfully carry or possess a weapon in such other states. The
683 Commissioner of Public Safety is authorized to enter into
684 reciprocal agreements with other states to carry out the
685 provisions of this subsection.

686 (4) The provisions of this section shall be subject to the
687 provisions of Section 1 of this act.

688 **SECTION 5.** Section 97-37-31, Mississippi Code of 1972, is
689 amended as follows:



690 97-37-31. Except as otherwise provided in Sections 1 and 2
691 of this act, it shall be unlawful for any person, persons,
692 corporation or manufacturing establishment, not duly authorized
693 under federal law, to make, manufacture, sell or possess any
694 instrument or device which, if used on firearms of any kind, will
695 arrest or muffle the report of the firearm when shot or fired.
696 Any person violating this section shall be guilty of a misdemeanor
697 and, upon conviction, shall be fined not more than Five Hundred
698 Dollars (\$500.00), or imprisoned in the county jail not more than
699 thirty (30) days, or both.

700 **SECTION 6.** Section 97-37-103, Mississippi Code of 1972, is
701 amended as follows:

702 97-37-103. Except as otherwise provided in Sections 1 and 2
703 of this act, for purposes of Sections 97-37-101 through 97-37-105:

704 (a) "Licensed dealer" means a person who is licensed
705 pursuant to 18 USCS, Section 923, to engage in the business of
706 dealing in firearms.

707 (b) "Private seller" means a person who sells or offers
708 for sale any firearm or ammunition.

709 (c) "Ammunition" means any cartridge, shell or
710 projectile designed for use in a firearm.

711 (d) "Materially false information" means information
712 that portrays an illegal transaction as legal or a legal
713 transaction as illegal.



714 **SECTION 7.** Section 97-37-105, Mississippi Code of 1972, is
715 amended as follows:

716 97-37-105. (1) Except as otherwise provided in Section 1 of
717 this act, any person who knowingly solicits, persuades, encourages
718 or entices a licensed dealer or private seller of firearms or
719 ammunition to transfer a firearm or ammunition under circumstances
720 which the person knows would violate the laws of this state or the
721 United States is guilty of a felony.

722 (2) Any person who provides to a licensed dealer or private
723 seller of firearms or ammunition what the person knows to be
724 materially false information with intent to deceive the dealer or
725 seller about the legality of a transfer of a firearm or ammunition
726 is guilty of a felony.

727 (3) Any person found guilty of violating the provisions of
728 this section shall be punished by a fine not exceeding Five
729 Thousand Dollars (\$5,000.00) or imprisoned in the custody of the
730 Department of Corrections for not more than three (3) years, or
731 both.

732 (4) This section does not apply to a law enforcement officer
733 acting in the officer's official capacity or to a person acting at
734 the direction of a law enforcement officer.

735 **SECTION 8.** This act shall take effect and be in force from
736 and after July 1, 2022.

