

By: Representatives Barnett, Stamps

To: Judiciary B

HOUSE BILL NO. 1105

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE EMPLOYEES OF THE SECRETARY OF STATE WHO ARE AUTHORIZED
3 BY THE SECRETARY OF STATE TO PERFORM INVESTIGATIVE OR REGULATORY
4 FUNCTIONS TO CARRY FIREARMS; TO BRING FORWARD SECTION 45-9-101,
5 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR FIREARMS PERMITS FOR
6 PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 97-37-7, Mississippi Code of 1972, is
9 amended as follows:

10 97-37-7. (1) (a) It shall not be a violation of Section
11 97-37-1 or any other statute for pistols, firearms or other
12 suitable and appropriate weapons to be carried by duly constituted
13 bank guards, company guards, watchmen, railroad special agents or
14 duly authorized representatives who are not sworn law enforcement
15 officers, agents or employees of a patrol service, guard service,
16 or a company engaged in the business of transporting money,
17 securities or other valuables, while actually engaged in the
18 performance of their duties as such, provided that such persons
19 have made a written application and paid a nonrefundable permit



20 fee of One Hundred Dollars (\$100.00) to the Department of Public
21 Safety.

22 (b) No permit shall be issued to any person who has
23 ever been convicted of a felony under the laws of this or any
24 other state or of the United States. To determine an applicant's
25 eligibility for a permit, the person shall be fingerprinted. If
26 no disqualifying record is identified at the state level, the
27 fingerprints shall be forwarded by the Department of Public Safety
28 to the Federal Bureau of Investigation for a national criminal
29 history record check. The department shall charge a fee which
30 includes the amounts required by the Federal Bureau of
31 Investigation and the department for the national and state
32 criminal history record checks and any necessary costs incurred by
33 the department for the handling and administration of the criminal
34 history background checks. In the event a legible set of
35 fingerprints, as determined by the Department of Public Safety and
36 the Federal Bureau of Investigation, cannot be obtained after a
37 minimum of three (3) attempts, the Department of Public Safety
38 shall determine eligibility based upon a name check by the
39 Mississippi Highway Safety Patrol and a Federal Bureau of
40 Investigation name check conducted by the Mississippi Highway
41 Safety Patrol at the request of the Department of Public Safety.

42 (c) A person may obtain a duplicate of a lost or
43 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
44 replacement fee to the Department of Public Safety, if he



45 furnishes a notarized statement to the department that the permit
46 has been lost or destroyed.

47 (d) (i) No less than ninety (90) days prior to the
48 expiration date of a permit, the Department of Public Safety shall
49 mail to the permit holder written notice of expiration together
50 with the renewal form prescribed by the department. The permit
51 holder shall renew the permit on or before the expiration date by
52 filing with the department the renewal form, a notarized affidavit
53 stating that the permit holder remains qualified, and the renewal
54 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
55 officers shall be exempt from payment of the renewal fee. A
56 permit holder who fails to file a renewal application on or before
57 its expiration date shall pay a late fee of Fifteen Dollars
58 (\$15.00).

59 (ii) Renewal of the permit shall be required every
60 four (4) years. The permit of a qualified renewal applicant shall
61 be renewed upon receipt of the completed renewal application and
62 appropriate payment of fees.

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

67 (2) It shall not be a violation of this or any other statute
68 for pistols, firearms or other suitable and appropriate weapons to
69 be carried by Department of Wildlife, Fisheries and Parks law



70 enforcement officers, employees of the Secretary of State who are
71 authorized by the Secretary of State to perform investigative or
72 regulatory enforcement functions, railroad special agents who are
73 sworn law enforcement officers, investigators employed by the
74 Attorney General, criminal investigators employed by the district
75 attorneys, all prosecutors, public defenders, investigators or
76 probation officers employed by the Department of Corrections,
77 employees of the State Auditor who are authorized by the State
78 Auditor to perform investigative functions, or any deputy fire
79 marshal or investigator employed by the State Fire Marshal, while
80 engaged in the performance of their duties as such, or by fraud
81 investigators with the Department of Human Services, or by judges
82 of the Mississippi Supreme Court, Court of Appeals, circuit,
83 chancery, county, justice and municipal courts, or by coroners.
84 Before any person shall be authorized under this subsection to
85 carry a weapon, he shall complete a weapons training course
86 approved by the Board of Law Enforcement Officer Standards and
87 Training. Before any criminal investigator employed by a district
88 attorney shall be authorized under this section to carry a pistol,
89 firearm or other weapon, he shall have complied with Section
90 45-6-11 or any training program required for employment as an
91 agent of the Federal Bureau of Investigation. A law enforcement
92 officer, as defined in Section 45-6-3, shall be authorized to
93 carry weapons in courthouses in performance of his official
94 duties. A person licensed under Section 45-9-101 to carry a



95 concealed pistol, who (a) has voluntarily completed an
96 instructional course in the safe handling and use of firearms
97 offered by an instructor certified by a nationally recognized
98 organization that customarily offers firearms training, or by any
99 other organization approved by the Department of Public Safety,
100 (b) is a member or veteran of any active or reserve component
101 branch of the United States of America Armed Forces having
102 completed law enforcement or combat training with pistols or other
103 handguns as recognized by such branch after submitting an
104 affidavit attesting to have read, understand and agree to comply
105 with all provisions of the enhanced carry law, or (c) is an
106 honorably retired law enforcement officer or honorably retired
107 member or veteran of any active or reserve component branch of the
108 United States of America Armed Forces having completed law
109 enforcement or combat training with pistols or other handguns,
110 after submitting an affidavit attesting to have read, understand
111 and agree to comply with all provisions of Mississippi enhanced
112 carry law shall also be authorized to carry weapons in courthouses
113 except in courtrooms during a judicial proceeding, and any
114 location listed in subsection (13) of Section 45-9-101, except any
115 place of nuisance as defined in Section 95-3-1, any police,
116 sheriff or highway patrol station or any detention facility,
117 prison or jail. For the purposes of this subsection (2),
118 component branch of the United States Armed Forces includes the
119 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army



120 National Guard, the Army National Guard of the United States, the
121 Air National Guard or the Air National Guard of the United States,
122 as those terms are defined in Section 101, Title 10, United States
123 Code, and any other reserve component of the United States Armed
124 Forces enumerated in Section 10101, Title 10, United States Code.
125 The department shall promulgate rules and regulations allowing
126 concealed pistol permit holders to obtain an endorsement on their
127 permit indicating that they have completed the aforementioned
128 course and have the authority to carry in these locations. This
129 section shall in no way interfere with the right of a trial judge
130 to restrict the carrying of firearms in the courtroom.

131 For purposes of this subsection (2), the following words
132 shall have the meanings described herein, unless the context
133 otherwise requires:

134 (i) "Courthouse" means any building in which a
135 circuit court, chancery court, youth court, municipal court,
136 justice court or any appellate court is located, or any building
137 in which a court of law is regularly held.

138 (ii) "Courtroom" means the actual room in which a
139 judicial proceeding occurs, including any jury room, witness room,
140 judge's chamber, office housing the judge's staff, or similar
141 room. "Courtroom" shall not mean hallways, courtroom entrances,
142 courthouse grounds, lobbies, corridors, or other areas within a
143 courthouse which are generally open to the public for the
144 transaction of business outside of an active judicial proceeding,



145 the grassed areas, cultivated flower beds, sidewalks, parking
146 lots, or other areas contained within the boundaries of the public
147 land upon which the courthouse is located.

148 (3) It shall not be a violation of this or any other statute
149 for pistols, firearms or other suitable and appropriate weapons,
150 to be carried by any out-of-state, full-time commissioned law
151 enforcement officer who holds a valid commission card from the
152 appropriate out-of-state law enforcement agency and a photo
153 identification. The provisions of this subsection shall only
154 apply if the state where the out-of-state officer is employed has
155 entered into a reciprocity agreement with the state that allows
156 full-time commissioned law enforcement officers in Mississippi to
157 lawfully carry or possess a weapon in such other states. The
158 Commissioner of Public Safety is authorized to enter into
159 reciprocal agreements with other states to carry out the
160 provisions of this subsection.

161 **SECTION 2.** Section 45-9-101, Mississippi Code of 1972, is
162 brought forward as follows:

163 45-9-101. (1) (a) Except as otherwise provided, the
164 Department of Public Safety is authorized to issue licenses to
165 carry stun guns, concealed pistols or revolvers to persons
166 qualified as provided in this section. Such licenses shall be
167 valid throughout the state for a period of five (5) years from the
168 date of issuance, except as provided in subsection (25) of this
169 section. Any person possessing a valid license issued pursuant to



170 this section may carry a stun gun, concealed pistol or concealed
171 revolver.

172 (b) The licensee must carry the license, together with
173 valid identification, at all times in which the licensee is
174 carrying a stun gun, concealed pistol or revolver and must display
175 both the license and proper identification upon demand by a law
176 enforcement officer. A violation of the provisions of this
177 paragraph (b) shall constitute a noncriminal violation with a
178 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
179 by summons.

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

182 (a) Is a resident of the state. However, this
183 residency requirement may be waived if the applicant possesses a
184 valid permit from another state, is a member of any active or
185 reserve component branch of the United States of America Armed
186 Forces stationed in Mississippi, is the spouse of a member of any
187 active or reserve component branch of the United States of America
188 Armed Forces stationed in Mississippi, or is a retired law
189 enforcement officer establishing residency in the state;

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

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

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



195 2. Holds a valid Mississippi driver's license
196 or identification card issued by the Department of Public Safety
197 or a valid and current tribal identification card issued by a
198 federally recognized Indian tribe containing a photograph of the
199 holder;

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

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

206 (e) Does not chronically or habitually abuse controlled
207 substances to the extent that his normal faculties are impaired.
208 It shall be presumed that an applicant chronically and habitually
209 uses controlled substances to the extent that his faculties are
210 impaired if the applicant has been voluntarily or involuntarily
211 committed to a treatment facility for the abuse of a controlled
212 substance or been found guilty of a crime under the provisions of
213 the Uniform Controlled Substances Law or similar laws of any other
214 state or the United States relating to controlled substances
215 within a three-year period immediately preceding the date on which
216 the application is submitted;

217 (f) Does not chronically and habitually use alcoholic
218 beverages to the extent that his normal faculties are impaired.
219 It shall be presumed that an applicant chronically and habitually



220 uses alcoholic beverages to the extent that his normal faculties
221 are impaired if the applicant has been voluntarily or
222 involuntarily committed as an alcoholic to a treatment facility or
223 has been convicted of two (2) or more offenses related to the use
224 of alcohol under the laws of this state or similar laws of any
225 other state or the United States within the three-year period
226 immediately preceding the date on which the application is
227 submitted;

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

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

233 (i) Has not been voluntarily or involuntarily committed
234 to a mental institution or mental health treatment facility unless
235 he possesses a certificate from a psychiatrist licensed in this
236 state that he has not suffered from disability for a period of
237 five (5) years;

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

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

243 (l) Is not disqualified to possess a weapon based on
244 federal law.



245 (3) The Department of Public Safety may deny a license if
246 the applicant has been found guilty of one or more crimes of
247 violence constituting a misdemeanor unless three (3) years have
248 elapsed since probation or any other conditions set by the court
249 have been fulfilled or expunction has occurred prior to the date
250 on which the application is submitted, or may revoke a license if
251 the licensee has been found guilty of one or more crimes of
252 violence within the preceding three (3) years. The department
253 shall, upon notification by a law enforcement agency or a court
254 and subsequent written verification, suspend a license or the
255 processing of an application for a license if the licensee or
256 applicant is arrested or formally charged with a crime which would
257 disqualify such person from having a license under this section,
258 until final disposition of the case. The provisions of subsection
259 (7) of this section shall apply to any suspension or revocation of
260 a license pursuant to the provisions of this section.

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

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

266 (b) The driver's license number or social security
267 number of applicant;

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



270 (d) A statement that the applicant is in compliance
271 with criteria contained within subsections (2) and (3) of this
272 section;

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

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

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

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

284 (a) A completed application as described in subsection
285 (4) of this section;

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

291 (c) A nonrefundable license fee of Eighty Dollars
292 (\$80.00). Costs for processing the set of fingerprints as
293 required in paragraph (d) of this subsection shall be borne by the
294 applicant. Honorably retired law enforcement officers, disabled



295 veterans and active duty members of the Armed Forces of the United
296 States, and law enforcement officers employed with a law
297 enforcement agency of a municipality, county or state at the time
298 of application for the license, shall be exempt from the payment
299 of the license fee;

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

302 (e) A waiver authorizing the Department of Public
303 Safety access to any records concerning commitments of the
304 applicant to any of the treatment facilities or institutions
305 referred to in subsection (2) of this section and permitting
306 access to all the applicant's criminal records.

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

311 (b) The Department of Public Safety shall forward a
312 copy of the applicant's application to the sheriff of the
313 applicant's county of residence and, if applicable, the police
314 chief of the applicant's municipality of residence. The sheriff
315 of the applicant's county of residence, and, if applicable, the
316 police chief of the applicant's municipality of residence may, at
317 his discretion, participate in the process by submitting a
318 voluntary report to the Department of Public Safety containing any
319 readily discoverable prior information that he feels may be



320 pertinent to the licensing of any applicant. The reporting shall
321 be made within thirty (30) days after the date he receives the
322 copy of the application. Upon receipt of a response from a
323 sheriff or police chief, such sheriff or police chief shall be
324 reimbursed at a rate set by the department.

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

328 (i) Issue the license;

329 (ii) Deny the application based solely on the
330 ground that the applicant fails to qualify under the criteria
331 listed in subsections (2) and (3) of this section. If the
332 Department of Public Safety denies the application, it shall
333 notify the applicant in writing, stating the ground for denial,
334 and the denial shall be subject to the appeal process set forth in
335 subsection (7); or

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

341 (d) In the event a legible set of fingerprints, as
342 determined by the Department of Public Safety and the Federal
343 Bureau of Investigation, cannot be obtained after a minimum of two
344 (2) attempts, the Department of Public Safety shall determine



345 eligibility based upon a name check by the Mississippi Highway
346 Safety Patrol and a Federal Bureau of Investigation name check
347 conducted by the Mississippi Highway Safety Patrol at the request
348 of the Department of Public Safety.

349 (7) (a) If the Department of Public Safety denies the
350 issuance of a license, or suspends or revokes a license, the party
351 aggrieved may appeal such denial, suspension or revocation to the
352 Commissioner of Public Safety, or his authorized agent, within
353 thirty (30) days after the aggrieved party receives written notice
354 of such denial, suspension or revocation. The Commissioner of
355 Public Safety, or his duly authorized agent, shall rule upon such
356 appeal within thirty (30) days after the appeal is filed and
357 failure to rule within this thirty-day period shall constitute
358 sustaining such denial, suspension or revocation. Such review
359 shall be conducted pursuant to such reasonable rules and
360 regulations as the Commissioner of Public Safety may adopt.

361 (b) If the revocation, suspension or denial of issuance
362 is sustained by the Commissioner of Public Safety, or his duly
363 authorized agent pursuant to paragraph (a) of this subsection, the
364 aggrieved party may file within ten (10) days after the rendition
365 of such decision a petition in the circuit or county court of his
366 residence for review of such decision. A hearing for review shall
367 be held and shall proceed before the court without a jury upon the
368 record made at the hearing before the Commissioner of Public
369 Safety or his duly authorized agent. No such party shall be



370 allowed to carry a stun gun, concealed pistol or revolver pursuant
371 to the provisions of this section while any such appeal is
372 pending.

373 (8) The Department of Public Safety shall maintain an
374 automated listing of license holders and such information shall be
375 available online, upon request, at all times, to all law
376 enforcement agencies through the Mississippi Crime Information
377 Center. However, the records of the department relating to
378 applications for licenses to carry stun guns, concealed pistols or
379 revolvers and records relating to license holders shall be exempt
380 from the provisions of the Mississippi Public Records Act of 1983,
381 and shall be released only upon order of a court having proper
382 jurisdiction over a petition for release of the record or records.

383 (9) Within thirty (30) days after the changing of a
384 permanent address, or within thirty (30) days after having a
385 license lost or destroyed, the licensee shall notify the
386 Department of Public Safety in writing of such change or loss.
387 Failure to notify the Department of Public Safety pursuant to the
388 provisions of this subsection shall constitute a noncriminal
389 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
390 be enforceable by a summons.

391 (10) In the event that a stun gun, concealed pistol or
392 revolver license is lost or destroyed, the person to whom the
393 license was issued shall comply with the provisions of subsection
394 (9) of this section and may obtain a duplicate, or substitute



395 thereof, upon payment of Fifteen Dollars (\$15.00) to the
396 Department of Public Safety, and furnishing a notarized statement
397 to the department that such license has been lost or destroyed.

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

401 (12) (a) Except as provided in subsection (25) of this
402 section, no less than ninety (90) days prior to the expiration
403 date of the license, the Department of Public Safety shall mail to
404 each licensee a written notice of the expiration and a renewal
405 form prescribed by the department. The licensee must renew his
406 license on or before the expiration date by filing with the
407 department the renewal form, a notarized affidavit stating that
408 the licensee remains qualified pursuant to the criteria specified
409 in subsections (2) and (3) of this section, and a full set of
410 fingerprints administered by the Department of Public Safety or
411 the sheriff of the county of residence of the licensee. The first
412 renewal may be processed by mail and the subsequent renewal must
413 be made in person. Thereafter every other renewal may be
414 processed by mail to assure that the applicant must appear in
415 person every ten (10) years for the purpose of obtaining a new
416 photograph.

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



420 (ii) Honorably retired law enforcement officers,
421 disabled veterans, active duty members of the Armed Forces of the
422 United States and law enforcement officers employed with a law
423 enforcement agency of a municipality, county or state at the time
424 of renewal, shall be exempt from the renewal fee; and

425 (iii) The renewal fee for a Mississippi resident
426 aged sixty-five (65) years of age or older shall be Twenty Dollars
427 (\$20.00).

428 (b) The Department of Public Safety shall forward the
429 full set of fingerprints of the applicant to the appropriate
430 agencies for state and federal processing. The license shall be
431 renewed upon receipt of the completed renewal application and
432 appropriate payment of fees.

433 (c) A licensee who fails to file a renewal application
434 on or before its expiration date must renew his license by paying
435 a late fee of Fifteen Dollars (\$15.00). No license shall be
436 renewed six (6) months or more after its expiration date, and such
437 license shall be deemed to be permanently expired. A person whose
438 license has been permanently expired may reapply for licensure;
439 however, an application for licensure and fees pursuant to
440 subsection (5) of this section must be submitted, and a background
441 investigation shall be conducted pursuant to the provisions of
442 this section.

443 (13) No license issued pursuant to this section shall
444 authorize any person, except a law enforcement officer as defined



445 in Section 45-6-3 with a distinct license authorized by the
446 Department of Public Safety, to carry a stun gun, concealed pistol
447 or revolver into any place of nuisance as defined in Section
448 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
449 patrol station; any detention facility, prison or jail; any
450 courthouse; any courtroom, except that nothing in this section
451 shall preclude a judge from carrying a concealed weapon or
452 determining who will carry a concealed weapon in his courtroom;
453 any polling place; any meeting place of the governing body of any
454 governmental entity; any meeting of the Legislature or a committee
455 thereof; any school, college or professional athletic event not
456 related to firearms; any portion of an establishment, licensed to
457 dispense alcoholic beverages for consumption on the premises, that
458 is primarily devoted to dispensing alcoholic beverages; any
459 portion of an establishment in which beer, light spirit product or
460 light wine is consumed on the premises, that is primarily devoted
461 to such purpose; any elementary or secondary school facility; any
462 junior college, community college, college or university facility
463 unless for the purpose of participating in any authorized
464 firearms-related activity; inside the passenger terminal of any
465 airport, except that no person shall be prohibited from carrying
466 any legal firearm into the terminal if the firearm is encased for
467 shipment, for purposes of checking such firearm as baggage to be
468 lawfully transported on any aircraft; any church or other place of
469 worship, except as provided in Section 45-9-171; or any place



470 where the carrying of firearms is prohibited by federal law. In
471 addition to the places enumerated in this subsection, the carrying
472 of a stun gun, concealed pistol or revolver may be disallowed in
473 any place in the discretion of the person or entity exercising
474 control over the physical location of such place by the placing of
475 a written notice clearly readable at a distance of not less than
476 ten (10) feet that the "carrying of a pistol or revolver is
477 prohibited." No license issued pursuant to this section shall
478 authorize the participants in a parade or demonstration for which
479 a permit is required to carry a stun gun, concealed pistol or
480 revolver.

481 (14) A law enforcement officer as defined in Section 45-6-3,
482 chiefs of police, sheriffs and persons licensed as professional
483 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
484 1972, shall be exempt from the licensing requirements of this
485 section.

486 (a) The Commissioner of Public Safety shall promulgate
487 rules and regulations to provide licenses to law enforcement
488 officers as defined in Section 45-6-3 who choose to obtain a
489 license under the provisions of this section, which shall include
490 a distinction that the officer is an "active duty" law enforcement
491 officer and an endorsement that such officer is authorized to
492 carry in the locations listed in subsection (13). A law
493 enforcement officer shall provide the following information to
494 receive the license described in this subsection: (i) a letter,



495 with the official letterhead of the agency or department for which
496 the officer is employed at the time of application and (ii) a
497 letter with the official letterhead of the agency or department,
498 which explains that such officer has completed a certified law
499 enforcement training academy.

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

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

510 (16) All fees collected by the Department of Public Safety
511 pursuant to this section shall be deposited into a special fund
512 hereby created in the State Treasury and shall be used for
513 implementation and administration of this section. After the
514 close of each fiscal year, the balance in this fund shall be
515 certified to the Legislature and then may be used by the
516 Department of Public Safety as directed by the Legislature.

517 (17) All funds received by a sheriff or police chief
518 pursuant to the provisions of this section shall be deposited into
519 the general fund of the county or municipality, as appropriate,



520 and shall be budgeted to the sheriff's office or police department
521 as appropriate.

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

525 (19) Any person holding a valid unrevoked and unexpired
526 license to carry stun guns, concealed pistols or revolvers issued
527 in another state shall have such license recognized by this state
528 to carry stun guns, concealed pistols or revolvers. The
529 Department of Public Safety is authorized to enter into a
530 reciprocal agreement with another state if that state requires a
531 written agreement in order to recognize licenses to carry stun
532 guns, concealed pistols or revolvers issued by this state.

533 (20) The provisions of this section shall be under the
534 supervision of the Commissioner of Public Safety. The
535 commissioner is authorized to promulgate reasonable rules and
536 regulations to carry out the provisions of this section.

537 (21) For the purposes of this section, the term "stun gun"
538 means a portable device or weapon from which an electric current,
539 impulse, wave or beam may be directed, which current, impulse,
540 wave or beam is designed to incapacitate temporarily, injure,
541 momentarily stun, knock out, cause mental disorientation or
542 paralyze.

543 (22) (a) From and after January 1, 2016, the Commissioner
544 of Public Safety shall promulgate rules and regulations which



545 provide that licenses authorized by this section for honorably
546 retired law enforcement officers and honorably retired
547 correctional officers from the Mississippi Department of
548 Corrections shall (i) include the words "retired law enforcement
549 officer" on the front of the license, and (ii) unless the licensee
550 chooses to have this license combined with a driver's license or
551 identification card under subsection (25) of this section, that
552 the license itself have a red background to distinguish it from
553 other licenses issued under this section.

554 (b) An honorably retired law enforcement officer and
555 honorably retired correctional officer shall provide the following
556 information to receive the license described in this section: (i)
557 a letter, with the official letterhead of the agency or department
558 from which such officer is retiring, which explains that such
559 officer is honorably retired, and (ii) a letter with the official
560 letterhead of the agency or department, which explains that such
561 officer has completed a certified law enforcement training
562 academy.

563 (23) A disabled veteran who seeks to qualify for an
564 exemption under this section shall be required to provide a
565 veterans health services identification card issued by the United
566 States Department of Veterans Affairs indicating a
567 service-connected disability, which shall be sufficient proof of
568 such service-connected disability.



569 (24) A license under this section is not required for a
570 loaded or unloaded pistol or revolver to be carried upon the
571 person in a sheath, belt holster or shoulder holster or in a
572 purse, handbag, satchel, other similar bag or briefcase or fully
573 enclosed case if the person is not engaged in criminal activity
574 other than a misdemeanor traffic offense, is not otherwise
575 prohibited from possessing a pistol or revolver under state or
576 federal law, and is not in a location prohibited under subsection
577 (13) of this section. However, the medical use of medical
578 cannabis by a cardholder who is a registered qualifying patient
579 which is lawful under the provisions of the Mississippi Medical
580 Cannabis Act and in compliance with rules and regulations adopted
581 thereunder shall not disqualify a person under this subsection
582 (24) solely because the person is prohibited from possessing a
583 firearm under 18 USCS Section 922(g)(3) due to such medical use of
584 medical cannabis.

585 (25) An applicant for a license under this section shall
586 have the option of, instead of being issued a separate card for
587 the license, having the license appear as a notation on the
588 individual's driver's license or identification card. If the
589 applicant chooses this option, the license issued under this
590 section shall have the same expiration date as the driver's
591 license or identification card, and renewal shall take place at
592 the same time and place as renewal of the driver's license or
593 identification card. The Commissioner of Public Safety shall have



594 the authority to promulgate rules and regulations which may be
595 necessary to ensure the effectiveness of the concurrent
596 application and renewal processes.

597 **SECTION 3.** This act shall take effect and be in force from
598 and after July 1, 2023.

