

By: Representatives Miles, Hulum

To: Military Affairs

HOUSE BILL NO. 210

1 AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972,  
2 TO EXEMPT HONORABLY DISCHARGED VETERANS FROM THE CONCEALED CARRY  
3 LICENSE FEES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 45-9-101, Mississippi Code of 1972, is  
6 amended as follows:

7 45-9-101. (1) (a) Except as otherwise provided, the  
8 Department of Public Safety is authorized to issue licenses to  
9 carry stun guns, concealed pistols or revolvers to persons  
10 qualified as provided in this section. Such licenses shall be  
11 valid throughout the state for a period of five (5) years from the  
12 date of issuance, except as provided in subsection (25) of this  
13 section. Any person possessing a valid license issued pursuant to  
14 this section may carry a stun gun, concealed pistol or concealed  
15 revolver.

16 (b) The licensee must carry the license, together with  
17 valid identification, at all times in which the licensee is  
18 carrying a stun gun, concealed pistol or revolver and must display



19 both the license and proper identification upon demand by a law  
20 enforcement officer. A violation of the provisions of this  
21 paragraph (b) shall constitute a noncriminal violation with a  
22 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable  
23 by summons.

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

26 (a) Is a resident of the state. However, this  
27 residency requirement may be waived if the applicant possesses a  
28 valid permit from another state, is a member of any active or  
29 reserve component branch of the United States of America Armed  
30 Forces stationed in Mississippi, is the spouse of a member of any  
31 active or reserve component branch of the United States of America  
32 Armed Forces stationed in Mississippi, or is a retired law  
33 enforcement officer establishing residency in the state;

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

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

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

39 2. Holds a valid Mississippi driver's license  
40 or identification card issued by the Department of Public Safety  
41 or a valid and current tribal identification card issued by a  
42 federally recognized Indian tribe containing a photograph of the  
43 holder;



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

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

50 (e) Does not chronically or habitually abuse controlled  
51 substances to the extent that his normal faculties are impaired.  
52 It shall be presumed that an applicant chronically and habitually  
53 uses controlled substances to the extent that his faculties are  
54 impaired if the applicant has been voluntarily or involuntarily  
55 committed to a treatment facility for the abuse of a controlled  
56 substance or been found guilty of a crime under the provisions of  
57 the Uniform Controlled Substances Law or similar laws of any other  
58 state or the United States relating to controlled substances  
59 within a three-year period immediately preceding the date on which  
60 the application is submitted;

61 (f) Does not chronically and habitually use alcoholic  
62 beverages to the extent that his normal faculties are impaired.  
63 It shall be presumed that an applicant chronically and habitually  
64 uses alcoholic beverages to the extent that his normal faculties  
65 are impaired if the applicant has been voluntarily or  
66 involuntarily committed as an alcoholic to a treatment facility or  
67 has been convicted of two (2) or more offenses related to the use  
68 of alcohol under the laws of this state or similar laws of any



69 other state or the United States within the three-year period  
70 immediately preceding the date on which the application is  
71 submitted;

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

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

77 (i) Has not been voluntarily or involuntarily committed  
78 to a mental institution or mental health treatment facility unless  
79 he possesses a certificate from a psychiatrist licensed in this  
80 state that he has not suffered from disability for a period of  
81 five (5) years;

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

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

87 (l) Is not disqualified to possess a weapon based on  
88 federal law.

89 (3) The Department of Public Safety may deny a license if  
90 the applicant has been found guilty of one or more crimes of  
91 violence constituting a misdemeanor unless three (3) years have  
92 elapsed since probation or any other conditions set by the court  
93 have been fulfilled or expunction has occurred prior to the date



94 on which the application is submitted, or may revoke a license if  
95 the licensee has been found guilty of one or more crimes of  
96 violence within the preceding three (3) years. The department  
97 shall, upon notification by a law enforcement agency or a court  
98 and subsequent written verification, suspend a license or the  
99 processing of an application for a license if the licensee or  
100 applicant is arrested or formally charged with a crime which would  
101 disqualify such person from having a license under this section,  
102 until final disposition of the case. The provisions of subsection  
103 (7) of this section shall apply to any suspension or revocation of  
104 a license pursuant to the provisions of this section.

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

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

110 (b) The driver's license number or social security  
111 number of applicant;

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

114 (d) A statement that the applicant is in compliance  
115 with criteria contained within subsections (2) and (3) of this  
116 section;

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



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

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

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

128 (a) A completed application as described in subsection  
129 (4) of this section;

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

135 (c) A nonrefundable license fee of Eighty Dollars  
136 (\$80.00). Costs for processing the set of fingerprints as  
137 required in paragraph (d) of this subsection shall be borne by the  
138 applicant. Honorably retired law enforcement officers, honorably  
139 discharged veterans, disabled veterans and active duty members of  
140 the Armed Forces of the United States, and law enforcement  
141 officers employed with a law enforcement agency of a municipality,  
142 county or state at the time of application for the license, shall  
143 be exempt from the payment of the license fee;



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

146 (e) A waiver authorizing the Department of Public  
147 Safety access to any records concerning commitments of the  
148 applicant to any of the treatment facilities or institutions  
149 referred to in subsection (2) of this section and permitting  
150 access to all the applicant's criminal records.

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

155 (b) The Department of Public Safety shall forward a  
156 copy of the applicant's application to the sheriff of the  
157 applicant's county of residence and, if applicable, the police  
158 chief of the applicant's municipality of residence. The sheriff  
159 of the applicant's county of residence, and, if applicable, the  
160 police chief of the applicant's municipality of residence may, at  
161 his discretion, participate in the process by submitting a  
162 voluntary report to the Department of Public Safety containing any  
163 readily discoverable prior information that he feels may be  
164 pertinent to the licensing of any applicant. The reporting shall  
165 be made within thirty (30) days after the date he receives the  
166 copy of the application. Upon receipt of a response from a  
167 sheriff or police chief, such sheriff or police chief shall be  
168 reimbursed at a rate set by the department.



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

172 (i) Issue the license;

173 (ii) Deny the application based solely on the  
174 ground that the applicant fails to qualify under the criteria  
175 listed in subsections (2) and (3) of this section. If the  
176 Department of Public Safety denies the application, it shall  
177 notify the applicant in writing, stating the ground for denial,  
178 and the denial shall be subject to the appeal process set forth in  
179 subsection (7); or

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

185 (d) In the event a legible set of fingerprints, as  
186 determined by the Department of Public Safety and the Federal  
187 Bureau of Investigation, cannot be obtained after a minimum of two  
188 (2) attempts, the Department of Public Safety shall determine  
189 eligibility based upon a name check by the Mississippi Highway  
190 Safety Patrol and a Federal Bureau of Investigation name check  
191 conducted by the Mississippi Highway Safety Patrol at the request  
192 of the Department of Public Safety.





193           (7)   (a)   If the Department of Public Safety denies the  
194 issuance of a license, or suspends or revokes a license, the party  
195 aggrieved may appeal such denial, suspension or revocation to the  
196 Commissioner of Public Safety, or his authorized agent, within  
197 thirty (30) days after the aggrieved party receives written notice  
198 of such denial, suspension or revocation. The Commissioner of  
199 Public Safety, or his duly authorized agent, shall rule upon such  
200 appeal within thirty (30) days after the appeal is filed and  
201 failure to rule within this thirty-day period shall constitute  
202 sustaining such denial, suspension or revocation. Such review  
203 shall be conducted pursuant to such reasonable rules and  
204 regulations as the Commissioner of Public Safety may adopt.

205           (b)   If the revocation, suspension or denial of issuance  
206 is sustained by the Commissioner of Public Safety, or his duly  
207 authorized agent pursuant to paragraph (a) of this subsection, the  
208 aggrieved party may file within ten (10) days after the rendition  
209 of such decision a petition in the circuit or county court of his  
210 residence for review of such decision. A hearing for review shall  
211 be held and shall proceed before the court without a jury upon the  
212 record made at the hearing before the Commissioner of Public  
213 Safety or his duly authorized agent. No such party shall be  
214 allowed to carry a stun gun, concealed pistol or revolver pursuant  
215 to the provisions of this section while any such appeal is  
216 pending.



217 (8) The Department of Public Safety shall maintain an  
218 automated listing of license holders and such information shall be  
219 available online, upon request, at all times, to all law  
220 enforcement agencies through the Mississippi Crime Information  
221 Center. However, the records of the department relating to  
222 applications for licenses to carry stun guns, concealed pistols or  
223 revolvers and records relating to license holders shall be exempt  
224 from the provisions of the Mississippi Public Records Act of 1983,  
225 and shall be released only upon order of a court having proper  
226 jurisdiction over a petition for release of the record or records.

227 (9) Within thirty (30) days after the changing of a  
228 permanent address, or within thirty (30) days after having a  
229 license lost or destroyed, the licensee shall notify the  
230 Department of Public Safety in writing of such change or loss.  
231 Failure to notify the Department of Public Safety pursuant to the  
232 provisions of this subsection shall constitute a noncriminal  
233 violation with a penalty of Twenty-five Dollars (\$25.00) and shall  
234 be enforceable by a summons.

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



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

245 (12) (a) Except as provided in subsection (25) of this  
246 section, no less than ninety (90) days prior to the expiration  
247 date of the license, the Department of Public Safety shall mail to  
248 each licensee a written notice of the expiration and a renewal  
249 form prescribed by the department. The licensee must renew his  
250 license on or before the expiration date by filing with the  
251 department the renewal form, a notarized affidavit stating that  
252 the licensee remains qualified pursuant to the criteria specified  
253 in subsections (2) and (3) of this section, and a full set of  
254 fingerprints administered by the Department of Public Safety or  
255 the sheriff of the county of residence of the licensee. The first  
256 renewal may be processed by mail and the subsequent renewal must  
257 be made in person. Thereafter every other renewal may be  
258 processed by mail to assure that the applicant must appear in  
259 person every ten (10) years for the purpose of obtaining a new  
260 photograph.

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

264 (ii) Honorably retired law enforcement officers,  
265 honorably discharged veterans, disabled veterans, active duty  
266 members of the Armed Forces of the United States and law



267 enforcement officers employed with a law enforcement agency of a  
268 municipality, county or state at the time of renewal, shall be  
269 exempt from the renewal fee; and

270 (iii) The renewal fee for a Mississippi resident  
271 aged sixty-five (65) years of age or older shall be Twenty Dollars  
272 (\$20.00).

273 (b) The Department of Public Safety shall forward the  
274 full set of fingerprints of the applicant to the appropriate  
275 agencies for state and federal processing. The license shall be  
276 renewed upon receipt of the completed renewal application and  
277 appropriate payment of fees.

278 (c) A licensee who fails to file a renewal application  
279 on or before its expiration date must renew his license by paying  
280 a late fee of Fifteen Dollars (\$15.00). No license shall be  
281 renewed six (6) months or more after its expiration date, and such  
282 license shall be deemed to be permanently expired. A person whose  
283 license has been permanently expired may reapply for licensure;  
284 however, an application for licensure and fees pursuant to  
285 subsection (5) of this section must be submitted, and a background  
286 investigation shall be conducted pursuant to the provisions of  
287 this section.

288 (13) No license issued pursuant to this section shall  
289 authorize any person, except a law enforcement officer as defined  
290 in Section 45-6-3 with a distinct license authorized by the  
291 Department of Public Safety, to carry a stun gun, concealed pistol



292 or revolver into any place of nuisance as defined in Section  
293 95-3-1, Mississippi Code of 1972; any police, sheriff or highway  
294 patrol station; any detention facility, prison or jail; any  
295 courthouse; any courtroom, except that nothing in this section  
296 shall preclude a judge from carrying a concealed weapon or  
297 determining who will carry a concealed weapon in his courtroom;  
298 any polling place; any meeting place of the governing body of any  
299 governmental entity; any meeting of the Legislature or a committee  
300 thereof; any school, college or professional athletic event not  
301 related to firearms; any portion of an establishment, licensed to  
302 dispense alcoholic beverages for consumption on the premises, that  
303 is primarily devoted to dispensing alcoholic beverages; any  
304 portion of an establishment in which beer, light spirit product or  
305 light wine is consumed on the premises, that is primarily devoted  
306 to such purpose; any elementary or secondary school facility; any  
307 junior college, community college, college or university facility  
308 unless for the purpose of participating in any authorized  
309 firearms-related activity; inside the passenger terminal of any  
310 airport, except that no person shall be prohibited from carrying  
311 any legal firearm into the terminal if the firearm is encased for  
312 shipment, for purposes of checking such firearm as baggage to be  
313 lawfully transported on any aircraft; any church or other place of  
314 worship, except as provided in Section 45-9-171; or any place  
315 where the carrying of firearms is prohibited by federal law. In  
316 addition to the places enumerated in this subsection, the carrying



317 of a stun gun, concealed pistol or revolver may be disallowed in  
318 any place in the discretion of the person or entity exercising  
319 control over the physical location of such place by the placing of  
320 a written notice clearly readable at a distance of not less than  
321 ten (10) feet that the "carrying of a pistol or revolver is  
322 prohibited." No license issued pursuant to this section shall  
323 authorize the participants in a parade or demonstration for which  
324 a permit is required to carry a stun gun, concealed pistol or  
325 revolver.

326 (14) A law enforcement officer as defined in Section 45-6-3,  
327 chiefs of police, sheriffs and persons licensed as professional  
328 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
329 1972, shall be exempt from the licensing requirements of this  
330 section.

331 (a) The Commissioner of Public Safety shall promulgate  
332 rules and regulations to provide licenses to law enforcement  
333 officers as defined in Section 45-6-3 who choose to obtain a  
334 license under the provisions of this section, which shall include  
335 a distinction that the officer is an "active duty" law enforcement  
336 officer and an endorsement that such officer is authorized to  
337 carry in the locations listed in subsection (13). A law  
338 enforcement officer shall provide the following information to  
339 receive the license described in this subsection: (i) a letter,  
340 with the official letterhead of the agency or department for which  
341 the officer is employed at the time of application and (ii) a



342 letter with the official letterhead of the agency or department,  
343 which explains that such officer has completed a certified law  
344 enforcement training academy.

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

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

355 (16) All fees collected by the Department of Public Safety  
356 pursuant to this section shall be deposited into a special fund  
357 hereby created in the State Treasury and shall be used for  
358 implementation and administration of this section. After the  
359 close of each fiscal year, the balance in this fund shall be  
360 certified to the Legislature and then may be used by the  
361 Department of Public Safety as directed by the Legislature.

362 (17) All funds received by a sheriff or police chief  
363 pursuant to the provisions of this section shall be deposited into  
364 the general fund of the county or municipality, as appropriate,  
365 and shall be budgeted to the sheriff's office or police department  
366 as appropriate.



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

370 (19) Any person holding a valid unrevoked and unexpired  
371 license to carry stun guns, concealed pistols or revolvers issued  
372 in another state shall have such license recognized by this state  
373 to carry stun guns, concealed pistols or revolvers. The  
374 Department of Public Safety is authorized to enter into a  
375 reciprocal agreement with another state if that state requires a  
376 written agreement in order to recognize licenses to carry stun  
377 guns, concealed pistols or revolvers issued by this state.

378 (20) The provisions of this section shall be under the  
379 supervision of the Commissioner of Public Safety. The  
380 commissioner is authorized to promulgate reasonable rules and  
381 regulations to carry out the provisions of this section.

382 (21) For the purposes of this section, the term "stun gun"  
383 means a portable device or weapon from which an electric current,  
384 impulse, wave or beam may be directed, which current, impulse,  
385 wave or beam is designed to incapacitate temporarily, injure,  
386 momentarily stun, knock out, cause mental disorientation or  
387 paralyze.

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





392 correctional officers from the Mississippi Department of  
393 Corrections shall (i) include the words "retired law enforcement  
394 officer" on the front of the license, and (ii) unless the licensee  
395 chooses to have this license combined with a driver's license or  
396 identification card under subsection (25) of this section, that  
397 the license itself have a red background to distinguish it from  
398 other licenses issued under this section.

399 (b) An honorably retired law enforcement officer and  
400 honorably retired correctional officer shall provide the following  
401 information to receive the license described in this section: (i)  
402 a letter, with the official letterhead of the agency or department  
403 from which such officer is retiring, which explains that such  
404 officer is honorably retired, and (ii) a letter with the official  
405 letterhead of the agency or department, which explains that such  
406 officer has completed a certified law enforcement training  
407 academy.

408 (23) (a) A disabled veteran who seeks to qualify for an  
409 exemption under this section shall be required to provide a  
410 veterans health services identification card issued by the United  
411 States Department of Veterans Affairs indicating a  
412 service-connected disability, which shall be sufficient proof of  
413 such service-connected disability.

414 (b) An honorably discharged veteran who seeks to  
415 qualify for an exemption under this section shall provide a letter



416 issued by the United States Department of Veteran Affairs which  
417 states that the veteran was honorably discharged.

418 (24) A license under this section is not required for a  
419 loaded or unloaded pistol or revolver to be carried upon the  
420 person in a sheath, belt holster or shoulder holster or in a  
421 purse, handbag, satchel, other similar bag or briefcase or fully  
422 enclosed case if the person is not engaged in criminal activity  
423 other than a misdemeanor traffic offense, is not otherwise  
424 prohibited from possessing a pistol or revolver under state or  
425 federal law, and is not in a location prohibited under subsection  
426 (13) of this section. However, the medical use of medical  
427 cannabis by a cardholder who is a registered qualifying patient  
428 which is lawful under the provisions of the Mississippi Medical  
429 Cannabis Act and in compliance with rules and regulations adopted  
430 thereunder shall not disqualify a person under this subsection  
431 (24) solely because the person is prohibited from possessing a  
432 firearm under 18 USCS Section 922(g)(3) due to such medical use of  
433 medical cannabis.

434 (25) An applicant for a license under this section shall  
435 have the option of, instead of being issued a separate card for  
436 the license, having the license appear as a notation on the  
437 individual's driver's license or identification card. If the  
438 applicant chooses this option, the license issued under this  
439 section shall have the same expiration date as the driver's  
440 license or identification card, and renewal shall take place at



441 the same time and place as renewal of the driver's license or  
442 identification card. The Commissioner of Public Safety shall have  
443 the authority to promulgate rules and regulations which may be  
444 necessary to ensure the effectiveness of the concurrent  
445 application and renewal processes.

446         **SECTION 2.** This act shall take effect and be in force from  
447 and after July 1, 2023.

