

Senate Amendments to House Bill No. 529

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

26 **SECTION 1.** Section 45-2-1, Mississippi Code of 1972, is
27 amended as follows:

28 45-2-1. (1) Whenever used in this section, the term:

29 (a) "Covered individual" means a law enforcement
30 officer or firefighter, including volunteer firefighters, as
31 defined in this section when employed by an employer as defined in
32 this section; it does not include employees of independent
33 contractors.

34 (b) "Employer" means a state board, commission,
35 department, division, bureau or agency, or a county, municipality
36 or other political subdivision of the state, which employs,
37 appoints or otherwise engages the services of covered individuals.

38 (c) "Firefighter" means an individual who is trained
39 for the prevention and control of loss of life and property from
40 fire or other emergencies, who is assigned to firefighting
41 activity, and is required to respond to alarms and perform

42 emergency actions at the location of a fire, hazardous materials
43 or other emergency incident.

44 (d) "Law enforcement officer" means any lawfully sworn
45 officer or employee of the state or any political subdivision of
46 the state whose duties require the officer or employee to
47 investigate, pursue, apprehend, arrest, transport or maintain
48 custody of persons who are charged with, suspected of committing,
49 or convicted of a crime, whether the officer is on regular duty on
50 full-time status, an auxiliary or reserve officer, or is serving
51 on a temporary or part-time status.

52 (e) "Cause of death" means any cause of death that
53 would be covered under the Public Safety Officers' Benefits Act of
54 1976, the Hometown Heroes Survivors Benefits Act of 2003,
55 generally codified at 42 USCS Chapter 46, or the Safeguarding
56 America's First Responders Act of 2020.

57 (2) (a) The Department of Public Safety shall make a
58 payment, as provided in this section, in the amount of * * * One
59 Hundred Ten Thousand Dollars (\$110,000.00) when a covered
60 individual, while engaged in the performance of the person's
61 official duties, dies or receives accidental or intentional bodily
62 injury that results in the loss of the covered individual's life
63 and such death is the result of a covered cause of death, provided
64 that the death is not the result of suicide and that the bodily
65 injury is not intentionally self-inflicted.

66 (b) The payment provided for in this subsection shall
67 be made to the beneficiary who was designated in writing by the

68 covered individual, signed by the covered individual and delivered
69 to the employer during the covered individual's lifetime. If no
70 such designation is made, then the payment shall be made to the
71 surviving child or children and spouse in equal portions, and if
72 there is no surviving child or spouse, then to the parent or
73 parents. If a beneficiary is not designated and there is no
74 surviving child, spouse or parent, then the payment shall be made
75 to the covered individual's estate.

76 (c) The payment made in this subsection is in addition
77 to any workers' compensation or pension benefits and is exempt
78 from the claims and demands of creditors of the covered
79 individual.

80 (3) (a) There is established in the State Treasury a
81 special fund to be known as the Law Enforcement Officers and Fire
82 Fighters Death Benefits Trust Fund. The trust fund shall be
83 funded by an initial appropriation of Two Hundred Thousand Dollars
84 (\$200,000.00), and shall be comprised of any additional funds made
85 available by the Legislature or by donation, contribution, gift or
86 any other source.

87 (b) The State Treasurer shall invest the monies of the
88 trust fund in any of the investments authorized for the funds of
89 the Public Employees' Retirement System under Section 25-11-121,
90 and those investments shall be subject to the limitations
91 prescribed by Section 25-11-121.

92 (c) Unexpended amounts remaining in the trust fund at
93 the end of the state fiscal year shall not lapse into the State

94 General Fund, and any income earned on amounts in the trust fund
95 shall be deposited to the credit of the trust fund. However, any
96 unexpended amounts transferred in accordance with Section 2 of
97 Chapter 315, Laws of 2022, and remaining in the trust fund at the
98 end of the state fiscal year shall lapse into the Coronavirus
99 State Fiscal Recovery Fund.

100 (4) The Department of Public Safety shall be responsible for
101 the management of the trust fund and the disbursement of death
102 benefits authorized under this section. The Department of Public
103 Safety shall adopt rules and regulations necessary to implement
104 and standardize the payment of death benefits under this section,
105 to administer the trust fund created by this section and to carry
106 out the purposes of this section.

107 **SECTION 2.** Section 63-16-13, Mississippi Code of 1972, is
108 amended as follows:

109 63-16-13. (1) If the operator of a motor vehicle being
110 operated on the public roads, streets or highways of the State of
111 Mississippi or registered in the State of Mississippi has been
112 found failing to have motor vehicle liability insurance in at
113 least the minimum amounts required under Section 63-15-3(j), it is
114 a misdemeanor and, upon conviction, is punishable by a fine of One
115 Hundred Dollars (\$100.00) and suspension of driving privilege for
116 a period of one (1) year or until the owner of the motor vehicle
117 shows proof of liability insurance that is in compliance with the
118 liability limits required by Section 63-15-3(j) and has paid the
119 fines and assessments imposed and the driver's license

120 reinstatement fees imposed by the Department of Public Safety. A
121 judge shall determine whether the defendant is indigent, and if a
122 determination of indigence is made, shall authorize the
123 reinstatement of that person's driver's license upon proof of
124 mandatory liability insurance subject to compliance with a payment
125 plan for any fines, assessments and/or fees. If such fines are
126 levied in a municipal court, the funds from such fines shall be
127 deposited in the general fund of the municipality. If such fines
128 are levied in any of the courts of the county, the funds from such
129 fines shall be deposited in the general fund of the county. A
130 person convicted of a criminal offense under this subsection (1)
131 shall not be convicted of a criminal offense under Section
132 63-15-4(4) arising from the same incident.

133 (2) (a) There is created in the State Treasury a special
134 fund to be designated as the "Uninsured Motorist Identification
135 Fund." The fund shall consist of monies deposited therein as
136 provided under subsection (1) of this section and monies from any
137 other source designated for deposit into such fund. Unexpended
138 amounts remaining in the fund at the end of a fiscal year shall
139 not lapse into the State General Fund, and any interest earned or
140 investment earnings on amounts in the fund shall be deposited to
141 the credit of the fund; however, one-half (1/2) of any monies in
142 excess of the amount needed to defray the expenses and costs of
143 the verification system created under Section 63-16-3 remaining in
144 the fund at the end of a fiscal year shall be transferred to a
145 special fund created in the State Treasury for the purpose of

146 funding a Highway Patrol Trooper School, and one-half (1/2) of any
147 monies in excess of the amount needed to defray the expenses and
148 costs of the verification system created under Section 63-16-3
149 remaining in the fund at the end of a fiscal year shall be
150 transferred to the Mississippi Trauma Care Systems Fund created
151 under Section 41-59-75.

152 (b) Monies in the Uninsured Motorist Identification
153 Fund may be used by the Department of Public Safety, upon
154 appropriation by the Legislature, * * * for the purpose of
155 defraying expenses and costs for the motor vehicle insurance
156 verification system created under Section 63-16-3. In addition,
157 at any time during a fiscal year, if the Department of Public
158 Safety determines that funds in the Law Enforcement Officers and
159 Fire Fighters Death Benefits Trust Fund created under Section
160 45-2-1 are insufficient, the department may request the State
161 Fiscal Officer to transfer funds from the Uninsured Motorist
162 Identification Fund. The State Fiscal Officer may make an
163 appropriate transfer if he determines that the funds in the Law
164 Enforcement Officers and Fire Fighters Death Benefits Trust Fund
165 are insufficient and the funds in the Uninsured Motorist
166 Identification Fund will be sufficient for defraying the expenses
167 and costs for the motor vehicle insurance verification system
168 created under Section 63-16-3. Monies in the fund used for the
169 purposes described in this paragraph (b) shall be in addition to
170 other funds available from any other source for such purposes.

171 **SECTION 3.** Section 63-16-3, Mississippi Code of 1972, is
172 amended as follows:

173 63-16-3. (1) The Department of Public Safety, hereinafter
174 referred to in this section as "department," in cooperation with
175 the Commissioner of Insurance and the Department of Revenue, shall
176 establish an accessible common carrier-based motor vehicle
177 insurance verification system to verify the compliance of a motor
178 vehicle with motor vehicle liability policy requirements under the
179 Mississippi Motor Vehicle Safety-Responsibility Law.

180 (2) The department, in cooperation with the Department of
181 Revenue if applicable, may contract with a private vendor or
182 vendors to establish and maintain the system.

183 (3) The system must:

184 (a) Send requests to insurers for verification of motor
185 vehicle liability insurance using electronic services established
186 by the insurers through the internet, World Wide Web, or a similar
187 proprietary or common carrier electronic system in compliance with
188 the specifications and standards of the Insurance Industry
189 Committee on Motor Vehicle Administration and other applicable
190 industry standards;

191 (b) Include appropriate provisions to secure its data
192 against unauthorized access and to maintain a record of all
193 requests and responses;

194 (c) Be accessible, without fee, to authorized personnel
195 of the department, the courts, law enforcement personnel, and

196 other entities authorized by the department under the provisions
197 of Section 63-16-7;

198 (d) Be able to interface with existing department
199 systems;

200 (e) Be able to be accessed by authorized users via a
201 secure web browser;

202 (f) Not more often than every thirty (30) days, receive
203 insurance information from insurers under specifications and
204 standards set forth in paragraph (a) of this subsection or other
205 data file formats as approved by the department to identify motor
206 vehicle insurance policy information; however, no insurer shall be
207 required to provide information in a format other than those set
208 forth by the Insurance Industry Committee on Motor Vehicle
209 Administration "Insurance Data Transfer Guide," as amended;

210 (g) Provide a means by which low-volume insurers that
211 are unable to deploy an online interface with the system can
212 report insurance policy data to the department or their designee
213 for inclusion in the system;

214 (h) Provide a means to track separately or distinguish
215 motor vehicles that are subject to a certificate of insurance
216 under Section 63-15-39 or 63-15-41, a certificate of
217 self-insurance under Section 63-15-53, a bond under Section
218 63-15-49, or a certificate of deposit of money or securities under
219 Section 63-15-51;

220 (i) Distinguish motor vehicles that are exempt from the
221 provisions of this chapter;

222 (j) Be available twenty-four (24) hours a day, seven
223 (7) days a week, subject to reasonable allowances for scheduled
224 maintenance or temporary system failures, to verify the insurance
225 status of any motor vehicle in a manner prescribed by the
226 department; and

227 (k) Be installed and operational not later than March
228 1, 2016, followed by an appropriate testing period of not less
229 than six (6) months.

230 (4) Every insurer shall cooperate with the department and
231 the Insurance Department in establishing and maintaining the
232 system and shall provide motor vehicle liability policy status and
233 information to verify liability coverage for a motor vehicle
234 insured by that company that is registered in this state.

235 (5) Records and information gathered by or stored in the
236 system are exempt from the Mississippi Public Records Act of 1983.

237 **SECTION 4.** The following shall be codified as Section
238 45-27-23, Mississippi Code of 1972:

239 45-27-23. (1) In order to facilitate the authorized
240 interstate exchange of criminal history information for
241 noncriminal justice purposes, including, but not limited to,
242 background checks for the licensing and screening of employees and
243 volunteers under the National Child Protection Act of 1993, as
244 amended, and to implement the National Crime Prevention and
245 Privacy Compact, 42 U.S.C. Section 14616, the Legislature approves
246 and ratifies the compact. The director of the Mississippi Justice

247 Information Center shall execute the compact on behalf of the
248 state.

249 (2) The department is the repository of criminal history
250 records for purposes of the compact and shall do all things
251 necessary or incidental to carrying out the compact.

252 (3) The director of the Mississippi Justice Information
253 Center, or the director's designee, is the state's compact officer
254 and shall administer the compact within the state. The
255 Mississippi Justice Information Center may establish procedures
256 for the cooperative exchange of criminal history records between
257 the state and federal government for use in noncriminal justice
258 cases.

259 (4) The state's ratification of the compact remains in effect
260 until legislation is enacted specifically renouncing the compact.

261 **SECTION 5.** Section 45-27-9, Mississippi Code of 1972, is
262 amended as follows:

263 45-27-9. (1) All criminal justice agencies within the state
264 shall submit to the center an arrest card that will transmit
265 fingerprints, descriptions, photographs (when specifically
266 requested), and other identifying data on persons who have been
267 lawfully arrested or taken into custody in this state for all
268 felonies and misdemeanors as described in Section 45-27-7(2)(a).
269 It shall be the duty of all chiefs of police, sheriffs, district
270 attorneys, courts, court clerks, judges, parole and probation
271 officers, wardens or other persons in charge of correctional
272 institutions in this state to furnish the center with all data

273 required by the rules duly promulgated under the Administrative
274 Procedures Act to carry out its responsibilities under this
275 chapter, and the duty of courts and court clerks to submit a
276 disposition form for every disposition. It shall be the duty of
277 all criminal justice agencies within the state to supply the
278 prosecutor and the proper court with the disposition form that is
279 attached to the physical arrest card if fingerprints were taken
280 manually or, if fingerprints were captured digitally, the
281 disposition form generated by the electronic fingerprint device at
282 the time of the arrest. The PEER committee may conduct random
283 review of the records of any agency or clerks referenced in this
284 subsection (1) to determine whether the duties of such agencies
285 and clerks are being fulfilled in a timely manner. The PEER
286 committee, based on its findings, if any, shall recommend measures
287 to ensure that the duties are more effectively carried out in a
288 timely manner.

289 (2) (a) All persons in charge of law enforcement agencies
290 shall obtain, or cause to be obtained, fingerprints according to
291 the fingerprint system of identification established by the
292 Director of the Federal Bureau of Investigation, full face and
293 profile photographs (if equipment is available) and other
294 available identifying data, of each person arrested or taken into
295 custody for an offense of a type designated in subsection (1) of
296 this section, of all persons arrested or taken into custody as
297 fugitives from justice and of all unidentified human corpses in
298 their jurisdictions, but photographs need not be taken if it is

299 known that photographs of the type listed, taken within the
300 previous year, are on file. Any record taken in connection with
301 any person arrested or taken into custody and subsequently
302 released without charge or cleared of the offense through court
303 proceedings shall be purged from the files of the center and
304 destroyed upon receipt by the center of a lawful expunction order.
305 All persons in charge of law enforcement agencies shall submit to
306 the center detailed descriptions of arrests or takings into
307 custody which result in release without charge or subsequent
308 exoneration from criminal liability within twenty-four (24) hours
309 of the release or exoneration.

310 (b) The center will work to secure grant funds to
311 purchase live scan equipment to be utilized throughout the state.
312 All law enforcement agencies shall utilize any live scan equipment
313 provided by the center to ensure the most accurate collection of
314 fingerprints. The center shall coordinate the use of the
315 equipment with federal, state, county and municipal law
316 enforcement agencies.

317 (3) Fingerprints and other identifying data required to be
318 taken under subsection (2) shall be forwarded within twenty-four
319 (24) hours after taking for filing and classification, but the
320 period of twenty-four (24) hours may be extended to cover any
321 intervening holiday or weekend. Photographs taken shall be
322 forwarded at the discretion of the agency concerned, but, if not
323 forwarded, the fingerprint record shall be marked "Photo

324 Available" and the photographs shall be forwarded subsequently if
325 the center so requests.

326 (4) All persons in charge of law enforcement agencies shall
327 submit to the center detailed descriptions of arrest warrants and
328 related identifying data immediately upon determination of the
329 fact that the warrant cannot be served for the reasons stated. If
330 the warrant is subsequently served or withdrawn, the law
331 enforcement agency concerned must immediately notify the center of
332 the service or withdrawal. Also, the agency concerned must
333 annually, no later than January 31 of each year and at other times
334 if requested by the center, confirm all arrest warrants which
335 continue to be outstanding. Upon receipt of a lawful expunction
336 order, the center shall purge and destroy files of all data
337 relating to an offense when an individual is subsequently
338 exonerated from criminal liability of that offense. The center
339 shall not be liable for the failure to purge, destroy or expunge
340 any records if an agency or court fails to forward to the center
341 proper documentation ordering the action.

342 (5) All persons in charge of state correctional institutions
343 shall obtain fingerprints, according to the fingerprint system of
344 identification established by the Director of the Federal Bureau
345 of Investigation or as otherwise directed by the center, and full
346 face and profile photographs of all persons received on commitment
347 to the institutions. The prints so taken shall be forwarded to
348 the center, together with any other identifying data requested,
349 within ten (10) days after the arrival at the institution of the

350 person committed. At the time of release, the institution will
351 again obtain fingerprints, as before, and forward them to the
352 center within ten (10) days, along with any other related
353 information requested by the center. The institution shall notify
354 the center immediately upon the release of the person.

355 (6) All persons in charge of law enforcement agencies, all
356 court clerks, all municipal justices where they have no clerks,
357 all justice court judges and all persons in charge of state and
358 county probation and parole offices, shall supply the center with
359 the information described in subsections (4) and (10) of this
360 section on the basis of the forms and instructions for the
361 disposition form to be supplied by the center.

362 (7) All persons in charge of law enforcement agencies in
363 this state shall furnish the center with any other identifying
364 data required in accordance with guidelines established by the
365 center. All law enforcement agencies and correctional
366 institutions in this state having criminal identification files
367 shall cooperate in providing the center with copies of the items
368 in the files which will aid in establishing the nucleus of the
369 state criminal identification file.

370 (8) All law enforcement agencies within the state shall
371 report to the center, in a manner prescribed by the center, all
372 persons wanted by and all vehicles and identifiable property
373 stolen from their jurisdictions. The report shall be made as soon
374 as is practical after the investigating department or agency
375 either ascertains that a vehicle or identifiable property has been

376 stolen or obtains a warrant for an individual's arrest or
377 determines that there are reasonable grounds to believe that the
378 individual has committed a crime. The report shall be made within
379 a reasonable time period following the reporting department's or
380 agency's determination that it has grounds to believe that a
381 vehicle or property was stolen or that the wanted person should be
382 arrested.

383 (9) All law enforcement agencies in the state shall
384 immediately notify the center if at any time after making a report
385 as required by subsection (8) of this section it is determined by
386 the reporting department or agency that a person is no longer
387 wanted or that a vehicle or property stolen has been recovered.
388 Furthermore, if the agency making the apprehension or recovery is
389 not the one which made the original report, then it shall
390 immediately notify the originating agency of the full particulars
391 relating to the apprehension or recovery using methods prescribed
392 by the center.

393 (10) All law enforcement agencies in the state and clerks of
394 the various courts shall promptly report to the center all
395 instances where records of convictions of criminals are ordered
396 expunged by courts of this state as now provided by law. The
397 center shall promptly expunge from the files of the center and
398 destroy all records pertaining to any convictions that are ordered
399 expunged by the courts of this state as provided by law.

400 (11) The center shall not be held liable for the failure to
401 purge, destroy or expunge records if an agency or court fails to
402 forward to the center proper documentation ordering the action.

403 (12) Any criminal justice department or agency making an
404 expenditure in excess of Five Thousand Dollars (\$5,000.00) in any
405 calendar year on software or programming upgrades concerning a
406 computerized records management system or jail management system
407 shall ensure that the new or upgraded system is formatted to
408 Department of Justice approved XML format and that no impediments
409 to data sharing with other agencies or departments exist in the
410 software programming.

411 (13) (a) All law enforcement agencies within the state
412 shall:

413 (i) Implement an incident-based reporting system
414 within the agency or department that meets the reporting
415 requirements of the National Incident-Based Reporting System
416 (NIBRS) of the Uniform Crime Reporting Program of the Federal
417 Bureau of Investigation;

418 (ii) Use the system described by subparagraph (i)
419 to submit to the center information and statistics concerning
420 criminal offenses committed in the jurisdiction of the local law
421 enforcement agency, in a manner prescribed by the center; and

422 (iii) Report the information as soon as is
423 practicable after the investigating agency or department
424 ascertains that a qualifying crime has been committed in its
425 jurisdiction, once the state-level NIBRS Repository is available.

426 (b) No later than July 1, 2019, the department shall
427 submit a report to the Legislature that identifies the number of
428 local law enforcement agencies that have implemented the system
429 described in this subsection (13).

430 **SECTION 6.** Section 63-1-16, Mississippi Code of 1972, is
431 amended as follows:

432 63-1-16. (1) The Department of Public Safety shall, upon
433 request of the board of supervisors, furnish * * * a Driver
434 Service Bureau public access computer at a location in each county
435 seat * * * to access the Driver Service Bureau website. * * * The
436 county shall furnish the * * * Internet connectivity at the
437 location for the * * * Driver Service Bureau public access
438 computer.

439 * * *

440 (* * *2) At each driver's license location in the state,
441 there shall be location signs prominently displayed providing for
442 required information for the various licenses, cards and other
443 services.

444 (* * *3) On the Driver Services * * * Bureau's website,
445 there shall be tutorial videos linked to online procedures to help
446 clearly illustrate how to use the website.

447 (* * *4) On the Driver Services * * * Bureau's website, the
448 "Wait Anywhere Appointment," or its equivalent or successor
449 program, shall be made available to use for all driver's license
450 locations in the state.

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

453 45-9-101. (1) (a) Except as otherwise provided, the
454 Department of Public Safety is authorized to issue licenses to
455 carry stun guns, concealed pistols or revolvers to persons
456 qualified as provided in this section. Such licenses shall be
457 valid throughout the state for a period of five (5) years from the
458 date of issuance, except as provided in subsection (25) of this
459 section. Any person possessing a valid license issued pursuant to
460 this section may carry a stun gun, concealed pistol or concealed
461 revolver.

462 (b) The licensee must carry the license, together with
463 valid identification, at all times in which the licensee is
464 carrying a stun gun, concealed pistol or revolver and must display
465 both the license and proper identification upon demand by a law
466 enforcement officer. A violation of the provisions of this
467 paragraph (b) shall constitute a noncriminal violation with a
468 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
469 by summons.

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

472 (a) Is a resident of the state. However, this
473 residency requirement may be waived if the applicant possesses a
474 valid permit from another state, is a member of any active or
475 reserve component branch of the United States of America Armed
476 Forces stationed in Mississippi, is the spouse of a member of any

477 active or reserve component branch of the United States of America
478 Armed Forces stationed in Mississippi, or is a retired law
479 enforcement officer establishing residency in the state;

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

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

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

485 2. Holds a valid Mississippi driver's license
486 or identification card issued by the Department of Public Safety
487 or a valid and current tribal identification card issued by a
488 federally recognized Indian tribe containing a photograph of the
489 holder;

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

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

496 (e) Does not chronically or habitually abuse controlled
497 substances to the extent that his normal faculties are impaired.
498 It shall be presumed that an applicant chronically and habitually
499 uses controlled substances to the extent that his faculties are
500 impaired if the applicant has been voluntarily or involuntarily
501 committed to a treatment facility for the abuse of a controlled
502 substance or been found guilty of a crime under the provisions of

503 the Uniform Controlled Substances Law or similar laws of any other
504 state or the United States relating to controlled substances
505 within a three-year period immediately preceding the date on which
506 the application is submitted;

507 (f) Does not chronically and habitually use alcoholic
508 beverages to the extent that his normal faculties are impaired.
509 It shall be presumed that an applicant chronically and habitually
510 uses alcoholic beverages to the extent that his normal faculties
511 are impaired if the applicant has been voluntarily or
512 involuntarily committed as an alcoholic to a treatment facility or
513 has been convicted of two (2) or more offenses related to the use
514 of alcohol under the laws of this state or similar laws of any
515 other state or the United States within the three-year period
516 immediately preceding the date on which the application is
517 submitted;

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

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

523 (i) Has not been voluntarily or involuntarily committed
524 to a mental institution or mental health treatment facility unless
525 he possesses a certificate from a psychiatrist licensed in this
526 state that he has not suffered from disability for a period of
527 five (5) years;

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

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

533 (l) Is not disqualified to possess a weapon based on
534 federal law.

535 (3) The Department of Public Safety may deny a license if
536 the applicant has been found guilty of one or more crimes of
537 violence constituting a misdemeanor unless three (3) years have
538 elapsed since probation or any other conditions set by the court
539 have been fulfilled or expunction has occurred prior to the date
540 on which the application is submitted, or may revoke a license if
541 the licensee has been found guilty of one or more crimes of
542 violence within the preceding three (3) years. The department
543 shall, upon notification by a law enforcement agency or a court
544 and subsequent written verification, suspend a license or the
545 processing of an application for a license if the licensee or
546 applicant is arrested or formally charged with a crime which would
547 disqualify such person from having a license under this section,
548 until final disposition of the case. The provisions of subsection
549 (7) of this section shall apply to any suspension or revocation of
550 a license pursuant to the provisions of this section.

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

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

556 (b) The driver's license number or social security
557 number of applicant;

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

560 (d) A statement that the applicant is in compliance
561 with criteria contained within subsections (2) and (3) of this
562 section;

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

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

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

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

574 (a) A completed application as described in subsection
575 (4) of this section;

576 (b) A full-face photograph of the applicant taken
577 within the preceding thirty (30) days in which the head, including
578 hair, in a size as determined by the Department of Public Safety,

579 except that an applicant who is younger than twenty-one (21) years
580 of age must submit a photograph in profile of the applicant;

581 (c) A nonrefundable license fee of Eighty Dollars
582 (\$80.00). Costs for processing the set of fingerprints as
583 required in paragraph (d) of this subsection shall be borne by the
584 applicant. Honorably retired law enforcement officers, disabled
585 veterans and active duty members of the Armed Forces of the United
586 States, and law enforcement officers employed with a law
587 enforcement agency of a municipality, county or state at the time
588 of application for the license, shall be exempt from the payment
589 of the license fee;

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

592 (e) A waiver authorizing the Department of Public
593 Safety access to any records concerning commitments of the
594 applicant to any of the treatment facilities or institutions
595 referred to in subsection (2) of this section and permitting
596 access to all the applicant's criminal records.

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

601 (b) The Department of Public Safety shall forward a
602 copy of the applicant's application to the sheriff of the
603 applicant's county of residence and, if applicable, the police
604 chief of the applicant's municipality of residence. The sheriff

605 of the applicant's county of residence, and, if applicable, the
606 police chief of the applicant's municipality of residence may, at
607 his discretion, participate in the process by submitting a
608 voluntary report to the Department of Public Safety containing any
609 readily discoverable prior information that he feels may be
610 pertinent to the licensing of any applicant. The reporting shall
611 be made within thirty (30) days after the date he receives the
612 copy of the application. Upon receipt of a response from a
613 sheriff or police chief, such sheriff or police chief shall be
614 reimbursed at a rate set by the department.

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

618 (i) Issue the license;

619 (ii) Deny the application based solely on the
620 ground that the applicant fails to qualify under the criteria
621 listed in subsections (2) and (3) of this section. If the
622 Department of Public Safety denies the application, it shall
623 notify the applicant in writing, stating the ground for denial,
624 and the denial shall be subject to the appeal process set forth in
625 subsection (7); or

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

631 (d) In the event a legible set of fingerprints, as
632 determined by the Department of Public Safety and the Federal
633 Bureau of Investigation, cannot be obtained after a minimum of two
634 (2) attempts, the Department of Public Safety shall determine
635 eligibility based upon a name check by the Mississippi Highway
636 Safety Patrol and a Federal Bureau of Investigation name check
637 conducted by the Mississippi Highway Safety Patrol at the request
638 of the Department of Public Safety.

639 (7) (a) If the Department of Public Safety denies the
640 issuance of a license, or suspends or revokes a license, the party
641 aggrieved may appeal such denial, suspension or revocation to the
642 Commissioner of Public Safety, or his authorized agent, within
643 thirty (30) days after the aggrieved party receives written notice
644 of such denial, suspension or revocation. The Commissioner of
645 Public Safety, or his duly authorized agent, shall rule upon such
646 appeal within thirty (30) days after the appeal is filed and
647 failure to rule within this thirty-day period shall constitute
648 sustaining such denial, suspension or revocation. Such review
649 shall be conducted pursuant to such reasonable rules and
650 regulations as the Commissioner of Public Safety may adopt.

651 (b) If the revocation, suspension or denial of issuance
652 is sustained by the Commissioner of Public Safety, or his duly
653 authorized agent pursuant to paragraph (a) of this subsection, the
654 aggrieved party may file within ten (10) days after the rendition
655 of such decision a petition in the circuit or county court of his
656 residence for review of such decision. A hearing for review shall

657 be held and shall proceed before the court without a jury upon the
658 record made at the hearing before the Commissioner of Public
659 Safety or his duly authorized agent. No such party shall be
660 allowed to carry a stun gun, concealed pistol or revolver pursuant
661 to the provisions of this section while any such appeal is
662 pending.

663 (8) The Department of Public Safety shall maintain an
664 automated listing of license holders and such information shall be
665 available online, upon request, at all times, to all law
666 enforcement agencies through the Mississippi Crime Information
667 Center. However, the records of the department relating to
668 applications for licenses to carry stun guns, concealed pistols or
669 revolvers and records relating to license holders shall be exempt
670 from the provisions of the Mississippi Public Records Act of 1983,
671 and shall be released only upon order of a court having proper
672 jurisdiction over a petition for release of the record or records.

673 (9) Within thirty (30) days after the changing of a
674 permanent address, or within thirty (30) days after having a
675 license lost or destroyed, the licensee shall notify the
676 Department of Public Safety in writing of such change or loss.
677 Failure to notify the Department of Public Safety pursuant to the
678 provisions of this subsection shall constitute a noncriminal
679 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
680 be enforceable by a summons.

681 (10) In the event that a stun gun, concealed pistol or
682 revolver license is lost or destroyed, the person to whom the

683 license was issued shall comply with the provisions of subsection
684 (9) of this section and may obtain a duplicate, or substitute
685 thereof, upon payment of Fifteen Dollars (\$15.00) to the
686 Department of Public Safety, and furnishing a notarized statement
687 to the department that such license has been lost or destroyed.

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

691 (12) (a) Except as provided in subsection (25) of this
692 section, no less than ninety (90) days prior to the expiration
693 date of the license, the Department of Public Safety shall * * *
694 send to each licensee a written notice of the expiration and a
695 renewal form prescribed by the department. The licensee must
696 renew his license on or before the expiration date by filing with
697 the department the renewal form, a notarized affidavit stating
698 that the licensee remains qualified pursuant to the criteria
699 specified in subsections (2) and (3) of this section if necessary,
700 and a full set of fingerprints administered by the Department of
701 Public Safety or the sheriff of the county of residence of the
702 licensee. The first renewal may be processed by mail "or other
703 means as determined by the Department" and the subsequent renewal
704 must be made in person. Thereafter every other renewal may be
705 processed by mail to assure that the applicant must appear in
706 person every ten (10) years for the purpose of obtaining a new
707 photograph.

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

711 (ii) Honorably retired law enforcement officers,
712 disabled veterans, active duty members of the Armed Forces of the
713 United States and law enforcement officers employed with a law
714 enforcement agency of a municipality, county or state at the time
715 of renewal, shall be exempt from the renewal fee; and

716 (iii) The renewal fee for a Mississippi resident
717 aged sixty-five (65) years of age or older shall be Twenty Dollars
718 (\$20.00).

719 (b) The Department of Public Safety shall forward the
720 full set of fingerprints of the applicant to the appropriate
721 agencies for state and federal processing. The license shall be
722 renewed upon receipt of the completed renewal application and
723 appropriate payment of fees.

724 (c) A licensee who fails to file a renewal application
725 on or before its expiration date must renew his license by paying
726 a late fee of Fifteen Dollars (\$15.00). No license shall be
727 renewed six (6) months or more after its expiration date, and such
728 license shall be deemed to be permanently expired. A person whose
729 license has been permanently expired may reapply for licensure;
730 however, an application for licensure and fees pursuant to
731 subsection (5) of this section must be submitted, and a background
732 investigation shall be conducted pursuant to the provisions of
733 this section.

734 (13) No license issued pursuant to this section shall
735 authorize any person, except a law enforcement officer as defined
736 in Section 45-6-3 with a distinct license authorized by the
737 Department of Public Safety, to carry a stun gun, concealed pistol
738 or revolver into any place of nuisance as defined in Section
739 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
740 patrol station; any detention facility, prison or jail; any
741 courthouse; any courtroom, except that nothing in this section
742 shall preclude a judge from carrying a concealed weapon or
743 determining who will carry a concealed weapon in his courtroom;
744 any polling place; any meeting place of the governing body of any
745 governmental entity; any meeting of the Legislature or a committee
746 thereof; any school, college or professional athletic event not
747 related to firearms; any portion of an establishment, licensed to
748 dispense alcoholic beverages for consumption on the premises, that
749 is primarily devoted to dispensing alcoholic beverages; any
750 portion of an establishment in which beer, light spirit product or
751 light wine is consumed on the premises, that is primarily devoted
752 to such purpose; any elementary or secondary school facility; any
753 junior college, community college, college or university facility
754 unless for the purpose of participating in any authorized
755 firearms-related activity; inside the passenger terminal of any
756 airport, except that no person shall be prohibited from carrying
757 any legal firearm into the terminal if the firearm is encased for
758 shipment, for purposes of checking such firearm as baggage to be
759 lawfully transported on any aircraft; any church or other place of

760 worship, except as provided in Section 45-9-171; or any place
761 where the carrying of firearms is prohibited by federal law. In
762 addition to the places enumerated in this subsection, the carrying
763 of a stun gun, concealed pistol or revolver may be disallowed in
764 any place in the discretion of the person or entity exercising
765 control over the physical location of such place by the placing of
766 a written notice clearly readable at a distance of not less than
767 ten (10) feet that the "carrying of a pistol or revolver is
768 prohibited." No license issued pursuant to this section shall
769 authorize the participants in a parade or demonstration for which
770 a permit is required to carry a stun gun, concealed pistol or
771 revolver.

772 (14) A law enforcement officer as defined in Section 45-6-3,
773 chiefs of police, sheriffs and persons licensed as professional
774 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
775 1972, shall be exempt from the licensing requirements of this
776 section.

777 (a) The Commissioner of Public Safety shall promulgate
778 rules and regulations to provide licenses to law enforcement
779 officers as defined in Section 45-6-3 who choose to obtain a
780 license under the provisions of this section, which shall include
781 a distinction that the officer is an "active duty" law enforcement
782 officer and an endorsement that such officer is authorized to
783 carry in the locations listed in subsection (13). A law
784 enforcement officer shall provide the following information to
785 receive the license described in this subsection: (i) a letter,

786 with the official letterhead of the agency or department for which
787 the officer is employed at the time of application and (ii) a
788 letter with the official letterhead of the agency or department,
789 which explains that such officer has completed a certified law
790 enforcement training academy.

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

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

801 (16) All fees collected by the Department of Public Safety
802 pursuant to this section shall be deposited into a special fund
803 hereby created in the State Treasury and shall be used for
804 implementation and administration of this section. After the
805 close of each fiscal year, the balance in this fund shall be
806 certified to the Legislature and then may be used by the
807 Department of Public Safety as directed by the Legislature.

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

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

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

816 (19) Any person holding a valid unrevoked and unexpired
817 license to carry stun guns, concealed pistols or revolvers issued
818 in another state shall have such license recognized by this state
819 to carry stun guns, concealed pistols or revolvers. The
820 Department of Public Safety is authorized to enter into a
821 reciprocal agreement with another state if that state requires a
822 written agreement in order to recognize licenses to carry stun
823 guns, concealed pistols or revolvers issued by this state.

824 (20) The provisions of this section shall be under the
825 supervision of the Commissioner of Public Safety. The
826 commissioner is authorized to promulgate reasonable rules and
827 regulations to carry out the provisions of this section.

828 (21) For the purposes of this section, the term "stun gun"
829 means a portable device or weapon from which an electric current,
830 impulse, wave or beam may be directed, which current, impulse,
831 wave or beam is designed to incapacitate temporarily, injure,
832 momentarily stun, knock out, cause mental disorientation or
833 paralyze.

834 (22) (a) From and after January 1, 2016, the Commissioner
835 of Public Safety shall promulgate rules and regulations which
836 provide that licenses authorized by this section for honorably

837 retired law enforcement officers and honorably retired
838 correctional officers from the Mississippi Department of
839 Corrections shall (i) include the words "retired law enforcement
840 officer" on the front of the license, and (ii) unless the licensee
841 chooses to have this license combined with a driver's license or
842 identification card under subsection (25) of this section, that
843 the license itself have a red background to distinguish it from
844 other licenses issued under this section.

845 (b) An honorably retired law enforcement officer and
846 honorably retired correctional officer shall provide the following
847 information to receive the license described in this section: (i)
848 a letter, with the official letterhead of the agency or department
849 from which such officer is retiring, which explains that such
850 officer is honorably retired, and (ii) a letter with the official
851 letterhead of the agency or department, which explains that such
852 officer has completed a certified law enforcement training
853 academy.

854 (23) A disabled veteran who seeks to qualify for an
855 exemption under this section shall be required to provide a
856 veterans health services identification card issued by the United
857 States Department of Veterans Affairs indicating a
858 service-connected disability, which shall be sufficient proof of
859 such service-connected disability.

860 (24) A license under this section is not required for a
861 loaded or unloaded pistol or revolver to be carried upon the
862 person in a sheath, belt holster or shoulder holster or in a

863 purse, handbag, satchel, other similar bag or briefcase or fully
864 enclosed case if the person is not engaged in criminal activity
865 other than a misdemeanor traffic offense, is not otherwise
866 prohibited from possessing a pistol or revolver under state or
867 federal law, and is not in a location prohibited under subsection
868 (13) of this section. However, the medical use of medical
869 cannabis by a cardholder who is a registered qualifying patient
870 which is lawful under the provisions of the Mississippi Medical
871 Cannabis Act and in compliance with rules and regulations adopted
872 thereunder shall not disqualify a person under this subsection
873 (24) solely because the person is prohibited from possessing a
874 firearm under 18 USCS Section 922(g) (3) due to such medical use of
875 medical cannabis.

876 (25) An applicant for a license under this section shall
877 have the option of, instead of being issued a separate card for
878 the license, having the license appear as a notation on the
879 individual's driver's license or identification card. If the
880 applicant chooses this option, the license issued under this
881 section shall have the same expiration date as the driver's
882 license or identification card, and renewal shall take place at
883 the same time and place as renewal of the driver's license or
884 identification card. The Commissioner of Public Safety shall have
885 the authority to promulgate rules and regulations which may be
886 necessary to ensure the effectiveness of the concurrent
887 application and renewal processes.

888 **SECTION 8.** Section 63-16-15, Mississippi Code of 1972, which
889 provides for the repeal of the Public Safety Verification and
890 Enforcement Act (Sections 63-16-1 through 63-16-13, Mississippi
891 Code of 1972), is repealed.

892 **SECTION 9.** This act shall take effect and be in force from
893 and after July 1, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE BENEFITS PAID FROM THE LAW ENFORCEMENT OFFICERS AND
3 FIREFIGHTERS DEATH BENEFITS TRUST FUND; TO AMEND SECTION 63-16-13,
4 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF PUBLIC
5 SAFETY TO USE MONIES IN THE UNINSURED MOTORIST IDENTIFICATION FUND
6 TO PAY A BENEFIT FOR COVERED INDIVIDUALS; TO AMEND SECTION
7 63-16-3, MISSISSIPPI CODE OF 1972, TO EXEMPT RECORDS IN THE MOTOR
8 VEHICLE INSURANCE VERIFICATION SYSTEM FROM THE MISSISSIPPI PUBLIC
9 RECORDS ACT; TO CREATE NEW SECTION 45-27-23, MISSISSIPPI CODE OF
10 1972, TO RATIFY THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT
11 AND TO DESIGNATE THE DIRECTOR OF THE MISSISSIPPI JUSTICE
12 INFORMATION CENTER AS THE STATE'S COMPACT OFFICER; TO AMEND
13 SECTION 45-27-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
14 MISSISSIPPI JUSTICE INFORMATION CENTER TO PURCHASE LIVE SCAN
15 EQUIPMENT TO BE USED FOR FINGERPRINTING BY LAW ENFORCEMENT
16 AGENCIES THROUGHOUT THE STATE; TO AMEND SECTION 63-1-16,
17 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF PUBLIC
18 SAFETY TO FURNISH A DRIVER SERVICE BUREAU PUBLIC ACCESS COMPUTER
19 IN EACH COUNTY; TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF
20 1972, WHICH AUTHORIZES THE CONCEALED CARRY OF A FIREARM WITH A
21 LICENSE, TO REVISE HOW LICENSE RENEWALS MAY BE SENT; TO REPEAL
22 SECTION 63-16-15, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
23 AUTOMATIC REPEAL OF THE PUBLIC SAFETY VERIFICATION AND ENFORCEMENT
24 ACT; AND FOR RELATED PURPOSES.

SS08\HB529A.J

Eugene S. Clarke
Secretary of the Senate