

By: Representatives Denton, Harness

To: Judiciary B;
Constitution

HOUSE BILL NO. 778

1 AN ACT TO PROHIBIT THE SALE OR GIVING OF ASSAULT WEAPONS TO
2 ANY PERSON UNDER THE AGE OF TWENTY-ONE; TO AMEND SECTION 97-37-1,
3 MISSISSIPPI CODE OF 1972, TO REVISE THE PROHIBITION REGARDING
4 FIREARMS; TO AMEND SECTION 45-9-53 AND 45-9-57, MISSISSIPPI CODE
5 OF 1972, TO CONFORM THE PROVISIONS OF LAW THAT REGULATE LOCAL
6 ORDINANCES REGARDING FIREARMS; TO BRING FORWARD SECTION 45-9-101,
7 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE PROCESS FOR CONCEALED
8 CARRY LICENSES; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** (1) For purposes of this act, the term "assault
11 weapon" means a selective-fire firearm capable of fully automatic,
12 semiautomatic, or burst fire at the user's option; any of more
13 than One Hundred Fifty (150) named semiautomatic firearms,
14 including semiautomatic centerfire rifles and semiautomatic
15 pistols; a semiautomatic firearm that has certain features; and a
16 shotgun with a revolving cylinder, including any part or
17 combination of parts designed or intended to convert a firearm
18 into an assault weapon or any combination of parts from which one
19 may be rapidly assembled if possessed or controlled by the same
20 person. The term also means:



21 (a) Any selective-fire firearm capable of fully
22 automatic, semiautomatic, or burst fire at the user's option;

23 (b) Any of a list of named semiautomatic firearms,
24 pistols, or centerfire rifles or copies or duplicates with their
25 capability in production on or before April 4, 2013 (see Appendix
26 1);

27 (c) Any IZHMAISH Saiga twelve (12) shotguns or copies or
28 duplicates with their capability in production on or before April
29 4, 2013;

30 (d) A semiautomatic pistol or semiautomatic centerfire
31 rifle that has a fixed magazine that can hold more than ten (10)
32 rounds;

33 (e) A semiautomatic centerfire rifle shorter than
34 thirty (30) inches;

35 (f) A semiautomatic shotgun that can accept a
36 detachable magazine;

37 (g) A semiautomatic shotgun that has both (i) a folding
38 or telescoping stock and (ii) a grip, including a pistol grip,
39 thumbhole stock, or other stock that, when used, would allow a
40 person to grip the weapon, resulting in any finger on the trigger
41 hand and trigger finger being directly below any part of the
42 action of the weapon when firing;

43 (h) A shotgun with a revolving cylinder;

44 (i) Any semiautomatic centerfire rifle that can accept
45 a detachable magazine (one that can be removed without



46 disassembling the firearm action) and has at least one of the
47 following features:

48 (i) A folding or telescoping stock;

49 (ii) A grip, such as a pistol grip, a thumbhole
50 stock, or other stock, the use of which would allow an individual
51 to grip the weapon, resulting in any finger on the trigger hand in
52 addition to the trigger finger being directly below any portion of
53 the action of the weapon when firing;

54 (iii) A forward pistol grip;

55 (iv) A flash suppressor; or

56 (v) A grenade launcher or flare launcher;

57 (j) Any semiautomatic pistol that has the ability to
58 accept a detachable magazine and has at least one of the following
59 features:

60 (i) The ability to accept a detachable ammunition
61 magazine that attaches at some location outside of the pistol
62 grip;

63 (ii) A threaded barrel capable of accepting a
64 flash suppressor, forward pistol grip, or silencer;

65 (iii) A shroud attached to, or that partially or
66 completely encircles the barrel and permits the shooter to fire
67 the firearm without being burned, except a slide that encloses the
68 barrel; or

69 (iv) A second hand grip.



70 (2) It shall be unlawful for any person to give, distribute,
71 transport, or import an assault weapon; or keep, offer, or expose
72 any such weapon for sale to any person less than twenty-one (21)
73 years of age, unless the person is a member of any branch of the
74 United States Armed Forces.

75 **SECTION 2.** Section 97-37-1, Mississippi Code of 1972, is
76 amended as follows:

77 **[Until the date that the conditions described in Section 7 of**
78 **Chapter 461, Laws of 2023, have been met, this section shall read**
79 **as follows:]**

80 97-37-1. (1) Except as otherwise provided in Section
81 45-9-101, any person who carries, concealed on or about one's
82 person, any bowie knife, dirk knife, butcher knife, switchblade
83 knife, metallic knuckles, blackjack, slingshot, pistol, revolver,
84 or any rifle with a barrel of less than sixteen (16) inches in
85 length, or any shotgun with a barrel of less than eighteen (18)
86 inches in length, machine gun or any fully automatic firearm or
87 deadly weapon, or any muffler or silencer for any firearm, whether
88 or not it is accompanied by a firearm, or uses or attempts to use
89 against another person any imitation firearm, shall, upon
90 conviction, be punished as follows:

91 (a) By a fine of not less than One Hundred Dollars
92 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
93 imprisonment in the county jail for not more than six (6) months,



94 or both, in the discretion of the court, for the first conviction
95 under this section.

96 (b) By a fine of not less than One Hundred Dollars
97 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
98 imprisonment in the county jail for not less than thirty (30) days
99 nor more than six (6) months, for the second conviction under this
100 section.

101 (c) By confinement in the custody of the Department of
102 Corrections for not less than one (1) year nor more than five (5)
103 years, for the third or subsequent conviction under this section.

104 (d) By confinement in the custody of the Department of
105 Corrections for not less than one (1) year nor more than ten (10)
106 years for any person previously convicted of any felony who is
107 convicted under this section.

108 (2) * * * Except as otherwise provided in Section 1 of this
109 act, it shall not be a violation of this section for any person
110 over the age of eighteen (18) years to carry a firearm or deadly
111 weapon concealed within the confines of his own home or his place
112 of business, or any real property associated with his home or
113 business or within any motor vehicle.

114 (3) It shall not be a violation of this section for any
115 person to carry a firearm or deadly weapon concealed if the
116 possessor of the weapon is then engaged in a legitimate
117 weapon-related sports activity or is going to or returning from
118 such activity. For purposes of this subsection, "legitimate



119 weapon-related sports activity" means hunting, fishing, target
120 shooting or any other legal activity which normally involves the
121 use of a firearm or other weapon.

122 (4) For the purposes of this section, "concealed" means
123 hidden or obscured from common observation and shall not include
124 any weapon listed in subsection (1) of this section, including,
125 but not limited to, a loaded or unloaded pistol carried upon the
126 person in a sheath, belt holster or shoulder holster that is
127 wholly or partially visible, or carried upon the person in a
128 scabbard or case for carrying the weapon that is wholly or
129 partially visible.

130 **[From and after the date that the conditions described in**
131 **Section 7 of Chapter 461, Laws of 2023, have been met, this**
132 **section shall read as follows:]**

133 97-37-1. (1) Except as otherwise provided in Section
134 45-9-101, any person who carries, concealed on or about one's
135 person, any bowie knife, dirk knife, butcher knife, switchblade
136 knife, metallic knuckles, blackjack, pistol, revolver, or any
137 rifle with a barrel of less than sixteen (16) inches in length, or
138 any shotgun with a barrel of less than eighteen (18) inches in
139 length, machine gun or any fully automatic firearm or deadly
140 weapon, or uses or attempts to use against another person any
141 imitation firearm, shall, upon conviction, be punished as follows:

142 (a) By a fine of not less than One Hundred Dollars
143 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by



144 imprisonment in the county jail for not more than six (6) months,
145 or both, in the discretion of the court, for the first conviction
146 under this section.

147 (b) By a fine of not less than One Hundred Dollars
148 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
149 imprisonment in the county jail for not less than thirty (30) days
150 nor more than six (6) months, for the second conviction under this
151 section.

152 (c) By confinement in the custody of the Department of
153 Corrections for not less than one (1) year nor more than five (5)
154 years, for the third or subsequent conviction under this section.

155 (d) By confinement in the custody of the Department of
156 Corrections for not less than one (1) year nor more than ten (10)
157 years for any person previously convicted of any felony who is
158 convicted under this section.

159 (2) * * * Except as otherwise provided in Section 1 of this
160 act, it shall not be a violation of this section for any person
161 over the age of eighteen (18) years to carry a firearm or deadly
162 weapon concealed within the confines of his own home or his place
163 of business, or any real property associated with his home or
164 business or within any motor vehicle.

165 (3) It shall not be a violation of this section for any
166 person to carry a firearm or deadly weapon concealed if the
167 possessor of the weapon is then engaged in a legitimate
168 weapon-related sports activity or is going to or returning from



169 such activity. For purposes of this subsection, "legitimate
170 weapon-related sports activity" means hunting, fishing, target
171 shooting or any other legal activity which normally involves the
172 use of a firearm or other weapon.

173 (4) For the purposes of this section, "concealed" means
174 hidden or obscured from common observation and shall not include
175 any weapon listed in subsection (1) of this section, including,
176 but not limited to, a loaded or unloaded pistol carried upon the
177 person in a sheath, belt holster or shoulder holster that is
178 wholly or partially visible, or carried upon the person in a
179 scabbard or case for carrying the weapon that is wholly or
180 partially visible.

181 **SECTION 3.** Section 45-9-53, Mississippi Code of 1972, is
182 amended as follows:

183 45-9-53. (1) Except as otherwise provided in Section 1 of
184 this act, this section and Section 45-9-51 do not affect the
185 authority that a county or municipality may have under another
186 law:

187 (a) To require citizens or public employees to be armed
188 for personal or national defense, law enforcement, or another
189 lawful purpose;

190 (b) To regulate the discharge of firearms within the
191 limits of the county or municipality. A county or municipality
192 may not apply a regulation relating to the discharge of firearms
193 or other weapons in the extraterritorial jurisdiction of the



194 county or municipality or in an area annexed by the county or
195 municipality after September 1, 1981, if the firearm or other
196 weapon is:

197 (i) A shotgun, air rifle or air pistol, BB gun or
198 bow and arrow discharged:

199 1. On a tract of land of ten (10) acres or
200 more and more than one hundred fifty (150) feet from a residence
201 or occupied building located on another property; and

202 2. In a manner not reasonably expected to
203 cause a projectile to cross the boundary of the tract; or

204 (ii) A center fire or rimfire rifle or pistol or a
205 muzzle-loading rifle or pistol of any caliber discharged:

206 1. On a tract of land of fifty (50) acres or
207 more and more than three hundred (300) feet from a residence or
208 occupied building located on another property; and

209 2. In a manner not reasonably expected to
210 cause a projectile to cross the boundary of the tract;

211 (c) To regulate the use of property or location of
212 businesses for uses therein pursuant to fire code, zoning
213 ordinances, or land-use regulations, so long as such codes,
214 ordinances and regulations are not used to circumvent the intent
215 of Section 45-9-51 or paragraph (e) of this subsection;

216 (d) To regulate the use of firearms in cases of
217 insurrection, riots and natural disasters in which the city finds
218 such regulation necessary to protect the health and safety of the



219 public. However, the provisions of this section shall not apply
220 to the lawful possession of firearms, ammunition or components of
221 firearms or ammunition;

222 (e) To regulate the storage or transportation of
223 explosives in order to protect the health and safety of the
224 public, with the exception of black powder which is exempt up to
225 twenty-five (25) pounds per private residence and fifty (50)
226 pounds per retail dealer;

227 (f) To regulate the carrying of a firearm at: (i) a
228 public park or at a public meeting of a county, municipality or
229 other governmental body; (ii) a political rally, parade or
230 official political meeting; or (iii) a nonfirearm-related school,
231 college or professional athletic event; or

232 (g) To regulate the receipt of firearms by pawnshops.

233 (2) The exception provided by subsection (1)(f) of this
234 section does not apply if the firearm was in or carried to and
235 from an area designated for use in a lawful hunting, fishing or
236 other sporting event and the firearm is of the type commonly used
237 in the activity.

238 (3) This section and Section 45-9-51 do not authorize a
239 county or municipality or their officers or employees to act in
240 contravention of Section 33-7-303.

241 (4) No county or a municipality may use the written notice
242 provisions of Section 45-9-101(13) to prohibit concealed firearms
243 on property under their control except:



244 (a) At a location listed in Section 45-9-101(13)
245 indicating that a license issued under Section 45-9-101 does not
246 authorize the holder to carry a firearm into that location, as
247 long as the sign also indicates that carrying a firearm is
248 unauthorized only for license holders without a training
249 endorsement or that it is a location included in Section
250 97-37-7(2) where carrying a firearm is unauthorized for all
251 license holders; and

252 (b) At any location under the control of the county or
253 municipality aside from a location listed in subsection (1)(f) of
254 this section or Section 45-9-101(13) indicating that the
255 possession of a firearm is prohibited on the premises, as long as
256 the sign also indicates that it does not apply to a person
257 properly licensed under Section 45-9-101 or Section 97-37-7(2) to
258 carry a concealed firearm or to a person lawfully carrying a
259 firearm that is not concealed.

260 (5) (a) A citizen of this state, or a person licensed to
261 carry a concealed pistol or revolver under Section 45-9-101, or a
262 person licensed to carry a concealed pistol or revolver with the
263 endorsement under Section 97-37-7, who is adversely affected by an
264 ordinance or posted written notice adopted by a county or
265 municipality in violation of this section may file suit for
266 declarative and injunctive relief against a county or municipality
267 in the circuit court which shall have jurisdiction over the county
268 or municipality where the violation of this section occurs.



269 (b) Before instituting suit under this subsection, the
270 party adversely impacted by the ordinance or posted written notice
271 shall notify the Attorney General in writing of the violation and
272 include evidence of the violation. The Attorney General shall,
273 within thirty (30) days, investigate whether the county or
274 municipality adopted an ordinance or posted written notice in
275 violation of this section and provide the chief administrative
276 officer of the county or municipality notice of his findings,
277 including, if applicable, a description of the violation and
278 specific language of the ordinance or posted written notice found
279 to be in violation. The county or municipality shall have thirty
280 (30) days from receipt of that notice to cure the violation. If
281 the county or municipality fails to cure the violation within that
282 thirty-day time period, a suit under paragraph (a) of this
283 subsection may proceed. The findings of the Attorney General
284 shall constitute a "Public Record" as defined by the Mississippi
285 Public Records Act of 1983, Section 25-61-1 et seq.

286 (c) If the circuit court finds that a county or
287 municipality adopted an ordinance or posted written notice in
288 violation of this section and failed to cure that violation in
289 accordance with paragraph (b) of this subsection, the circuit
290 court shall issue a permanent injunction against a county or
291 municipality prohibiting it from enforcing the ordinance or posted
292 written notice. Any elected county or municipal official under
293 whose jurisdiction the violation occurred may be civilly liable in



294 a sum not to exceed One Thousand Dollars (\$1,000.00), plus all
295 reasonable attorney's fees and costs incurred by the party
296 bringing the suit. Public funds may not be used to defend or
297 reimburse officials who are found by the court to have violated
298 this section.

299 (d) It shall be an affirmative defense to any claim
300 brought against an elected county or municipal official under this
301 subsection (5) that the elected official:

302 (i) Did not vote in the affirmative for the
303 adopted ordinance or posted written notice deemed by the court to
304 be in violation of this section;

305 (ii) Did attempt to take recorded action to cure
306 the violation as noticed by the Attorney General in paragraph (b)
307 of this subsection; or

308 (iii) Did attempt to take recorded action to
309 rescind the ordinance or remove the posted written notice deemed
310 by the court to be in violation of this section.

311 (6) No county or municipality or their officers or employees
312 may participate in any program in which individuals are given a
313 thing of value provided by another individual or other entity in
314 exchange for surrendering a firearm to the county, municipality or
315 other governmental body unless:

316 (a) The county or municipality has adopted an ordinance
317 authorizing the participation of the county or municipality, or



318 participation by an officer or employee of the county or
319 municipality in such a program; and

320 (b) Any ordinance enacted pursuant to this section must
321 require that any firearm received shall be offered for sale at
322 auction as provided by Sections 19-3-85 and 21-39-21 to federally
323 licensed firearms dealers, with the proceeds from such sale at
324 auction reverting to the general operating fund of the county,
325 municipality or other governmental body. Any firearm remaining in
326 possession of the county, municipality or other governmental body
327 after attempts to sell at auction may be disposed of in a manner
328 that the body deems appropriate.

329 **SECTION 4.** Section 45-9-57, Mississippi Code of 1972, is
330 amended as follows:

331 45-9-57. Except as otherwise provided in Section 1 of this
332 act, a county may regulate the discharge of any firearm or weapon,
333 other than a BB gun, within any platted subdivision. However, no
334 county may prohibit the discharge of any firearm or weapon on
335 land, if such firearm or weapon is discharged in a manner not
336 reasonably expected to cause a projectile from such firearm or
337 weapon to travel across any property line without permission of
338 the property owner.

339 **SECTION 5.** Section 45-9-101, Mississippi Code of 1972, is
340 brought forward as follows:

341 45-9-101. (1) (a) Except as otherwise provided, the
342 Department of Public Safety is authorized to issue licenses to



343 carry stun guns, concealed pistols or revolvers to persons
344 qualified as provided in this section. Such licenses shall be
345 valid throughout the state for a period of five (5) years from the
346 date of issuance, except as provided in subsection (25) of this
347 section. Any person possessing a valid license issued pursuant to
348 this section may carry a stun gun, concealed pistol or concealed
349 revolver.

350 (b) The licensee must carry the license, together with
351 valid identification, at all times in which the licensee is
352 carrying a stun gun, concealed pistol or revolver and must display
353 both the license and proper identification upon demand by a law
354 enforcement officer. A violation of the provisions of this
355 paragraph (b) shall constitute a noncriminal violation with a
356 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
357 by summons.

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

360 (a) Is a resident of the state. However, this
361 residency requirement may be waived if the applicant possesses a
362 valid permit from another state, is a member of any active or
363 reserve component branch of the United States of America Armed
364 Forces stationed in Mississippi, is the spouse of a member of any
365 active or reserve component branch of the United States of America
366 Armed Forces stationed in Mississippi, or is a retired law
367 enforcement officer establishing residency in the state;



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

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

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

373 2. Holds a valid Mississippi driver's license
374 or identification card issued by the Department of Public Safety
375 or a valid and current tribal identification card issued by a
376 federally recognized Indian tribe containing a photograph of the
377 holder;

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

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

384 (e) Does not chronically or habitually abuse controlled
385 substances to the extent that his normal faculties are impaired.
386 It shall be presumed that an applicant chronically and habitually
387 uses controlled substances to the extent that his faculties are
388 impaired if the applicant has been voluntarily or involuntarily
389 committed to a treatment facility for the abuse of a controlled
390 substance or been found guilty of a crime under the provisions of
391 the Uniform Controlled Substances Law or similar laws of any other
392 state or the United States relating to controlled substances



393 within a three-year period immediately preceding the date on which
394 the application is submitted;

395 (f) Does not chronically and habitually use alcoholic
396 beverages to the extent that his normal faculties are impaired.
397 It shall be presumed that an applicant chronically and habitually
398 uses alcoholic beverages to the extent that his normal faculties
399 are impaired if the applicant has been voluntarily or
400 involuntarily committed as an alcoholic to a treatment facility or
401 has been convicted of two (2) or more offenses related to the use
402 of alcohol under the laws of this state or similar laws of any
403 other state or the United States within the three-year period
404 immediately preceding the date on which the application is
405 submitted;

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

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

411 (i) Has not been voluntarily or involuntarily committed
412 to a mental institution or mental health treatment facility unless
413 he possesses a certificate from a psychiatrist licensed in this
414 state that he has not suffered from disability for a period of
415 five (5) years;

416 (j) Has not had adjudication of guilt withheld or
417 imposition of sentence suspended on any felony unless three (3)



418 years have elapsed since probation or any other conditions set by
419 the court have been fulfilled;

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

421 (l) Is not disqualified to possess a weapon based on
422 federal law.

423 (3) The Department of Public Safety may deny a license if
424 the applicant has been found guilty of one or more crimes of
425 violence constituting a misdemeanor unless three (3) years have
426 elapsed since probation or any other conditions set by the court
427 have been fulfilled or expunction has occurred prior to the date
428 on which the application is submitted, or may revoke a license if
429 the licensee has been found guilty of one or more crimes of
430 violence within the preceding three (3) years. The department
431 shall, upon notification by a law enforcement agency or a court
432 and subsequent written verification, suspend a license or the
433 processing of an application for a license if the licensee or
434 applicant is arrested or formally charged with a crime which would
435 disqualify such person from having a license under this section,
436 until final disposition of the case. The provisions of subsection
437 (7) of this section shall apply to any suspension or revocation of
438 a license pursuant to the provisions of this section.

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



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

444 (b) The driver's license number or social security
445 number of applicant;

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

448 (d) A statement that the applicant is in compliance
449 with criteria contained within subsections (2) and (3) of this
450 section;

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

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

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

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

462 (a) A completed application as described in subsection
463 (4) of this section;

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



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

469 (c) A nonrefundable license fee of Eighty Dollars
470 (\$80.00). Costs for processing the set of fingerprints as
471 required in paragraph (d) of this subsection shall be borne by the
472 applicant. Honorably retired law enforcement officers, disabled
473 veterans and active duty members of the Armed Forces of the United
474 States, and law enforcement officers employed with a law
475 enforcement agency of a municipality, county or state at the time
476 of application for the license, shall be exempt from the payment
477 of the license fee;

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

480 (e) A waiver authorizing the Department of Public
481 Safety access to any records concerning commitments of the
482 applicant to any of the treatment facilities or institutions
483 referred to in subsection (2) of this section and permitting
484 access to all the applicant's criminal records.

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

489 (b) The Department of Public Safety shall forward a
490 copy of the applicant's application to the sheriff of the
491 applicant's county of residence and, if applicable, the police



492 chief of the applicant's municipality of residence. The sheriff
493 of the applicant's county of residence, and, if applicable, the
494 police chief of the applicant's municipality of residence may, at
495 his discretion, participate in the process by submitting a
496 voluntary report to the Department of Public Safety containing any
497 readily discoverable prior information that he feels may be
498 pertinent to the licensing of any applicant. The reporting shall
499 be made within thirty (30) days after the date he receives the
500 copy of the application. Upon receipt of a response from a
501 sheriff or police chief, such sheriff or police chief shall be
502 reimbursed at a rate set by the department.

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

506 (i) Issue the license;

507 (ii) Deny the application based solely on the
508 ground that the applicant fails to qualify under the criteria
509 listed in subsections (2) and (3) of this section. If the
510 Department of Public Safety denies the application, it shall
511 notify the applicant in writing, stating the ground for denial,
512 and the denial shall be subject to the appeal process set forth in
513 subsection (7); or

514 (iii) Notify the applicant that the department is
515 unable to make a determination regarding the issuance or denial of
516 a license within the forty-five-day period prescribed by this



517 subsection, and provide an estimate of the amount of time the
518 department will need to make the determination.

519 (d) In the event a legible set of fingerprints, as
520 determined by the Department of Public Safety and the Federal
521 Bureau of Investigation, cannot be obtained after a minimum of two
522 (2) attempts, the Department of Public Safety shall determine
523 eligibility based upon a name check by the Mississippi Highway
524 Safety Patrol and a Federal Bureau of Investigation name check
525 conducted by the Mississippi Highway Safety Patrol at the request
526 of the Department of Public Safety.

527 (7) (a) If the Department of Public Safety denies the
528 issuance of a license, or suspends or revokes a license, the party
529 aggrieved may appeal such denial, suspension or revocation to the
530 Commissioner of Public Safety, or his authorized agent, within
531 thirty (30) days after the aggrieved party receives written notice
532 of such denial, suspension or revocation. The Commissioner of
533 Public Safety, or his duly authorized agent, shall rule upon such
534 appeal within thirty (30) days after the appeal is filed and
535 failure to rule within this thirty-day period shall constitute
536 sustaining such denial, suspension or revocation. Such review
537 shall be conducted pursuant to such reasonable rules and
538 regulations as the Commissioner of Public Safety may adopt.

539 (b) If the revocation, suspension or denial of issuance
540 is sustained by the Commissioner of Public Safety, or his duly
541 authorized agent pursuant to paragraph (a) of this subsection, the



542 aggrieved party may file within ten (10) days after the rendition
543 of such decision a petition in the circuit or county court of his
544 residence for review of such decision. A hearing for review shall
545 be held and shall proceed before the court without a jury upon the
546 record made at the hearing before the Commissioner of Public
547 Safety or his duly authorized agent. No such party shall be
548 allowed to carry a stun gun, concealed pistol or revolver pursuant
549 to the provisions of this section while any such appeal is
550 pending.

551 (8) The Department of Public Safety shall maintain an
552 automated listing of license holders and such information shall be
553 available online, upon request, at all times, to all law
554 enforcement agencies through the Mississippi Crime Information
555 Center. However, the records of the department relating to
556 applications for licenses to carry stun guns, concealed pistols or
557 revolvers and records relating to license holders shall be exempt
558 from the provisions of the Mississippi Public Records Act of 1983,
559 and shall be released only upon order of a court having proper
560 jurisdiction over a petition for release of the record or records.

561 (9) Within thirty (30) days after the changing of a
562 permanent address, or within thirty (30) days after having a
563 license lost or destroyed, the licensee shall notify the
564 Department of Public Safety in writing of such change or loss.
565 Failure to notify the Department of Public Safety pursuant to the
566 provisions of this subsection shall constitute a noncriminal



567 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
568 be enforceable by a summons.

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

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

579 (12) (a) Except as provided in subsection (25) of this
580 section, no less than ninety (90) days prior to the expiration
581 date of the license, the Department of Public Safety shall send to
582 each licensee a written notice of the expiration and a renewal
583 form prescribed by the department. The licensee must renew his
584 license on or before the expiration date by filing with the
585 department the renewal form, a notarized affidavit stating that
586 the licensee remains qualified pursuant to the criteria specified
587 in subsections (2) and (3) of this section if necessary, and a
588 full set of fingerprints administered by the Department of Public
589 Safety or the sheriff of the county of residence of the licensee.
590 The first renewal may be processed by mail "or other means as
591 determined by the Department" and the subsequent renewal must be



592 made in person. Thereafter every other renewal may be processed
593 by mail to assure that the applicant must appear in person every
594 ten (10) years for the purpose of obtaining a new photograph.

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

598 (ii) Honorably retired law enforcement officers,
599 disabled veterans, active duty members of the Armed Forces of the
600 United States and law enforcement officers employed with a law
601 enforcement agency of a municipality, county or state at the time
602 of renewal, shall be exempt from the renewal fee; and

603 (iii) The renewal fee for a Mississippi resident
604 aged sixty-five (65) years of age or older shall be Twenty Dollars
605 (\$20.00).

606 (b) The Department of Public Safety shall forward the
607 full set of fingerprints of the applicant to the appropriate
608 agencies for state and federal processing. The license shall be
609 renewed upon receipt of the completed renewal application and
610 appropriate payment of fees.

611 (c) A licensee who fails to file a renewal application
612 on or before its expiration date must renew his license by paying
613 a late fee of Fifteen Dollars (\$15.00). No license shall be
614 renewed six (6) months or more after its expiration date, and such
615 license shall be deemed to be permanently expired. A person whose
616 license has been permanently expired may reapply for licensure;



617 however, an application for licensure and fees pursuant to
618 subsection (5) of this section must be submitted, and a background
619 investigation shall be conducted pursuant to the provisions of
620 this section.

621 (13) No license issued pursuant to this section shall
622 authorize any person, except a law enforcement officer as defined
623 in Section 45-6-3 with a distinct license authorized by the
624 Department of Public Safety, to carry a stun gun, concealed pistol
625 or revolver into any place of nuisance as defined in Section
626 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
627 patrol station; any detention facility, prison or jail; any
628 courthouse; any courtroom, except that nothing in this section
629 shall preclude a judge from carrying a concealed weapon or
630 determining who will carry a concealed weapon in his courtroom;
631 any polling place; any meeting place of the governing body of any
632 governmental entity; any meeting of the Legislature or a committee
633 thereof; any school, college or professional athletic event not
634 related to firearms; any portion of an establishment, licensed to
635 dispense alcoholic beverages for consumption on the premises, that
636 is primarily devoted to dispensing alcoholic beverages; any
637 portion of an establishment in which beer, light spirit product or
638 light wine is consumed on the premises, that is primarily devoted
639 to such purpose; any elementary or secondary school facility; any
640 junior college, community college, college or university facility
641 unless for the purpose of participating in any authorized



642 firearms-related activity; inside the passenger terminal of any
643 airport, except that no person shall be prohibited from carrying
644 any legal firearm into the terminal if the firearm is encased for
645 shipment, for purposes of checking such firearm as baggage to be
646 lawfully transported on any aircraft; any church or other place of
647 worship, except as provided in Section 45-9-171; or any place
648 where the carrying of firearms is prohibited by federal law. In
649 addition to the places enumerated in this subsection, the carrying
650 of a stun gun, concealed pistol or revolver may be disallowed in
651 any place in the discretion of the person or entity exercising
652 control over the physical location of such place by the placing of
653 a written notice clearly readable at a distance of not less than
654 ten (10) feet that the "carrying of a pistol or revolver is
655 prohibited." No license issued pursuant to this section shall
656 authorize the participants in a parade or demonstration for which
657 a permit is required to carry a stun gun, concealed pistol or
658 revolver.

659 (14) A law enforcement officer as defined in Section 45-6-3,
660 chiefs of police, sheriffs and persons licensed as professional
661 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
662 1972, shall be exempt from the licensing requirements of this
663 section.

664 (a) The Commissioner of Public Safety shall promulgate
665 rules and regulations to provide licenses to law enforcement
666 officers as defined in Section 45-6-3 who choose to obtain a



667 license under the provisions of this section, which shall include
668 a distinction that the officer is an "active duty" law enforcement
669 officer and an endorsement that such officer is authorized to
670 carry in the locations listed in subsection (13). A law
671 enforcement officer shall provide the following information to
672 receive the license described in this subsection: (i) a letter,
673 with the official letterhead of the agency or department for which
674 the officer is employed at the time of application and (ii) a
675 letter with the official letterhead of the agency or department,
676 which explains that such officer has completed a certified law
677 enforcement training academy.

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

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

688 (16) All fees collected by the Department of Public Safety
689 pursuant to this section shall be deposited into a special fund
690 hereby created in the State Treasury and shall be used for
691 implementation and administration of this section. After the



692 close of each fiscal year, the balance in this fund shall be
693 certified to the Legislature and then may be used by the
694 Department of Public Safety as directed by the Legislature.

695 (17) All funds received by a sheriff or police chief
696 pursuant to the provisions of this section shall be deposited into
697 the general fund of the county or municipality, as appropriate,
698 and shall be budgeted to the sheriff's office or police department
699 as appropriate.

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

703 (19) Any person holding a valid unrevoked and unexpired
704 license to carry stun guns, concealed pistols or revolvers issued
705 in another state shall have such license recognized by this state
706 to carry stun guns, concealed pistols or revolvers. The
707 Department of Public Safety is authorized to enter into a
708 reciprocal agreement with another state if that state requires a
709 written agreement in order to recognize licenses to carry stun
710 guns, concealed pistols or revolvers issued by this state.

711 (20) The provisions of this section shall be under the
712 supervision of the Commissioner of Public Safety. The
713 commissioner is authorized to promulgate reasonable rules and
714 regulations to carry out the provisions of this section.

715 (21) For the purposes of this section, the term "stun gun"
716 means a portable device or weapon from which an electric current,



717 impulse, wave or beam may be directed, which current, impulse,
718 wave or beam is designed to incapacitate temporarily, injure,
719 momentarily stun, knock out, cause mental disorientation or
720 paralyze.

721 (22) (a) From and after January 1, 2016, the Commissioner
722 of Public Safety shall promulgate rules and regulations which
723 provide that licenses authorized by this section for honorably
724 retired law enforcement officers and honorably retired
725 correctional officers from the Mississippi Department of
726 Corrections shall (i) include the words "retired law enforcement
727 officer" on the front of the license, and (ii) unless the licensee
728 chooses to have this license combined with a driver's license or
729 identification card under subsection (25) of this section, that
730 the license itself have a red background to distinguish it from
731 other licenses issued under this section.

732 (b) An honorably retired law enforcement officer and
733 honorably retired correctional officer shall provide the following
734 information to receive the license described in this section: (i)
735 a letter, with the official letterhead of the agency or department
736 from which such officer is retiring, which explains that such
737 officer is honorably retired, and (ii) a letter with the official
738 letterhead of the agency or department, which explains that such
739 officer has completed a certified law enforcement training
740 academy.



741 (23) A disabled veteran who seeks to qualify for an
742 exemption under this section shall be required to provide a
743 veterans health services identification card issued by the United
744 States Department of Veterans Affairs indicating a
745 service-connected disability, which shall be sufficient proof of
746 such service-connected disability.

747 (24) A license under this section is not required for a
748 loaded or unloaded pistol or revolver to be carried upon the
749 person in a sheath, belt holster or shoulder holster or in a
750 purse, handbag, satchel, other similar bag or briefcase or fully
751 enclosed case if the person is not engaged in criminal activity
752 other than a misdemeanor traffic offense, is not otherwise
753 prohibited from possessing a pistol or revolver under state or
754 federal law, and is not in a location prohibited under subsection
755 (13) of this section. However, the medical use of medical
756 cannabis by a cardholder who is a registered qualifying patient
757 which is lawful under the provisions of the Mississippi Medical
758 Cannabis Act and in compliance with rules and regulations adopted
759 thereunder shall not disqualify a person under this subsection
760 (24) solely because the person is prohibited from possessing a
761 firearm under 18 USCS Section 922(g) (3) due to such medical use of
762 medical cannabis.

763 (25) An applicant for a license under this section shall
764 have the option of, instead of being issued a separate card for
765 the license, having the license appear as a notation on the



766 individual's driver's license or identification card. If the
767 applicant chooses this option, the license issued under this
768 section shall have the same expiration date as the driver's
769 license or identification card, and renewal shall take place at
770 the same time and place as renewal of the driver's license or
771 identification card. The Commissioner of Public Safety shall have
772 the authority to promulgate rules and regulations which may be
773 necessary to ensure the effectiveness of the concurrent
774 application and renewal processes.

775 **SECTION 6.** This act shall take effect and be in force from
776 and after July 1, 2024.

