

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

HOUSE BILL NO. 1110
(As Passed the House)

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) Except for those rewards kept during the
114 regular course of a criminal investigation and prosecution, a
115 state governmental agency or local government, special district,
116 or other political subdivision or official, agent, or employee of
117 the state or other governmental entity or any other person, public
118 or private, may not knowingly and willfully keep or cause to be
119 kept any list, record, or registry of privately owned firearms or
120 any list, record, or registry of the owners of those firearms.

121 (2) A financial institution or its agent may not require the
122 usage of or assign a firearms or ammunition merchant category code



123 to any merchant located in Mississippi that is a seller of
124 firearms or ammunition separately from general merchandise
125 retailers or sporting goods retailers.

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

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

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

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

