

By: Representatives Bain, Faulkner

To: Judiciary B

HOUSE BILL NO. 529
(As Sent to Governor)

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

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

20 **SECTION 1.** Section 63-16-3, Mississippi Code of 1972, is
21 amended as follows:

22 63-16-3. (1) The Department of Public Safety, hereinafter
23 referred to in this section as "department," in cooperation with
24 the Commissioner of Insurance and the Department of Revenue, shall
25 establish an accessible common carrier-based motor vehicle
26 insurance verification system to verify the compliance of a motor



27 vehicle with motor vehicle liability policy requirements under the
28 Mississippi Motor Vehicle Safety-Responsibility Law.

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

32 (3) The system must:

33 (a) Send requests to insurers for verification of motor
34 vehicle liability insurance using electronic services established
35 by the insurers through the Internet, World Wide Web, or a similar
36 proprietary or common carrier electronic system in compliance with
37 the specifications and standards of the Insurance Industry
38 Committee on Motor Vehicle Administration and other applicable
39 industry standards;

40 (b) Include appropriate provisions to secure its data
41 against unauthorized access and to maintain a record of all
42 requests and responses;

43 (c) Be accessible, without fee, to authorized personnel
44 of the department, the courts, law enforcement personnel, and
45 other entities authorized by the department under the provisions
46 of Section 63-16-7;

47 (d) Be able to interface with existing department
48 systems;

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



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

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

63 (h) Provide a means to track separately or distinguish
64 motor vehicles that are subject to a certificate of insurance
65 under Section 63-15-39 or 63-15-41, a certificate of
66 self-insurance under Section 63-15-53, a bond under Section
67 63-15-49, or a certificate of deposit of money or securities under
68 Section 63-15-51;

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

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



76 (k) Be installed and operational not later than March
77 1, 2016, followed by an appropriate testing period of not less
78 than six (6) months.

79 (4) Every insurer shall cooperate with the department and
80 the Insurance Department in establishing and maintaining the
81 system and shall provide motor vehicle liability policy status and
82 information to verify liability coverage for a motor vehicle
83 insured by that company that is registered in this state.

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

86 **SECTION 2.** The following shall be codified as Section
87 45-27-23, Mississippi Code of 1972:

88 45-27-23. (1) In order to facilitate the authorized
89 interstate exchange of criminal history information for
90 noncriminal justice purposes, including, but not limited to,
91 background checks for the licensing and screening of employees and
92 volunteers under the National Child Protection Act of 1993, as
93 amended, and to implement the National Crime Prevention and
94 Privacy Compact, 42 USC Section 14616, the Legislature approves
95 and ratifies the compact. The director of the Mississippi Justice
96 Information Center shall execute the compact on behalf of the
97 state.

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



101 (3) The director of the Mississippi Justice Information
102 Center, or the director's designee, is the state's compact officer
103 and shall administer the compact within the state. The
104 Mississippi Justice Information Center may establish procedures
105 for the cooperative exchange of criminal history records between
106 the state and federal government for use in noncriminal justice
107 cases.

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

111 **SECTION 3.** Section 45-27-9, Mississippi Code of 1972, is
112 amended as follows:

113 45-27-9. (1) All criminal justice agencies within the state
114 shall submit to the center an arrest card that will transmit
115 fingerprints, descriptions, photographs (when specifically
116 requested), and other identifying data on persons who have been
117 lawfully arrested or taken into custody in this state for all
118 felonies and misdemeanors as described in Section 45-27-7(2)(a).
119 It shall be the duty of all chiefs of police, sheriffs, district
120 attorneys, courts, court clerks, judges, parole and probation
121 officers, wardens or other persons in charge of correctional
122 institutions in this state to furnish the center with all data
123 required by the rules duly promulgated under the Administrative
124 Procedures Act to carry out its responsibilities under this
125 chapter, and the duty of courts and court clerks to submit a



126 disposition form for every disposition. It shall be the duty of
127 all criminal justice agencies within the state to supply the
128 prosecutor and the proper court with the disposition form that is
129 attached to the physical arrest card if fingerprints were taken
130 manually or, if fingerprints were captured digitally, the
131 disposition form generated by the electronic fingerprint device at
132 the time of the arrest. The PEER committee may conduct random
133 review of the records of any agency or clerks referenced in this
134 subsection (1) to determine whether the duties of such agencies
135 and clerks are being fulfilled in a timely manner. The PEER
136 committee, based on its findings, if any, shall recommend measures
137 to ensure that the duties are more effectively carried out in a
138 timely manner.

139 (2) (a) All persons in charge of law enforcement agencies
140 shall obtain, or cause to be obtained, fingerprints according to
141 the fingerprint system of identification established by the
142 Director of the Federal Bureau of Investigation, full face and
143 profile photographs (if equipment is available) and other
144 available identifying data, of each person arrested or taken into
145 custody for an offense of a type designated in subsection (1) of
146 this section, of all persons arrested or taken into custody as
147 fugitives from justice and of all unidentified human corpses in
148 their jurisdictions, but photographs need not be taken if it is
149 known that photographs of the type listed, taken within the
150 previous year, are on file. Any record taken in connection with



151 any person arrested or taken into custody and subsequently
152 released without charge or cleared of the offense through court
153 proceedings shall be purged from the files of the center and
154 destroyed upon receipt by the center of a lawful expunction order.
155 All persons in charge of law enforcement agencies shall submit to
156 the center detailed descriptions of arrests or takings into
157 custody which result in release without charge or subsequent
158 exoneration from criminal liability within twenty-four (24) hours
159 of the release or exoneration.

160 (b) The center will work to secure grant funds to
161 purchase live scan equipment to be utilized throughout the state.
162 All law enforcement agencies shall utilize any live scan equipment
163 provided by the center to ensure the most accurate collection of
164 fingerprints. The center shall coordinate the use of the
165 equipment with federal, state, county and municipal law
166 enforcement agencies.

167 (3) Fingerprints and other identifying data required to be
168 taken under subsection (2) shall be forwarded within twenty-four
169 (24) hours after taking for filing and classification, but the
170 period of twenty-four (24) hours may be extended to cover any
171 intervening holiday or weekend. Photographs taken shall be
172 forwarded at the discretion of the agency concerned, but, if not
173 forwarded, the fingerprint record shall be marked "Photo
174 Available" and the photographs shall be forwarded subsequently if
175 the center so requests.



176 (4) All persons in charge of law enforcement agencies shall
177 submit to the center detailed descriptions of arrest warrants and
178 related identifying data immediately upon determination of the
179 fact that the warrant cannot be served for the reasons stated. If
180 the warrant is subsequently served or withdrawn, the law
181 enforcement agency concerned must immediately notify the center of
182 the service or withdrawal. Also, the agency concerned must
183 annually, no later than January 31 of each year and at other times
184 if requested by the center, confirm all arrest warrants which
185 continue to be outstanding. Upon receipt of a lawful expunction
186 order, the center shall purge and destroy files of all data
187 relating to an offense when an individual is subsequently
188 exonerated from criminal liability of that offense. The center
189 shall not be liable for the failure to purge, destroy or expunge
190 any records if an agency or court fails to forward to the center
191 proper documentation ordering the action.

192 (5) All persons in charge of state correctional institutions
193 shall obtain fingerprints, according to the fingerprint system of
194 identification established by the Director of the Federal Bureau
195 of Investigation or as otherwise directed by the center, and full
196 face and profile photographs of all persons received on commitment
197 to the institutions. The prints so taken shall be forwarded to
198 the center, together with any other identifying data requested,
199 within ten (10) days after the arrival at the institution of the
200 person committed. At the time of release, the institution will



201 again obtain fingerprints, as before, and forward them to the
202 center within ten (10) days, along with any other related
203 information requested by the center. The institution shall notify
204 the center immediately upon the release of the person.

205 (6) All persons in charge of law enforcement agencies, all
206 court clerks, all municipal justices where they have no clerks,
207 all justice court judges and all persons in charge of state and
208 county probation and parole offices, shall supply the center with
209 the information described in subsections (4) and (10) of this
210 section on the basis of the forms and instructions for the
211 disposition form to be supplied by the center.

212 (7) All persons in charge of law enforcement agencies in
213 this state shall furnish the center with any other identifying
214 data required in accordance with guidelines established by the
215 center. All law enforcement agencies and correctional
216 institutions in this state having criminal identification files
217 shall cooperate in providing the center with copies of the items
218 in the files which will aid in establishing the nucleus of the
219 state criminal identification file.

220 (8) All law enforcement agencies within the state shall
221 report to the center, in a manner prescribed by the center, all
222 persons wanted by and all vehicles and identifiable property
223 stolen from their jurisdictions. The report shall be made as soon
224 as is practical after the investigating department or agency
225 either ascertains that a vehicle or identifiable property has been



226 stolen or obtains a warrant for an individual's arrest or
227 determines that there are reasonable grounds to believe that the
228 individual has committed a crime. The report shall be made within
229 a reasonable time period following the reporting department's or
230 agency's determination that it has grounds to believe that a
231 vehicle or property was stolen or that the wanted person should be
232 arrested.

233 (9) All law enforcement agencies in the state shall
234 immediately notify the center if at any time after making a report
235 as required by subsection (8) of this section it is determined by
236 the reporting department or agency that a person is no longer
237 wanted or that a vehicle or property stolen has been recovered.
238 Furthermore, if the agency making the apprehension or recovery is
239 not the one which made the original report, then it shall
240 immediately notify the originating agency of the full particulars
241 relating to the apprehension or recovery using methods prescribed
242 by the center.

243 (10) All law enforcement agencies in the state and clerks of
244 the various courts shall promptly report to the center all
245 instances where records of convictions of criminals are ordered
246 expunged by courts of this state as now provided by law. The
247 center shall promptly expunge from the files of the center and
248 destroy all records pertaining to any convictions that are ordered
249 expunged by the courts of this state as provided by law.



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

253 (12) Any criminal justice department or agency making an
254 expenditure in excess of Five Thousand Dollars (\$5,000.00) in any
255 calendar year on software or programming upgrades concerning a
256 computerized records management system or jail management system
257 shall ensure that the new or upgraded system is formatted to
258 Department of Justice approved XML format and that no impediments
259 to data sharing with other agencies or departments exist in the
260 software programming.

261 (13) (a) All law enforcement agencies within the state
262 shall:

263 (i) Implement an incident-based reporting system
264 within the agency or department that meets the reporting
265 requirements of the National Incident-Based Reporting System
266 (NIBRS) of the Uniform Crime Reporting Program of the Federal
267 Bureau of Investigation;

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

272 (iii) Report the information as soon as is
273 practicable after the investigating agency or department



274 ascertains that a qualifying crime has been committed in its
275 jurisdiction, once the state-level NIBRS Repository is available.

276 (b) No later than * * * December 31, 2025, state and
277 local law enforcement agencies shall be compliant with all
278 regulations promulgated by the Department of Public Safety's
279 Criminal Information Center (CIC), with consultation with the
280 President of the Sheriffs Association and Mississippi Association
281 of Chiefs of Police with regard to the National Incident-Based
282 Reporting System (NIBRS) of the Uniform Crime Reporting Program of
283 the Federal Bureau of Investigation.

284 **SECTION 4.** Section 63-1-16, Mississippi Code of 1972, is
285 amended as follows:

286 63-1-16. (1) The Department of Public Safety shall, upon
287 request of the board of supervisors, furnish * * * a Driver
288 Service Bureau public access computer at a location in each county
289 seat * * * to access the Driver Service Bureau website. * * * The
290 county shall furnish the * * * Internet connectivity at the
291 location for the * * * Driver Service Bureau public access
292 computer.

293 * * *

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



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

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

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

307 45-9-101. (1) (a) Except as otherwise provided, the
308 Department of Public Safety is authorized to issue licenses to
309 carry stun guns, concealed pistols or revolvers to persons
310 qualified as provided in this section. Such licenses shall be
311 valid throughout the state for a period of five (5) years from the
312 date of issuance, except as provided in subsection (25) of this
313 section. Any person possessing a valid license issued pursuant to
314 this section may carry a stun gun, concealed pistol or concealed
315 revolver.

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



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

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

326 (a) Is a resident of the state. However, this
327 residency requirement may be waived if the applicant possesses a
328 valid permit from another state, is a member of any active or
329 reserve component branch of the United States of America Armed
330 Forces stationed in Mississippi, is the spouse of a member of any
331 active or reserve component branch of the United States of America
332 Armed Forces stationed in Mississippi, or is a retired law
333 enforcement officer establishing residency in the state;

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

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

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

339 2. Holds a valid Mississippi driver's license
340 or identification card issued by the Department of Public Safety
341 or a valid and current tribal identification card issued by a
342 federally recognized Indian tribe containing a photograph of the
343 holder;

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



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

350 (e) Does not chronically or habitually abuse controlled
351 substances to the extent that his normal faculties are impaired.
352 It shall be presumed that an applicant chronically and habitually
353 uses controlled substances to the extent that his faculties are
354 impaired if the applicant has been voluntarily or involuntarily
355 committed to a treatment facility for the abuse of a controlled
356 substance or been found guilty of a crime under the provisions of
357 the Uniform Controlled Substances Law or similar laws of any other
358 state or the United States relating to controlled substances
359 within a three-year period immediately preceding the date on which
360 the application is submitted;

361 (f) Does not chronically and habitually use alcoholic
362 beverages to the extent that his normal faculties are impaired.
363 It shall be presumed that an applicant chronically and habitually
364 uses alcoholic beverages to the extent that his normal faculties
365 are impaired if the applicant has been voluntarily or
366 involuntarily committed as an alcoholic to a treatment facility or
367 has been convicted of two (2) or more offenses related to the use
368 of alcohol under the laws of this state or similar laws of any
369 other state or the United States within the three-year period



370 immediately preceding the date on which the application is
371 submitted;

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

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

377 (i) Has not been voluntarily or involuntarily committed
378 to a mental institution or mental health treatment facility unless
379 he possesses a certificate from a psychiatrist licensed in this
380 state that he has not suffered from disability for a period of
381 five (5) years;

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

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

387 (l) Is not disqualified to possess a weapon based on
388 federal law.

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



395 the licensee has been found guilty of one or more crimes of
396 violence within the preceding three (3) years. The department
397 shall, upon notification by a law enforcement agency or a court
398 and subsequent written verification, suspend a license or the
399 processing of an application for a license if the licensee or
400 applicant is arrested or formally charged with a crime which would
401 disqualify such person from having a license under this section,
402 until final disposition of the case. The provisions of subsection
403 (7) of this section shall apply to any suspension or revocation of
404 a license pursuant to the provisions of this section.

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

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

410 (b) The driver's license number or social security
411 number of applicant;

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

414 (d) A statement that the applicant is in compliance
415 with criteria contained within subsections (2) and (3) of this
416 section;

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



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

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

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

428 (a) A completed application as described in subsection
429 (4) of this section;

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

435 (c) A nonrefundable license fee of Eighty Dollars
436 (\$80.00). Costs for processing the set of fingerprints as
437 required in paragraph (d) of this subsection shall be borne by the
438 applicant. Honorably retired law enforcement officers, disabled
439 veterans and active duty members of the Armed Forces of the United
440 States, and law enforcement officers employed with a law
441 enforcement agency of a municipality, county or state at the time
442 of application for the license, shall be exempt from the payment
443 of the license fee;



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

446 (e) A waiver authorizing the Department of Public
447 Safety access to any records concerning commitments of the
448 applicant to any of the treatment facilities or institutions
449 referred to in subsection (2) of this section and permitting
450 access to all the applicant's criminal records.

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

455 (b) The Department of Public Safety shall forward a
456 copy of the applicant's application to the sheriff of the
457 applicant's county of residence and, if applicable, the police
458 chief of the applicant's municipality of residence. The sheriff
459 of the applicant's county of residence, and, if applicable, the
460 police chief of the applicant's municipality of residence may, at
461 his discretion, participate in the process by submitting a
462 voluntary report to the Department of Public Safety containing any
463 readily discoverable prior information that he feels may be
464 pertinent to the licensing of any applicant. The reporting shall
465 be made within thirty (30) days after the date he receives the
466 copy of the application. Upon receipt of a response from a
467 sheriff or police chief, such sheriff or police chief shall be
468 reimbursed at a rate set by the department.



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

472 (i) Issue the license;

473 (ii) Deny the application based solely on the
474 ground that the applicant fails to qualify under the criteria
475 listed in subsections (2) and (3) of this section. If the
476 Department of Public Safety denies the application, it shall
477 notify the applicant in writing, stating the ground for denial,
478 and the denial shall be subject to the appeal process set forth in
479 subsection (7); or

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

485 (d) In the event a legible set of fingerprints, as
486 determined by the Department of Public Safety and the Federal
487 Bureau of Investigation, cannot be obtained after a minimum of two
488 (2) attempts, the Department of Public Safety shall determine
489 eligibility based upon a name check by the Mississippi Highway
490 Safety Patrol and a Federal Bureau of Investigation name check
491 conducted by the Mississippi Highway Safety Patrol at the request
492 of the Department of Public Safety.



493 (7) (a) If the Department of Public Safety denies the
494 issuance of a license, or suspends or revokes a license, the party
495 aggrieved may appeal such denial, suspension or revocation to the
496 Commissioner of Public Safety, or his authorized agent, within
497 thirty (30) days after the aggrieved party receives written notice
498 of such denial, suspension or revocation. The Commissioner of
499 Public Safety, or his duly authorized agent, shall rule upon such
500 appeal within thirty (30) days after the appeal is filed and
501 failure to rule within this thirty-day period shall constitute
502 sustaining such denial, suspension or revocation. Such review
503 shall be conducted pursuant to such reasonable rules and
504 regulations as the Commissioner of Public Safety may adopt.

505 (b) If the revocation, suspension or denial of issuance
506 is sustained by the Commissioner of Public Safety, or his duly
507 authorized agent pursuant to paragraph (a) of this subsection, the
508 aggrieved party may file within ten (10) days after the rendition
509 of such decision a petition in the circuit or county court of his
510 residence for review of such decision. A hearing for review shall
511 be held and shall proceed before the court without a jury upon the
512 record made at the hearing before the Commissioner of Public
513 Safety or his duly authorized agent. No such party shall be
514 allowed to carry a stun gun, concealed pistol or revolver pursuant
515 to the provisions of this section while any such appeal is
516 pending.



517 (8) The Department of Public Safety shall maintain an
518 automated listing of license holders and such information shall be
519 available online, upon request, at all times, to all law
520 enforcement agencies through the Mississippi Crime Information
521 Center. However, the records of the department relating to
522 applications for licenses to carry stun guns, concealed pistols or
523 revolvers and records relating to license holders shall be exempt
524 from the provisions of the Mississippi Public Records Act of 1983,
525 and shall be released only upon order of a court having proper
526 jurisdiction over a petition for release of the record or records.

527 (9) Within thirty (30) days after the changing of a
528 permanent address, or within thirty (30) days after having a
529 license lost or destroyed, the licensee shall notify the
530 Department of Public Safety in writing of such change or loss.
531 Failure to notify the Department of Public Safety pursuant to the
532 provisions of this subsection shall constitute a noncriminal
533 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
534 be enforceable by a summons.

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



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

545 (12) (a) Except as provided in subsection (25) of this
546 section, no less than ninety (90) days prior to the expiration
547 date of the license, the Department of Public Safety shall * * *
548 send to each licensee a written notice of the expiration and a
549 renewal form prescribed by the department. The licensee must
550 renew his license on or before the expiration date by filing with
551 the department the renewal form, a notarized affidavit stating
552 that the licensee remains qualified pursuant to the criteria
553 specified in subsections (2) and (3) of this section if necessary,
554 and a full set of fingerprints administered by the Department of
555 Public Safety or the sheriff of the county of residence of the
556 licensee. The first renewal may be processed by mail "or other
557 means as determined by the Department" and the subsequent renewal
558 must be made in person. Thereafter every other renewal may be
559 processed by mail to assure that the applicant must appear in
560 person every ten (10) years for the purpose of obtaining a new
561 photograph.

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

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



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

570 (iii) The renewal fee for a Mississippi resident
571 aged sixty-five (65) years of age or older shall be Twenty Dollars
572 (\$20.00).

573 (b) The Department of Public Safety shall forward the
574 full set of fingerprints of the applicant to the appropriate
575 agencies for state and federal processing. The license shall be
576 renewed upon receipt of the completed renewal application and
577 appropriate payment of fees.

578 (c) A licensee who fails to file a renewal application
579 on or before its expiration date must renew his license by paying
580 a late fee of Fifteen Dollars (\$15.00). No license shall be
581 renewed six (6) months or more after its expiration date, and such
582 license shall be deemed to be permanently expired. A person whose
583 license has been permanently expired may reapply for licensure;
584 however, an application for licensure and fees pursuant to
585 subsection (5) of this section must be submitted, and a background
586 investigation shall be conducted pursuant to the provisions of
587 this section.

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



592 or revolver into any place of nuisance as defined in Section
593 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
594 patrol station; any detention facility, prison or jail; any
595 courthouse; any courtroom, except that nothing in this section
596 shall preclude a judge from carrying a concealed weapon or
597 determining who will carry a concealed weapon in his courtroom;
598 any polling place; any meeting place of the governing body of any
599 governmental entity; any meeting of the Legislature or a committee
600 thereof; any school, college or professional athletic event not
601 related to firearms; any portion of an establishment, licensed to
602 dispense alcoholic beverages for consumption on the premises, that
603 is primarily devoted to dispensing alcoholic beverages; any
604 portion of an establishment in which beer, light spirit product or
605 light wine is consumed on the premises, that is primarily devoted
606 to such purpose; any elementary or secondary school facility; any
607 junior college, community college, college or university facility
608 unless for the purpose of participating in any authorized
609 firearms-related activity; inside the passenger terminal of any
610 airport, except that no person shall be prohibited from carrying
611 any legal firearm into the terminal if the firearm is encased for
612 shipment, for purposes of checking such firearm as baggage to be
613 lawfully transported on any aircraft; any church or other place of
614 worship, except as provided in Section 45-9-171; or any place
615 where the carrying of firearms is prohibited by federal law. In
616 addition to the places enumerated in this subsection, the carrying



617 of a stun gun, concealed pistol or revolver may be disallowed in
618 any place in the discretion of the person or entity exercising
619 control over the physical location of such place by the placing of
620 a written notice clearly readable at a distance of not less than
621 ten (10) feet that the "carrying of a pistol or revolver is
622 prohibited." No license issued pursuant to this section shall
623 authorize the participants in a parade or demonstration for which
624 a permit is required to carry a stun gun, concealed pistol or
625 revolver.

626 (14) A law enforcement officer as defined in Section 45-6-3,
627 chiefs of police, sheriffs and persons licensed as professional
628 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
629 1972, shall be exempt from the licensing requirements of this
630 section.

631 (a) The Commissioner of Public Safety shall promulgate
632 rules and regulations to provide licenses to law enforcement
633 officers as defined in Section 45-6-3 who choose to obtain a
634 license under the provisions of this section, which shall include
635 a distinction that the officer is an "active duty" law enforcement
636 officer and an endorsement that such officer is authorized to
637 carry in the locations listed in subsection (13). A law
638 enforcement officer shall provide the following information to
639 receive the license described in this subsection: (i) a letter,
640 with the official letterhead of the agency or department for which
641 the officer is employed at the time of application and (ii) a



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

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

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

655 (16) All fees collected by the Department of Public Safety
656 pursuant to this section shall be deposited into a special fund
657 hereby created in the State Treasury and shall be used for
658 implementation and administration of this section. After the
659 close of each fiscal year, the balance in this fund shall be
660 certified to the Legislature and then may be used by the
661 Department of Public Safety as directed by the Legislature.

662 (17) All funds received by a sheriff or police chief
663 pursuant to the provisions of this section shall be deposited into
664 the general fund of the county or municipality, as appropriate,
665 and shall be budgeted to the sheriff's office or police department
666 as appropriate.



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

670 (19) Any person holding a valid unrevoked and unexpired
671 license to carry stun guns, concealed pistols or revolvers issued
672 in another state shall have such license recognized by this state
673 to carry stun guns, concealed pistols or revolvers. The
674 Department of Public Safety is authorized to enter into a
675 reciprocal agreement with another state if that state requires a
676 written agreement in order to recognize licenses to carry stun
677 guns, concealed pistols or revolvers issued by this state.

678 (20) The provisions of this section shall be under the
679 supervision of the Commissioner of Public Safety. The
680 commissioner is authorized to promulgate reasonable rules and
681 regulations to carry out the provisions of this section.

682 (21) For the purposes of this section, the term "stun gun"
683 means a portable device or weapon from which an electric current,
684 impulse, wave or beam may be directed, which current, impulse,
685 wave or beam is designed to incapacitate temporarily, injure,
686 momentarily stun, knock out, cause mental disorientation or
687 paralyze.

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



692 correctional officers from the Mississippi Department of
693 Corrections shall (i) include the words "retired law enforcement
694 officer" on the front of the license, and (ii) unless the licensee
695 chooses to have this license combined with a driver's license or
696 identification card under subsection (25) of this section, that
697 the license itself have a red background to distinguish it from
698 other licenses issued under this section.

699 (b) An honorably retired law enforcement officer and
700 honorably retired correctional officer shall provide the following
701 information to receive the license described in this section: (i)
702 a letter, with the official letterhead of the agency or department
703 from which such officer is retiring, which explains that such
704 officer is honorably retired, and (ii) a letter with the official
705 letterhead of the agency or department, which explains that such
706 officer has completed a certified law enforcement training
707 academy.

708 (23) A disabled veteran who seeks to qualify for an
709 exemption under this section shall be required to provide a
710 veterans health services identification card issued by the United
711 States Department of Veterans Affairs indicating a
712 service-connected disability, which shall be sufficient proof of
713 such service-connected disability.

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



717 purse, handbag, satchel, other similar bag or briefcase or fully
718 enclosed case if the person is not engaged in criminal activity
719 other than a misdemeanor traffic offense, is not otherwise
720 prohibited from possessing a pistol or revolver under state or
721 federal law, and is not in a location prohibited under subsection
722 (13) of this section. However, the medical use of medical
723 cannabis by a cardholder who is a registered qualifying patient
724 which is lawful under the provisions of the Mississippi Medical
725 Cannabis Act and in compliance with rules and regulations adopted
726 thereunder shall not disqualify a person under this subsection
727 (24) solely because the person is prohibited from possessing a
728 firearm under 18 USCS Section 922(g) (3) due to such medical use of
729 medical cannabis.

730 (25) An applicant for a license under this section shall
731 have the option of, instead of being issued a separate card for
732 the license, having the license appear as a notation on the
733 individual's driver's license or identification card. If the
734 applicant chooses this option, the license issued under this
735 section shall have the same expiration date as the driver's
736 license or identification card, and renewal shall take place at
737 the same time and place as renewal of the driver's license or
738 identification card. The Commissioner of Public Safety shall have
739 the authority to promulgate rules and regulations which may be
740 necessary to ensure the effectiveness of the concurrent
741 application and renewal processes.



742 **SECTION 6.** Section 63-16-15, Mississippi Code of 1972, which
743 provides for the repeal of the Public Safety Verification and
744 Enforcement Act (Sections 63-16-1 through 63-16-13, Mississippi
745 Code of 1972), is repealed.

746 **SECTION 7.** This act shall take effect and be in force from
747 and after July 1, 2023.

