

By: Representative Denton

To: Judiciary B;  
Constitution

HOUSE BILL NO. 99

1 AN ACT TO PROHIBIT THE SALE OR GIVING OF ASSAULT WEAPONS TO  
2 ANY PERSON UNDER THE AGE OF TWENTY-ONE; TO AMEND SECTION 97-37-1,  
3 MISSISSIPPI CODE OF 1972, TO REVISE THE PROHIBITION REGARDING  
4 FIREARMS; TO AMEND SECTION 45-9-53 AND 45-9-57, MISSISSIPPI CODE  
5 OF 1972, TO CONFORM THE PROVISIONS OF LAW THAT REGULATE LOCAL  
6 ORDINANCES REGARDING FIREARMS; TO BRING FORWARD SECTION 45-9-101,  
7 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE PROCESS FOR CONCEALED  
8 CARRY LICENSES; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** (1) For purposes of this act, the term "assault  
11 weapon" means a selective-fire firearm capable of fully automatic,  
12 semiautomatic, or burst fire at the user's option; any of more  
13 than One Hundred Fifty (150) named semiautomatic firearms,  
14 including semiautomatic centerfire rifles and semiautomatic  
15 pistols; a semiautomatic firearm that has certain features; and a  
16 shotgun with a revolving cylinder, including any part or  
17 combination of parts designed or intended to convert a firearm  
18 into an assault weapon or any combination of parts from which one  
19 may be rapidly assembled if possessed or controlled by the same  
20 person. The term also means:



21 (a) Any selective-fire firearm capable of fully  
22 automatic, semiautomatic, or burst fire at the user's option;

23 (b) Any of a list of named semiautomatic firearms,  
24 pistols, or centerfire rifles or copies or duplicates with their  
25 capability in production on or before April 4, 2013 (see Appendix  
26 1);

27 (c) Any IZHMAISH Saiga twelve (12) shotguns or copies or  
28 duplicates with their capability in production on or before April  
29 4, 2013;

30 (d) A semiautomatic pistol or semiautomatic centerfire  
31 rifle that has a fixed magazine that can hold more than ten (10)  
32 rounds;

33 (e) A semiautomatic centerfire rifle shorter than  
34 thirty (30) inches;

35 (f) A semiautomatic shotgun that can accept a  
36 detachable magazine;

37 (g) A semiautomatic shotgun that has both (i) a folding  
38 or telescoping stock and (ii) a grip, including a pistol grip,  
39 thumbhole stock, or other stock that, when used, would allow a  
40 person to grip the weapon, resulting in any finger on the trigger  
41 hand and trigger finger being directly below any part of the  
42 action of the weapon when firing;

43 (h) A shotgun with a revolving cylinder;

44 (i) Any semiautomatic centerfire rifle that can accept  
45 a detachable magazine (one that can be removed without



46 disassembling the firearm action) and has at least one of the  
47 following features:

48 (i) A folding or telescoping stock;

49 (ii) A grip, such as a pistol grip, a thumbhole  
50 stock, or other stock, the use of which would allow an individual  
51 to grip the weapon, resulting in any finger on the trigger hand in  
52 addition to the trigger finger being directly below any portion of  
53 the action of the weapon when firing;

54 (iii) A forward pistol grip;

55 (iv) A flash suppressor; or

56 (v) A grenade launcher or flare launcher;

57 (j) Any semiautomatic pistol that has the ability to  
58 accept a detachable magazine and has at least one of the following  
59 features:

60 (i) The ability to accept a detachable ammunition  
61 magazine that attaches at some location outside of the pistol  
62 grip;

63 (ii) A threaded barrel capable of accepting a  
64 flash suppressor, forward pistol grip, or silencer;

65 (iii) A shroud attached to, or that partially or  
66 completely encircles the barrel and permits the shooter to fire  
67 the firearm without being burned, except a slide that encloses the  
68 barrel; or

69 (iv) A second hand grip.



70 (2) It shall be unlawful for any person to give, distribute,  
71 transport, or import an assault weapon; or keep, offer, or expose  
72 any such weapon for sale to any person less than twenty-one (21)  
73 years of age, unless the person is a member of any branch of the  
74 United States Armed Forces.

75 **SECTION 2.** Section 97-37-1, Mississippi Code of 1972, is  
76 amended as follows:

77 97-37-1. (1) Except as otherwise provided in Section  
78 45-9-101, any person who carries, concealed on or about one's  
79 person, any bowie knife, dirk knife, butcher knife, switchblade  
80 knife, metallic knuckles, blackjack, slingshot, pistol, revolver,  
81 or any rifle with a barrel of less than sixteen (16) inches in  
82 length, or any shotgun with a barrel of less than eighteen (18)  
83 inches in length, machine gun or any fully automatic firearm or  
84 deadly weapon, or any muffler or silencer for any firearm, whether  
85 or not it is accompanied by a firearm, or uses or attempts to use  
86 against another person any imitation firearm, shall, upon  
87 conviction, be punished as follows:

88 (a) By a fine of not less than One Hundred Dollars  
89 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by  
90 imprisonment in the county jail for not more than six (6) months,  
91 or both, in the discretion of the court, for the first conviction  
92 under this section.

93 (b) By a fine of not less than One Hundred Dollars  
94 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and



95 imprisonment in the county jail for not less than thirty (30) days  
96 nor more than six (6) months, for the second conviction under this  
97 section.

98 (c) By confinement in the custody of the Department of  
99 Corrections for not less than one (1) year nor more than five (5)  
100 years, for the third or subsequent conviction under this section.

101 (d) By confinement in the custody of the Department of  
102 Corrections for not less than one (1) year nor more than ten (10)  
103 years for any person previously convicted of any felony who is  
104 convicted under this section.

105 (2) Except as provided in Section 1 of this act, it shall  
106 not be a violation of this section for any person over the age of  
107 eighteen (18) years to carry a firearm or deadly weapon concealed  
108 within the confines of his own home or his place of business, or  
109 any real property associated with his home or business or within  
110 any motor vehicle.

111 (3) It shall not be a violation of this section for any  
112 person to carry a firearm or deadly weapon concealed if the  
113 possessor of the weapon is then engaged in a legitimate  
114 weapon-related sports activity or is going to or returning from  
115 such activity. For purposes of this subsection, "legitimate  
116 weapon-related sports activity" means hunting, fishing, target  
117 shooting or any other legal activity which normally involves the  
118 use of a firearm or other weapon.



119 (4) For the purposes of this section, "concealed" means  
120 hidden or obscured from common observation and shall not include  
121 any weapon listed in subsection (1) of this section, including,  
122 but not limited to, a loaded or unloaded pistol carried upon the  
123 person in a sheath, belt holster or shoulder holster that is  
124 wholly or partially visible, or carried upon the person in a  
125 scabbard or case for carrying the weapon that is wholly or  
126 partially visible.

127 **SECTION 3.** Section 45-9-53, Mississippi Code of 1972, is  
128 amended as follows:

129 45-9-53. (1) Except as otherwise provided in Section 1 of  
130 this act, this section and Section 45-9-51 do not affect the  
131 authority that a county or municipality may have under another  
132 law:

133 (a) To require citizens or public employees to be armed  
134 for personal or national defense, law enforcement, or another  
135 lawful purpose;

136 (b) To regulate the discharge of firearms within the  
137 limits of the county or municipality. A county or municipality  
138 may not apply a regulation relating to the discharge of firearms  
139 or other weapons in the extraterritorial jurisdiction of the  
140 county or municipality or in an area annexed by the county or  
141 municipality after September 1, 1981, if the firearm or other  
142 weapon is:



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

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

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

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

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

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

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

162 (d) To regulate the use of firearms in cases of  
163 insurrection, riots and natural disasters in which the city finds  
164 such regulation necessary to protect the health and safety of the  
165 public. However, the provisions of this section shall not apply  
166 to the lawful possession of firearms, ammunition or components of  
167 firearms or ammunition;



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

173 (f) To regulate the carrying of a firearm at: (i) a  
174 public park or at a public meeting of a county, municipality or  
175 other governmental body; (ii) a political rally, parade or  
176 official political meeting; or (iii) a nonfirearm-related school,  
177 college or professional athletic event; or

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

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

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

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

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





193 long as the sign also indicates that carrying a firearm is  
194 unauthorized only for license holders without a training  
195 endorsement or that it is a location included in Section  
196 97-37-7(2) where carrying a firearm is unauthorized for all  
197 license holders; and

198 (b) At any location under the control of the county or  
199 municipality aside from a location listed in subsection (1)(f) of  
200 this section or Section 45-9-101(13) indicating that the  
201 possession of a firearm is prohibited on the premises, as long as  
202 the sign also indicates that it does not apply to a person  
203 properly licensed under Section 45-9-101 or Section 97-37-7(2) to  
204 carry a concealed firearm or to a person lawfully carrying a  
205 firearm that is not concealed.

206 (5) (a) A citizen of this state, or a person licensed to  
207 carry a concealed pistol or revolver under Section 45-9-101, or a  
208 person licensed to carry a concealed pistol or revolver with the  
209 endorsement under Section 97-37-7, who is adversely affected by an  
210 ordinance or posted written notice adopted by a county or  
211 municipality in violation of this section may file suit for  
212 declarative and injunctive relief against a county or municipality  
213 in the circuit court which shall have jurisdiction over the county  
214 or municipality where the violation of this section occurs.

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



218 include evidence of the violation. The Attorney General shall,  
219 within thirty (30) days, investigate whether the county or  
220 municipality adopted an ordinance or posted written notice in  
221 violation of this section and provide the chief administrative  
222 officer of the county or municipality notice of his findings,  
223 including, if applicable, a description of the violation and  
224 specific language of the ordinance or posted written notice found  
225 to be in violation. The county or municipality shall have thirty  
226 (30) days from receipt of that notice to cure the violation. If  
227 the county or municipality fails to cure the violation within that  
228 thirty-day time period, a suit under paragraph (a) of this  
229 subsection may proceed. The findings of the Attorney General  
230 shall constitute a "Public Record" as defined by the Mississippi  
231 Public Records Act of 1983, Section 25-61-1 et seq.

232 (c) If the circuit court finds that a county or  
233 municipality adopted an ordinance or posted written notice in  
234 violation of this section and failed to cure that violation in  
235 accordance with paragraph (b) of this subsection, the circuit  
236 court shall issue a permanent injunction against a county or  
237 municipality prohibiting it from enforcing the ordinance or posted  
238 written notice. Any elected county or municipal official under  
239 whose jurisdiction the violation occurred may be civilly liable in  
240 a sum not to exceed One Thousand Dollars (\$1,000.00), plus all  
241 reasonable attorney's fees and costs incurred by the party  
242 bringing the suit. Public funds may not be used to defend or



243 reimburse officials who are found by the court to have violated  
244 this section.

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

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

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

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

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

262 (a) The county or municipality has adopted an ordinance  
263 authorizing the participation of the county or municipality, or  
264 participation by an officer or employee of the county or  
265 municipality in such a program; and

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



268 auction as provided by Sections 19-3-85 and 21-39-21 to federally  
269 licensed firearms dealers, with the proceeds from such sale at  
270 auction reverting to the general operating fund of the county,  
271 municipality or other governmental body. Any firearm remaining in  
272 possession of the county, municipality or other governmental body  
273 after attempts to sell at auction may be disposed of in a manner  
274 that the body deems appropriate.

275         **SECTION 4.** Section 45-9-57, Mississippi Code of 1972, is  
276 amended as follows:

277         45-9-57. Except as otherwise provided in Section 1 of this  
278 act, a county may regulate the discharge of any firearm or weapon,  
279 other than a BB gun, within any platted subdivision. However, no  
280 county may prohibit the discharge of any firearm or weapon on  
281 land, if such firearm or weapon is discharged in a manner not  
282 reasonably expected to cause a projectile from such firearm or  
283 weapon to travel across any property line without permission of  
284 the property owner.

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

287         45-9-101. (1) (a) Except as otherwise provided, the  
288 Department of Public Safety is authorized to issue licenses to  
289 carry stun guns, concealed pistols or revolvers to persons  
290 qualified as provided in this section. Such licenses shall be  
291 valid throughout the state for a period of five (5) years from the  
292 date of issuance, except as provided in subsection (25) of this



293 section. Any person possessing a valid license issued pursuant to  
294 this section may carry a stun gun, concealed pistol or concealed  
295 revolver.

296 (b) The licensee must carry the license, together with  
297 valid identification, at all times in which the licensee is  
298 carrying a stun gun, concealed pistol or revolver and must display  
299 both the license and proper identification upon demand by a law  
300 enforcement officer. A violation of the provisions of this  
301 paragraph (b) shall constitute a noncriminal violation with a  
302 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable  
303 by summons.

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

306 (a) Is a resident of the state. However, this  
307 residency requirement may be waived if the applicant possesses a  
308 valid permit from another state, is a member of any active or  
309 reserve component branch of the United States of America Armed  
310 Forces stationed in Mississippi, is the spouse of a member of any  
311 active or reserve component branch of the United States of America  
312 Armed Forces stationed in Mississippi, or is a retired law  
313 enforcement officer establishing residency in the state;

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

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



317                   1. Is a member or veteran of the United  
318 States Armed Forces, including National Guard or Reserve; and  
319                   2. Holds a valid Mississippi driver's license  
320 or identification card issued by the Department of Public Safety  
321 or a valid and current tribal identification card issued by a  
322 federally recognized Indian tribe containing a photograph of the  
323 holder;

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

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

330                   (e) Does not chronically or habitually abuse controlled  
331 substances to the extent that his normal faculties are impaired.  
332 It shall be presumed that an applicant chronically and habitually  
333 uses controlled substances to the extent that his faculties are  
334 impaired if the applicant has been voluntarily or involuntarily  
335 committed to a treatment facility for the abuse of a controlled  
336 substance or been found guilty of a crime under the provisions of  
337 the Uniform Controlled Substances Law or similar laws of any other  
338 state or the United States relating to controlled substances  
339 within a three-year period immediately preceding the date on which  
340 the application is submitted;



341 (f) Does not chronically and habitually use alcoholic  
342 beverages to the extent that his normal faculties are impaired.  
343 It shall be presumed that an applicant chronically and habitually  
344 uses alcoholic beverages to the extent that his normal faculties  
345 are impaired if the applicant has been voluntarily or  
346 involuntarily committed as an alcoholic to a treatment facility or  
347 has been convicted of two (2) or more offenses related to the use  
348 of alcohol under the laws of this state or similar laws of any  
349 other state or the United States within the three-year period  
350 immediately preceding the date on which the application is  
351 submitted;

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

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

357 (i) Has not been voluntarily or involuntarily committed  
358 to a mental institution or mental health treatment facility unless  
359 he possesses a certificate from a psychiatrist licensed in this  
360 state that he has not suffered from disability for a period of  
361 five (5) years;

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



366 (k) Is not a fugitive from justice; and  
367 (l) Is not disqualified to possess a weapon based on  
368 federal law.

369 (3) The Department of Public Safety may deny a license if  
370 the applicant has been found guilty of one or more crimes of  
371 violence constituting a misdemeanor unless three (3) years have  
372 elapsed since probation or any other conditions set by the court  
373 have been fulfilled or expunction has occurred prior to the date  
374 on which the application is submitted, or may revoke a license if  
375 the licensee has been found guilty of one or more crimes of  
376 violence within the preceding three (3) years. The department  
377 shall, upon notification by a law enforcement agency or a court  
378 and subsequent written verification, suspend a license or the  
379 processing of an application for a license if the licensee or  
380 applicant is arrested or formally charged with a crime which would  
381 disqualify such person from having a license under this section,  
382 until final disposition of the case. The provisions of subsection  
383 (7) of this section shall apply to any suspension or revocation of  
384 a license pursuant to the provisions of this section.

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

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





390 (b) The driver's license number or social security  
391 number of applicant;

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

394 (d) A statement that the applicant is in compliance  
395 with criteria contained within subsections (2) and (3) of this  
396 section;

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

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

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

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

408 (a) A completed application as described in subsection  
409 (4) of this section;

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



415 (c) A nonrefundable license fee of Eighty Dollars  
416 (\$80.00). Costs for processing the set of fingerprints as  
417 required in paragraph (d) of this subsection shall be borne by the  
418 applicant. Honorably retired law enforcement officers, disabled  
419 veterans and active duty members of the Armed Forces of the United  
420 States, and law enforcement officers employed with a law  
421 enforcement agency of a municipality, county or state at the time  
422 of application for the license, shall be exempt from the payment  
423 of the license fee;

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

426 (e) A waiver authorizing the Department of Public  
427 Safety access to any records concerning commitments of the  
428 applicant to any of the treatment facilities or institutions  
429 referred to in subsection (2) of this section and permitting  
430 access to all the applicant's criminal records.

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

435 (b) The Department of Public Safety shall forward a  
436 copy of the applicant's application to the sheriff of the  
437 applicant's county of residence and, if applicable, the police  
438 chief of the applicant's municipality of residence. The sheriff  
439 of the applicant's county of residence, and, if applicable, the



440 police chief of the applicant's municipality of residence may, at  
441 his discretion, participate in the process by submitting a  
442 voluntary report to the Department of Public Safety containing any  
443 readily discoverable prior information that he feels may be  
444 pertinent to the licensing of any applicant. The reporting shall  
445 be made within thirty (30) days after the date he receives the  
446 copy of the application. Upon receipt of a response from a  
447 sheriff or police chief, such sheriff or police chief shall be  
448 reimbursed at a rate set by the department.

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

452 (i) Issue the license;

453 (ii) Deny the application based solely on the  
454 ground that the applicant fails to qualify under the criteria  
455 listed in subsections (2) and (3) of this section. If the  
456 Department of Public Safety denies the application, it shall  
457 notify the applicant in writing, stating the ground for denial,  
458 and the denial shall be subject to the appeal process set forth in  
459 subsection (7); or

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



465           (d) In the event a legible set of fingerprints, as  
466 determined by the Department of Public Safety and the Federal  
467 Bureau of Investigation, cannot be obtained after a minimum of two  
468 (2) attempts, the Department of Public Safety shall determine  
469 eligibility based upon a name check by the Mississippi Highway  
470 Safety Patrol and a Federal Bureau of Investigation name check  
471 conducted by the Mississippi Highway Safety Patrol at the request  
472 of the Department of Public Safety.

473           (7) (a) If the Department of Public Safety denies the  
474 issuance of a license, or suspends or revokes a license, the party  
475 aggrieved may appeal such denial, suspension or revocation to the  
476 Commissioner of Public Safety, or his authorized agent, within  
477 thirty (30) days after the aggrieved party receives written notice  
478 of such denial, suspension or revocation. The Commissioner of  
479 Public Safety, or his duly authorized agent, shall rule upon such  
480 appeal within thirty (30) days after the appeal is filed and  
481 failure to rule within this thirty-day period shall constitute  
482 sustaining such denial, suspension or revocation. Such review  
483 shall be conducted pursuant to such reasonable rules and  
484 regulations as the Commissioner of Public Safety may adopt.

485           (b) If the revocation, suspension or denial of issuance  
486 is sustained by the Commissioner of Public Safety, or his duly  
487 authorized agent pursuant to paragraph (a) of this subsection, the  
488 aggrieved party may file within ten (10) days after the rendition  
489 of such decision a petition in the circuit or county court of his



490 residence for review of such decision. A hearing for review shall  
491 be held and shall proceed before the court without a jury upon the  
492 record made at the hearing before the Commissioner of Public  
493 Safety or his duly authorized agent. No such party shall be  
494 allowed to carry a stun gun, concealed pistol or revolver pursuant  
495 to the provisions of this section while any such appeal is  
496 pending.

497 (8) The Department of Public Safety shall maintain an  
498 automated listing of license holders and such information shall be  
499 available online, upon request, at all times, to all law  
500 enforcement agencies through the Mississippi Crime Information  
501 Center. However, the records of the department relating to  
502 applications for licenses to carry stun guns, concealed pistols or  
503 revolvers and records relating to license holders shall be exempt  
504 from the provisions of the Mississippi Public Records Act of 1983,  
505 and shall be released only upon order of a court having proper  
506 jurisdiction over a petition for release of the record or records.

507 (9) Within thirty (30) days after the changing of a  
508 permanent address, or within thirty (30) days after having a  
509 license lost or destroyed, the licensee shall notify the  
510 Department of Public Safety in writing of such change or loss.  
511 Failure to notify the Department of Public Safety pursuant to the  
512 provisions of this subsection shall constitute a noncriminal  
513 violation with a penalty of Twenty-five Dollars (\$25.00) and shall  
514 be enforceable by a summons.



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

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

525           (12) (a) Except as provided in subsection (25) of this  
526 section, no less than ninety (90) days prior to the expiration  
527 date of the license, the Department of Public Safety shall mail to  
528 each licensee a written notice of the expiration and a renewal  
529 form prescribed by the department. The licensee must renew his  
530 license on or before the expiration date by filing with the  
531 department the renewal form, a notarized affidavit stating that  
532 the licensee remains qualified pursuant to the criteria specified  
533 in subsections (2) and (3) of this section, and a full set of  
534 fingerprints administered by the Department of Public Safety or  
535 the sheriff of the county of residence of the licensee. The first  
536 renewal may be processed by mail and the subsequent renewal must  
537 be made in person. Thereafter every other renewal may be  
538 processed by mail to assure that the applicant must appear in



539 person every ten (10) years for the purpose of obtaining a new  
540 photograph.

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

544 (ii) Honorably retired law enforcement officers,  
545 disabled veterans, active duty members of the Armed Forces of the  
546 United States and law enforcement officers employed with a law  
547 enforcement agency of a municipality, county or state at the time  
548 of renewal, shall be exempt from the renewal fee; and

549 (iii) The renewal fee for a Mississippi resident  
550 aged sixty-five (65) years of age or older shall be Twenty Dollars  
551 (\$20.00).

552 (b) The Department of Public Safety shall forward the  
553 full set of fingerprints of the applicant to the appropriate  
554 agencies for state and federal processing. The license shall be  
555 renewed upon receipt of the completed renewal application and  
556 appropriate payment of fees.

557 (c) A licensee who fails to file a renewal application  
558 on or before its expiration date must renew his license by paying  
559 a late fee of Fifteen Dollars (\$15.00). No license shall be  
560 renewed six (6) months or more after its expiration date, and such  
561 license shall be deemed to be permanently expired. A person whose  
562 license has been permanently expired may reapply for licensure;  
563 however, an application for licensure and fees pursuant to



564 subsection (5) of this section must be submitted, and a background  
565 investigation shall be conducted pursuant to the provisions of  
566 this section.

567 (13) No license issued pursuant to this section shall  
568 authorize any person, except a law enforcement officer as defined  
569 in Section 45-6-3 with a distinct license authorized by the  
570 Department of Public Safety, to carry a stun gun, concealed pistol  
571 or revolver into any place of nuisance as defined in Section  
572 95-3-1, Mississippi Code of 1972; any police, sheriff or highway  
573 patrol station; any detention facility, prison or jail; any  
574 courthouse; any courtroom, except that nothing in this section  
575 shall preclude a judge from carrying a concealed weapon or  
576 determining who will carry a concealed weapon in his courtroom;  
577 any polling place; any meeting place of the governing body of any  
578 governmental entity; any meeting of the Legislature or a committee  
579 thereof; any school, college or professional athletic event not  
580 related to firearms; any portion of an establishment, licensed to  
581 dispense alcoholic beverages for consumption on the premises, that  
582 is primarily devoted to dispensing alcoholic beverages; any  
583 portion of an establishment in which beer, light spirit product or  
584 light wine is consumed on the premises, that is primarily devoted  
585 to such purpose; any elementary or secondary school facility; any  
586 junior college, community college, college or university facility  
587 unless for the purpose of participating in any authorized  
588 firearms-related activity; inside the passenger terminal of any





589 airport, except that no person shall be prohibited from carrying  
590 any legal firearm into the terminal if the firearm is encased for  
591 shipment, for purposes of checking such firearm as baggage to be  
592 lawfully transported on any aircraft; any church or other place of  
593 worship, except as provided in Section 45-9-171; or any place  
594 where the carrying of firearms is prohibited by federal law. In  
595 addition to the places enumerated in this subsection, the carrying  
596 of a stun gun, concealed pistol or revolver may be disallowed in  
597 any place in the discretion of the person or entity exercising  
598 control over the physical location of such place by the placing of  
599 a written notice clearly readable at a distance of not less than  
600 ten (10) feet that the "carrying of a pistol or revolver is  
601 prohibited." No license issued pursuant to this section shall  
602 authorize the participants in a parade or demonstration for which  
603 a permit is required to carry a stun gun, concealed pistol or  
604 revolver.

605 (14) A law enforcement officer as defined in Section 45-6-3,  
606 chiefs of police, sheriffs and persons licensed as professional  
607 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
608 1972, shall be exempt from the licensing requirements of this  
609 section.

610 (a) The Commissioner of Public Safety shall promulgate  
611 rules and regulations to provide licenses to law enforcement  
612 officers as defined in Section 45-6-3 who choose to obtain a  
613 license under the provisions of this section, which shall include



614 a distinction that the officer is an "active duty" law enforcement  
615 officer and an endorsement that such officer is authorized to  
616 carry in the locations listed in subsection (13). A law  
617 enforcement officer shall provide the following information to  
618 receive the license described in this subsection: (i) a letter,  
619 with the official letterhead of the agency or department for which  
620 the officer is employed at the time of application and (ii) a  
621 letter with the official letterhead of the agency or department,  
622 which explains that such officer has completed a certified law  
623 enforcement training academy.

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

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

634 (16) All fees collected by the Department of Public Safety  
635 pursuant to this section shall be deposited into a special fund  
636 hereby created in the State Treasury and shall be used for  
637 implementation and administration of this section. After the  
638 close of each fiscal year, the balance in this fund shall be



639 certified to the Legislature and then may be used by the  
640 Department of Public Safety as directed by the Legislature.

641 (17) All funds received by a sheriff or police chief  
642 pursuant to the provisions of this section shall be deposited into  
643 the general fund of the county or municipality, as appropriate,  
644 and shall be budgeted to the sheriff's office or police department  
645 as appropriate.

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

649 (19) Any person holding a valid unrevoked and unexpired  
650 license to carry stun guns, concealed pistols or revolvers issued  
651 in another state shall have such license recognized by this state  
652 to carry stun guns, concealed pistols or revolvers. The  
653 Department of Public Safety is authorized to enter into a  
654 reciprocal agreement with another state if that state requires a  
655 written agreement in order to recognize licenses to carry stun  
656 guns, concealed pistols or revolvers issued by this state.

657 (20) The provisions of this section shall be under the  
658 supervision of the Commissioner of Public Safety. The  
659 commissioner is authorized to promulgate reasonable rules and  
660 regulations to carry out the provisions of this section.

661 (21) For the purposes of this section, the term "stun gun"  
662 means a portable device or weapon from which an electric current,  
663 impulse, wave or beam may be directed, which current, impulse,



664 wave or beam is designed to incapacitate temporarily, injure,  
665 momentarily stun, knock out, cause mental disorientation or  
666 paralyze.

667 (22) (a) From and after January 1, 2016, the Commissioner  
668 of Public Safety shall promulgate rules and regulations which  
669 provide that licenses authorized by this section for honorably  
670 retired law enforcement officers and honorably retired  
671 correctional officers from the Mississippi Department of  
672 Corrections shall (i) include the words "retired law enforcement  
673 officer" on the front of the license, and (ii) unless the licensee  
674 chooses to have this license combined with a driver's license or  
675 identification card under subsection (25) of this section, that  
676 the license itself have a red background to distinguish it from  
677 other licenses issued under this section.

678 (b) An honorably retired law enforcement officer and  
679 honorably retired correctional officer shall provide the following  
680 information to receive the license described in this section: (i)  
681 a letter, with the official letterhead of the agency or department  
682 from which such officer is retiring, which explains that such  
683 officer is honorably retired, and (ii) a letter with the official  
684 letterhead of the agency or department, which explains that such  
685 officer has completed a certified law enforcement training  
686 academy.

687 (23) A disabled veteran who seeks to qualify for an  
688 exemption under this section shall be required to provide a



689 veterans health services identification card issued by the United  
690 States Department of Veterans Affairs indicating a  
691 service-connected disability, which shall be sufficient proof of  
692 such service-connected disability.

693 (24) A license under this section is not required for a  
694 loaded or unloaded pistol or revolver to be carried upon the  
695 person in a sheath, belt holster or shoulder holster or in a  
696 purse, handbag, satchel, other similar bag or briefcase or fully  
697 enclosed case if the person is not engaged in criminal activity  
698 other than a misdemeanor traffic offense, is not otherwise  
699 prohibited from possessing a pistol or revolver under state or  
700 federal law, and is not in a location prohibited under subsection  
701 (13) of this section. However, the medical use of medical  
702 cannabis by a cardholder who is a registered qualifying patient  
703 which is lawful under the provisions of the Mississippi Medical  
704 Cannabis Act and in compliance with rules and regulations adopted  
705 thereunder shall not disqualify a person under this subsection  
706 (24) solely because the person is prohibited from possessing a  
707 firearm under 18 USCS Section 922(g) (3) due to such medical use of  
708 medical cannabis.

709 (25) An applicant for a license under this section shall  
710 have the option of, instead of being issued a separate card for  
711 the license, having the license appear as a notation on the  
712 individual's driver's license or identification card. If the  
713 applicant chooses this option, the license issued under this



714 section shall have the same expiration date as the driver's  
715 license or identification card, and renewal shall take place at  
716 the same time and place as renewal of the driver's license or  
717 identification card. The Commissioner of Public Safety shall have  
718 the authority to promulgate rules and regulations which may be  
719 necessary to ensure the effectiveness of the concurrent  
720 application and renewal processes.

721 **SECTION 6.** This act shall take effect and be in force from  
722 and after July 1, 2023.

