

By: Representatives Criswell, Williamson

To: Judiciary B

HOUSE BILL NO. 624

1 AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE FIREARMS LICENSING PROCEDURE BY REMOVING THE TERM
3 "STUN GUN" FROM THE CONCEALED CARRY FIREARMS CATEGORY; AND FOR
4 RELATED PURPOSES.

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

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

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

16 (b) The licensee must carry the license, together with
17 valid identification, at all times in which the licensee is
18 carrying a * * * concealed pistol or revolver and must display
19 both the license and proper identification upon demand by a law



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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

172 (i) Issue the license;

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

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

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



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

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

216 (8) The Department of Public Safety shall maintain an
217 automated listing of license holders and such information shall be



218 available online, upon request, at all times, to all law
219 enforcement agencies through the Mississippi Crime Information
220 Center. However, the records of the department relating to
221 applications for licenses to carry * * * concealed pistols or
222 revolvers and records relating to license holders shall be exempt
223 from the provisions of the Mississippi Public Records Act of 1983,
224 and shall be released only upon order of a court having proper
225 jurisdiction over a petition for release of the record or records.

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

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



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

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

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

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



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

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

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

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

286 (13) No license issued pursuant to this section shall
287 authorize any person, except a law enforcement officer as defined
288 in Section 45-6-3 with a distinct license authorized by the
289 Department of Public Safety, to carry a * * * concealed pistol or
290 revolver into any place of nuisance as defined in Section 95-3-1,



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



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

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

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



341 which explains that such officer has completed a certified law
342 enforcement training academy.

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

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

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

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



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

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

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

380 * * *

381 (* * *21) (a) From and after January 1, 2016, the
382 Commissioner of Public Safety shall promulgate rules and
383 regulations which provide that licenses authorized by this section
384 for honorably retired law enforcement officers and honorably
385 retired correctional officers from the Mississippi Department of
386 Corrections shall (i) include the words "retired law enforcement
387 officer" on the front of the license, and (ii) unless the licensee
388 chooses to have this license combined with a driver's license or
389 identification card under subsection (25) of this section, that



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

392 (b) An honorably retired law enforcement officer and
393 honorably retired correctional officer shall provide the following
394 information to receive the license described in this section: (i)
395 a letter, with the official letterhead of the agency or department
396 from which such officer is retiring, which explains that such
397 officer is honorably retired, and (ii) a letter with the official
398 letterhead of the agency or department, which explains that such
399 officer has completed a certified law enforcement training
400 academy.

401 (* * * 22) A disabled veteran who seeks to qualify for an
402 exemption under this section shall be required to provide a
403 veterans health services identification card issued by the United
404 States Department of Veterans Affairs indicating a
405 service-connected disability, which shall be sufficient proof of
406 such service-connected disability.

407 (* * * 23) A license under this section is not required for
408 a loaded or unloaded pistol or revolver to be carried upon the
409 person in a sheath, belt holster or shoulder holster or in a
410 purse, handbag, satchel, other similar bag or briefcase or fully
411 enclosed case if the person is not engaged in criminal activity
412 other than a misdemeanor traffic offense, is not otherwise
413 prohibited from possessing a pistol or revolver under state or
414 federal law, and is not in a location prohibited under subsection



415 (13) of this section. However, the medical use of medical
416 cannabis by a cardholder who is a registered qualifying patient
417 which is lawful under the provisions of the Mississippi Medical
418 Cannabis Act and in compliance with rules and regulations adopted
419 thereunder shall not disqualify a person under this subsection
420 (24) solely because the person is prohibited from possessing a
421 firearm under 18 USCS Section 922(g)(3) due to such medical use of
422 medical cannabis.

423 (* * *24) An applicant for a license under this section
424 shall have the option of, instead of being issued a separate card
425 for the license, having the license appear as a notation on the
426 individual's driver's license or identification card. If the
427 applicant chooses this option, the license issued under this
428 section shall have the same expiration date as the driver's
429 license or identification card, and renewal shall take place at
430 the same time and place as renewal of the driver's license or
431 identification card. The Commissioner of Public Safety shall have
432 the authority to promulgate rules and regulations which may be
433 necessary to ensure the effectiveness of the concurrent
434 application and renewal processes.

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

