

By: Representatives Oliver, Aguirre, Bain, Bell (21st), Boyd, Carpenter, Crawford, Criswell, Felsher, Goodin, Gunn, Hale, Hobgood-Wilkes, Hood, Horan, Horne, Mangold, Pigott, Rushing, Wallace, Williamson, Shanks, Owen, Mickens, Stamps, Arnold

To: Judiciary B

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, or other  
26 political subdivision of this state shall adopt any order,  
27 ordinance or regulation concerning in any way the sale, purchase,  
28 purchase delay, transfer, ownership, use, keeping, possession,  
29 bearing, transportation, licensing, permit, registration, taxation  
30 other than sales and compensating use taxes or other controls on  
31 firearms, components, ammunition, and supplies except as provided  
32 in subsection (3) of this section.

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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





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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

295 It shall be presumed that an applicant chronically and habitually



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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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





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

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

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

415 (i) Issue the license;

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



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

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

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

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



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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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



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



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

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

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

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





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

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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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



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

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

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

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



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



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





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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

861 **SECTION 9.** The provisions of this act shall not be  
862 applicable to universities, colleges, community or junior  
863 colleges.

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

