

By: Representatives Owen, Barnett, Bennett, To: Judiciary B  
Boyd (19th), Carpenter, Currie, Darnell,  
Felsher, Ford (73rd), Hobgood-Wilkes,  
Hopkins, Hulum, Lancaster, McCarty, McLean,  
Morgan, Newman, Pigott, Read, Scoggin,  
Shanks, Wallace, Williamson, Bounds, Crawford, Stamps

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1110

1 AN ACT TO CREATE THE "SECOND AMENDMENT FINANCIAL PRIVACY  
2 ACT"; TO PROVIDE LEGISLATIVE FINDINGS; TO DEFINE CERTAIN TERMS  
3 RELATING TO THE ACT; TO PROHIBIT A STATE AGENCY OR OTHER POLITICAL  
4 SUBDIVISION OF THE STATE, OR ANY OTHER PERSON, PUBLIC OR PRIVATE,  
5 FROM KEEPING ANY RECORD OF PRIVATELY OWNED FIREARMS, OR REGISTRY  
6 OF THE OWNER OF THOSE FIREARMS; TO PROHIBIT A FINANCIAL  
7 INSTITUTION FROM USING A FIREARMS CODE TO ENGAGE IN CERTAIN  
8 DISCRIMINATORY CONDUCT IN THE STATE; TO AUTHORIZE THE ATTORNEY  
9 GENERAL TO INVESTIGATE ALLEGED VIOLATIONS OF THIS ACT; TO  
10 AUTHORIZE THE ATTORNEY GENERAL TO PURSUE AN INJUNCTION AGAINST ANY  
11 ENTITY OR INDIVIDUAL IN VIOLATION OF THIS ACT; AND FOR RELATED  
12 PURPOSES.

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

14 **SECTION 1.** This act shall be known and may be cited as the  
15 "Second Amendment Financial Privacy Act".

16 **SECTION 2.** The Legislature finds that:

17 (a) The Second Amendment to the United States  
18 Constitution guarantees the people the right to keep and bear  
19 arms;

20 (b) Article III, Section 12, of the Mississippi  
21 Constitution provides that "The right of every citizen to keep and  
22 bear arms in defense of his home, person, or property, or in aid  
23 of the civil power when thereto legally summoned, shall not be



24 called in question, but the Legislature may regulate or forbid  
25 carrying concealed weapons";

26 (c) In September 2022, the International Standards  
27 Organization, based in Switzerland, approved a new merchant  
28 category code for firearm and ammunition merchants;

29 (d) In the letter to payment card networks, federal  
30 lawmakers stated that the new Merchant Category Code for firearms  
31 retailers would be ". . .the first step towards facilitating the  
32 collection of valuable financial data that could help law  
33 enforcement in countering the financing of terrorism efforts",  
34 expressing a clear government expectation that networks will  
35 utilize the new Merchant Category Code to conduct mass  
36 surveillance of constitutionally protected firearms and ammunition  
37 purchases in cooperation with law enforcement;

38 (e) The new Merchant Category Code will allow the  
39 banks, payment card networks, acquirers, and other entities  
40 involved in payment card processing to identify and separately  
41 track lawful payment card purchases at firearms retailers in the  
42 State of Mississippi, paving the way for both unprecedented  
43 surveillance of Second Amendment activity and unprecedented  
44 information sharing between financial institutions and the  
45 government;

46 (f) This potential for cooperative surveillance and  
47 tracking of lawful firearms and ammunition purchases will have a  
48 significant chilling effect on citizens wishing to exercise their



49 federal and state constitutional rights to keep and bear arms in  
50 Mississippi;

51 (g) While federal law requires some financial  
52 institutions to report transactions that are highly indicative of  
53 money laundering or other unlawful activities, there is no federal  
54 or state law authorizing financial institutions to surveil and  
55 track lawful activities by customers in cooperation with law  
56 enforcement;

57 (h) The creation or maintenance of records of purchases  
58 of firearms or ammunition or the tracking of sales made by a  
59 retailer of firearms or ammunition by a nongovernmental entity,  
60 including a financial institution, without a substantial and  
61 historical business need or a requirement imposed by law, may  
62 frustrate the right to keep and bear arms and violate the  
63 reasonable privacy rights of lawful purchasers of firearms or  
64 ammunition; and

65 (i) Based on the above stated findings, it is the  
66 intent of the Legislature to prohibit the misuse of payment card  
67 processing systems to surveil, report, or otherwise discourage  
68 constitutionally protected firearm and ammunition purchases within  
69 the State of Mississippi.

70 **SECTION 3.** As used in this act, the following words shall  
71 have the meanings as defined in this section, unless the context  
72 clearly indicates otherwise:



73           (a) "Assign" or "assignment" means a financial  
74 institution policy, process, or practice that labels, links, or  
75 otherwise associates a firearms code with a merchant or payment  
76 card transaction in a manner that allows the financial institution  
77 or any other entity facilitating or processing the payment card  
78 transaction to identify whether a merchant is a firearms retailer  
79 or whether a transaction involves the sale of firearms or  
80 ammunition.

81           (b) "Customer" means any person engaged in a payment  
82 card transaction that a financial institution facilitates or  
83 processes.

84           (c) "Disclosure" means the transfer, publication, or  
85 distribution of protected financial information to another person  
86 or entity for any purpose other than to process or facilitate a  
87 payment card transaction.

88           (d) "Financial institution" means an entity involved in  
89 facilitating or processing a payment card transaction, including,  
90 but not limited to, a bank, acquirer, payment card network, or  
91 payment card issuer.

92           (e) "Financial record" means a record held by a  
93 financial institution related to a payment card transaction that  
94 the financial institution has processed or facilitated.

95           (f) "Firearms retailer" means any person or entity  
96 engaged in the lawful business of selling or trading firearms or  
97 ammunition to be used in firearms.



98 (g) "Firearms code" means any code or other indicator  
99 that a financial institution assigns to a merchant or to a payment  
100 card transaction that identifies whether a merchant is a firearms  
101 retailer or whether the payment card transaction involves the  
102 purchase of a firearm or ammunition. The term "firearms code"  
103 includes, but is not limited to, a Merchant Category Code assigned  
104 to a retailer by a payment card network or other financial  
105 institution.

106 (h) "Government entity" means any county or  
107 municipality, or state board, commission, agency, bureau,  
108 department, or any other political subdivision of the state.

109 (i) "Protected financial information" means any record  
110 of a sale, purchase, return, or refund involving a payment card  
111 that is retrieved, characterized, generated, labeled, sorted, or  
112 grouped based on the assignment of a firearms code.

113 **SECTION 4.** (1) A state governmental agency or local  
114 government, special district, or other political subdivision or  
115 official, agent, or employee of the state or other governmental  
116 entity or any other person, public or private, may not knowingly  
117 and willfully keep or cause to be kept any list, record, or  
118 registry of privately owned firearms or any list, record, or  
119 registry of the owners of those firearms.

120 (2) A financial institution or its agent may not require the  
121 usage of or assign a firearms or ammunition merchant category code  
122 to any merchant located in Mississippi that is a seller of



123 firearms or ammunition separately from general merchandise  
124 retailers or sporting goods retailers.

125 **SECTION 5.** (1) The Attorney General may investigate alleged  
126 violations of this act and, upon finding a violation, shall  
127 provide written notice to any individual or entity, public or  
128 private, believed to be in violation of this act. Upon receipt of  
129 such written notice from the Attorney General, the entity shall  
130 have thirty (30) calendar days to cease the usage of a firearms or  
131 ammunition merchant code for any Mississippi merchant.

132 (2) If the entity fails to cease the usage of a firearms or  
133 ammunition merchant code for any merchant located in Mississippi  
134 after the expiration of thirty (30) calendar days from the receipt  
135 of written notice by the Attorney General's office, the Attorney  
136 General may pursue an injunction against any individual or entity,  
137 public or private, alleged to be in violation of this act, which a  
138 court may order, in addition to any such other relief, as the  
139 court may consider appropriate.

140 (3) It shall not be a defense to a civil action filed under  
141 this act that such information was disclosed to a federal  
142 government entity, unless such disclosure or action is required by  
143 federal law or regulation.

144 **SECTION 6.** This act shall take effect and be in force from  
145 and after July 1, 2023.

