

By: Representatives Bain, Faulkner

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
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 WHEN A
3 COVERED INDIVIDUAL DIES; TO AMEND SECTION 63-16-13, MISSISSIPPI
4 CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF PUBLIC SAFETY TO
5 USE MONIES IN THE UNINSURED MOTORIST IDENTIFICATION FUND TO PAY A
6 BENEFIT FOR COVERED INDIVIDUALS; TO AMEND SECTION 63-16-3,
7 MISSISSIPPI CODE OF 1972, TO EXEMPT RECORDS IN THE MOTOR VEHICLE
8 INSURANCE VERIFICATION SYSTEM FROM THE MISSISSIPPI PUBLIC RECORDS
9 ACT; TO CREATE NEW SECTION 45-27-23, MISSISSIPPI CODE OF 1972, TO
10 RATIFY THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT AND TO
11 DESIGNATE THE DIRECTOR OF THE MISSISSIPPI JUSTICE INFORMATION
12 CENTER AS THE STATE'S COMPACT OFFICER; TO AMEND SECTION 45-27-9,
13 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI JUSTICE
14 INFORMATION CENTER TO PURCHASE LIVE SCAN EQUIPMENT TO BE USED FOR
15 FINGERPRINTING BY LAW ENFORCEMENT AGENCIES THROUGHOUT THE STATE;
16 TO AMEND SECTION 63-1-16, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
17 THE DEPARTMENT OF PUBLIC SAFETY TO FURNISH A DRIVER SERVICE BUREAU
18 PUBLIC ACCESS COMPUTER IN EACH COUNTY; TO AMEND SECTION 45-9-101,
19 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE CONCEALED CARRY OF
20 A FIREARM WITH A LICENSE, TO REVISE HOW LICENSE RENEWALS MAY BE
21 SENT; TO REPEAL SECTION 63-16-15, MISSISSIPPI CODE OF 1972, WHICH
22 PROVIDES FOR THE AUTOMATIC REPEAL OF THE PUBLIC SAFETY
23 VERIFICATION AND ENFORCEMENT ACT; AND FOR RELATED PURPOSES.

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

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

27 45-2-1. (1) Whenever used in this section, the term:



28 (a) "Covered individual" means a law enforcement
29 officer or firefighter, including volunteer firefighters, as
30 defined in this section when employed by an employer as defined in
31 this section; it does not include employees of independent
32 contractors.

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

37 (c) "Firefighter" means an individual who is trained
38 for the prevention and control of loss of life and property from
39 fire or other emergencies, who is assigned to firefighting
40 activity, and is required to respond to alarms and perform
41 emergency actions at the location of a fire, hazardous materials
42 or other emergency incident.

43 (d) "Law enforcement officer" means any lawfully sworn
44 officer or employee of the state or any political subdivision of
45 the state whose duties require the officer or employee to
46 investigate, pursue, apprehend, arrest, transport or maintain
47 custody of persons who are charged with, suspected of committing,
48 or convicted of a crime, whether the officer is on regular duty on
49 full-time status, an auxiliary or reserve officer, or is serving
50 on a temporary or part-time status.

51 (e) "Cause of death" means any cause of death that
52 would be covered under the Public Safety Officers' Benefits Act of



53 1976, the Hometown Heroes Survivors Benefits Act of 2003,
54 generally codified at 42 USCS Chapter 46, or the Safeguarding
55 America's First Responders Act of 2020.

56 (2) (a) The Department of Public Safety shall make a
57 payment, as provided in this section, in the amount of One Hundred
58 Thousand Dollars (\$100,000.00) when a covered individual, while
59 engaged in the performance of the person's official duties, dies
60 or receives accidental or intentional bodily injury that results
61 in the loss of the covered individual's life and such death is the
62 result of a covered cause of death, provided that the death is not
63 the result of suicide and that the bodily injury is not
64 intentionally self-inflicted.

65 (b) The payment provided for in this subsection shall
66 be made to the beneficiary who was designated in writing by the
67 covered individual, signed by the covered individual and delivered
68 to the employer during the covered individual's lifetime. If no
69 such designation is made, then the payment shall be made to the
70 surviving child or children and spouse in equal portions, and if
71 there is no surviving child or spouse, then to the parent or
72 parents. If a beneficiary is not designated and there is no
73 surviving child, spouse or parent, then the payment shall be made
74 to the covered individual's estate.

75 (c) The payment made in this subsection is in addition
76 to any workers' compensation or pension benefits and is exempt



77 from the claims and demands of creditors of the covered
78 individual.

79 (3) (a) There is established in the State Treasury a
80 special fund to be known as the Law Enforcement Officers and Fire
81 Fighters Death Benefits Trust Fund. The trust fund shall be
82 funded by an initial appropriation of Two Hundred Thousand Dollars
83 (\$200,000.00), and shall be comprised of any additional funds made
84 available by the Legislature or by donation, contribution, gift or
85 any other source.

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

91 (c) Unexpended amounts remaining in the trust fund at
92 the end of the state fiscal year shall not lapse into the State
93 General Fund, and any income earned on amounts in the trust fund
94 shall be deposited to the credit of the trust fund. However, any
95 unexpended amounts transferred in accordance with Section 2 of
96 Chapter 315, Laws of 2022, and remaining in the trust fund at the
97 end of the state fiscal year shall lapse into the Coronavirus
98 State Fiscal Recovery Fund.

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



102 Safety shall adopt rules and regulations necessary to implement
103 and standardize the payment of death benefits under this section,
104 to administer the trust fund created by this section and to carry
105 out the purposes of this section.

106 (5) The Department shall make a payment as provided in this
107 section, and subject to the availability of funds, the amount of
108 Ten Thousand Dollars (\$10,000.00) when a covered individual dies.
109 This payment will be made within thirty (30) days of the
110 submission of a death certificate and determination of eligible
111 beneficiaries.

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

114 63-16-13. (1) If the operator of a motor vehicle being
115 operated on the public roads, streets or highways of the State of
116 Mississippi or registered in the State of Mississippi has been
117 found failing to have motor vehicle liability insurance in at
118 least the minimum amounts required under Section 63-15-3(j), it is
119 a misdemeanor and, upon conviction, is punishable by a fine of One
120 Hundred Dollars (\$100.00) and suspension of driving privilege for
121 a period of one (1) year or until the owner of the motor vehicle
122 shows proof of liability insurance that is in compliance with the
123 liability limits required by Section 63-15-3(j) and has paid the
124 fines and assessments imposed and the driver's license
125 reinstatement fees imposed by the Department of Public Safety. A
126 judge shall determine whether the defendant is indigent, and if a



127 determination of indigence is made, shall authorize the
128 reinstatement of that person's driver's license upon proof of
129 mandatory liability insurance subject to compliance with a payment
130 plan for any fines, assessments and/or fees. If such fines are
131 levied in a municipal court, the funds from such fines shall be
132 deposited in the general fund of the municipality. If such fines
133 are levied in any of the courts of the county, the funds from such
134 fines shall be deposited in the general fund of the county. A
135 person convicted of a criminal offense under this subsection (1)
136 shall not be convicted of a criminal offense under Section
137 63-15-4(4) arising from the same incident.

138 (2) (a) There is created in the State Treasury a special
139 fund to be designated as the "Uninsured Motorist Identification
140 Fund." The fund shall consist of monies deposited therein as
141 provided under subsection (1) of this section and monies from any
142 other source designated for deposit into such fund. Unexpended
143 amounts remaining in the fund at the end of a fiscal year shall
144 not lapse into the State General Fund, and any interest earned or
145 investment earnings on amounts in the fund shall be deposited to
146 the credit of the fund; however, one-half (1/2) of any monies in
147 excess of the amount needed to defray the expenses and costs of
148 the verification system created under Section 63-16-3 remaining in
149 the fund at the end of a fiscal year shall be transferred to a
150 special fund created in the State Treasury for the purpose of
151 funding a Highway Patrol Trooper School, and one-half (1/2) of any



152 monies in excess of the amount needed to defray the expenses and
153 costs of the verification system created under Section 63-16-3
154 remaining in the fund at the end of a fiscal year shall be
155 transferred to the Mississippi Trauma Care Systems Fund created
156 under Section 41-59-75.

157 (b) Monies in the Uninsured Motorist Identification
158 Fund may be used by the Department of Public Safety, upon
159 appropriation by the Legislature, * * * for the purpose of
160 defraying expenses and costs for the motor vehicle insurance
161 verification system created under Section 63-16-3. In addition,
162 at any time during a fiscal year, if the Department of Public
163 Safety determines that funds in the Law Enforcement Officers and
164 Fire Fighters Death Benefits Trust Fund created under Section
165 45-2-1 are insufficient, the department may request the State
166 Fiscal Officer to transfer funds from the Uninsured Motorist
167 Identification Fund. The State Fiscal Officer may make an
168 appropriate transfer if he determines that the funds in the Law
169 Enforcement Officers and Fire Fighters Death Benefits Trust Fund
170 are insufficient and the funds in the Uninsured Motorist
171 Identification Fund will be sufficient for defraying the expenses
172 and costs for the motor vehicle insurance verification system
173 created under Section 63-16-3. Monies in the fund used for the
174 purposes described in this paragraph (b) shall be in addition to
175 other funds available from any other source for such purposes.



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

178 63-16-3. (1) The Department of Public Safety, hereinafter
179 referred to in this section as "department," in cooperation with
180 the Commissioner of Insurance and the Department of Revenue, shall
181 establish an accessible common carrier-based motor vehicle
182 insurance verification system to verify the compliance of a motor
183 vehicle with motor vehicle liability policy requirements under the
184 Mississippi Motor Vehicle Safety-Responsibility Law.

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

188 (3) The system must:

189 (a) Send requests to insurers for verification of motor
190 vehicle liability insurance using electronic services established
191 by the insurers through the internet, World Wide Web, or a similar
192 proprietary or common carrier electronic system in compliance with
193 the specifications and standards of the Insurance Industry
194 Committee on Motor Vehicle Administration and other applicable
195 industry standards;

196 (b) Include appropriate provisions to secure its data
197 against unauthorized access and to maintain a record of all
198 requests and responses;

199 (c) Be accessible, without fee, to authorized personnel
200 of the department, the courts, law enforcement personnel, and



201 other entities authorized by the department under the provisions
202 of Section 63-16-7;

203 (d) Be able to interface with existing department
204 systems;

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

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

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

219 (h) Provide a means to track separately or distinguish
220 motor vehicles that are subject to a certificate of insurance
221 under Section 63-15-39 or 63-15-41, a certificate of
222 self-insurance under Section 63-15-53, a bond under Section
223 63-15-49, or a certificate of deposit of money or securities under
224 Section 63-15-51;



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

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

232 (k) Be installed and operational not later than March
233 1, 2016, followed by an appropriate testing period of not less
234 than six (6) months.

235 (4) Every insurer shall cooperate with the department and
236 the Insurance Department in establishing and maintaining the
237 system and shall provide motor vehicle liability policy status and
238 information to verify liability coverage for a motor vehicle
239 insured by that company that is registered in this state.

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

242 **SECTION 4.** The following shall be codified as Section
243 45-27-23, Mississippi Code of 1972:

244 45-27-23. (1) In order to facilitate the authorized
245 interstate exchange of criminal history information for
246 noncriminal justice purposes, including, but not limited to,
247 background checks for the licensing and screening of employees and
248 volunteers under the National Child Protection Act of 1993, as
249 amended, and to implement the National Crime Prevention and



250 Privacy Compact, 42 U.S.C. Section 14616, the Legislature approves
251 and ratifies the compact. The director of the Mississippi Justice
252 Information Center shall execute the compact on behalf of the
253 state.

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

257 (3) The director of the Mississippi Justice Information
258 Center, or the director's designee, is the state's compact officer
259 and shall administer the compact within the state. The
260 Mississippi Justice Information Center may establish procedures
261 for the cooperative exchange of criminal history records between
262 the state and federal government for use in noncriminal justice
263 cases.

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

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

268 45-27-9. (1) All criminal justice agencies within the state
269 shall submit to the center an arrest card that will transmit
270 fingerprints, descriptions, photographs (when specifically
271 requested), and other identifying data on persons who have been
272 lawfully arrested or taken into custody in this state for all
273 felonies and misdemeanors as described in Section 45-27-7(2)(a).
274 It shall be the duty of all chiefs of police, sheriffs, district



275 attorneys, courts, court clerks, judges, parole and probation
276 officers, wardens or other persons in charge of correctional
277 institutions in this state to furnish the center with all data
278 required by the rules duly promulgated under the Administrative
279 Procedures Act to carry out its responsibilities under this
280 chapter, and the duty of courts and court clerks to submit a
281 disposition form for every disposition. It shall be the duty of
282 all criminal justice agencies within the state to supply the
283 prosecutor and the proper court with the disposition form that is
284 attached to the physical arrest card if fingerprints were taken
285 manually or, if fingerprints were captured digitally, the
286 disposition form generated by the electronic fingerprint device at
287 the time of the arrest. The PEER committee may conduct random
288 review of the records of any agency or clerks referenced in this
289 subsection (1) to determine whether the duties of such agencies
290 and clerks are being fulfilled in a timely manner. The PEER
291 committee, based on its findings, if any, shall recommend measures
292 to ensure that the duties are more effectively carried out in a
293 timely manner.

294 (2) (a) All persons in charge of law enforcement agencies
295 shall obtain, or cause to be obtained, fingerprints according to
296 the fingerprint system of identification established by the
297 Director of the Federal Bureau of Investigation, full face and
298 profile photographs (if equipment is available) and other
299 available identifying data, of each person arrested or taken into



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

315 (b) The center will work to secure grant funds to
316 purchase live scan equipment to be utilized throughout the state.
317 All law enforcement agencies shall utilize any live scan equipment
318 provided by the center to ensure the most accurate collection of
319 fingerprints. The center shall coordinate the use of the
320 equipment with federal, state, county and municipal law
321 enforcement agencies.

322 (3) Fingerprints and other identifying data required to be
323 taken under subsection (2) shall be forwarded within twenty-four
324 (24) hours after taking for filing and classification, but the



325 period of twenty-four (24) hours may be extended to cover any
326 intervening holiday or weekend. Photographs taken shall be
327 forwarded at the discretion of the agency concerned, but, if not
328 forwarded, the fingerprint record shall be marked "Photo
329 Available" and the photographs shall be forwarded subsequently if
330 the center so requests.

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

347 (5) All persons in charge of state correctional institutions
348 shall obtain fingerprints, according to the fingerprint system of
349 identification established by the Director of the Federal Bureau



350 of Investigation or as otherwise directed by the center, and full
351 face and profile photographs of all persons received on commitment
352 to the institutions. The prints so taken shall be forwarded to
353 the center, together with any other identifying data requested,
354 within ten (10) days after the arrival at the institution of the
355 person committed. At the time of release, the institution will
356 again obtain fingerprints, as before, and forward them to the
357 center within ten (10) days, along with any other related
358 information requested by the center. The institution shall notify
359 the center immediately upon the release of the person.

360 (6) All persons in charge of law enforcement agencies, all
361 court clerks, all municipal justices where they have no clerks,
362 all justice court judges and all persons in charge of state and
363 county probation and parole offices, shall supply the center with
364 the information described in subsections (4) and (10) of this
365 section on the basis of the forms and instructions for the
366 disposition form to be supplied by the center.

367 (7) All persons in charge of law enforcement agencies in
368 this state shall furnish the center with any other identifying
369 data required in accordance with guidelines established by the
370 center. All law enforcement agencies and correctional
371 institutions in this state having criminal identification files
372 shall cooperate in providing the center with copies of the items
373 in the files which will aid in establishing the nucleus of the
374 state criminal identification file.



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

388 (9) All law enforcement agencies in the state shall
389 immediately notify the center if at any time after making a report
390 as required by subsection (8) of this section it is determined by
391 the reporting department or agency that a person is no longer
392 wanted or that a vehicle or property stolen has been recovered.
393 Furthermore, if the agency making the apprehension or recovery is
394 not the one which made the original report, then it shall
395 immediately notify the originating agency of the full particulars
396 relating to the apprehension or recovery using methods prescribed
397 by the center.

398 (10) All law enforcement agencies in the state and clerks of
399 the various courts shall promptly report to the center all



400 instances where records of convictions of criminals are ordered
401 expunged by courts of this state as now provided by law. The
402 center shall promptly expunge from the files of the center and
403 destroy all records pertaining to any convictions that are ordered
404 expunged by the courts of this state as provided by law.

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

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

416 (13) (a) All law enforcement agencies within the state
417 shall:

418 (i) Implement an incident-based reporting system
419 within the agency or department that meets the reporting
420 requirements of the National Incident-Based Reporting System
421 (NIBRS) of the Uniform Crime Reporting Program of the Federal
422 Bureau of Investigation;

423 (ii) Use the system described by subparagraph (i)
424 to submit to the center information and statistics concerning



425 criminal offenses committed in the jurisdiction of the local law
426 enforcement agency, in a manner prescribed by the center; and

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

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

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

437 63-1-16. (1) The Department of Public Safety shall, upon
438 request of the board of supervisors, furnish * * * a Driver
439 Service Bureau public access computer at a location in each county
440 seat * * * to access the Driver Service Bureau website. * * * The
441 county shall furnish the * * * Internet connectivity at the
442 location for the * * * Driver Service Bureau public access
443 computer.

444 * * *

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



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

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

456 **SECTION 7.** Section 45-9-101, Mississippi Code of 1972, is
457 amended as follows:

458 45-9-101. (1) (a) Except as otherwise provided, the
459 Department of Public Safety is authorized to issue licenses to
460 carry stun guns, concealed pistols or revolvers to persons
461 qualified as provided in this section. Such licenses shall be
462 valid throughout the state for a period of five (5) years from the
463 date of issuance, except as provided in subsection (25) of this
464 section. Any person possessing a valid license issued pursuant to
465 this section may carry a stun gun, concealed pistol or concealed
466 revolver.

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



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

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

477 (a) Is a resident of the state. However, this
478 residency requirement may be waived if the applicant possesses a
479 valid permit from another state, is a member of any active or
480 reserve component branch of the United States of America Armed
481 Forces stationed in Mississippi, is the spouse of a member of any
482 active or reserve component branch of the United States of America
483 Armed Forces stationed in Mississippi, or is a retired law
484 enforcement officer establishing residency in the state;

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

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

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

490 2. Holds a valid Mississippi driver's license
491 or identification card issued by the Department of Public Safety
492 or a valid and current tribal identification card issued by a
493 federally recognized Indian tribe containing a photograph of the
494 holder;

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



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

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

512 (f) Does not chronically and habitually use alcoholic
513 beverages to the extent that his normal faculties are impaired.
514 It shall be presumed that an applicant chronically and habitually
515 uses alcoholic beverages to the extent that his normal faculties
516 are impaired if the applicant has been voluntarily or
517 involuntarily committed as an alcoholic to a treatment facility or
518 has been convicted of two (2) or more offenses related to the use
519 of alcohol under the laws of this state or similar laws of any
520 other state or the United States within the three-year period



521 immediately preceding the date on which the application is
522 submitted;

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

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

528 (i) Has not been voluntarily or involuntarily committed
529 to a mental institution or mental health treatment facility unless
530 he possesses a certificate from a psychiatrist licensed in this
531 state that he has not suffered from disability for a period of
532 five (5) years;

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

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

538 (l) Is not disqualified to possess a weapon based on
539 federal law.

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



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

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

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

561 (b) The driver's license number or social security
562 number of applicant;

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

565 (d) A statement that the applicant is in compliance
566 with criteria contained within subsections (2) and (3) of this
567 section;

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



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

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

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

579 (a) A completed application as described in subsection
580 (4) of this section;

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

586 (c) A nonrefundable license fee of Eighty Dollars
587 (\$80.00). Costs for processing the set of fingerprints as
588 required in paragraph (d) of this subsection shall be borne by the
589 applicant. Honorably retired law enforcement officers, disabled
590 veterans and active duty members of the Armed Forces of the United
591 States, and law enforcement officers employed with a law
592 enforcement agency of a municipality, county or state at the time
593 of application for the license, shall be exempt from the payment
594 of the license fee;



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

597 (e) A waiver authorizing the Department of Public
598 Safety access to any records concerning commitments of the
599 applicant to any of the treatment facilities or institutions
600 referred to in subsection (2) of this section and permitting
601 access to all the applicant's criminal records.

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

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



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

623 (i) Issue the license;

624 (ii) Deny the application based solely on the
625 ground that the applicant fails to qualify under the criteria
626 listed in subsections (2) and (3) of this section. If the
627 Department of Public Safety denies the application, it shall
628 notify the applicant in writing, stating the ground for denial,
629 and the denial shall be subject to the appeal process set forth in
630 subsection (7); or

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

636 (d) In the event a legible set of fingerprints, as
637 determined by the Department of Public Safety and the Federal
638 Bureau of Investigation, cannot be obtained after a minimum of two
639 (2) attempts, the Department of Public Safety shall determine
640 eligibility based upon a name check by the Mississippi Highway
641 Safety Patrol and a Federal Bureau of Investigation name check
642 conducted by the Mississippi Highway Safety Patrol at the request
643 of the Department of Public Safety.



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

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



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

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

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



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

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

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

716 (ii) Honorably retired law enforcement officers,
717 disabled veterans, active duty members of the Armed Forces of the



718 United States and law enforcement officers employed with a law
719 enforcement agency of a municipality, county or state at the time
720 of renewal, shall be exempt from the renewal fee; and

721 (iii) The renewal fee for a Mississippi resident
722 aged sixty-five (65) years of age or older shall be Twenty Dollars
723 (\$20.00).

724 (b) The Department of Public Safety shall forward the
725 full set of fingerprints of the applicant to the appropriate
726 agencies for state and federal processing. The license shall be
727 renewed upon receipt of the completed renewal application and
728 appropriate payment of fees.

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

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



743 or revolver into any place of nuisance as defined in Section
744 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
745 patrol station; any detention facility, prison or jail; any
746 courthouse; any courtroom, except that nothing in this section
747 shall preclude a judge from carrying a concealed weapon or
748 determining who will carry a concealed weapon in his courtroom;
749 any polling place; any meeting place of the governing body of any
750 governmental entity; any meeting of the Legislature or a committee
751 thereof; any school, college or professional athletic event not
752 related to firearms; any portion of an establishment, licensed to
753 dispense alcoholic beverages for consumption on the premises, that
754 is primarily devoted to dispensing alcoholic beverages; any
755 portion of an establishment in which beer, light spirit product or
756 light wine is consumed on the premises, that is primarily devoted
757 to such purpose; any elementary or secondary school facility; any
758 junior college, community college, college or university facility
759 unless for the purpose of participating in any authorized
760 firearms-related activity; inside the passenger terminal of any
761 airport, except that no person shall be prohibited from carrying
762 any legal firearm into the terminal if the firearm is encased for
763 shipment, for purposes of checking such firearm as baggage to be
764 lawfully transported on any aircraft; any church or other place of
765 worship, except as provided in Section 45-9-171; or any place
766 where the carrying of firearms is prohibited by federal law. In
767 addition to the places enumerated in this subsection, the carrying



768 of a stun gun, concealed pistol or revolver may be disallowed in
769 any place in the discretion of the person or entity exercising
770 control over the physical location of such place by the placing of
771 a written notice clearly readable at a distance of not less than
772 ten (10) feet that the "carrying of a pistol or revolver is
773 prohibited." No license issued pursuant to this section shall
774 authorize the participants in a parade or demonstration for which
775 a permit is required to carry a stun gun, concealed pistol or
776 revolver.

777 (14) A law enforcement officer as defined in Section 45-6-3,
778 chiefs of police, sheriffs and persons licensed as professional
779 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
780 1972, shall be exempt from the licensing requirements of this
781 section.

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



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

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

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

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

813 (17) All funds received by a sheriff or police chief
814 pursuant to the provisions of this section shall be deposited into
815 the general fund of the county or municipality, as appropriate,
816 and shall be budgeted to the sheriff's office or police department
817 as appropriate.



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

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

829 (20) The provisions of this section shall be under the
830 supervision of the Commissioner of Public Safety. The
831 commissioner is authorized to promulgate reasonable rules and
832 regulations to carry out the provisions of this section.

833 (21) For the purposes of this section, the term "stun gun"
834 means a portable device or weapon from which an electric current,
835 impulse, wave or beam may be directed, which current, impulse,
836 wave or beam is designed to incapacitate temporarily, injure,
837 momentarily stun, knock out, cause mental disorientation or
838 paralyze.

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



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

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

859 (23) A disabled veteran who seeks to qualify for an
860 exemption under this section shall be required to provide a
861 veterans health services identification card issued by the United
862 States Department of Veterans Affairs indicating a
863 service-connected disability, which shall be sufficient proof of
864 such service-connected disability.

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



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

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



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

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

