

By: Representatives Bain, Faulkner

To: Judiciary B

HOUSE BILL NO. 529

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO PAY BENEFITS
3 FOLLOWING THE DEATH OF A LAW ENFORCEMENT OFFICER OR FIREFIGHTER
4 RESULTING FROM UNFORESEEN OR UNPRECEDENTED CIRCUMSTANCES; TO
5 AUTHORIZE THE COMMISSIONER OF PUBLIC SAFETY TO PROVIDE A LIFE
6 INSURANCE POLICY FOR COVERED INDIVIDUALS AS AN ALTERNATIVE TO
7 PAYMENTS FROM THE LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS DEATH
8 BENEFITS TRUST FUND; TO AMEND SECTION 63-16-13, MISSISSIPPI CODE
9 OF 1972, TO AUTHORIZE THE COMMISSIONER OF PUBLIC SAFETY TO USE
10 MONIES IN THE UNINSURED MOTORIST IDENTIFICATION FUND TO PAY THE
11 LIFE INSURANCE PREMIUM FOR COVERED INDIVIDUALS; TO AMEND SECTION
12 63-16-3, MISSISSIPPI CODE OF 1972, TO EXEMPT RECORDS IN THE MOTOR
13 VEHICLE INSURANCE VERIFICATION SYSTEM FROM THE MISSISSIPPI PUBLIC
14 RECORDS ACT; TO CREATE NEW SECTION 45-27-23, MISSISSIPPI CODE OF
15 1972, TO RATIFY THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT
16 AND TO DESIGNATE THE DIRECTOR OF THE MISSISSIPPI JUSTICE
17 INFORMATION CENTER AS THE STATE'S COMPACT OFFICER; TO AMEND
18 SECTION 45-27-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
19 MISSISSIPPI JUSTICE INFORMATION CENTER TO PURCHASE LIVE SCAN
20 EQUIPMENT TO BE USED FOR FINGERPRINTING BY LAW ENFORCEMENT
21 AGENCIES THROUGHOUT THE STATE; TO AMEND SECTION 63-1-16,
22 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF PUBLIC
23 SAFETY TO FURNISH A DRIVER SERVICE BUREAU PUBLIC ACCESS COMPUTER
24 IN EACH COUNTY; TO BRING FORWARD SECTION 45-9-101, MISSISSIPPI
25 CODE OF 1972, WHICH AUTHORIZES THE CONCEALED CARRY OF A FIREARM
26 WITH A LICENSE, FOR PURPOSES OF POSSIBLE AMENDMENT; TO REPEAL
27 SECTION 63-16-15, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
28 AUTOMATIC REPEAL OF THE PUBLIC SAFETY VERIFICATION AND ENFORCEMENT
29 ACT; AND FOR RELATED PURPOSES.

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



31 **SECTION 1.** Section 45-2-1, Mississippi Code of 1972, is
32 amended as follows:

33 45-2-1. (1) Whenever used in this section, the term:

34 (a) "Covered individual" means a law enforcement
35 officer or firefighter, including volunteer firefighters, as
36 defined in this section when employed by an employer as defined in
37 this section; it does not include employees of independent
38 contractors.

39 (b) "Employer" means a state board, commission,
40 department, division, bureau or agency, or a county, municipality
41 or other political subdivision of the state, which employs,
42 appoints or otherwise engages the services of covered individuals.

43 (c) "Firefighter" means an individual who is trained
44 for the prevention and control of loss of life and property from
45 fire or other emergencies, who is assigned to firefighting
46 activity, and is required to respond to alarms and perform
47 emergency actions at the location of a fire, hazardous materials
48 or other emergency incident.

49 (d) "Law enforcement officer" means any lawfully sworn
50 officer or employee of the state or any political subdivision of
51 the state whose duties require the officer or employee to
52 investigate, pursue, apprehend, arrest, transport or maintain
53 custody of persons who are charged with, suspected of committing,
54 or convicted of a crime, whether the officer is on regular duty on



55 full-time status, an auxiliary or reserve officer, or is serving
56 on a temporary or part-time status.

57 (e) "Cause of death" means any cause of death that
58 would be covered under the Public Safety Officers' Benefits Act of
59 1976, the Hometown Heroes Survivors Benefits Act of 2003,
60 generally codified at 42 USCS Chapter 46, or the Safeguarding
61 America's First Responders Act of 2020.

62 (2) (a) The Department of Public Safety shall make a
63 payment, as provided in this section, in the amount of One Hundred
64 Thousand Dollars (\$100,000.00) when a covered individual, while
65 engaged in the performance of the person's official duties, dies
66 or receives accidental or intentional bodily injury that results
67 in the loss of the covered individual's life and such death is the
68 result of a covered cause of death, provided that the death is not
69 the result of suicide and that the bodily injury is not
70 intentionally self-inflicted. Subject to the availability, at the
71 time of a claim, of sufficient funding appropriated specifically
72 for such purpose, the Department of Public Safety also may pay
73 certain claims for benefits under this section whenever the
74 department determines the death is the result of unforeseen or
75 unprecedented circumstances.

76 (b) The payment provided for in this subsection shall
77 be made to the beneficiary who was designated in writing by the
78 covered individual, signed by the covered individual and delivered
79 to the employer during the covered individual's lifetime. If no



80 such designation is made, then the payment shall be made to the
81 surviving child or children and spouse in equal portions, and if
82 there is no surviving child or spouse, then to the parent or
83 parents. If a beneficiary is not designated and there is no
84 surviving child, spouse or parent, then the payment shall be made
85 to the covered individual's estate.

86 (c) The payment made in this subsection is in addition
87 to any workers' compensation or pension benefits and is exempt
88 from the claims and demands of creditors of the covered
89 individual.

90 (3) (a) There is established in the State Treasury a
91 special fund to be known as the Law Enforcement Officers and Fire
92 Fighters Death Benefits Trust Fund. The trust fund shall be
93 funded by an initial appropriation of Two Hundred Thousand Dollars
94 (\$200,000.00), and shall be comprised of any additional funds made
95 available by the Legislature or by donation, contribution, gift or
96 any other source.

97 (b) The State Treasurer shall invest the monies of the
98 trust fund in any of the investments authorized for the funds of
99 the Public Employees' Retirement System under Section 25-11-121,
100 and those investments shall be subject to the limitations
101 prescribed by Section 25-11-121.

102 (c) Unexpended amounts remaining in the trust fund at
103 the end of the state fiscal year shall not lapse into the State
104 General Fund, and any income earned on amounts in the trust fund



105 shall be deposited to the credit of the trust fund. However, any
106 unexpended amounts transferred in accordance with Section 2 of
107 Chapter 315, Laws of 2022, and remaining in the trust fund at the
108 end of the state fiscal year shall lapse into the Coronavirus
109 State Fiscal Recovery Fund.

110 (4) The Department of Public Safety shall be responsible for
111 the management of the trust fund and the disbursement of death
112 benefits authorized under this section.

113 (5) As an alternative to the Law Enforcement Officers and
114 Fire Fighters Death Benefits Trust Fund, the Commissioner of
115 Public Safety may provide a policy of life insurance in the amount
116 of One Hundred Thousand Dollars (\$100,000.00) for covered
117 individuals. The commissioner may use funds from the Uninsured
118 Motorist Identification Fund established in Section 63-16-13 to
119 pay life insurance premiums for covered individuals.

120 (6) The Department of Public Safety shall adopt rules and
121 regulations necessary to implement and standardize the payment of
122 death benefits under this section, to administer the trust
123 fund * * * or life insurance policy authorized under this section,
124 and to carry out the purposes of this section.

125 **SECTION 2.** Section 63-16-13, Mississippi Code of 1972, is
126 amended as follows:

127 63-16-13. (1) If the operator of a motor vehicle being
128 operated on the public roads, streets or highways of the State of
129 Mississippi or registered in the State of Mississippi has been



130 found failing to have motor vehicle liability insurance in at
131 least the minimum amounts required under Section 63-15-3(j), it is
132 a misdemeanor and, upon conviction, is punishable by a fine of One
133 Hundred Dollars (\$100.00) and suspension of driving privilege for
134 a period of one (1) year or until the owner of the motor vehicle
135 shows proof of liability insurance that is in compliance with the
136 liability limits required by Section 63-15-3(j) and has paid the
137 fines and assessments imposed and the driver's license
138 reinstatement fees imposed by the Department of Public Safety. A
139 judge shall determine whether the defendant is indigent, and if a
140 determination of indigence is made, shall authorize the
141 reinstatement of that person's driver's license upon proof of
142 mandatory liability insurance subject to compliance with a payment
143 plan for any fines, assessments and/or fees. If such fines are
144 levied in a municipal court, the funds from such fines shall be
145 deposited in the general fund of the municipality. If such fines
146 are levied in any of the courts of the county, the funds from such
147 fines shall be deposited in the general fund of the county. A
148 person convicted of a criminal offense under this subsection (1)
149 shall not be convicted of a criminal offense under Section
150 63-15-4(4) arising from the same incident.

151 (2) (a) There is created in the State Treasury a special
152 fund to be designated as the "Uninsured Motorist Identification
153 Fund." The fund shall consist of monies deposited therein as
154 provided under subsection (1) of this section and monies from any



155 other source designated for deposit into such fund. Unexpended
156 amounts remaining in the fund at the end of a fiscal year shall
157 not lapse into the State General Fund, and any interest earned or
158 investment earnings on amounts in the fund shall be deposited to
159 the credit of the fund; however, one-half (1/2) of any monies in
160 excess of the amount needed to defray the expenses and costs of
161 the verification system created under Section 63-16-3 remaining in
162 the fund at the end of a fiscal year shall be transferred to a
163 special fund created in the State Treasury for the purpose of
164 funding a Highway Patrol Trooper School, and one-half (1/2) of any
165 monies in excess of the amount needed to defray the expenses and
166 costs of the verification system created under Section 63-16-3
167 remaining in the fund at the end of a fiscal year shall be
168 transferred to the Mississippi Trauma Care Systems Fund created
169 under Section 41-59-75.

170 (b) Monies in the Uninsured Motorist Identification
171 Fund may be used by the Department of Public Safety, upon
172 appropriation by the Legislature, * * * for the purpose of
173 defraying expenses and costs for the motor vehicle insurance
174 verification system created under Section 63-16-3. In
175 addition, * * * the Commissioner of Public Safety may use monies
176 in the Uninsured Motorist Identification Fund for the payment of
177 premiums on life insurance for covered individuals provided in
178 lieu of benefits from the Law Enforcement Officers and Fire
179 Fighters Death Benefits Trust Fund under Section 45-2-1. Monies



180 in the fund used for the purposes described in this paragraph (b)
181 shall be in addition to other funds available from any other
182 source for such purposes.

183 **SECTION 3.** Section 63-16-3, Mississippi Code of 1972, is
184 amended as follows:

185 63-16-3. (1) The Department of Public Safety, hereinafter
186 referred to in this section as "department," in cooperation with
187 the Commissioner of Insurance and the Department of Revenue, shall
188 establish an accessible common carrier-based motor vehicle
189 insurance verification system to verify the compliance of a motor
190 vehicle with motor vehicle liability policy requirements under the
191 Mississippi Motor Vehicle Safety-Responsibility Law.

192 (2) The department, in cooperation with the Department of
193 Revenue if applicable, may contract with a private vendor or
194 vendors to establish and maintain the system.

195 (3) The system must:

196 (a) Send requests to insurers for verification of motor
197 vehicle liability insurance using electronic services established
198 by the insurers through the internet, World Wide Web, or a similar
199 proprietary or common carrier electronic system in compliance with
200 the specifications and standards of the Insurance Industry
201 Committee on Motor Vehicle Administration and other applicable
202 industry standards;



203 (b) Include appropriate provisions to secure its data
204 against unauthorized access and to maintain a record of all
205 requests and responses;

206 (c) Be accessible, without fee, to authorized personnel
207 of the department, the courts, law enforcement personnel, and
208 other entities authorized by the department under the provisions
209 of Section 63-16-7;

210 (d) Be able to interface with existing department
211 systems;

212 (e) Be able to be accessed by authorized users via a
213 secure web browser;

214 (f) Not more often than every thirty (30) days, receive
215 insurance information from insurers under specifications and
216 standards set forth in paragraph (a) of this subsection or other
217 data file formats as approved by the department to identify motor
218 vehicle insurance policy information; however, no insurer shall be
219 required to provide information in a format other than those set
220 forth by the Insurance Industry Committee on Motor Vehicle
221 Administration "Insurance Data Transfer Guide," as amended;

222 (g) Provide a means by which low-volume insurers that
223 are unable to deploy an online interface with the system can
224 report insurance policy data to the department or their designee
225 for inclusion in the system;

226 (h) Provide a means to track separately or distinguish
227 motor vehicles that are subject to a certificate of insurance



228 under Section 63-15-39 or 63-15-41, a certificate of
229 self-insurance under Section 63-15-53, a bond under Section
230 63-15-49, or a certificate of deposit of money or securities under
231 Section 63-15-51;

232 (i) Distinguish motor vehicles that are exempt from the
233 provisions of this chapter;

234 (j) Be available twenty-four (24) hours a day, seven
235 (7) days a week, subject to reasonable allowances for scheduled
236 maintenance or temporary system failures, to verify the insurance
237 status of any motor vehicle in a manner prescribed by the
238 department; and

239 (k) Be installed and operational not later than March
240 1, 2016, followed by an appropriate testing period of not less
241 than six (6) months.

242 (4) Every insurer shall cooperate with the department and
243 the Insurance Department in establishing and maintaining the
244 system and shall provide motor vehicle liability policy status and
245 information to verify liability coverage for a motor vehicle
246 insured by that company that is registered in this state.

247 (5) Records and information gathered by or stored in the
248 system are exempt from the Mississippi Public Records Act of 1983.

249 **SECTION 4.** The following shall be codified as Section
250 45-27-23, Mississippi Code of 1972:

251 45-27-23. (1) In order to facilitate the authorized
252 interstate exchange of criminal history information for



253 noncriminal justice purposes, including, but not limited to,
254 background checks for the licensing and screening of employees and
255 volunteers under the National Child Protection Act of 1993, as
256 amended, and to implement the National Crime Prevention and
257 Privacy Compact, 42 U.S.C. Section 14616, the Legislature approves
258 and ratifies the compact. The director of the Mississippi Justice
259 Information Center shall execute the compact on behalf of the
260 state.

261 (2) The department is the repository of criminal history
262 records for purposes of the compact and shall do all things
263 necessary or incidental to carrying out the compact.

264 (3) The director of the Mississippi Justice Information
265 Center, or the director's designee, is the state's compact officer
266 and shall administer the compact within the state. The
267 Mississippi Justice Information Center may establish procedures
268 for the cooperative exchange of criminal history records between
269 the state and federal government for use in noncriminal justice
270 cases.

271 (4) The state's ratification of the compact remains in effect
272 until legislation is enacted specifically renouncing the compact.

273 **SECTION 5.** Section 45-27-9, Mississippi Code of 1972, is
274 amended as follows:

275 45-27-9. (1) All criminal justice agencies within the state
276 shall submit to the center an arrest card that will transmit
277 fingerprints, descriptions, photographs (when specifically



278 requested), and other identifying data on persons who have been
279 lawfully arrested or taken into custody in this state for all
280 felonies and misdemeanors as described in Section 45-27-7(2) (a).
281 It shall be the duty of all chiefs of police, sheriffs, district
282 attorneys, courts, court clerks, judges, parole and probation
283 officers, wardens or other persons in charge of correctional
284 institutions in this state to furnish the center with all data
285 required by the rules duly promulgated under the Administrative
286 Procedures Act to carry out its responsibilities under this
287 chapter, and the duty of courts and court clerks to submit a
288 disposition form for every disposition. It shall be the duty of
289 all criminal justice agencies within the state to supply the
290 prosecutor and the proper court with the disposition form that is
291 attached to the physical arrest card if fingerprints were taken
292 manually or, if fingerprints were captured digitally, the
293 disposition form generated by the electronic fingerprint device at
294 the time of the arrest. The PEER committee may conduct random
295 review of the records of any agency or clerks referenced in this
296 subsection (1) to determine whether the duties of such agencies
297 and clerks are being fulfilled in a timely manner. The PEER
298 committee, based on its findings, if any, shall recommend measures
299 to ensure that the duties are more effectively carried out in a
300 timely manner.

301 (2) (a) All persons in charge of law enforcement agencies
302 shall obtain, or cause to be obtained, fingerprints according to



303 the fingerprint system of identification established by the
304 Director of the Federal Bureau of Investigation, full face and
305 profile photographs (if equipment is available) and other
306 available identifying data, of each person arrested or taken into
307 custody for an offense of a type designated in subsection (1) of
308 this section, of all persons arrested or taken into custody as
309 fugitives from justice and of all unidentified human corpses in
310 their jurisdictions, but photographs need not be taken if it is
311 known that photographs of the type listed, taken within the
312 previous year, are on file. Any record taken in connection with
313 any person arrested or taken into custody and subsequently
314 released without charge or cleared of the offense through court
315 proceedings shall be purged from the files of the center and
316 destroyed upon receipt by the center of a lawful expunction order.
317 All persons in charge of law enforcement agencies shall submit to
318 the center detailed descriptions of arrests or takings into
319 custody which result in release without charge or subsequent
320 exoneration from criminal liability within twenty-four (24) hours
321 of the release or exoneration.

322 (b) The center will work to secure grant funds to
323 purchase live scan equipment to be utilized throughout the state.
324 All law enforcement agencies shall utilize any live scan equipment
325 provided by the center to ensure the most accurate collection of
326 fingerprints. The center shall coordinate the use of the



327 equipment with federal, state, county and municipal law
328 enforcement agencies.

329 (3) Fingerprints and other identifying data required to be
330 taken under subsection (2) shall be forwarded within twenty-four
331 (24) hours after taking for filing and classification, but the
332 period of twenty-four (24) hours may be extended to cover any
333 intervening holiday or weekend. Photographs taken shall be
334 forwarded at the discretion of the agency concerned, but, if not
335 forwarded, the fingerprint record shall be marked "Photo
336 Available" and the photographs shall be forwarded subsequently if
337 the center so requests.

338 (4) All persons in charge of law enforcement agencies shall
339 submit to the center detailed descriptions of arrest warrants and
340 related identifying data immediately upon determination of the
341 fact that the warrant cannot be served for the reasons stated. If
342 the warrant is subsequently served or withdrawn, the law
343 enforcement agency concerned must immediately notify the center of
344 the service or withdrawal. Also, the agency concerned must
345 annually, no later than January 31 of each year and at other times
346 if requested by the center, confirm all arrest warrants which
347 continue to be outstanding. Upon receipt of a lawful expunction
348 order, the center shall purge and destroy files of all data
349 relating to an offense when an individual is subsequently
350 exonerated from criminal liability of that offense. The center
351 shall not be liable for the failure to purge, destroy or expunge



352 any records if an agency or court fails to forward to the center
353 proper documentation ordering the action.

354 (5) All persons in charge of state correctional institutions
355 shall obtain fingerprints, according to the fingerprint system of
356 identification established by the Director of the Federal Bureau
357 of Investigation or as otherwise directed by the center, and full
358 face and profile photographs of all persons received on commitment
359 to the institutions. The prints so taken shall be forwarded to
360 the center, together with any other identifying data requested,
361 within ten (10) days after the arrival at the institution of the
362 person committed. At the time of release, the institution will
363 again obtain fingerprints, as before, and forward them to the
364 center within ten (10) days, along with any other related
365 information requested by the center. The institution shall notify
366 the center immediately upon the release of the person.

367 (6) All persons in charge of law enforcement agencies, all
368 court clerks, all municipal justices where they have no clerks,
369 all justice court judges and all persons in charge of state and
370 county probation and parole offices, shall supply the center with
371 the information described in subsections (4) and (10) of this
372 section on the basis of the forms and instructions for the
373 disposition form to be supplied by the center.

374 (7) All persons in charge of law enforcement agencies in
375 this state shall furnish the center with any other identifying
376 data required in accordance with guidelines established by the



377 center. All law enforcement agencies and correctional
378 institutions in this state having criminal identification files
379 shall cooperate in providing the center with copies of the items
380 in the files which will aid in establishing the nucleus of the
381 state criminal identification file.

382 (8) All law enforcement agencies within the state shall
383 report to the center, in a manner prescribed by the center, all
384 persons wanted by and all vehicles and identifiable property
385 stolen from their jurisdictions. The report shall be made as soon
386 as is practical after the investigating department or agency
387 either ascertains that a vehicle or identifiable property has been
388 stolen or obtains a warrant for an individual's arrest or
389 determines that there are reasonable grounds to believe that the
390 individual has committed a crime. The report shall be made within
391 a reasonable time period following the reporting department's or
392 agency's determination that it has grounds to believe that a
393 vehicle or property was stolen or that the wanted person should be
394 arrested.

395 (9) All law enforcement agencies in the state shall
396 immediately notify the center if at any time after making a report
397 as required by subsection (8) of this section it is determined by
398 the reporting department or agency that a person is no longer
399 wanted or that a vehicle or property stolen has been recovered.
400 Furthermore, if the agency making the apprehension or recovery is
401 not the one which made the original report, then it shall



402 immediately notify the originating agency of the full particulars
403 relating to the apprehension or recovery using methods prescribed
404 by the center.

405 (10) All law enforcement agencies in the state and clerks of
406 the various courts shall promptly report to the center all
407 instances where records of convictions of criminals are ordered
408 expunged by courts of this state as now provided by law. The
409 center shall promptly expunge from the files of the center and
410 destroy all records pertaining to any convictions that are ordered
411 expunged by the courts of this state as provided by law.

412 (11) The center shall not be held liable for the failure to
413 purge, destroy or expunge records if an agency or court fails to
414 forward to the center proper documentation ordering the action.

415 (12) Any criminal justice department or agency making an
416 expenditure in excess of Five Thousand Dollars (\$5,000.00) in any
417 calendar year on software or programming upgrades concerning a
418 computerized records management system or jail management system
419 shall ensure that the new or upgraded system is formatted to
420 Department of Justice approved XML format and that no impediments
421 to data sharing with other agencies or departments exist in the
422 software programming.

423 (13) (a) All law enforcement agencies within the state
424 shall:

425 (i) Implement an incident-based reporting system
426 within the agency or department that meets the reporting



427 requirements of the National Incident-Based Reporting System
428 (NIBRS) of the Uniform Crime Reporting Program of the Federal
429 Bureau of Investigation;

430 (ii) Use the system described by subparagraph (i)
431 to submit to the center information and statistics concerning
432 criminal offenses committed in the jurisdiction of the local law
433 enforcement agency, in a manner prescribed by the center; and

434 (iii) Report the information as soon as is
435 practicable after the investigating agency or department
436 ascertains that a qualifying crime has been committed in its
437 jurisdiction, once the state-level NIBRS Repository is available.

438 (b) No later than July 1, 2019, the department shall
439 submit a report to the Legislature that identifies the number of
440 local law enforcement agencies that have implemented the system
441 described in this subsection (13).

442 **SECTION 6.** Section 63-1-16, Mississippi Code of 1972, is
443 amended as follows:

444 63-1-16. (1) The Department of Public Safety shall, upon
445 request of the board of supervisors, furnish * * * a Driver
446 Service Bureau public access computer at a location in each county
447 seat * * * to access the Driver Service Bureau website. * * * The
448 county shall furnish the * * * Internet connectivity at the
449 location for the * * * Driver Service Bureau public access
450 computer.

451 * * *



452 (* * *2) At each driver's license location in the state,
453 there shall be location signs prominently displayed providing for
454 required information for the various licenses, cards and other
455 services.

456 (* * *3) On the Driver Services * * * Bureau's website,
457 there shall be tutorial videos linked to online procedures to help
458 clearly illustrate how to use the website.

459 (* * *4) On the Driver Services * * * Bureau's website, the
460 "Wait Anywhere Appointment," or its equivalent or successor
461 program, shall be made available to use for all driver's license
462 locations in the state.

463 **SECTION 7.** Section 45-9-101, Mississippi Code of 1972, is
464 brought forward as follows:

465 45-9-101. (1) (a) Except as otherwise provided, the
466 Department of Public Safety is authorized to issue licenses to
467 carry stun guns, concealed pistols or revolvers to persons
468 qualified as provided in this section. Such licenses shall be
469 valid throughout the state for a period of five (5) years from the
470 date of issuance, except as provided in subsection (25) of this
471 section. Any person possessing a valid license issued pursuant to
472 this section may carry a stun gun, concealed pistol or concealed
473 revolver.

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



477 both the license and proper identification upon demand by a law
478 enforcement officer. A violation of the provisions of this
479 paragraph (b) shall constitute a noncriminal violation with a
480 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
481 by summons.

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

484 (a) Is a resident of the state. However, this
485 residency requirement may be waived if the applicant possesses a
486 valid permit from another state, is a member of any active or
487 reserve component branch of the United States of America Armed
488 Forces stationed in Mississippi, is the spouse of a member of any
489 active or reserve component branch of the United States of America
490 Armed Forces stationed in Mississippi, or is a retired law
491 enforcement officer establishing residency in the state;

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

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

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

497 2. Holds a valid Mississippi driver's license
498 or identification card issued by the Department of Public Safety
499 or a valid and current tribal identification card issued by a
500 federally recognized Indian tribe containing a photograph of the
501 holder;



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

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

508 (e) Does not chronically or habitually abuse controlled
509 substances to the extent that his normal faculties are impaired.
510 It shall be presumed that an applicant chronically and habitually
511 uses controlled substances to the extent that his faculties are
512 impaired if the applicant has been voluntarily or involuntarily
513 committed to a treatment facility for the abuse of a controlled
514 substance or been found guilty of a crime under the provisions of
515 the Uniform Controlled Substances Law or similar laws of any other
516 state or the United States relating to controlled substances
517 within a three-year period immediately preceding the date on which
518 the application is submitted;

519 (f) Does not chronically and habitually use alcoholic
520 beverages to the extent that his normal faculties are impaired.
521 It shall be presumed that an applicant chronically and habitually
522 uses alcoholic beverages to the extent that his normal faculties
523 are impaired if the applicant has been voluntarily or
524 involuntarily committed as an alcoholic to a treatment facility or
525 has been convicted of two (2) or more offenses related to the use
526 of alcohol under the laws of this state or similar laws of any



527 other state or the United States within the three-year period
528 immediately preceding the date on which the application is
529 submitted;

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

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

535 (i) Has not been voluntarily or involuntarily committed
536 to a mental institution or mental health treatment facility unless
537 he possesses a certificate from a psychiatrist licensed in this
538 state that he has not suffered from disability for a period of
539 five (5) years;

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

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

545 (l) Is not disqualified to possess a weapon based on
546 federal law.

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



552 on which the application is submitted, or may revoke a license if
553 the licensee has been found guilty of one or more crimes of
554 violence within the preceding three (3) years. The department
555 shall, upon notification by a law enforcement agency or a court
556 and subsequent written verification, suspend a license or the
557 processing of an application for a license if the licensee or
558 applicant is arrested or formally charged with a crime which would
559 disqualify such person from having a license under this section,
560 until final disposition of the case. The provisions of subsection
561 (7) of this section shall apply to any suspension or revocation of
562 a license pursuant to the provisions of this section.

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

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

568 (b) The driver's license number or social security
569 number of applicant;

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

572 (d) A statement that the applicant is in compliance
573 with criteria contained within subsections (2) and (3) of this
574 section;

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



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

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

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

586 (a) A completed application as described in subsection
587 (4) of this section;

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

593 (c) A nonrefundable license fee of Eighty Dollars
594 (\$80.00). Costs for processing the set of fingerprints as
595 required in paragraph (d) of this subsection shall be borne by the
596 applicant. Honorably retired law enforcement officers, disabled
597 veterans and active duty members of the Armed Forces of the United
598 States, and law enforcement officers employed with a law
599 enforcement agency of a municipality, county or state at the time
600 of application for the license, shall be exempt from the payment
601 of the license fee;



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

604 (e) A waiver authorizing the Department of Public
605 Safety access to any records concerning commitments of the
606 applicant to any of the treatment facilities or institutions
607 referred to in subsection (2) of this section and permitting
608 access to all the applicant's criminal records.

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

613 (b) The Department of Public Safety shall forward a
614 copy of the applicant's application to the sheriff of the
615 applicant's county of residence and, if applicable, the police
616 chief of the applicant's municipality of residence. The sheriff
617 of the applicant's county of residence, and, if applicable, the
618 police chief of the applicant's municipality of residence may, at
619 his discretion, participate in the process by submitting a
620 voluntary report to the Department of Public Safety containing any
621 readily discoverable prior information that he feels may be
622 pertinent to the licensing of any applicant. The reporting shall
623 be made within thirty (30) days after the date he receives the
624 copy of the application. Upon receipt of a response from a
625 sheriff or police chief, such sheriff or police chief shall be
626 reimbursed at a rate set by the department.



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

630 (i) Issue the license;

631 (ii) Deny the application based solely on the
632 ground that the applicant fails to qualify under the criteria
633 listed in subsections (2) and (3) of this section. If the
634 Department of Public Safety denies the application, it shall
635 notify the applicant in writing, stating the ground for denial,
636 and the denial shall be subject to the appeal process set forth in
637 subsection (7); or

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

643 (d) In the event a legible set of fingerprints, as
644 determined by the Department of Public Safety and the Federal
645 Bureau of Investigation, cannot be obtained after a minimum of two
646 (2) attempts, the Department of Public Safety shall determine
647 eligibility based upon a name check by the Mississippi Highway
648 Safety Patrol and a Federal Bureau of Investigation name check
649 conducted by the Mississippi Highway Safety Patrol at the request
650 of the Department of Public Safety.



651 (7) (a) If the Department of Public Safety denies the
652 issuance of a license, or suspends or revokes a license, the party
653 aggrieved may appeal such denial, suspension or revocation to the
654 Commissioner of Public Safety, or his authorized agent, within
655 thirty (30) days after the aggrieved party receives written notice
656 of such denial, suspension or revocation. The Commissioner of
657 Public Safety, or his duly authorized agent, shall rule upon such
658 appeal within thirty (30) days after the appeal is filed and
659 failure to rule within this thirty-day period shall constitute
660 sustaining such denial, suspension or revocation. Such review
661 shall be conducted pursuant to such reasonable rules and
662 regulations as the Commissioner of Public Safety may adopt.

663 (b) If the revocation, suspension or denial of issuance
664 is sustained by the Commissioner of Public Safety, or his duly
665 authorized agent pursuant to paragraph (a) of this subsection, the
666 aggrieved party may file within ten (10) days after the rendition
667 of such decision a petition in the circuit or county court of his
668 residence for review of such decision. A hearing for review shall
669 be held and shall proceed before the court without a jury upon the
670 record made at the hearing before the Commissioner of Public
671 Safety or his duly authorized agent. No such party shall be
672 allowed to carry a stun gun, concealed pistol or revolver pursuant
673 to the provisions of this section while any such appeal is
674 pending.



675 (8) The Department of Public Safety shall maintain an
676 automated listing of license holders and such information shall be
677 available online, upon request, at all times, to all law
678 enforcement agencies through the Mississippi Crime Information
679 Center. However, the records of the department relating to
680 applications for licenses to carry stun guns, concealed pistols or
681 revolvers and records relating to license holders shall be exempt
682 from the provisions of the Mississippi Public Records Act of 1983,
683 and shall be released only upon order of a court having proper
684 jurisdiction over a petition for release of the record or records.

685 (9) Within thirty (30) days after the changing of a
686 permanent address, or within thirty (30) days after having a
687 license lost or destroyed, the licensee shall notify the
688 Department of Public Safety in writing of such change or loss.
689 Failure to notify the Department of Public Safety pursuant to the
690 provisions of this subsection shall constitute a noncriminal
691 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
692 be enforceable by a summons.

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



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

703 (12) (a) Except as provided in subsection (25) of this
704 section, no less than ninety (90) days prior to the expiration
705 date of the license, the Department of Public Safety shall mail to
706 each licensee a written notice of the expiration and a renewal
707 form prescribed by the department. The licensee must renew his
708 license on or before the expiration date by filing with the
709 department the renewal form, a notarized affidavit stating that
710 the licensee remains qualified pursuant to the criteria specified
711 in subsections (2) and (3) of this section, and a full set of
712 fingerprints administered by the Department of Public Safety or
713 the sheriff of the county of residence of the licensee. The first
714 renewal may be processed by mail and the subsequent renewal must
715 be made in person. Thereafter every other renewal may be
716 processed by mail to assure that the applicant must appear in
717 person every ten (10) years for the purpose of obtaining a new
718 photograph.

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

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



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

727 (iii) The renewal fee for a Mississippi resident
728 aged sixty-five (65) years of age or older shall be Twenty Dollars
729 (\$20.00).

730 (b) The Department of Public Safety shall forward the
731 full set of fingerprints of the applicant to the appropriate
732 agencies for state and federal processing. The license shall be
733 renewed upon receipt of the completed renewal application and
734 appropriate payment of fees.

735 (c) A licensee who fails to file a renewal application
736 on or before its expiration date must renew his license by paying
737 a late fee of Fifteen Dollars (\$15.00). No license shall be
738 renewed six (6) months or more after its expiration date, and such
739 license shall be deemed to be permanently expired. A person whose
740 license has been permanently expired may reapply for licensure;
741 however, an application for licensure and fees pursuant to
742 subsection (5) of this section must be submitted, and a background
743 investigation shall be conducted pursuant to the provisions of
744 this section.

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



750 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
751 patrol station; any detention facility, prison or jail; any
752 courthouse; any courtroom, except that nothing in this section
753 shall preclude a judge from carrying a concealed weapon or
754 determining who will carry a concealed weapon in his courtroom;
755 any polling place; any meeting place of the governing body of any
756 governmental entity; any meeting of the Legislature or a committee
757 thereof; any school, college or professional athletic event not
758 related to firearms; any portion of an establishment, licensed to
759 dispense alcoholic beverages for consumption on the premises, that
760 is primarily devoted to dispensing alcoholic beverages; any
761 portion of an establishment in which beer, light spirit product or
762 light wine is consumed on the premises, that is primarily devoted
763 to such purpose; any elementary or secondary school facility; any
764 junior college, community college, college or university facility
765 unless for the purpose of participating in any authorized
766 firearms-related activity; inside the passenger terminal of any
767 airport, except that no person shall be prohibited from carrying
768 any legal firearm into the terminal if the firearm is encased for
769 shipment, for purposes of checking such firearm as baggage to be
770 lawfully transported on any aircraft; any church or other place of
771 worship, except as provided in Section 45-9-171; or any place
772 where the carrying of firearms is prohibited by federal law. In
773 addition to the places enumerated in this subsection, the carrying
774 of a stun gun, concealed pistol or revolver may be disallowed in



775 any place in the discretion of the person or entity exercising
776 control over the physical location of such place by the placing of
777 a written notice clearly readable at a distance of not less than
778 ten (10) feet that the "carrying of a pistol or revolver is
779 prohibited." No license issued pursuant to this section shall
780 authorize the participants in a parade or demonstration for which
781 a permit is required to carry a stun gun, concealed pistol or
782 revolver.

783 (14) A law enforcement officer as defined in Section 45-6-3,
784 chiefs of police, sheriffs and persons licensed as professional
785 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
786 1972, shall be exempt from the licensing requirements of this
787 section.

788 (a) The Commissioner of Public Safety shall promulgate
789 rules and regulations to provide licenses to law enforcement
790 officers as defined in Section 45-6-3 who choose to obtain a
791 license under the provisions of this section, which shall include
792 a distinction that the officer is an "active duty" law enforcement
793 officer and an endorsement that such officer is authorized to
794 carry in the locations listed in subsection (13). A law
795 enforcement officer shall provide the following information to
796 receive the license described in this subsection: (i) a letter,
797 with the official letterhead of the agency or department for which
798 the officer is employed at the time of application and (ii) a
799 letter with the official letterhead of the agency or department,



800 which explains that such officer has completed a certified law
801 enforcement training academy.

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

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

812 (16) All fees collected by the Department of Public Safety
813 pursuant to this section shall be deposited into a special fund
814 hereby created in the State Treasury and shall be used for
815 implementation and administration of this section. After the
816 close of each fiscal year, the balance in this fund shall be
817 certified to the Legislature and then may be used by the
818 Department of Public Safety as directed by the Legislature.

819 (17) All funds received by a sheriff or police chief
820 pursuant to the provisions of this section shall be deposited into
821 the general fund of the county or municipality, as appropriate,
822 and shall be budgeted to the sheriff's office or police department
823 as appropriate.



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

827 (19) Any person holding a valid unrevoked and unexpired
828 license to carry stun guns, concealed pistols or revolvers issued
829 in another state shall have such license recognized by this state
830 to carry stun guns, concealed pistols or revolvers. The
831 Department of Public Safety is authorized to enter into a
832 reciprocal agreement with another state if that state requires a
833 written agreement in order to recognize licenses to carry stun
834 guns, concealed pistols or revolvers issued by this state.

835 (20) The provisions of this section shall be under the
836 supervision of the Commissioner of Public Safety. The
837 commissioner is authorized to promulgate reasonable rules and
838 regulations to carry out the provisions of this section.

839 (21) For the purposes of this section, the term "stun gun"
840 means a portable device or weapon from which an electric current,
841 impulse, wave or beam may be directed, which current, impulse,
842 wave or beam is designed to incapacitate temporarily, injure,
843 momentarily stun, knock out, cause mental disorientation or
844 paralyze.

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



849 correctional officers from the Mississippi Department of
850 Corrections shall (i) include the words "retired law enforcement
851 officer" on the front of the license, and (ii) unless the licensee
852 chooses to have this license combined with a driver's license or
853 identification card under subsection (25) of this section, that
854 the license itself have a red background to distinguish it from
855 other licenses issued under this section.

856 (b) An honorably retired law enforcement officer and
857 honorably retired correctional officer shall provide the following
858 information to receive the license described in this section: (i)
859 a letter, with the official letterhead of the agency or department
860 from which such officer is retiring, which explains that such
861 officer is honorably retired, and (ii) a letter with the official
862 letterhead of the agency or department, which explains that such
863 officer has completed a certified law enforcement training
864 academy.

865 (23) A disabled veteran who seeks to qualify for an
866 exemption under this section shall be required to provide a
867 veterans health services identification card issued by the United
868 States Department of Veterans Affairs indicating a
869 service-connected disability, which shall be sufficient proof of
870 such service-connected disability.

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



874 purse, handbag, satchel, other similar bag or briefcase or fully
875 enclosed case if the person is not engaged in criminal activity
876 other than a misdemeanor traffic offense, is not otherwise
877 prohibited from possessing a pistol or revolver under state or
878 federal law, and is not in a location prohibited under subsection
879 (13) of this section. However, the medical use of medical
880 cannabis by a cardholder who is a registered qualifying patient
881 which is lawful under the provisions of the Mississippi Medical
882 Cannabis Act and in compliance with rules and regulations adopted
883 thereunder shall not disqualify a person under this subsection
884 (24) solely because the person is prohibited from possessing a
885 firearm under 18 USCS Section 922(g) (3) due to such medical use of
886 medical cannabis.

887 (25) An applicant for a license under this section shall
888 have the option of, instead of being issued a separate card for
889 the license, having the license appear as a notation on the
890 individual's driver's license or identification card. If the
891 applicant chooses this option, the license issued under this
892 section shall have the same expiration date as the driver's
893 license or identification card, and renewal shall take place at
894 the same time and place as renewal of the driver's license or
895 identification card. The Commissioner of Public Safety shall have
896 the authority to promulgate rules and regulations which may be
897 necessary to ensure the effectiveness of the concurrent
898 application and renewal processes.



899 **SECTION 8.** Section 63-16-15, Mississippi Code of 1972, which
900 provides for the repeal of the Public Safety Verification and
901 Enforcement Act (Sections 63-16-1 through 63-16-13, Mississippi
902 Code of 1972), is repealed.

903 **SECTION 9.** This act shall take effect and be in force from
904 and after July 1, 2023.

