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To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1418

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

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

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

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



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

25 (2) No county, city, town, village, municipality, bureau,
26 other legal entity or other political subdivision of this state
27 shall adopt any order, ordinance, rule, policy or regulation that
28 attempts to ban, delay, deny or impose additional entry
29 requirements for concealed firearms or otherwise impede or
30 "shadow" a license holder with a concealed firearm or concerning
31 in any way the sale, purchase, purchase delay, transfer,
32 ownership, use, keeping, possession, bearing, transportation,
33 licensing, permit, registration, taxation other than sales and
34 compensating use taxes or other controls on firearms, components,
35 ammunition, and supplies except as provided in subsection (3) of
36 this section.

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

44 (4) The lawful design, marketing, manufacture, distribution,
45 or sale of firearms or ammunition to the public is not an
46 abnormally dangerous activity and does not constitute a public or
47 private nuisance.



48 (5) No county, city, town, village or any other political
49 subdivision nor the state shall bring suit or have any right to
50 recover against any firearms or ammunition manufacturer, trade
51 association or dealer for damages, abatement or injunctive relief
52 resulting from or relating to the lawful design, manufacture,
53 marketing, distribution, or sale of firearms or ammunition to the
54 public. Provided, however, that nothing in this section shall
55 restrict the rights of individual citizens to recover for injury
56 or death caused by the negligent or defective design or
57 manufacture of firearms or ammunition.

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

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



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

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

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

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

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

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

94 45-9-51. (1) Subject to the provisions of Section 45-9-53,
95 no county or municipality may adopt any ordinance that restricts



96 the possession, carrying, transportation, sale, transfer or
97 ownership of firearms or ammunition or their components.

98 (2) No public housing authority operating in this state may
99 adopt any rule or regulation restricting a lessee or tenant of a
100 dwelling owned and operated by such public housing authority from
101 lawfully possessing firearms or ammunition or their components
102 within individual dwelling units or the transportation of such
103 firearms or ammunition or their components to and from such
104 dwelling.

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

107 45-9-53. (1) This section and Section 45-9-51 do not affect
108 the authority that a county or municipality may have under another
109 law:

110 (a) To require citizens or public employees to be armed
111 for personal or national defense, law enforcement, or another
112 lawful purpose;

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



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

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

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

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

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

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

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

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



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

150 (f) To regulate the carrying of a firearm at: (i) a
151 public park or at a public meeting of a county, municipality or
152 other governmental body; (ii) a political rally, parade or
153 official political meeting; or (iii) a nonfirearm-related school,
154 college or professional athletic event; or

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

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

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

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

167 (a) At a location listed in Section 45-9-101(13)
168 indicating that a license issued under Section 45-9-101 does not
169 authorize the holder to carry a firearm into that location, as



170 long as the sign also indicates that carrying a firearm is
171 unauthorized only for license holders without a training
172 endorsement or that it is a location included in Section
173 97-37-7(2) where carrying a firearm is unauthorized for all
174 license holders; and

175 (b) At any location under the control of the county or
176 municipality aside from a location listed in subsection (1)(f) of
177 this section or Section 45-9-101(13) indicating that the
178 possession of a firearm is prohibited on the premises, as long as
179 the sign also indicates that it does not apply to a person
180 properly licensed under Section 45-9-101 or Section 97-37-7(2) to
181 carry a concealed firearm or to a person lawfully carrying a
182 firearm that is not concealed.

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

192 (b) Before instituting suit under this subsection, the
193 party adversely impacted by the ordinance or posted written notice
194 shall notify the Attorney General in writing of the violation and



195 include evidence of the violation. The Attorney General shall,
196 within thirty (30) days, investigate whether the county or
197 municipality adopted an ordinance or posted written notice in
198 violation of this section and provide the chief administrative
199 officer of the county or municipality notice of his findings,
200 including, if applicable, a description of the violation and
201 specific language of the ordinance or posted written notice found
202 to be in violation. The county or municipality shall have thirty
203 (30) days from receipt of that notice to cure the violation. If
204 the county or municipality fails to cure the violation within that
205 thirty-day time period, a suit under paragraph (a) of this
206 subsection may proceed. The findings of the Attorney General
207 shall constitute a "Public Record" as defined by the Mississippi
208 Public Records Act of 1983, Section 25-61-1 et seq.

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



220 reimburse officials who are found by the court to have violated
221 this section.

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

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

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

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

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

239 (a) The county or municipality has adopted an ordinance
240 authorizing the participation of the county or municipality, or
241 participation by an officer or employee of the county or
242 municipality in such a program; and

243 (b) Any ordinance enacted pursuant to this section must
244 require that any firearm received shall be offered for sale at



245 auction as provided by Sections 19-3-85 and 21-39-21 to federally
246 licensed firearms dealers, with the proceeds from such sale at
247 auction reverting to the general operating fund of the county,
248 municipality or other governmental body. Any firearm remaining in
249 possession of the county, municipality or other governmental body
250 after attempts to sell at auction may be disposed of in a manner
251 that the body deems appropriate.

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

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

263 (b) The licensee must carry the license, together with
264 valid identification, at all times in which the licensee is
265 carrying a stun gun, concealed pistol or revolver and must display
266 both the license and proper identification upon demand by a law
267 enforcement officer. A violation of the provisions of this
268 paragraph (b) shall constitute a noncriminal violation with a



269 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
270 by summons.

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

273 (a) Is a resident of the state. However, this
274 residency requirement may be waived if the applicant possesses a
275 valid permit from another state, is a member of any active or
276 reserve component branch of the United States of America Armed
277 Forces stationed in Mississippi, is the spouse of a member of any
278 active or reserve component branch of the United States of America
279 Armed Forces stationed in Mississippi, or is a retired law
280 enforcement officer establishing residency in the state;

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

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

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

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

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



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

297 (e) Does not chronically or habitually abuse controlled
298 substances to the extent that his normal faculties are impaired.
299 It shall be presumed that an applicant chronically and habitually
300 uses controlled substances to the extent that his faculties are
301 impaired if the applicant has been voluntarily or involuntarily
302 committed to a treatment facility for the abuse of a controlled
303 substance or been found guilty of a crime under the provisions of
304 the Uniform Controlled Substances Law or similar laws of any other
305 state or the United States relating to controlled substances
306 within a three-year period immediately preceding the date on which
307 the application is submitted;

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



317 immediately preceding the date on which the application is
318 submitted;

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

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

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

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

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

334 (l) Is not disqualified to possess a weapon based on
335 federal law.

336 (3) The Department of Public Safety may deny a license if
337 the applicant has been found guilty of one or more crimes of
338 violence constituting a misdemeanor unless three (3) years have
339 elapsed since probation or any other conditions set by the court
340 have been fulfilled or expunction has occurred prior to the date
341 on which the application is submitted, or may revoke a license if



342 the licensee has been found guilty of one or more crimes of
343 violence within the preceding three (3) years. The department
344 shall, upon notification by a law enforcement agency or a court
345 and subsequent written verification, suspend a license or the
346 processing of an application for a license if the licensee or
347 applicant is arrested or formally charged with a crime which would
348 disqualify such person from having a license under this section,
349 until final disposition of the case. The provisions of subsection
350 (7) of this section shall apply to any suspension or revocation of
351 a license pursuant to the provisions of this section.

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

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

357 (b) The driver's license number or social security
358 number of applicant;

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

361 (d) A statement that the applicant is in compliance
362 with criteria contained within subsections (2) and (3) of this
363 section;

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



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

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

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

375 (a) A completed application as described in subsection
376 (4) of this section;

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

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



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

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

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

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



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

419 (i) Issue the license;

420 (ii) Deny the application based solely on the
421 ground that the applicant fails to qualify under the criteria
422 listed in subsections (2) and (3) of this section. If the
423 Department of Public Safety denies the application, it shall
424 notify the applicant in writing, stating the ground for denial,
425 and the denial shall be subject to the appeal process set forth in
426 subsection (7); or

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

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



440 (7) (a) If the Department of Public Safety denies the
441 issuance of a license, or suspends or revokes a license, the party
442 aggrieved may appeal such denial, suspension or revocation to the
443 Commissioner of Public Safety, or his authorized agent, within
444 thirty (30) days after the aggrieved party receives written notice
445 of such denial, suspension or revocation. The Commissioner of
446 Public Safety, or his duly authorized agent, shall rule upon such
447 appeal within thirty (30) days after the appeal is filed and
448 failure to rule within this thirty-day period shall constitute
449 sustaining such denial, suspension or revocation. Such review
450 shall be conducted pursuant to such reasonable rules and
451 regulations as the Commissioner of Public Safety may adopt.

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



464 (8) The Department of Public Safety shall maintain an
465 automated listing of license holders and such information shall be
466 available online, upon request, at all times, to all law
467 enforcement agencies through the Mississippi Crime Information
468 Center. However, the records of the department relating to
469 applications for licenses to carry stun guns, concealed pistols or
470 revolvers and records relating to license holders shall be exempt
471 from the provisions of the Mississippi Public Records Act of 1983,
472 and shall be released only upon order of a court having proper
473 jurisdiction over a petition for release of the record or records.

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

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



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

492 (12) (a) Except as provided in subsection (25) of this
493 section, no less than ninety (90) days prior to the expiration
494 date of the license, the Department of Public Safety shall mail to
495 each licensee a written notice of the expiration and a renewal
496 form prescribed by the department. The licensee must renew his
497 license on or before the expiration date by filing with the
498 department the renewal form, a notarized affidavit stating that
499 the licensee remains qualified pursuant to the criteria specified
500 in subsections (2) and (3) of this section, and a full set of
501 fingerprints administered by the Department of Public Safety or
502 the sheriff of the county of residence of the licensee. The first
503 renewal may be processed by mail and the subsequent renewal must
504 be made in person. Thereafter every other renewal may be
505 processed by mail to assure that the applicant must appear in
506 person every ten (10) years for the purpose of obtaining a new
507 photograph.

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

511 (ii) Honorably retired law enforcement officers,
512 disabled veterans, active duty members of the Armed Forces of the
513 United States and law enforcement officers employed with a law



514 enforcement agency of a municipality, county or state at the time
515 of renewal, shall be exempt from the renewal fee; and

516 (iii) The renewal fee for a Mississippi resident
517 aged sixty-five (65) years of age or older shall be Twenty Dollars
518 (\$20.00).

519 (b) The Department of Public Safety shall forward the
520 full set of fingerprints of the applicant to the appropriate
521 agencies for state and federal processing. The license shall be
522 renewed upon receipt of the completed renewal application and
523 appropriate payment of fees.

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

534 (13) No license issued pursuant to this section shall
535 authorize any person, except a law enforcement officer as defined
536 in Section 45-6-3 with a distinct license authorized by the
537 Department of Public Safety, to carry a stun gun, concealed pistol
538 or revolver into any place of nuisance as defined in Section



539 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
540 patrol station; any detention facility, prison or jail; any
541 courthouse; any courtroom, except that nothing in this section
542 shall preclude a judge from carrying a concealed weapon or
543 determining who will carry a concealed weapon in his courtroom;
544 any polling place; any meeting place of the governing body of any
545 governmental entity; any meeting of the Legislature or a committee
546 thereof; any school, college or professional athletic event not
547 related to firearms; any portion of an establishment, licensed to
548 dispense alcoholic beverages for consumption on the premises, that
549 is primarily devoted to dispensing alcoholic beverages; any
550 portion of an establishment in which beer, light spirit product or
551 light wine is consumed on the premises, that is primarily devoted
552 to such purpose; any elementary or secondary school facility; any
553 junior college, community college, college or university facility
554 unless for the purpose of participating in any authorized
555 firearms-related activity; inside the passenger terminal of any
556 airport, except that no person shall be prohibited from carrying
557 any legal firearm into the terminal if the firearm is encased for
558 shipment, for purposes of checking such firearm as baggage to be
559 lawfully transported on any aircraft; any church or other place of
560 worship, except as provided in Section 45-9-171; or any place
561 where the carrying of firearms is prohibited by federal law. In
562 addition to the places enumerated in this subsection, the carrying
563 of a stun gun, concealed pistol or revolver may be disallowed in



564 any place in the discretion of the person or entity exercising
565 control over the physical location of such place by the placing of
566 a written notice clearly readable at a distance of not less than
567 ten (10) feet that the "carrying of a pistol or revolver is
568 prohibited." No license issued pursuant to this section shall
569 authorize the participants in a parade or demonstration for which
570 a permit is required to carry a stun gun, concealed pistol or
571 revolver.

572 (14) A law enforcement officer as defined in Section 45-6-3,
573 chiefs of police, sheriffs and persons licensed as professional
574 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
575 1972, shall be exempt from the licensing requirements of this
576 section.

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



589 which explains that such officer has completed a certified law
590 enforcement training academy.

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

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

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

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



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

616 (19) Any person holding a valid unrevoked and unexpired
617 license to carry stun guns, concealed pistols or revolvers issued
618 in another state shall have such license recognized by this state
619 to carry stun guns, concealed pistols or revolvers. The
620 Department of Public Safety is authorized to enter into a
621 reciprocal agreement with another state if that state requires a
622 written agreement in order to recognize licenses to carry stun
623 guns, concealed pistols or revolvers issued by this state.

624 (20) The provisions of this section shall be under the
625 supervision of the Commissioner of Public Safety. The
626 commissioner is authorized to promulgate reasonable rules and
627 regulations to carry out the provisions of this section.

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

634 (22) (a) From and after January 1, 2016, the Commissioner
635 of Public Safety shall promulgate rules and regulations which
636 provide that licenses authorized by this section for honorably
637 retired law enforcement officers and honorably retired



638 correctional officers from the Mississippi Department of
639 Corrections shall (i) include the words "retired law enforcement
640 officer" on the front of the license, and (ii) unless the licensee
641 chooses to have this license combined with a driver's license or
642 identification card under subsection (25) of this section, that
643 the license itself have a red background to distinguish it from
644 other licenses issued under this section.

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

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

660 (24) A license under this section is not required for a
661 loaded or unloaded pistol or revolver to be carried upon the
662 person in a sheath, belt holster or shoulder holster or in a



663 purse, handbag, satchel, other similar bag or briefcase or fully
664 enclosed case if the person is not engaged in criminal activity
665 other than a misdemeanor traffic offense, is not otherwise
666 prohibited from possessing a pistol or revolver under state or
667 federal law, and is not in a location prohibited under subsection
668 (13) of this section.

669 (25) An applicant for a license under this section shall
670 have the option of, instead of being issued a separate card for
671 the license, having the license appear as a notation on the
672 individual's driver's license or identification card. If the
673 applicant chooses this option, the license issued under this
674 section shall have the same expiration date as the driver's
675 license or identification card, and renewal shall take place at
676 the same time and place as renewal of the driver's license or
677 identification card. The Commissioner of Public Safety shall have
678 the authority to promulgate rules and regulations which may be
679 necessary to ensure the effectiveness of the concurrent
680 application and renewal processes.

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

683 97-37-7. (1) (a) It shall not be a violation of Section
684 97-37-1 or any other statute for pistols, firearms or other
685 suitable and appropriate weapons to be carried by duly constituted
686 bank guards, company guards, watchmen, railroad special agents or
687 duly authorized representatives who are not sworn law enforcement



688 officers, agents or employees of a patrol service, guard service,
689 or a company engaged in the business of transporting money,
690 securities or other valuables, while actually engaged in the
691 performance of their duties as such, provided that such persons
692 have made a written application and paid a nonrefundable permit
693 fee of One Hundred Dollars (\$100.00) to the Department of Public
694 Safety.

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



713 Investigation name check conducted by the Mississippi Highway
714 Safety Patrol at the request of the Department of Public Safety.

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

720 (d) (i) No less than ninety (90) days prior to the
721 expiration date of a permit, the Department of Public Safety shall
722 mail to the permit holder written notice of expiration together
723 with the renewal form prescribed by the department. The permit
724 holder shall renew the permit on or before the expiration date by
725 filing with the department the renewal form, a notarized affidavit
726 stating that the permit holder remains qualified, and the renewal
727 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
728 officers shall be exempt from payment of the renewal fee. A
729 permit holder who fails to file a renewal application on or before
730 its expiration date shall pay a late fee of Fifteen Dollars
731 (\$15.00).

732 (ii) Renewal of the permit shall be required every
733 four (4) years. The permit of a qualified renewal applicant shall
734 be renewed upon receipt of the completed renewal application and
735 appropriate payment of fees.

736 (iii) A permit cannot be renewed six (6) months or
737 more after its expiration date, and such permit shall be deemed to



738 be permanently expired; the holder may reapply for an original
739 permit as provided in this section.

740 (2) It shall not be a violation of this or any other statute
741 for pistols, firearms or other suitable and appropriate weapons to
742 be carried by Department of Wildlife, Fisheries and Parks law
743 enforcement officers, railroad special agents who are sworn law
744 enforcement officers, investigators employed by the Attorney
745 General, criminal investigators employed by the district
746 attorneys, all prosecutors, public defenders, investigators or
747 probation officers employed by the Department of Corrections,
748 employees of the State Auditor who are authorized by the State
749 Auditor to perform investigative functions, or any deputy fire
750 marshal or investigator employed by the State Fire Marshal, while
751 engaged in the performance of their duties as such, or by fraud
752 investigators with the Department of Human Services, or by judges
753 of the Mississippi Supreme Court, Court of Appeals, circuit,
754 chancery, county, justice and municipal courts, or by coroners.
755 Before any person shall be authorized under this subsection to
756 carry a weapon, he shall complete a weapons training course
757 approved by the Board of Law Enforcement Officer Standards and
758 Training. Before any criminal investigator employed by a district
759 attorney shall be authorized under this section to carry a pistol,
760 firearm or other weapon, he shall have complied with Section
761 45-6-11 or any training program required for employment as an
762 agent of the Federal Bureau of Investigation. A law enforcement



763 officer, as defined in Section 45-6-3, shall be authorized to
764 carry weapons in courthouses in performance of his official
765 duties. A person licensed under Section 45-9-101 to carry a
766 concealed pistol, who (a) has voluntarily completed an
767 instructional course in the safe handling and use of firearms
768 offered by an instructor certified by a nationally recognized
769 organization that customarily offers firearms training, or by any
770 other organization approved by the Department of Public Safety,
771 (b) is a member or veteran of any active or reserve component
772 branch of the United States of America Armed Forces having
773 completed law enforcement or combat training with pistols or other
774 handguns as recognized by such branch after submitting an
775 affidavit attesting to have read, understand and agree to comply
776 with all provisions of the enhanced carry law, or (c) is an
777 honorably retired law enforcement officer or honorably retired
778 member or veteran of any active or reserve component branch of the
779 United States of America Armed Forces having completed law
780 enforcement or combat training with pistols or other handguns,
781 after submitting an affidavit attesting to have read, understand
782 and agree to comply with all provisions of Mississippi enhanced
783 carry law shall also be authorized to carry weapons in courthouses
784 except in courtrooms during a judicial proceeding, and any
785 location listed in subsection (13) of Section 45-9-101, except any
786 place of nuisance as defined in Section 95-3-1, any police,
787 sheriff or highway patrol station or any detention facility,



788 prison or jail. For the purposes of this subsection (2),
789 component branch of the United States Armed Forces includes the
790 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
791 National Guard, the Army National Guard of the United States, the
792 Air National Guard or the Air National Guard of the United States,
793 as those terms are defined in Section 101, Title 10, United States
794 Code, and any other reserve component of the United States Armed
795 Forces enumerated in Section 10101, Title 10, United States Code.
796 The department shall promulgate rules and regulations allowing
797 concealed pistol permit holders to obtain an endorsement on their
798 permit indicating that they have completed the aforementioned
799 course and have the authority to carry in these locations. This
800 section shall in no way interfere with the right of a trial judge
801 to restrict the carrying of firearms in the courtroom.

802 For purposes of this subsection (2), the following words
803 shall have the meanings described herein, unless the context
804 otherwise requires:

805 (i) "Courthouse" means any building in which a
806 circuit court, chancery court, youth court, municipal court,
807 justice court or any appellate court is located, or any building
808 in which a court of law is regularly held.

809 (ii) "Courtroom" means the actual room in which a
810 judicial proceeding occurs, including any jury room, witness room,
811 judge's chamber, office housing the judge's staff, or similar
812 room. "Courtroom" shall not mean hallways, courtroom entrances,



813 courthouse grounds, lobbies, corridors, or other areas within a
814 courthouse which are generally open to the public for the
815 transaction of business outside of an active judicial proceeding,
816 the grassed areas, cultivated flower beds, sidewalks, parking
817 lots, or other areas contained within the boundaries of the public
818 land upon which the courthouse is located.

819 (3) It shall not be a violation of this or any other statute
820 for pistols, firearms or other suitable and appropriate weapons,
821 to be carried by any out-of-state, full-time commissioned law
822 enforcement officer who holds a valid commission card from the
823 appropriate out-of-state law enforcement agency and a photo
824 identification. The provisions of this subsection shall only
825 apply if the state where the out-of-state officer is employed has
826 entered into a reciprocity agreement with the state that allows
827 full-time commissioned law enforcement officers in Mississippi to
828 lawfully carry or possess a weapon in such other states. The
829 Commissioner of Public Safety is authorized to enter into
830 reciprocal agreements with other states to carry out the
831 provisions of this subsection.

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

834 97-37-9. Any person indicted or charged for a violation of
835 Section 97-37-1 may show as a defense:



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

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

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

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

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

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

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

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

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



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

865 **SECTION 9.** The provisions of this act shall not be
866 applicable to universities, colleges, community or junior
867 colleges.

868 **SECTION 10.** This act shall take effect and be in force from
869 and after July 1, 2022.

