

By: Representatives Criswell, Williamson

To: Judiciary B

HOUSE BILL NO. 621

1 AN ACT TO PROHIBIT ENFORCEMENT OF FEDERAL LAW REGARDING
 2 FIREARMS, ACCESSORIES OR AMMUNITION MANUFACTURED IN THE STATE THAT
 3 REMAINS WITHIN THE BORDERS OF THE STATE; TO PROVIDE THAT ANY
 4 FEDERAL LAW WHICH ATTEMPTS TO BAN A SEMI-AUTOMATIC FIREARM OR TO
 5 LIMIT THE SIZE OF A MAGAZINE OF A FIREARM OR OTHER LIMITATION ON
 6 FIREARMS IN THIS STATE SHALL BE UNENFORCEABLE IN THE STATE; TO
 7 PROVIDE A PENALTY FOR VIOLATIONS OF THIS ACT; TO AMEND SECTIONS
 8 45-9-101, 97-37-5, 97-37-7, 97-37-31, 97-37-103 AND 97-37-105,
 9 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) No public servant or dealer selling any
 12 firearm in this state shall enforce or attempt to enforce any act,
 13 order, law, statute, rule or regulation of the United States
 14 government that has not been duly adopted by the United States
 15 Congress and signed by the President of the United States of
 16 America relating to a personal firearm, firearm accessory or
 17 ammunition that is owned or manufactured commercially or privately
 18 in Mississippi and that remains exclusively within the borders of
 19 Mississippi.

20 (2) Any official, agent or employee of the United States
 21 government who enforces or attempts to enforce any act, order,



22 law, statute, rule or regulation of the United States government
23 that has not been duly adopted by the United States Congress and
24 signed by the President of the United States of America upon a
25 personal firearm, a firearm accessory or ammunition that is owned
26 or manufactured commercially or privately in Mississippi and that
27 remains exclusively within the borders of Mississippi shall be
28 guilty of a felony and, upon conviction, shall be subject to
29 imprisonment for not less than one (1) year nor more than five (5)
30 years, or a fine of not more than Five Thousand Dollars
31 (\$5,000.00), or both.

32 (3) The Attorney General may defend a citizen of Mississippi
33 who is prosecuted by the United States government for violation of
34 a federal law that has not been duly adopted by the United States
35 Congress and signed by the President of the United States of
36 America relating to the manufacture, sale, transfer or possession
37 of a firearm, a firearm accessory or ammunition owned or
38 manufactured and retained exclusively within the borders of
39 Mississippi.

40 (4) Any federal law, rule, regulation or order that has not
41 been duly adopted by the United States Congress and signed by the
42 President of the United States of America and created or effective
43 on or after January 1, 2020, shall be unenforceable within the
44 borders of Mississippi if the law, rule, regulation or order
45 attempts to:



46 (a) Ban or restrict ownership of a semi-automatic
47 firearm or any magazine of a firearm; or

48 (b) Require any firearm, magazine or other firearm
49 accessory to be registered in any manner.

50 **SECTION 2.** Section 45-9-101, Mississippi Code of 1972, is
51 amended as follows:

52 45-9-101. (1) (a) Except as otherwise provided, the
53 Department of Public Safety is authorized to issue licenses to
54 carry stun guns, concealed pistols or revolvers to persons
55 qualified as provided in this section. Such licenses shall be
56 valid throughout the state for a period of five (5) years from the
57 date of issuance, except as provided in subsection (25) of this
58 section. Any person possessing a valid license issued pursuant to
59 this section may carry a stun gun, concealed pistol or concealed
60 revolver.

61 (b) The licensee must carry the license, together with
62 valid identification, at all times in which the licensee is
63 carrying a stun gun, concealed pistol or revolver and must display
64 both the license and proper identification upon demand by a law
65 enforcement officer. A violation of the provisions of this
66 paragraph (b) shall constitute a noncriminal violation with a
67 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
68 by summons.

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



71 (a) Is a resident of the state. However, this
72 residency requirement may be waived if the applicant possesses a
73 valid permit from another state, is a member of any active or
74 reserve component branch of the United States of America Armed
75 Forces stationed in Mississippi, is the spouse of a member of any
76 active or reserve component branch of the United States of America
77 Armed Forces stationed in Mississippi, or is a retired law
78 enforcement officer establishing residency in the state;

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

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

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

84 2. Holds a valid Mississippi driver's license
85 or identification card issued by the Department of Public Safety
86 or a valid and current tribal identification card issued by a
87 federally recognized Indian tribe containing a photograph of the
88 holder;

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

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



95 (e) Does not chronically or habitually abuse controlled
96 substances to the extent that his normal faculties are impaired.
97 It shall be presumed that an applicant chronically and habitually
98 uses controlled substances to the extent that his faculties are
99 impaired if the applicant has been voluntarily or involuntarily
100 committed to a treatment facility for the abuse of a controlled
101 substance or been found guilty of a crime under the provisions of
102 the Uniform Controlled Substances Law or similar laws of any other
103 state or the United States relating to controlled substances
104 within a three-year period immediately preceding the date on which
105 the application is submitted;

106 (f) Does not chronically and habitually use alcoholic
107 beverages to the extent that his normal faculties are impaired.
108 It shall be presumed that an applicant chronically and habitually
109 uses alcoholic beverages to the extent that his normal faculties
110 are impaired if the applicant has been voluntarily or
111 involuntarily committed as an alcoholic to a treatment facility or
112 has been convicted of two (2) or more offenses related to the use
113 of alcohol under the laws of this state or similar laws of any
114 other state or the United States within the three-year period
115 immediately preceding the date on which the application is
116 submitted;

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



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

122 (i) Has not been voluntarily or involuntarily committed
123 to a mental institution or mental health treatment facility unless
124 he possesses a certificate from a psychiatrist licensed in this
125 state that he has not suffered from disability for a period of
126 five (5) years;

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

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

132 (l) Except as otherwise provided in Section 1 of this
133 act, is not disqualified to possess a weapon based on federal law.

134 (3) The Department of Public Safety may deny a license if
135 the applicant has been found guilty of one or more crimes of
136 violence constituting a misdemeanor unless three (3) years have
137 elapsed since probation or any other conditions set by the court
138 have been fulfilled or expunction has occurred prior to the date
139 on which the application is submitted, or may revoke a license if
140 the licensee has been found guilty of one or more crimes of
141 violence within the preceding three (3) years. The department
142 shall, upon notification by a law enforcement agency or a court
143 and subsequent written verification, suspend a license or the



144 processing of an application for a license if the licensee or
145 applicant is arrested or formally charged with a crime which would
146 disqualify such person from having a license under this section,
147 until final disposition of the case. The provisions of subsection
148 (7) of this section shall apply to any suspension or revocation of
149 a license pursuant to the provisions of this section.

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

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

155 (b) The driver's license number or social security
156 number of applicant;

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

159 (d) A statement that the applicant is in compliance
160 with criteria contained within subsections (2) and (3) of this
161 section;

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

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



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

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

173 (a) A completed application as described in subsection
174 (4) of this section;

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

180 (c) A nonrefundable license fee of Eighty Dollars
181 (\$80.00). Costs for processing the set of fingerprints as
182 required in paragraph (d) of this subsection shall be borne by the
183 applicant. Honorably retired law enforcement officers, disabled
184 veterans and active duty members of the Armed Forces of the United
185 States, and law enforcement officers employed with a law
186 enforcement agency of a municipality, county or state at the time
187 of application for the license, shall be exempt from the payment
188 of the license fee;

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

191 (e) A waiver authorizing the Department of Public
192 Safety access to any records concerning commitments of the



193 applicant to any of the treatment facilities or institutions
194 referred to in subsection (2) of this section and permitting
195 access to all the applicant's criminal records.

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

200 (b) The Department of Public Safety shall forward a
201 copy of the applicant's application to the sheriff of the
202 applicant's county of residence and, if applicable, the police
203 chief of the applicant's municipality of residence. The sheriff
204 of the applicant's county of residence, and, if applicable, the
205 police chief of the applicant's municipality of residence may, at
206 his discretion, participate in the process by submitting a
207 voluntary report to the Department of Public Safety containing any
208 readily discoverable prior information that he feels may be
209 pertinent to the licensing of any applicant. The reporting shall
210 be made within thirty (30) days after the date he receives the
211 copy of the application. Upon receipt of a response from a
212 sheriff or police chief, such sheriff or police chief shall be
213 reimbursed at a rate set by the department.

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

217 (i) Issue the license;



218 (ii) Deny the application based solely on the
219 ground that the applicant fails to qualify under the criteria
220 listed in subsections (2) and (3) of this section. If the
221 Department of Public Safety denies the application, it shall
222 notify the applicant in writing, stating the ground for denial,
223 and the denial shall be subject to the appeal process set forth in
224 subsection (7); or

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

230 (d) In the event a legible set of fingerprints, as
231 determined by the Department of Public Safety and the Federal
232 Bureau of Investigation, cannot be obtained after a minimum of two
233 (2) attempts, the Department of Public Safety shall determine
234 eligibility based upon a name check by the Mississippi Highway
235 Safety Patrol and a Federal Bureau of Investigation name check
236 conducted by the Mississippi Highway Safety Patrol at the request
237 of the Department of Public Safety.

238 (7) (a) If the Department of Public Safety denies the
239 issuance of a license, or suspends or revokes a license, the party
240 aggrieved may appeal such denial, suspension or revocation to the
241 Commissioner of Public Safety, or his authorized agent, within
242 thirty (30) days after the aggrieved party receives written notice



243 of such denial, suspension or revocation. The Commissioner of
244 Public Safety, or his duly authorized agent, shall rule upon such
245 appeal within thirty (30) days after the appeal is filed and
246 failure to rule within this thirty-day period shall constitute
247 sustaining such denial, suspension or revocation. Such review
248 shall be conducted pursuant to such reasonable rules and
249 regulations as the Commissioner of Public Safety may adopt.

250 (b) If the revocation, suspension or denial of issuance
251 is sustained by the Commissioner of Public Safety, or his duly
252 authorized agent pursuant to paragraph (a) of this subsection, the
253 aggrieved party may file within ten (10) days after the rendition
254 of such decision a petition in the circuit or county court of his
255 residence for review of such decision. A hearing for review shall
256 be held and shall proceed before the court without a jury upon the
257 record made at the hearing before the Commissioner of Public
258 Safety or his duly authorized agent. No such party shall be
259 allowed to carry a stun gun, concealed pistol or revolver pursuant
260 to the provisions of this section while any such appeal is
261 pending.

262 (8) The Department of Public Safety shall maintain an
263 automated listing of license holders and such information shall be
264 available online, upon request, at all times, to all law
265 enforcement agencies through the Mississippi Crime Information
266 Center. However, the records of the department relating to
267 applications for licenses to carry stun guns, concealed pistols or



268 revolvers and records relating to license holders shall be exempt
269 from the provisions of the Mississippi Public Records Act of 1983,
270 and shall be released only upon order of a court having proper
271 jurisdiction over a petition for release of the record or records.

272 (9) Within thirty (30) days after the changing of a
273 permanent address, or within thirty (30) days after having a
274 license lost or destroyed, the licensee shall notify the
275 Department of Public Safety in writing of such change or loss.
276 Failure to notify the Department of Public Safety pursuant to the
277 provisions of this subsection shall constitute a noncriminal
278 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
279 be enforceable by a summons.

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

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

290 (12) (a) Except as provided in subsection (25) of this
291 section, no less than ninety (90) days prior to the expiration
292 date of the license, the Department of Public Safety shall mail to



293 each licensee a written notice of the expiration and a renewal
294 form prescribed by the department. The licensee must renew his
295 license on or before the expiration date by filing with the
296 department the renewal form, a notarized affidavit stating that
297 the licensee remains qualified pursuant to the criteria specified
298 in subsections (2) and (3) of this section, and a full set of
299 fingerprints administered by the Department of Public Safety or
300 the sheriff of the county of residence of the licensee. The first
301 renewal may be processed by mail and the subsequent renewal must
302 be made in person. Thereafter every other renewal may be
303 processed by mail to assure that the applicant must appear in
304 person every ten (10) years for the purpose of obtaining a new
305 photograph.

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

309 (ii) Honorably retired law enforcement officers,
310 disabled veterans, active duty members of the Armed Forces of the
311 United States and law enforcement officers employed with a law
312 enforcement agency of a municipality, county or state at the time
313 of renewal, shall be exempt from the renewal fee; and

314 (iii) The renewal fee for a Mississippi resident
315 aged sixty-five (65) years of age or older shall be Twenty Dollars
316 (\$20.00).



317 (b) The Department of Public Safety shall forward the
318 full set of fingerprints of the applicant to the appropriate
319 agencies for state and federal processing. The license shall be
320 renewed upon receipt of the completed renewal application and
321 appropriate payment of fees.

322 (c) A licensee who fails to file a renewal application
323 on or before its expiration date must renew his license by paying
324 a late fee of Fifteen Dollars (\$15.00). No license shall be
325 renewed six (6) months or more after its expiration date, and such
326 license shall be deemed to be permanently expired. A person whose
327 license has been permanently expired may reapply for licensure;
328 however, an application for licensure and fees pursuant to
329 subsection (5) of this section must be submitted, and a background
330 investigation shall be conducted pursuant to the provisions of
331 this section.

332 (13) No license issued pursuant to this section shall
333 authorize any person, except a law enforcement officer as defined
334 in Section 45-6-3 with a distinct license authorized by the
335 Department of Public Safety, to carry a stun gun, concealed pistol
336 or revolver into any place of nuisance as defined in Section
337 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
338 patrol station; any detention facility, prison or jail; any
339 courthouse; any courtroom, except that nothing in this section
340 shall preclude a judge from carrying a concealed weapon or
341 determining who will carry a concealed weapon in his courtroom;



342 any polling place; any meeting place of the governing body of any
343 governmental entity; any meeting of the Legislature or a committee
344 thereof; any school, college or professional athletic event not
345 related to firearms; any portion of an establishment, licensed to
346 dispense alcoholic beverages for consumption on the premises, that
347 is primarily devoted to dispensing alcoholic beverages; any
348 portion of an establishment in which beer, light spirit product or
349 light wine is consumed on the premises, that is primarily devoted
350 to such purpose; any elementary or secondary school facility; any
351 junior college, community college, college or university facility
352 unless for the purpose of participating in any authorized
353 firearms-related activity; inside the passenger terminal of any
354 airport, except that no person shall be prohibited from carrying
355 any legal firearm into the terminal if the firearm is encased for
356 shipment, for purposes of checking such firearm as baggage to be
357 lawfully transported on any aircraft; any church or other place of
358 worship, except as provided in Section 45-9-171; or any place
359 where the carrying of firearms is prohibited by federal law. In
360 addition to the places enumerated in this subsection, the carrying
361 of a stun gun, concealed pistol or revolver may be disallowed in
362 any place in the discretion of the person or entity exercising
363 control over the physical location of such place by the placing of
364 a written notice clearly readable at a distance of not less than
365 ten (10) feet that the "carrying of a pistol or revolver is
366 prohibited." No license issued pursuant to this section shall



367 authorize the participants in a parade or demonstration for which
368 a permit is required to carry a stun gun, concealed pistol or
369 revolver.

370 (14) A law enforcement officer as defined in Section 45-6-3,
371 chiefs of police, sheriffs and persons licensed as professional
372 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
373 1972, shall be exempt from the licensing requirements of this
374 section.

375 (a) The Commissioner of Public Safety shall promulgate
376 rules and regulations to provide licenses to law enforcement
377 officers as defined in Section 45-6-3 who choose to obtain a
378 license under the provisions of this section, which shall include
379 a distinction that the officer is an "active duty" law enforcement
380 officer and an endorsement that such officer is authorized to
381 carry in the locations listed in subsection (13). A law
382 enforcement officer shall provide the following information to
383 receive the license described in this subsection: (i) a letter,
384 with the official letterhead of the agency or department for which
385 the officer is employed at the time of application and (ii) a
386 letter with the official letterhead of the agency or department,
387 which explains that such officer has completed a certified law
388 enforcement training academy.

389 (b) The licensing requirements of this section do not
390 apply to the carrying by any person of a stun gun, pistol or



391 revolver, knife, or other deadly weapon that is not concealed as
392 defined in Section 97-37-1.

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

399 (16) All fees collected by the Department of Public Safety
400 pursuant to this section shall be deposited into a special fund
401 hereby created in the State Treasury and shall be used for
402 implementation and administration of this section. After the
403 close of each fiscal year, the balance in this fund shall be
404 certified to the Legislature and then may be used by the
405 Department of Public Safety as directed by the Legislature.

406 (17) All funds received by a sheriff or police chief
407 pursuant to the provisions of this section shall be deposited into
408 the general fund of the county or municipality, as appropriate,
409 and shall be budgeted to the sheriff's office or police department
410 as appropriate.

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

414 (19) Any person holding a valid unrevoked and unexpired
415 license to carry stun guns, concealed pistols or revolvers issued



416 in another state shall have such license recognized by this state
417 to carry stun guns, concealed pistols or revolvers. The
418 Department of Public Safety is authorized to enter into a
419 reciprocal agreement with another state if that state requires a
420 written agreement in order to recognize licenses to carry stun
421 guns, concealed pistols or revolvers issued by this state.

422 (20) The provisions of this section shall be under the
423 supervision of the Commissioner of Public Safety. The
424 commissioner is authorized to promulgate reasonable rules and
425 regulations to carry out the provisions of this section.

426 (21) For the purposes of this section, the term "stun gun"
427 means a portable device or weapon from which an electric current,
428 impulse, wave or beam may be directed, which current, impulse,
429 wave or beam is designed to incapacitate temporarily, injure,
430 momentarily stun, knock out, cause mental disorientation or
431 paralyze.

432 (22) (a) From and after January 1, 2016, the Commissioner
433 of Public Safety shall promulgate rules and regulations which
434 provide that licenses authorized by this section for honorably
435 retired law enforcement officers and honorably retired
436 correctional officers from the Mississippi Department of
437 Corrections shall (i) include the words "retired law enforcement
438 officer" on the front of the license, and (ii) unless the licensee
439 chooses to have this license combined with a driver's license or
440 identification card under subsection (25) of this section, that



441 the license itself have a red background to distinguish it from
442 other licenses issued under this section.

443 (b) An honorably retired law enforcement officer and
444 honorably retired correctional officer shall provide the following
445 information to receive the license described in this section: (i)
446 a letter, with the official letterhead of the agency or department
447 from which such officer is retiring, which explains that such
448 officer is honorably retired, and (ii) a letter with the official
449 letterhead of the agency or department, which explains that such
450 officer has completed a certified law enforcement training
451 academy.

452 (23) A disabled veteran who seeks to qualify for an
453 exemption under this section shall be required to provide a
454 veterans health services identification card issued by the United
455 States Department of Veterans Affairs indicating a
456 service-connected disability, which shall be sufficient proof of
457 such service-connected disability.

458 (24) A license under this section is not required for a
459 loaded or unloaded pistol or revolver to be carried upon the
460 person in a sheath, belt holster or shoulder holster or in a
461 purse, handbag, satchel, other similar bag or briefcase or fully
462 enclosed case if the person is not engaged in criminal activity
463 other than a misdemeanor traffic offense, is not otherwise
464 prohibited from possessing a pistol or revolver under state or
465 federal law, and is not in a location prohibited under subsection



466 (13) of this section. However, the medical use of medical
467 cannabis by a cardholder who is a registered qualifying patient
468 which is lawful under the provisions of the Mississippi Medical
469 Cannabis Act and in compliance with rules and regulations adopted
470 thereunder shall not disqualify a person under this subsection
471 (24) solely because the person is prohibited from possessing a
472 firearm under 18 USCS Section 922(g) (3) due to such medical use of
473 medical cannabis.

474 (25) An applicant for a license under this section shall
475 have the option of, instead of being issued a separate card for
476 the license, having the license appear as a notation on the
477 individual's driver's license or identification card. If the
478 applicant chooses this option, the license issued under this
479 section shall have the same expiration date as the driver's
480 license or identification card, and renewal shall take place at
481 the same time and place as renewal of the driver's license or
482 identification card. The Commissioner of Public Safety shall have
483 the authority to promulgate rules and regulations which may be
484 necessary to ensure the effectiveness of the concurrent
485 application and renewal processes.

486 **SECTION 3.** Section 97-37-5, Mississippi Code of 1972, is
487 amended as follows:

488 97-37-5. (1) It shall be unlawful for any person who has
489 been convicted of a felony under the laws of this state, any other
490 state, or of the United States to possess any firearm or any bowie



491 knife, dirk knife, butcher knife, switchblade knife, metallic
492 knuckles, blackjack, or any muffler or silencer for any firearm
493 unless such person has received a pardon for such felony, has
494 received a relief from disability pursuant to Section 925(c) of
495 Title 18 of the United States Code, or has received a certificate
496 of rehabilitation pursuant to subsection (3) of this section.

497 (2) Any person violating this section shall be guilty of a
498 felony and, upon conviction thereof, shall be fined not more than
499 Five Thousand Dollars (\$5,000.00), or committed to the custody of
500 the State Department of Corrections for not less than one (1) year
501 nor more than ten (10) years, or both.

502 (3) A person who has been convicted of a felony under the
503 laws of this state, under the laws of another state, under federal
504 law or in state military court may apply for a certificate of
505 rehabilitation as provided in this section. If the person was
506 convicted of a felony under the laws of this state, he or she may
507 apply to the court in which he was convicted for a certificate of
508 rehabilitation. If the person was convicted of a felony under the
509 laws of another state, under federal law or in state military
510 court, he or she may apply to the court in the person's county of
511 residence for a certificate of rehabilitation. A person convicted
512 of a felony under the laws of another state, under federal law or
513 in state military court shall attach a certified copy of his or
514 her judgment and a certified copy of his or her completion of
515 sentence to the petition for a certificate of rehabilitation. The



516 court may grant such certificate in its discretion upon a showing
517 to the satisfaction of the court that the applicant has been
518 rehabilitated and has led a useful, productive and law-abiding
519 life since the completion of his or her sentence and upon the
520 finding of the court that he or she will not be likely to act in a
521 manner dangerous to public safety.

522 (4) (a) A person who is discharged from court-ordered
523 mental health treatment may petition the court which entered the
524 commitment order for an order stating that the person qualifies
525 for relief from a firearms disability.

526 (b) In determining whether to grant relief, the court
527 must hear and consider evidence about:

528 (i) The circumstances that led to imposition of
529 the firearms disability under 18 USCS, Section 922(d)(4);

530 (ii) The person's mental history;

531 (iii) The person's criminal history; and

532 (iv) The person's reputation.

533 (c) A court may not grant relief unless it makes and
534 enters in the record the following affirmative findings:

535 (i) That the person is no longer likely to act in
536 a manner dangerous to public safety; and

537 (ii) Removing the person's disability to purchase
538 a firearm is not against the public interest.

539 (5) The provisions of this section shall be subject to the
540 provisions of Section 1 of this act.



541 **SECTION 4.** Section 97-37-7, Mississippi Code of 1972, is
542 amended as follows:

543 97-37-7. (1) (a) It shall not be a violation of Section
544 97-37-1 or any other statute for pistols, firearms or other
545 suitable and appropriate weapons to be carried by duly constituted
546 bank guards, company guards, watchmen, railroad special agents or
547 duly authorized representatives who are not sworn law enforcement
548 officers, agents or employees of a patrol service, guard service,
549 or a company engaged in the business of transporting money,
550 securities or other valuables, while actually engaged in the
551 performance of their duties as such, provided that such persons
552 have made a written application and paid a nonrefundable permit
553 fee of One Hundred Dollars (\$100.00) to the Department of Public
554 Safety.

555 (b) No permit shall be issued to any person who has
556 ever been convicted of a felony under the laws of this or any
557 other state or of the United States. To determine an applicant's
558 eligibility for a permit, the person shall be fingerprinted. If
559 no disqualifying record is identified at the state level, the
560 fingerprints shall be forwarded by the Department of Public Safety
561 to the Federal Bureau of Investigation for a national criminal
562 history record check. The department shall charge a fee which
563 includes the amounts required by the Federal Bureau of
564 Investigation and the department for the national and state
565 criminal history record checks and any necessary costs incurred by



566 the department for the handling and administration of the criminal
567 history background checks. In the event a legible set of
568 fingerprints, as determined by the Department of Public Safety and
569 the Federal Bureau of Investigation, cannot be obtained after a
570 minimum of three (3) attempts, the Department of Public Safety
571 shall determine eligibility based upon a name check by the
572 Mississippi Highway Safety Patrol and a Federal Bureau of
573 Investigation name check conducted by the Mississippi Highway
574 Safety Patrol at the request of the Department of Public Safety.

575 (c) A person may obtain a duplicate of a lost or
576 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
577 replacement fee to the Department of Public Safety, if he
578 furnishes a notarized statement to the department that the permit
579 has been lost or destroyed.

580 (d) (i) No less than ninety (90) days prior to the
581 expiration date of a permit, the Department of Public Safety shall
582 mail to the permit holder written notice of expiration together
583 with the renewal form prescribed by the department. The permit
584 holder shall renew the permit on or before the expiration date by
585 filing with the department the renewal form, a notarized affidavit
586 stating that the permit holder remains qualified, and the renewal
587 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
588 officers shall be exempt from payment of the renewal fee. A
589 permit holder who fails to file a renewal application on or before



590 its expiration date shall pay a late fee of Fifteen Dollars
591 (\$15.00).

592 (ii) Renewal of the permit shall be required every
593 four (4) years. The permit of a qualified renewal applicant shall
594 be renewed upon receipt of the completed renewal application and
595 appropriate payment of fees.

596 (iii) A permit cannot be renewed six (6) months or
597 more after its expiration date, and such permit shall be deemed to
598 be permanently expired; the holder may reapply for an original
599 permit as provided in this section.

600 (2) It shall not be a violation of this or any other statute
601 for pistols, firearms or other suitable and appropriate weapons to
602 be carried by Department of Wildlife, Fisheries and Parks law
603 enforcement officers, railroad special agents who are sworn law
604 enforcement officers, investigators employed by the Attorney
605 General, criminal investigators employed by the district
606 attorneys, all prosecutors, public defenders, investigators or
607 probation officers employed by the Department of Corrections,
608 employees of the State Auditor who are authorized by the State
609 Auditor to perform investigative functions, or any deputy fire
610 marshal or investigator employed by the State Fire Marshal, while
611 engaged in the performance of their duties as such, or by fraud
612 investigators with the Department of Human Services, or by judges
613 of the Mississippi Supreme Court, Court of Appeals, circuit,
614 chancery, county, justice and municipal courts, or by coroners.



615 Before any person shall be authorized under this subsection to
616 carry a weapon, he shall complete a weapons training course
617 approved by the Board of Law Enforcement Officer Standards and
618 Training. Before any criminal investigator employed by a district
619 attorney shall be authorized under this section to carry a pistol,
620 firearm or other weapon, he shall have complied with Section
621 45-6-11 or any training program required for employment as an
622 agent of the Federal Bureau of Investigation. A law enforcement
623 officer, as defined in Section 45-6-3, shall be authorized to
624 carry weapons in courthouses in performance of his official
625 duties. A person licensed under Section 45-9-101 to carry a
626 concealed pistol, who (a) has voluntarily completed an
627 instructional course in the safe handling and use of firearms
628 offered by an instructor certified by a nationally recognized
629 organization that customarily offers firearms training, or by any
630 other organization approved by the Department of Public Safety,
631 (b) is a member or veteran of any active or reserve component
632 branch of the United States of America Armed Forces having
633 completed law enforcement or combat training with pistols or other
634 handguns as recognized by such branch after submitting an
635 affidavit attesting to have read, understand and agree to comply
636 with all provisions of the enhanced carry law, or (c) is an
637 honorably retired law enforcement officer or honorably retired
638 member or veteran of any active or reserve component branch of the
639 United States of America Armed Forces having completed law



640 enforcement or combat training with pistols or other handguns,
641 after submitting an affidavit attesting to have read, understand
642 and agree to comply with all provisions of Mississippi enhanced
643 carry law shall also be authorized to carry weapons in courthouses
644 except in courtrooms during a judicial proceeding, and any
645 location listed in subsection (13) of Section 45-9-101, except any
646 place of nuisance as defined in Section 95-3-1, any police,
647 sheriff or highway patrol station or any detention facility,
648 prison or jail. For the purposes of this subsection (2),
649 component branch of the United States Armed Forces includes the
650 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
651 National Guard, the Army National Guard of the United States, the
652 Air National Guard or the Air National Guard of the United States,
653 as those terms are defined in Section 101, Title 10, United States
654 Code, and any other reserve component of the United States Armed
655 Forces enumerated in Section 10101, Title 10, United States Code.
656 The department shall promulgate rules and regulations allowing
657 concealed pistol permit holders to obtain an endorsement on their
658 permit indicating that they have completed the aforementioned
659 course and have the authority to carry in these locations. This
660 section shall in no way interfere with the right of a trial judge
661 to restrict the carrying of firearms in the courtroom.

662 For purposes of this subsection (2), the following words
663 shall have the meanings described herein, unless the context
664 otherwise requires:



665 (i) "Courthouse" means any building in which a
666 circuit court, chancery court, youth court, municipal court,
667 justice court or any appellate court is located, or any building
668 in which a court of law is regularly held.

669 (ii) "Courtroom" means the actual room in which a
670 judicial proceeding occurs, including any jury room, witness room,
671 judge's chamber, office housing the judge's staff, or similar
672 room. "Courtroom" shall not mean hallways, courtroom entrances,
673 courthouse grounds, lobbies, corridors, or other areas within a
674 courthouse which are generally open to the public for the
675 transaction of business outside of an active judicial proceeding,
676 the grassed areas, cultivated flower beds, sidewalks, parking
677 lots, or other areas contained within the boundaries of the public
678 land upon which the courthouse is located.

679 (3) It shall not be a violation of this or any other statute
680 for pistols, firearms or other suitable and appropriate weapons,
681 to be carried by any out-of-state, full-time commissioned law
682 enforcement officer who holds a valid commission card from the
683 appropriate out-of-state law enforcement agency and a photo
684 identification. The provisions of this subsection shall only
685 apply if the state where the out-of-state officer is employed has
686 entered into a reciprocity agreement with the state that allows
687 full-time commissioned law enforcement officers in Mississippi to
688 lawfully carry or possess a weapon in such other states. The
689 Commissioner of Public Safety is authorized to enter into



690 reciprocal agreements with other states to carry out the
691 provisions of this subsection.

692 (4) The provisions of this section shall be subject to the
693 provisions of Section 1 of this act.

694 **SECTION 5.** Section 97-37-31, Mississippi Code of 1972, is
695 amended as follows:

696 97-37-31. Except as otherwise provided in Sections 1 and 2
697 of this act, it shall be unlawful for any person, persons,
698 corporation or manufacturing establishment, not duly authorized
699 under federal law, to make, manufacture, sell or possess any
700 instrument or device which, if used on firearms of any kind, will
701 arrest or muffle the report of the firearm when shot or fired.
702 Any person violating this section shall be guilty of a misdemeanor
703 and, upon conviction, shall be fined not more than Five Hundred
704 Dollars (\$500.00), or imprisoned in the county jail not more than
705 thirty (30) days, or both.

706 **SECTION 6.** Section 97-37-103, Mississippi Code of 1972, is
707 amended as follows:

708 97-37-103. Except as otherwise provided in Sections 1 and 2
709 of this act, for purposes of Sections 97-37-101 through 97-37-105:

710 (a) "Licensed dealer" means a person who is licensed
711 pursuant to 18 USCS, Section 923, to engage in the business of
712 dealing in firearms.

713 (b) "Private seller" means a person who sells or offers
714 for sale any firearm or ammunition.



715 (c) "Ammunition" means any cartridge, shell or
716 projectile designed for use in a firearm.

717 (d) "Materially false information" means information
718 that portrays an illegal transaction as legal or a legal
719 transaction as illegal.

720 **SECTION 7.** Section 97-37-105, Mississippi Code of 1972, is
721 amended as follows:

722 97-37-105. (1) Except as otherwise provided in Section 1 of
723 this act, any person who knowingly solicits, persuades, encourages
724 or entices a licensed dealer or private seller of firearms or
725 ammunition to transfer a firearm or ammunition under circumstances
726 which the person knows would violate the laws of this state or the
727 United States is guilty of a felony.

728 (2) Any person who provides to a licensed dealer or private
729 seller of firearms or ammunition what the person knows to be
730 materially false information with intent to deceive the dealer or
731 seller about the legality of a transfer of a firearm or ammunition
732 is guilty of a felony.

733 (3) Any person found guilty of violating the provisions of
734 this section shall be punished by a fine not exceeding Five
735 Thousand Dollars (\$5,000.00) or imprisoned in the custody of the
736 Department of Corrections for not more than three (3) years, or
737 both.



738 (4) This section does not apply to a law enforcement officer
739 acting in the officer's official capacity or to a person acting at
740 the direction of a law enforcement officer.

741 **SECTION 8.** This act shall take effect and be in force from
742 and after July 1, 2023.

