

By: Representatives Smith, Calvert, Gibbs  
(36th), Lancaster

To: Constitution

HOUSE BILL NO. 1114

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 BRING  
6 FORWARD SECTIONS 45-9-51, 45-9-53 AND 45-9-101, MISSISSIPPI CODE  
7 OF 1972, WHICH PROVIDE CONDITIONS ON CARRYING CONCEALED WEAPONS  
8 AND TO BRING FORWARD SECTIONS 97-37-7 AND 97-37-9, MISSISSIPPI  
9 CODE OF 1972, WHICH PROVIDE CONDITIONS ON CARRYING DEADLY WEAPONS  
10 AND PENALTIES; TO PROVIDE THAT THE COMPREHENSIVE FIREARMS CODE OF  
11 THE STATE OF MISSISSIPPI IS INTERPOSED IN PLACE OF ANY FEDERAL LAW  
12 CONFISCATING FIREARMS OF LAW-ABIDING CITIZENS; AND FOR RELATED  
13 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.** Section 45-9-51, Mississippi Code of 1972, is  
61 brought forward as follows:

62 45-9-51. (1) Subject to the provisions of Section 45-9-53,  
63 no county or municipality may adopt any ordinance that restricts  
64 the possession, carrying, transportation, sale, transfer or  
65 ownership of firearms or ammunition or their components.

66 (2) No public housing authority operating in this state may  
67 adopt any rule or regulation restricting a lessee or tenant of a  
68 dwelling owned and operated by such public housing authority from  
69 lawfully possessing firearms or ammunition or their components  
70 within individual dwelling units or the transportation of such  
71 firearms or ammunition or their components to and from such  
72 dwelling.



73           **SECTION 4.** Section 45-9-53, Mississippi Code of 1972, is  
74 brought forward as follows:

75           45-9-53. (1) This section and Section 45-9-51 do not affect  
76 the authority that a county or municipality may have under another  
77 law:

78                   (a) To require citizens or public employees to be armed  
79 for personal or national defense, law enforcement, or another  
80 lawful purpose;

81                   (b) To regulate the discharge of firearms within the  
82 limits of the county or municipality. A county or municipality  
83 may not apply a regulation relating to the discharge of firearms  
84 or other weapons in the extraterritorial jurisdiction of the  
85 county or municipality or in an area annexed by the county or  
86 municipality after September 1, 1981, if the firearm or other  
87 weapon is:

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

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

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

95                           (ii) A centerfire or rimfire rifle or pistol or a  
96 muzzle-loading rifle or pistol of any caliber discharged:



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

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

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

107                   (d) To regulate the use of firearms in cases of  
108 insurrection, riots and natural disasters in which the city finds  
109 such regulation necessary to protect the health and safety of the  
110 public. However, the provisions of this section shall not apply  
111 to the lawful possession of firearms, ammunition or components of  
112 firearms or ammunition;

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

118                   (f) To regulate the carrying of a firearm at: (i) a  
119 public park or at a public meeting of a county, municipality or  
120 other governmental body; (ii) a political rally, parade or



121 official political meeting; or (iii) a nonfirearm-related school,  
122 college or professional athletic event; or

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

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

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

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

135 (a) At a location listed in Section 45-9-101(13)  
136 indicating that a license issued under Section 45-9-101 does not  
137 authorize the holder to carry a firearm into that location, as  
138 long as the sign also indicates that carrying a firearm is  
139 unauthorized only for license holders without a training  
140 endorsement or that it is a location included in Section  
141 97-37-7(2) where carrying a firearm is unauthorized for all  
142 license holders; and

143 (b) At any location under the control of the county or  
144 municipality aside from a location listed in subsection (1)(f) of  
145 this section or Section 45-9-101(13) indicating that the



146 possession of a firearm is prohibited on the premises, as long as  
147 the sign also indicates that it does not apply to a person  
148 properly licensed under Section 45-9-101 or Section 97-37-7(2) to  
149 carry a concealed firearm or to a person lawfully carrying a  
150 firearm that is not concealed.

151 (5) (a) A citizen of this state, or a person licensed to  
152 carry a concealed pistol or revolver under Section 45-9-101, or a  
153 person licensed to carry a concealed pistol or revolver with the  
154 endorsement under Section 97-37-7, who is adversely affected by an  
155 ordinance or posted written notice adopted by a county or  
156 municipality in violation of this section may file suit for  
157 declarative and injunctive relief against a county or municipality  
158 in the circuit court which shall have jurisdiction over the county  
159 or municipality where the violation of this section occurs.

160 (b) Before instituting suit under this subsection, the  
161 party adversely impacted by the ordinance or posted written notice  
162 shall notify the Attorney General in writing of the violation and  
163 include evidence of the violation. The Attorney General shall,  
164 within thirty (30) days, investigate whether the county or  
165 municipality adopted an ordinance or posted written notice in  
166 violation of this section and provide the chief administrative  
167 officer of the county or municipality notice of his findings,  
168 including, if applicable, a description of the violation and  
169 specific language of the ordinance or posted written notice found  
170 to be in violation. The county or municipality shall have thirty



171 (30) days from receipt of that notice to cure the violation. If  
172 the county or municipality fails to cure the violation within that  
173 thirty-day time period, a suit under paragraph (a) of this  
174 subsection may proceed. The findings of the Attorney General  
175 shall constitute a "Public Record" as defined by the Mississippi  
176 Public Records Act of 1983, Section 25-61-1 et seq.

177 (c) If the circuit court finds that a county or  
178 municipality adopted an ordinance or posted written notice in  
179 violation of this section and failed to cure that violation in  
180 accordance with paragraph (b) of this subsection, the circuit  
181 court shall issue a permanent injunction against a county or  
182 municipality prohibiting it from enforcing the ordinance or posted  
183 written notice. Any elected county or municipal official under  
184 whose jurisdiction the violation occurred may be civilly liable in  
185 a sum not to exceed One Thousand Dollars (\$1,000.00), plus all  
186 reasonable attorney's fees and costs incurred by the party  
187 bringing the suit. Public funds may not be used to defend or  
188 reimburse officials who are found by the court to have violated  
189 this section.

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

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





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

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

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

207 (a) The county or municipality has adopted an ordinance  
208 authorizing the participation of the county or municipality, or  
209 participation by an officer or employee of the county or  
210 municipality in such a program; and

211 (b) Any ordinance enacted pursuant to this section must  
212 require that any firearm received shall be offered for sale at  
213 auction as provided by Sections 19-3-85 and 21-39-21 to federally  
214 licensed firearms dealers, with the proceeds from such sale at  
215 auction reverting to the general operating fund of the county,  
216 municipality or other governmental body. Any firearm remaining in  
217 possession of the county, municipality or other governmental body  
218 after attempts to sell at auction may be disposed of in a manner  
219 that the body deems appropriate.



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

222           45-9-101. (1) (a) Except as otherwise provided, the  
223 Department of Public Safety is authorized to issue licenses to  
224 carry stun guns, concealed pistols or revolvers to persons  
225 qualified as provided in this section. Such licenses shall be  
226 valid throughout the state for a period of five (5) years from the  
227 date of issuance, except as provided in subsection (25) of this  
228 section. Any person possessing a valid license issued pursuant to  
229 this section may carry a stun gun, concealed pistol or concealed  
230 revolver.

231           (b) The licensee must carry the license, together with  
232 valid identification, at all times in which the licensee is  
233 carrying a stun gun, concealed pistol or revolver and must display  
234 both the license and proper identification upon demand by a law  
235 enforcement officer. A violation of the provisions of this  
236 paragraph (b) shall constitute a noncriminal violation with a  
237 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable  
238 by summons.

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

241           (a) Is a resident of the state. However, this  
242 residency requirement may be waived if the applicant possesses a  
243 valid permit from another state, is a member of any active or  
244 reserve component branch of the United States of America Armed



245 Forces stationed in Mississippi, is the spouse of a member of any  
246 active or reserve component branch of the United States of America  
247 Armed Forces stationed in Mississippi, or is a retired law  
248 enforcement officer establishing residency in the state;

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

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

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

254 2. Holds a valid Mississippi driver's license  
255 or identification card issued by the Department of Public Safety  
256 or a valid and current tribal identification card issued by a  
257 federally recognized Indian tribe containing a photograph of the  
258 holder;

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

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

265 (e) Does not chronically or habitually abuse controlled  
266 substances to the extent that his normal faculties are impaired.  
267 It shall be presumed that an applicant chronically and habitually  
268 uses controlled substances to the extent that his faculties are  
269 impaired if the applicant has been voluntarily or involuntarily



270 committed to a treatment facility for the abuse of a controlled  
271 substance or been found guilty of a crime under the provisions of  
272 the Uniform Controlled Substances Law or similar laws of any other  
273 state or the United States relating to controlled substances  
274 within a three-year period immediately preceding the date on which  
275 the application is submitted;

276 (f) Does not chronically and habitually use alcoholic  
277 beverages to the extent that his normal faculties are impaired.  
278 It shall be presumed that an applicant chronically and habitually  
279 uses alcoholic beverages to the extent that his normal faculties  
280 are impaired if the applicant has been voluntarily or  
281 involuntarily committed as an alcoholic to a treatment facility or  
282 has been convicted of two (2) or more offenses related to the use  
283 of alcohol under the laws of this state or similar laws of any  
284 other state or the United States within the three-year period  
285 immediately preceding the date on which the application is  
286 submitted;

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

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

292 (i) Has not been voluntarily or involuntarily committed  
293 to a mental institution or mental health treatment facility unless  
294 he possesses a certificate from a psychiatrist licensed in this



295 state that he has not suffered from disability for a period of  
296 five (5) years;

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

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

302 (l) Is not disqualified to possess a weapon based on  
303 federal law.

304 (3) The Department of Public Safety may deny a license if  
305 the applicant has been found guilty of one or more crimes of  
306 violence constituting a misdemeanor unless three (3) years have  
307 elapsed since probation or any other conditions set by the court  
308 have been fulfilled or expunction has occurred prior to the date  
309 on which the application is submitted, or may revoke a license if  
310 the licensee has been found guilty of one or more crimes of  
311 violence within the preceding three (3) years. The department  
312 shall, upon notification by a law enforcement agency or a court  
313 and subsequent written verification, suspend a license or the  
314 processing of an application for a license if the licensee or  
315 applicant is arrested or formally charged with a crime which would  
316 disqualify such person from having a license under this section,  
317 until final disposition of the case. The provisions of subsection  
318 (7) of this section shall apply to any suspension or revocation of  
319 a license pursuant to the provisions of this section.



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

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

325 (b) The driver's license number or social security  
326 number of applicant;

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

329 (d) A statement that the applicant is in compliance  
330 with criteria contained within subsections (2) and (3) of this  
331 section;

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

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

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

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

343 (a) A completed application as described in subsection  
344 (4) of this section;



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

350 (c) A nonrefundable license fee of Eighty Dollars  
351 (\$80.00). Costs for processing the set of fingerprints as  
352 required in paragraph (d) of this subsection shall be borne by the  
353 applicant. Honorably retired law enforcement officers, disabled  
354 veterans and active duty members of the Armed Forces of the United  
355 States, and law enforcement officers employed with a law  
356 enforcement agency of a municipality, county or state at the time  
357 of application for the license, shall be exempt from the payment  
358 of the license fee;

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

361 (e) A waiver authorizing the Department of Public  
362 Safety access to any records concerning commitments of the  
363 applicant to any of the treatment facilities or institutions  
364 referred to in subsection (2) of this section and permitting  
365 access to all the applicant's criminal records.

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



370           (b) The Department of Public Safety shall forward a  
371 copy of the applicant's application to the sheriff of the  
372 applicant's county of residence and, if applicable, the police  
373 chief of the applicant's municipality of residence. The sheriff  
374 of the applicant's county of residence, and, if applicable, the  
375 police chief of the applicant's municipality of residence may, at  
376 his discretion, participate in the process by submitting a  
377 voluntary report to the Department of Public Safety containing any  
378 readily discoverable prior information that he feels may be  
379 pertinent to the licensing of any applicant. The reporting shall  
380 be made within thirty (30) days after the date he receives the  
381 copy of the application. Upon receipt of a response from a  
382 sheriff or police chief, such sheriff or police chief shall be  
383 reimbursed at a rate set by the department.

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

387                   (i) Issue the license;

388                   (ii) Deny the application based solely on the  
389 ground that the applicant fails to qualify under the criteria  
390 listed in subsections (2) and (3) of this section. If the  
391 Department of Public Safety denies the application, it shall  
392 notify the applicant in writing, stating the ground for denial,  
393 and the denial shall be subject to the appeal process set forth in  
394 subsection (7); or





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

400 (d) In the event a legible set of fingerprints, as  
401 determined by the Department of Public Safety and the Federal  
402 Bureau of Investigation, cannot be obtained after a minimum of two  
403 (2) attempts, the Department of Public Safety shall determine  
404 eligibility based upon a name check by the Mississippi Highway  
405 Safety Patrol and a Federal Bureau of Investigation name check  
406 conducted by the Mississippi Highway Safety Patrol at the request  
407 of the Department of Public Safety.

408 (7) (a) If the Department of Public Safety denies the  
409 issuance of a license, or suspends or revokes a license, the party  
410 aggrieved may appeal such denial, suspension or revocation to the  
411 Commissioner of Public Safety, or his authorized agent, within  
412 thirty (30) days after the aggrieved party receives written notice  
413 of such denial, suspension or revocation. The Commissioner of  
414 Public Safety, or his duly authorized agent, shall rule upon such  
415 appeal within thirty (30) days after the appeal is filed and  
416 failure to rule within this thirty-day period shall constitute  
417 sustaining such denial, suspension or revocation. Such review  
418 shall be conducted pursuant to such reasonable rules and  
419 regulations as the Commissioner of Public Safety may adopt.



420 (b) If the revocation, suspension or denial of issuance  
421 is sustained by the Commissioner of Public Safety, or his duly  
422 authorized agent pursuant to paragraph (a) of this subsection, the  
423 aggrieved party may file within ten (10) days after the rendition  
424 of such decision a petition in the circuit or county court of his  
425 residence for review of such decision. A hearing for review shall  
426 be held and shall proceed before the court without a jury upon the  
427 record made at the hearing before the Commissioner of Public  
428 Safety or his duly authorized agent. No such party shall be  
429 allowed to carry a stun gun, concealed pistol or revolver pursuant  
430 to the provisions of this section while any such appeal is  
431 pending.

432 (8) The Department of Public Safety shall maintain an  
433 automated listing of license holders and such information shall be  
434 available online, upon request, at all times, to all law  
435 enforcement agencies through the Mississippi Crime Information  
436 Center. However, the records of the department relating to  
437 applications for licenses to carry stun guns, concealed pistols or  
438 revolvers and records relating to license holders shall be exempt  
439 from the provisions of the Mississippi Public Records Act of 1983,  
440 and shall be released only upon order of a court having proper  
441 jurisdiction over a petition for release of the record or records.

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



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

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

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

460 (12) (a) Except as provided in subsection (25) of this  
461 section, no less than ninety (90) days prior to the expiration  
462 date of the license, the Department of Public Safety shall mail to  
463 each licensee a written notice of the expiration and a renewal  
464 form prescribed by the department. The licensee must renew his  
465 license on or before the expiration date by filing with the  
466 department the renewal form, a notarized affidavit stating that  
467 the licensee remains qualified pursuant to the criteria specified  
468 in subsections (2) and (3) of this section, and a full set of  
469 fingerprints administered by the Department of Public Safety or



470 the sheriff of the county of residence of the licensee. The first  
471 renewal may be processed by mail and the subsequent renewal must  
472 be made in person. Thereafter every other renewal may be  
473 processed by mail to assure that the applicant must appear in  
474 person every ten (10) years for the purpose of obtaining a new  
475 photograph.

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

479 (ii) Honorably retired law enforcement officers,  
480 disabled veterans, active duty members of the Armed Forces of the  
481 United States and law enforcement officers employed with a law  
482 enforcement agency of a municipality, county or state at the time  
483 of renewal, shall be exempt from the renewal fee; and

484 (iii) The renewal fee for a Mississippi resident  
485 aged sixty-five (65) years of age or older shall be Twenty Dollars  
486 (\$20.00).

487 (b) The Department of Public Safety shall forward the  
488 full set of fingerprints of the applicant to the appropriate  
489 agencies for state and federal processing. The license shall be  
490 renewed upon receipt of the completed renewal application and  
491 appropriate payment of fees.

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



495 renewed six (6) months or more after its expiration date, and such  
496 license shall be deemed to be permanently expired. A person whose  
497 license has been permanently expired may reapply for licensure;  
498 however, an application for licensure and fees pursuant to  
499 subsection (5) of this section must be submitted, and a background  
500 investigation shall be conducted pursuant to the provisions of  
501 this section.

502 (13) No license issued pursuant to this section shall  
503 authorize any person, except a law enforcement officer as defined  
504 in Section 45-6-3 with a distinct license authorized by the  
505 Department of Public Safety, to carry a stun gun, concealed pistol  
506 or revolver into any place of nuisance as defined in Section  
507 95-3-1, Mississippi Code of 1972; any police, sheriff or highway  
508 patrol station; any detention facility, prison or jail; any  
509 courthouse; any courtroom, except that nothing in this section  
510 shall preclude a judge from carrying a concealed weapon or  
511 determining who will carry a concealed weapon in his courtroom;  
512 any polling place; any meeting place of the governing body of any  
513 governmental entity; any meeting of the Legislature or a committee  
514 thereof; any school, college or professional athletic event not  
515 related to firearms; any portion of an establishment, licensed to  
516 dispense alcoholic beverages for consumption on the premises, that  
517 is primarily devoted to dispensing alcoholic beverages; any  
518 portion of an establishment in which beer, light spirit product or  
519 light wine is consumed on the premises, that is primarily devoted



520 to such purpose; any elementary or secondary school facility; any  
521 junior college, community college, college or university facility  
522 unless for the purpose of participating in any authorized  
523 firearms-related activity; inside the passenger terminal of any  
524 airport, except that no person shall be prohibited from carrying  
525 any legal firearm into the terminal if the firearm is encased for  
526 shipment, for purposes of checking such firearm as baggage to be  
527 lawfully transported on any aircraft; any church or other place of  
528 worship, except as provided in Section 45-9-171; or any place  
529 where the carrying of firearms is prohibited by federal law. In  
530 addition to the places enumerated in this subsection, the carrying  
531 of a stun gun, concealed pistol or revolver may be disallowed in  
532 any place in the discretion of the person or entity exercising  
533 control over the physical location of such place by the placing of  
534 a written notice clearly readable at a distance of not less than  
535 ten (10) feet that the "carrying of a pistol or revolver is  
536 prohibited." No license issued pursuant to this section shall  
537 authorize the participants in a parade or demonstration for which  
538 a permit is required to carry a stun gun, concealed pistol or  
539 revolver.

540 (14) A law enforcement officer as defined in Section 45-6-3,  
541 chiefs of police, sheriffs and persons licensed as professional  
542 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
543 1972, shall be exempt from the licensing requirements of this  
544 section.



545           (a) The Commissioner of Public Safety shall promulgate  
546 rules and regulations to provide licenses to law enforcement  
547 officers as defined in Section 45-6-3 who choose to obtain a  
548 license under the provisions of this section, which shall include  
549 a distinction that the officer is an "active duty" law enforcement  
550 officer and an endorsement that such officer is authorized to  
551 carry in the locations listed in subsection (13). A law  
552 enforcement officer shall provide the following information to  
553 receive the license described in this subsection: (i) a letter,  
554 with the official letterhead of the agency or department for which  
555 the officer is employed at the time of application and (ii) a  
556 letter with the official letterhead of the agency or department,  
557 which explains that such officer has completed a certified law  
558 enforcement training academy.

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

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



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

576           (17) All funds received by a sheriff or police chief  
577 pursuant to the provisions of this section shall be deposited into  
578 the general fund of the county or municipality, as appropriate,  
579 and shall be budgeted to the sheriff's office or police department  
580 as appropriate.

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

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

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





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

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

602 (22) (a) From and after January 1, 2016, the Commissioner  
603 of Public Safety shall promulgate rules and regulations which  
604 provide that licenses authorized by this section for honorably  
605 retired law enforcement officers and honorably retired  
606 correctional officers from the Mississippi Department of  
607 Corrections shall (i) include the words "retired law enforcement  
608 officer" on the front of the license, and (ii) unless the licensee  
609 chooses to have this license combined with a driver's license or  
610 identification card under subsection (25) of this section, that  
611 the license itself have a red background to distinguish it from  
612 other licenses issued under this section.

613 (b) An honorably retired law enforcement officer and  
614 honorably retired correctional officer shall provide the following  
615 information to receive the license described in this section: (i)  
616 a letter, with the official letterhead of the agency or department  
617 from which such officer is retiring, which explains that such  
618 officer is honorably retired, and (ii) a letter with the official



619 letterhead of the agency or department, which explains that such  
620 officer has completed a certified law enforcement training  
621 academy.

622 (23) A disabled veteran who seeks to qualify for an  
623 exemption under this section shall be required to provide a  
624 veterans health services identification card issued by the United  
625 States Department of Veterans Affairs indicating a  
626 service-connected disability, which shall be sufficient proof of  
627 such service-connected disability.

628 (24) A license under this section is not required for a  
629 loaded or unloaded pistol or revolver to be carried upon the  
630 person in a sheath, belt holster or shoulder holster or in a  
631 purse, handbag, satchel, other similar bag or briefcase or fully  
632 enclosed case if the person is not engaged in criminal activity  
633 other than a misdemeanor traffic offense, is not otherwise  
634 prohibited from possessing a pistol or revolver under state or  
635 federal law, and is not in a location prohibited under subsection  
636 (13) of this section.

637 (25) An applicant for a license under this section shall  
638 have the option of, instead of being issued a separate card for  
639 the license, having the license appear as a notation on the  
640 individual's driver's license or identification card. If the  
641 applicant chooses this option, the license issued under this  
642 section shall have the same expiration date as the driver's  
643 license or identification card, and renewal shall take place at



644 the same time and place as renewal of the driver's license or  
645 identification card. The Commissioner of Public Safety shall have  
646 the authority to promulgate rules and regulations which may be  
647 necessary to ensure the effectiveness of the concurrent  
648 application and renewal processes.

649 **SECTION 6.** Section 97-37-7, Mississippi Code of 1972, is  
650 brought forward as follows:

651 97-37-7. (1) (a) It shall not be a violation of Section  
652 97-37-1 or any other statute for pistols, firearms or other  
653 suitable and appropriate weapons to be carried by duly constituted  
654 bank guards, company guards, watchmen, railroad special agents or  
655 duly authorized representatives who are not sworn law enforcement  
656 officers, agents or employees of a patrol service, guard service,  
657 or a company engaged in the business of transporting money,  
658 securities or other valuables, while actually engaged in the  
659 performance of their duties as such, provided that such persons  
660 have made a written application and paid a nonrefundable permit  
661 fee of One Hundred Dollars (\$100.00) to the Department of Public  
662 Safety.

663 (b) No permit shall be issued to any person who has  
664 ever been convicted of a felony under the laws of this or any  
665 other state or of the United States. To determine an applicant's  
666 eligibility for a permit, the person shall be fingerprinted. If  
667 no disqualifying record is identified at the state level, the  
668 fingerprints shall be forwarded by the Department of Public Safety



669 to the Federal Bureau of Investigation for a national criminal  
670 history record check. The department shall charge a fee which  
671 includes the amounts required by the Federal Bureau of  
672 Investigation and the department for the national and state  
673 criminal history record checks and any necessary costs incurred by  
674 the department for the handling and administration of the criminal  
675 history background checks. In the event a legible set of  
676 fingerprints, as determined by the Department of Public Safety and  
677 the Federal Bureau of Investigation, cannot be obtained after a  
678 minimum of three (3) attempts, the Department of Public Safety  
679 shall determine eligibility based upon a name check by the  
680 Mississippi Highway Safety Patrol and a Federal Bureau of  
681 Investigation name check conducted by the Mississippi Highway  
682 Safety Patrol at the request of the Department of Public Safety.

683 (c) A person may obtain a duplicate of a lost or  
684 destroyed permit upon payment of a Fifteen Dollar (\$15.00)  
685 replacement fee to the Department of Public Safety, if he  
686 furnishes a notarized statement to the department that the permit  
687 has been lost or destroyed.

688 (d) (i) No less than ninety (90) days prior to the  
689 expiration date of a permit, the Department of Public Safety shall  
690 mail to the permit holder written notice of expiration together  
691 with the renewal form prescribed by the department. The permit  
692 holder shall renew the permit on or before the expiration date by  
693 filing with the department the renewal form, a notarized affidavit



694 stating that the permit holder remains qualified, and the renewal  
695 fee of Fifty Dollars (\$50.00); honorably retired law enforcement  
696 officers shall be exempt from payment of the renewal fee. A  
697 permit holder who fails to file a renewal application on or before  
698 its expiration date shall pay a late fee of Fifteen Dollars  
699 (\$15.00).

700 (ii) Renewal of the permit shall be required every  
701 four (4) years. The permit of a qualified renewal applicant shall  
702 be renewed upon receipt of the completed renewal application and  
703 appropriate payment of fees.

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

708 (2) It shall not be a violation of this or any other statute  
709 for pistols, firearms or other suitable and appropriate weapons to  
710 be carried by Department of Wildlife, Fisheries and Parks law  
711 enforcement officers, railroad special agents who are sworn law  
712 enforcement officers, investigators employed by the Attorney  
713 General, criminal investigators employed by the district  
714 attorneys, all prosecutors, public defenders, investigators or  
715 probation officers employed by the Department of Corrections,  
716 employees of the State Auditor who are authorized by the State  
717 Auditor to perform investigative functions, or any deputy fire  
718 marshal or investigator employed by the State Fire Marshal, while



719 engaged in the performance of their duties as such, or by fraud  
720 investigators with the Department of Human Services, or by judges  
721 of the Mississippi Supreme Court, Court of Appeals, circuit,  
722 chancery, county, justice and municipal courts, or by coroners.  
723 Before any person shall be authorized under this subsection to  
724 carry a weapon, he shall complete a weapons training course  
725 approved by the Board of Law Enforcement Officer Standards and  
726 Training. Before any criminal investigator employed by a district  
727 attorney shall be authorized under this section to carry a pistol,  
728 firearm or other weapon, he shall have complied with Section  
729 45-6-11 or any training program required for employment as an  
730 agent of the Federal Bureau of Investigation. A law enforcement  
731 officer, as defined in Section 45-6-3, shall be authorized to  
732 carry weapons in courthouses in performance of his official  
733 duties. A person licensed under Section 45-9-101 to carry a  
734 concealed pistol, who (a) has voluntarily completed an  
735 instructional course in the safe handling and use of firearms  
736 offered by an instructor certified by a nationally recognized  
737 organization that customarily offers firearms training, or by any  
738 other organization approved by the Department of Public Safety,  
739 (b) is a member or veteran of any active or reserve component  
740 branch of the United States of America Armed Forces having  
741 completed law enforcement or combat training with pistols or other  
742 handguns as recognized by such branch after submitting an  
743 affidavit attesting to have read, understand and agree to comply



744 with all provisions of the enhanced carry law, or (c) is an  
745 honorably retired law enforcement officer or honorably retired  
746 member or veteran of any active or reserve component branch of the  
747 United States of America Armed Forces having completed law  
748 enforcement or combat training with pistols or other handguns,  
749 after submitting an affidavit attesting to have read, understand  
750 and agree to comply with all provisions of Mississippi enhanced  
751 carry law shall also be authorized to carry weapons in courthouses  
752 except in courtrooms during a judicial proceeding, and any  
753 location listed in subsection (13) of Section 45-9-101, except any  
754 place of nuisance as defined in Section 95-3-1, any police,  
755 sheriff or highway patrol station or any detention facility,  
756 prison or jail. For the purposes of this subsection (2),  
757 component branch of the United States Armed Forces includes the  
758 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army  
759 National Guard, the Army National Guard of the United States, the  
760 Air National Guard or the Air National Guard of the United States,  
761 as those terms are defined in Section 101, Title 10, United States  
762 Code, and any other reserve component of the United States Armed  
763 Forces enumerated in Section 10101, Title 10, United States Code.  
764 The department shall promulgate rules and regulations allowing  
765 concealed pistol permit holders to obtain an endorsement on their  
766 permit indicating that they have completed the aforementioned  
767 course and have the authority to carry in these locations. This



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

770 For purposes of this subsection (2), the following words  
771 shall have the meanings described herein, unless the context  
772 otherwise requires:

773 (i) "Courthouse" means any building in which a  
774 circuit court, chancery court, youth court, municipal court,  
775 justice court or any appellate court is located, or any building  
776 in which a court of law is regularly held.

777 (ii) "Courtroom" means the actual room in which a  
778 judicial proceeding occurs, including any jury room, witness room,  
779 judge's chamber, office housing the judge's staff, or similar  
780 room. "Courtroom" shall not mean hallways, courtroom entrances,  
781 courthouse grounds, lobbies, corridors, or other areas within a  
782 courthouse which are generally open to the public for the  
783 transaction of business outside of an active judicial proceeding,  
784 the grassed areas, cultivated flower beds, sidewalks, parking  
785 lots, or other areas contained within the boundaries of the public  
786 land upon which the courthouse is located.

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





793 apply if the state where the out-of-state officer is employed has  
794 entered into a reciprocity agreement with the state that allows  
795 full-time commissioned law enforcement officers in Mississippi to  
796 lawfully carry or possess a weapon in such other states. The  
797 Commissioner of Public Safety is authorized to enter into  
798 reciprocal agreements with other states to carry out the  
799 provisions of this subsection.

800 **SECTION 7.** Section 97-37-9, Mississippi Code of 1972, is  
801 brought forward as follows:

802 97-37-9. Any person indicted or charged for a violation of  
803 Section 97-37-1 may show as a defense:

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

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

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

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

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

815 (f) That he was a member of the Armed Forces of the  
816 United States, National Guard, State Militia, Emergency Management



817 Corps, guard or patrolman in a state or municipal institution  
818 while in the performance of his official duties; or

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

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

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

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

833 **SECTION 8.** (1) All federal acts, laws, orders, rules and  
834 regulations, whether past, present or future, which infringe on  
835 the people's right to keep and bear arms as guaranteed by the  
836 Second Amendment to the United States Constitution and Article I,  
837 Section 12 of the Mississippi Constitution of 1890 shall be  
838 invalid in this state, shall not be recognized by this state,  
839 shall be specifically rejected by this state and have no effect in  
840 this state.



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

844 (3) It shall be the duty of the courts and law enforcement  
845 agencies of this state to protect the rights of law-abiding  
846 citizens to keep and bear arms within the borders of this state  
847 and from the infringements in subsection (2) of this section.

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

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

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

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

