

By: Representative Harness

To: Judiciary B

HOUSE BILL NO. 661

1 AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT MEMBERS OF THE MISSISSIPPI LEGISLATURE FROM THE
3 LICENSING REQUIREMENTS FOR A CONCEALED CARRY PERMIT; AND FOR
4 RELATED PURPOSES.

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

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

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

17 (b) The licensee must carry the license, together with
18 valid identification, at all times in which the licensee is
19 carrying a stun gun, concealed pistol or revolver and must display



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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

173 (i) Issue the license;

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

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

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



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

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



218 (8) The Department of Public Safety shall maintain an
219 automated listing of license holders and such information shall be
220 available online, upon request, at all times, to all law
221 enforcement agencies through the Mississippi Crime Information
222 Center. However, the records of the department relating to
223 applications for licenses to carry stun guns, concealed pistols or
224 revolvers and records relating to license holders shall be exempt
225 from the provisions of the Mississippi Public Records Act of 1983,
226 and shall be released only upon order of a court having proper
227 jurisdiction over a petition for release of the record or records.

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

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



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

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

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

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



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

270 (iii) The renewal fee for a Mississippi resident
271 aged sixty-five (65) years of age or older shall be Twenty Dollars
272 (\$20.00).

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

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

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



293 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
294 patrol station; any detention facility, prison or jail; any
295 courthouse; any courtroom, except that nothing in this section
296 shall preclude a judge from carrying a concealed weapon or
297 determining who will carry a concealed weapon in his courtroom;
298 any polling place; any meeting place of the governing body of any
299 governmental entity; any meeting of the Legislature or a committee
300 thereof; any school, college or professional athletic event not
301 related to firearms; any portion of an establishment, licensed to
302 dispense alcoholic beverages for consumption on the premises, that
303 is primarily devoted to dispensing alcoholic beverages; any
304 portion of an establishment in which beer, light spirit product or
305 light wine is consumed on the premises, that is primarily devoted
306 to such purpose; any elementary or secondary school facility; any
307 junior college, community college, college or university facility
308 unless for the purpose of participating in any authorized
309 firearms-related activity; inside the passenger terminal of any
310 airport, except that no person shall be prohibited from carrying
311 any legal firearm into the terminal if the firearm is encased for
312 shipment, for purposes of checking such firearm as baggage to be
313 lawfully transported on any aircraft; any church or other place of
314 worship, except as provided in Section 45-9-171; or any place
315 where the carrying of firearms is prohibited by federal law. In
316 addition to the places enumerated in this subsection, the carrying
317 of a stun gun, concealed pistol or revolver may be disallowed in



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

326 (14) A law enforcement officer as defined in Section 45-6-3,
327 chiefs of police, sheriffs * * *, persons licensed as professional
328 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
329 1972, and members of the Mississippi Legislature shall be exempt
330 from the licensing requirements of this section.

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



343 which explains that such officer has completed a certified law
344 enforcement training academy.

345 (ii) The Commissioner of Public Safety shall
346 promulgate rules and regulations to provide licenses to members of
347 the Mississippi Legislature, which shall include a distinction
348 that the member is a "member of the Mississippi House of
349 Representatives or the Mississippi Senate".

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

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

360 (16) All fees collected by the Department of Public Safety
361 pursuant to this section shall be deposited into a special fund
362 hereby created in the State Treasury and shall be used for
363 implementation and administration of this section. After the
364 close of each fiscal year, the balance in this fund shall be
365 certified to the Legislature and then may be used by the
366 Department of Public Safety as directed by the Legislature.



367 (17) All funds received by a sheriff or police chief
368 pursuant to the provisions of this section shall be deposited into
369 the general fund of the county or municipality, as appropriate,
370 and shall be budgeted to the sheriff's office or police department
371 as appropriate.

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

375 (19) Any person holding a valid unrevoked and unexpired
376 license to carry stun guns, concealed pistols or revolvers issued
377 in another state shall have such license recognized by this state
378 to carry stun guns, concealed pistols or revolvers. The
379 Department of Public Safety is authorized to enter into a
380 reciprocal agreement with another state if that state requires a
381 written agreement in order to recognize licenses to carry stun
382 guns, concealed pistols or revolvers issued by this state.

383 (20) The provisions of this section shall be under the
384 supervision of the Commissioner of Public Safety. The
385 commissioner is authorized to promulgate reasonable rules and
386 regulations to carry out the provisions of this section.

387 (21) For the purposes of this section, the term "stun gun"
388 means a portable device or weapon from which an electric current,
389 impulse, wave or beam may be directed, which current, impulse,
390 wave or beam is designed to incapacitate temporarily, injure,



391 momentarily stun, knock out, cause mental disorientation or
392 paralyze.

393 (22) (a) From and after January 1, 2016, the Commissioner
394 of Public Safety shall promulgate rules and regulations which
395 provide that licenses authorized by this section for honorably
396 retired law enforcement officers and honorably retired
397 correctional officers from the Mississippi Department of
398 Corrections shall (i) include the words "retired law enforcement
399 officer" on the front of the license, and (ii) unless the licensee
400 chooses to have this license combined with a driver's license or
401 identification card under subsection (25) of this section, that
402 the license itself have a red background to distinguish it from
403 other licenses issued under this section.

404 (b) An honorably retired law enforcement officer and
405 honorably retired correctional officer shall provide the following
406 information to receive the license described in this section: (i)
407 a letter, with the official letterhead of the agency or department
408 from which such officer is retiring, which explains that such
409 officer is honorably retired, and (ii) a letter with the official
410 letterhead of the agency or department, which explains that such
411 officer has completed a certified law enforcement training
412 academy.

413 (23) A disabled veteran who seeks to qualify for an
414 exemption under this section shall be required to provide a
415 veterans health services identification card issued by the United



416 States Department of Veterans Affairs indicating a
417 service-connected disability, which shall be sufficient proof of
418 such service-connected disability.

419 (24) A license under this section is not required for a
420 loaded or unloaded pistol or revolver to be carried upon the
421 person in a sheath, belt holster or shoulder holster or in a
422 purse, handbag, satchel, other similar bag or briefcase or fully
423 enclosed case if the person is not engaged in criminal activity
424 other than a misdemeanor traffic offense, is not otherwise
425 prohibited from possessing a pistol or revolver under state or
426 federal law, and is not in a location prohibited under subsection
427 (13) of this section. However, the medical use of medical
428 cannabis by a cardholder who is a registered qualifying patient
429 which is lawful under the provisions of the Mississippi Medical
430 Cannabis Act and in compliance with rules and regulations adopted
431 thereunder shall not disqualify a person under this subsection
432 (24) solely because the person is prohibited from possessing a
433 firearm under 18 USCS Section 922(g) (3) due to such medical use of
434 medical cannabis.

435 (25) An applicant for a license under this section shall
436 have the option of, instead of being issued a separate card for
437 the license, having the license appear as a notation on the
438 individual's driver's license or identification card. If the
439 applicant chooses this option, the license issued under this
440 section shall have the same expiration date as the driver's



441 license or identification card, and renewal shall take place at
442 the same time and place as renewal of the driver's license or
443 identification card. The Commissioner of Public Safety shall have
444 the authority to promulgate rules and regulations which may be
445 necessary to ensure the effectiveness of the concurrent
446 application and renewal processes.

447 **SECTION 2.** This act shall take effect and be in force from
448 and after July 1, 2024.

