

By: Representatives Smith, Boyd (37th),  
Calvert

To: Judiciary B

## HOUSE BILL NO. 255

1 AN ACT ENTITLED THE "SECOND AMENDMENT PRESERVATION ACT"; TO  
2 PROVIDE THAT THE MISSISSIPPI LEGISLATURE PREEMPTS THE LAW OF  
3 FIREARMS, COMPONENTS, AMMUNITION AND FIREARM SUPPLIES TO THE  
4 COMPLETE EXCLUSION OF ANY ORDER, ORDINANCE OR REGULATION BY ANY  
5 POLITICAL SUBDIVISION OR MUNICIPALITY OF THIS STATE; TO BRING  
6 FORWARD SECTIONS 45-9-51, 45-9-53 AND 45-9-101, MISSISSIPPI CODE  
7 OF 1972, WHICH PROVIDE CONDITIONS ON CARRYING CONCEALED WEAPONS  
8 AND TO BRING FORWARD SECTIONS 97-37-7 AND 97-37-9, MISSISSIPPI  
9 CODE OF 1972, WHICH PROVIDE CONDITIONS ON CARRYING DEADLY WEAPONS  
10 AND PENALTIES; TO PROVIDE THAT THE COMPREHENSIVE FIREARMS CODE OF  
11 THE STATE OF MISSISSIPPI IS INTERPOSED IN PLACE OF ANY FEDERAL LAW  
12 CONFISCATING FIREARMS OF LAW-ABIDING CITIZENS; AND FOR RELATED  
13 PURPOSES.

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

15 **SECTION 1.** This section shall be known and may be cited as  
16 the "Second Amendment Preservation Act."

17 **SECTION 2.** (1) The Mississippi Legislature hereby occupies  
18 and preempts the entire field of legislation touching in any way  
19 firearms, components, ammunition and supplies to the complete  
20 exclusion of any order, ordinance or regulation by any political  
21 subdivision of this state. Any existing or future orders,  
22 ordinances or regulations in this field are hereby and shall be



23 null and void except as provided in subsection (3) of this  
24 section.

25 (2) No county, city, town, village, municipality, or other  
26 political subdivision of this state shall adopt any order,  
27 ordinance or regulation concerning in any way the sale, purchase,  
28 purchase delay, transfer, ownership, use, keeping, possession,  
29 bearing, transportation, licensing, permit, registration, taxation  
30 other than sales and compensating use taxes or other controls on  
31 firearms, components, ammunition, and supplies except as provided  
32 in subsection (3) of this section.

33 (3) Except as provided in this subsection, nothing contained  
34 in this section shall prohibit any ordinance of any political  
35 subdivision which conforms exactly with any of the provisions of  
36 Sections 45-9-51, 45-9-53, 45-9-101, 97-37-7 and 97-37-9,  
37 Mississippi Code of 1972, with appropriate penalty provisions, or  
38 which regulates the open carrying of firearms readily capable of  
39 lethal use or the discharge of firearms within a jurisdiction.

40 (4) The lawful design, marketing, manufacture, distribution,  
41 or sale of firearms or ammunition to the public is not an  
42 abnormally dangerous activity and does not constitute a public or  
43 private nuisance.

44 (5) No county, city, town, village or any other political  
45 subdivision nor the state shall bring suit or have any right to  
46 recover against any firearms or ammunition manufacturer, trade  
47 association or dealer for damages, abatement or injunctive relief



48 resulting from or relating to the lawful design, manufacture,  
49 marketing, distribution, or sale of firearms or ammunition to the  
50 public. Provided, however, that nothing in this section shall  
51 restrict the rights of individual citizens to recover for injury  
52 or death caused by the negligent or defective design or  
53 manufacture of firearms or ammunition.

54 (6) Nothing in this section shall prevent the state, a  
55 county, city, town, village or any other political subdivision  
56 from bringing an action against a firearms or ammunition  
57 manufacturer or dealer for breach of contract or warranty as to  
58 firearms or ammunition purchased by the state or such political  
59 subdivision.

60 **SECTION 3.** Section 45-9-51, Mississippi Code of 1972, is  
61 brought forward as follows:

62 45-9-51. (1) Subject to the provisions of Section 45-9-53,  
63 no county or municipality may adopt any ordinance that restricts  
64 the possession, carrying, transportation, sale, transfer or  
65 ownership of firearms or ammunition or their components.

66 (2) No public housing authority operating in this state may  
67 adopt any rule or regulation restricting a lessee or tenant of a  
68 dwelling owned and operated by such public housing authority from  
69 lawfully possessing firearms or ammunition or their components  
70 within individual dwelling units or the transportation of such  
71 firearms or ammunition or their components to and from such  
72 dwelling.



73           **SECTION 4.** Section 45-9-53, Mississippi Code of 1972, is  
74 brought forward as follows:

75           45-9-53. (1) This section and Section 45-9-51 do not affect  
76 the authority that a county or municipality may have under another  
77 law:

78                   (a) To require citizens or public employees to be armed  
79 for personal or national defense, law enforcement, or another  
80 lawful purpose;

81                   (b) To regulate the discharge of firearms within the  
82 limits of the county or municipality. A county or municipality  
83 may not apply a regulation relating to the discharge of firearms  
84 or other weapons in the extraterritorial jurisdiction of the  
85 county or municipality or in an area annexed by the county or  
86 municipality after September 1, 1981, if the firearm or other  
87 weapon is:

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

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

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

95                           (ii) A centerfire or rimfire rifle or pistol or a  
96 muzzle-loading rifle or pistol of any caliber discharged:



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

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

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

107                   (d) To regulate the use of firearms in cases of  
108 insurrection, riots and natural disasters in which the city finds  
109 such regulation necessary to protect the health and safety of the  
110 public. However, the provisions of this section shall not apply  
111 to the lawful possession of firearms, ammunition or components of  
112 firearms or ammunition;

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

118                   (f) To regulate the carrying of a firearm at: (i) a  
119 public park or at a public meeting of a county, municipality or  
120 other governmental body; (ii) a political rally, parade or



official political meeting; or (iii) a nonfirearm-related school, college or professional athletic event; or

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

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

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

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

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

(b) At any location under the control of the county or municipality aside from a location listed in subsection (1)(f) of this section or Section 45-9-101(13) indicating that the



possession of a firearm is prohibited on the premises, as long as the sign also indicates that it does not apply to a person properly licensed under Section 45-9-101 or Section 97-37-7(2) to carry a concealed firearm or to a person lawfully carrying a firearm that is not concealed.

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

(b) Before instituting suit under this subsection, the party adversely impacted by the ordinance or posted written notice shall notify the Attorney General in writing of the violation and include evidence of the violation. The Attorney General shall, within thirty (30) days, investigate whether the county or municipality adopted an ordinance or posted written notice in violation of this section and provide the chief administrative officer of the county or municipality notice of his findings, including, if applicable, a description of the violation and specific language of the ordinance or posted written notice found to be in violation. The county or municipality shall have thirty



171 (30) days from receipt of that notice to cure the violation. If  
172 the county or municipality fails to cure the violation within that  
173 thirty-day time period, a suit under paragraph (a) of this  
174 subsection may proceed. The findings of the Attorney General  
175 shall constitute a "Public Record" as defined by the Mississippi  
176 Public Records Act of 1983, Section 25-61-1 et seq.

177 (c) If the circuit court finds that a county or  
178 municipality adopted an ordinance or posted written notice in  
179 violation of this section and failed to cure that violation in  
180 accordance with paragraph (b) of this subsection, the circuit  
181 court shall issue a permanent injunction against a county or  
182 municipality prohibiting it from enforcing the ordinance or posted  
183 written notice. Any elected county or municipal official under  
184 whose jurisdiction the violation occurred may be civilly liable in  
185 a sum not to exceed One Thousand Dollars (\$1,000.00), plus all  
186 reasonable attorney's fees and costs incurred by the party  
187 bringing the suit. Public funds may not be used to defend or  
188 reimburse officials who are found by the court to have violated  
189 this section.

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

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





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

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

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

(a) The county or municipality has adopted an ordinance authorizing the participation of the county or municipality, or participation by an officer or employee of the county or municipality in such a program; and

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



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

222           45-9-101. (1) (a) Except as otherwise provided, the  
223 Department of Public Safety is authorized to issue licenses to  
224 carry stun guns, concealed pistols or revolvers to persons  
225 qualified as provided in this section. Such licenses shall be  
226 valid throughout the state for a period of five (5) years from the  
227 date of issuance, except as provided in subsection (25) of this  
228 section. Any person possessing a valid license issued pursuant to  
229 this section may carry a stun gun, concealed pistol or concealed  
230 revolver.

231           (b) The licensee must carry the license, together with  
232 valid identification, at all times in which the licensee is  
233 carrying a stun gun, concealed pistol or revolver and must display  
234 both the license and proper identification upon demand by a law  
235 enforcement officer. A violation of the provisions of this  
236 paragraph (b) shall constitute a noncriminal violation with a  
237 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable  
238 by summons.

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

241           (a) Is a resident of the state. However, this  
242 residency requirement may be waived if the applicant possesses a  
243 valid permit from another state, is a member of any active or  
244 reserve component branch of the United States of America Armed



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

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

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

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

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

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

(e) Does not chronically or habitually abuse controlled substances to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses controlled substances to the extent that his faculties are impaired if the applicant has been voluntarily or involuntarily



committed to a treatment facility for the abuse of a controlled substance or been found guilty of a crime under the provisions of the Uniform Controlled Substances Law or similar laws of any other state or the United States relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;

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

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

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

(i) Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility unless he possesses a certificate from a psychiatrist licensed in this



state that he has not suffered from disability for a period of five (5) years;

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

(k) Is not a fugitive from justice; and

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

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



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

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

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

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

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

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

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

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

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

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



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

350 (c) A nonrefundable license fee of Eighty Dollars  
351 (\$80.00). Costs for processing the set of fingerprints as  
352 required in paragraph (d) of this subsection shall be borne by the  
353 applicant. Honorably retired law enforcement officers, disabled  
354 veterans and active duty members of the Armed Forces of the United  
355 States, and law enforcement officers employed with a law  
356 enforcement agency of a municipality, county or state at the time  
357 of application for the license, shall be exempt from the payment  
358 of the license fee;

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

361 (e) A waiver authorizing the Department of Public  
362 Safety access to any records concerning commitments of the  
363 applicant to any of the treatment facilities or institutions  
364 referred to in subsection (2) of this section and permitting  
365 access to all the applicant's criminal records.

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



370                   (b) The Department of Public Safety shall forward a  
371 copy of the applicant's application to the sheriff of the  
372 applicant's county of residence and, if applicable, the police  
373 chief of the applicant's municipality of residence. The sheriff  
374 of the applicant's county of residence, and, if applicable, the  
375 police chief of the applicant's municipality of residence may, at  
376 his discretion, participate in the process by submitting a  
377 voluntary report to the Department of Public Safety containing any  
378 readily discoverable prior information that he feels may be  
379 pertinent to the licensing of any applicant. The reporting shall  
380 be made within thirty (30) days after the date he receives the  
381 copy of the application. Upon receipt of a response from a  
382 sheriff or police chief, such sheriff or police chief shall be  
383 reimbursed at a rate set by the department.

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

387                               (i) Issue the license;

388                               (ii) Deny the application based solely on the  
389 ground that the applicant fails to qualify under the criteria  
390 listed in subsections (2) and (3) of this section. If the  
391 Department of Public Safety denies the application, it shall  
392 notify the applicant in writing, stating the ground for denial,  
393 and the denial shall be subject to the appeal process set forth in  
394 subsection (7); or





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

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

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



420 (b) If the revocation, suspension or denial of issuance  
421 is sustained by the Commissioner of Public Safety, or his duly  
422 authorized agent pursuant to paragraph (a) of this subsection, the  
423 aggrieved party may file within ten (10) days after the rendition  
424 of such decision a petition in the circuit or county court of his  
425 residence for review of such decision. A hearing for review shall  
426 be held and shall proceed before the court without a jury upon the  
427 record made at the hearing before the Commissioner of Public  
428 Safety or his duly authorized agent. No such party shall be  
429 allowed to carry a stun gun, concealed pistol or revolver pursuant  
430 to the provisions of this section while any such appeal is  
431 pending.

432 (8) The Department of Public Safety shall maintain an  
433 automated listing of license holders and such information shall be  
434 available online, upon request, at all times, to all law  
435 enforcement agencies through the Mississippi Crime Information  
436 Center. However, the records of the department relating to  
437 applications for licenses to carry stun guns, concealed pistols or  
438 revolvers and records relating to license holders shall be exempt  
439 from the provisions of the Mississippi Public Records Act of 1983,  
440 and shall be released only upon order of a court having proper  
441 jurisdiction over a petition for release of the record or records.

442 (9) Within thirty (30) days after the changing of a  
443 permanent address, or within thirty (30) days after having a  
444 license lost or destroyed, the licensee shall notify the



Department of Public Safety in writing of such change or loss.  
Failure to notify the Department of Public Safety pursuant to the  
provisions of this subsection shall constitute a noncriminal  
violation with a penalty of Twenty-five Dollars (\$25.00) and shall  
be enforceable by a summons.

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

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

(12) (a) Except as provided in subsection (25) of this  
section, no less than ninety (90) days prior to the expiration  
date of the license, the Department of Public Safety shall send to  
each licensee a written notice of the expiration and a renewal  
form prescribed by the department. The licensee must renew his  
license on or before the expiration date by filing with the  
department the renewal form, a notarized affidavit stating that  
the licensee remains qualified pursuant to the criteria specified  
in subsections (2) and (3) of this section if necessary, and a  
full set of fingerprints administered by the Department of Public



Safety or the sheriff of the county of residence of the licensee. The first renewal may be processed by mail "or other means as determined by the Department" and the subsequent renewal must be made in person. Thereafter every other renewal may be processed by mail to assure that the applicant must appear in person every ten (10) years for the purpose of obtaining a new photograph.

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

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

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

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

(c) A licensee who fails to file a renewal application on or before its expiration date must renew his license by paying a late fee of Fifteen Dollars (\$15.00). No license shall be



renewed six (6) months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees pursuant to subsection (5) of this section must be submitted, and a background investigation shall be conducted pursuant to the provisions of this section.

(13) No license issued pursuant to this section shall authorize any person, except a law enforcement officer as defined in Section 45-6-3 with a distinct license authorized by the Department of Public Safety, to carry a stun gun, concealed pistol or revolver into any place of nuisance as defined in Section 95-3-1, Mississippi Code of 1972; any police, sheriff or highway patrol station; any detention facility, prison or jail; any courthouse; any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his courtroom; any polling place; any meeting place of the governing body of any governmental entity; any meeting of the Legislature or a committee thereof; any school, college or professional athletic event not related to firearms; any portion of an establishment, licensed to dispense alcoholic beverages for consumption on the premises, that is primarily devoted to dispensing alcoholic beverages; any portion of an establishment in which beer, light spirit product or light wine is consumed on the premises, that is primarily devoted



to such purpose; any elementary or secondary school facility; any junior college, community college, college or university facility unless for the purpose of participating in any authorized firearms-related activity; inside the passenger terminal of any airport, except that no person shall be prohibited from carrying any legal firearm into the terminal if the firearm is encased for shipment, for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; any church or other place of worship, except as provided in Section 45-9-171; or any place where the carrying of firearms is prohibited by federal law. In addition to the places enumerated in this subsection, the carrying of a stun gun, concealed pistol or revolver may be disallowed in any place in the discretion of the person or entity exercising control over the physical location of such place by the placing of a written notice clearly readable at a distance of not less than ten (10) feet that the "carrying of a pistol or revolver is prohibited." No license issued pursuant to this section shall authorize the participants in a parade or demonstration for which a permit is required to carry a stun gun, concealed pistol or revolver.

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



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

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

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



569           (16) All fees collected by the Department of Public Safety  
570 pursuant to this section shall be deposited into a special fund  
571 hereby created in the State Treasury and shall be used for  
572 implementation and administration of this section. After the  
573 close of each fiscal year, the balance in this fund shall be  
574 certified to the Legislature and then may be used by the  
575 Department of Public Safety as directed by the Legislature.

576           (17) All funds received by a sheriff or police chief  
577 pursuant to the provisions of this section shall be deposited into  
578 the general fund of the county or municipality, as appropriate,  
579 and shall be budgeted to the sheriff's office or police department  
580 as appropriate.

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

584           (19) Any person holding a valid unrevoked and unexpired  
585 license to carry stun guns, concealed pistols or revolvers issued  
586 in another state shall have such license recognized by this state  
587 to carry stun guns, concealed pistols or revolvers. The  
588 Department of Public Safety is authorized to enter into a  
589 reciprocal agreement with another state if that state requires a  
590 written agreement in order to recognize licenses to carry stun  
591 guns, concealed pistols or revolvers issued by this state.

592           (20) The provisions of this section shall be under the  
593 supervision of the Commissioner of Public Safety. The





commissioner is authorized to promulgate reasonable rules and regulations to carry out the provisions of this section.

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

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

(b) An honorably retired law enforcement officer and honorably retired correctional officer shall provide the following information to receive the license described in this section: (i) a letter, with the official letterhead of the agency or department from which such officer is retiring, which explains that such officer is honorably retired, and (ii) a letter with the official



619 letterhead of the agency or department, which explains that such  
620 officer has completed a certified law enforcement training  
621 academy.

622 (23) A disabled veteran who seeks to qualify for an  
623 exemption under this section shall be required to provide a  
624 veterans health services identification card issued by the United  
625 States Department of Veterans Affairs indicating a  
626 service-connected disability, which shall be sufficient proof of  
627 such service-connected disability.

628 (24) A license under this section is not required for a  
629 loaded or unloaded pistol or revolver to be carried upon the  
630 person in a sheath, belt holster or shoulder holster or in a  
631 purse, handbag, satchel, other similar bag or briefcase or fully  
632 enclosed case if the person is not engaged in criminal activity  
633 other than a misdemeanor traffic offense, is not otherwise  
634 prohibited from possessing a pistol or revolver under state or  
635 federal law, and is not in a location prohibited under subsection  
636 (13) of this section. However, the medical use of medical  
637 cannabis by a cardholder who is a registered qualifying patient  
638 which is lawful under the provisions of the Mississippi Medical  
639 Cannabis Act and in compliance with rules and regulations adopted  
640 thereunder shall not disqualify a person under this subsection  
641 (24) solely because the person is prohibited from possessing a  
642 firearm under 18 USCS Section 922(g)(3) due to such medical use of  
643 medical cannabis.



644           (25) An applicant for a license under this section shall  
645 have the option of, instead of being issued a separate card for  
646 the license, having the license appear as a notation on the  
647 individual's driver's license or identification card. If the  
648 applicant chooses this option, the license issued under this  
649 section shall have the same expiration date as the driver's  
650 license or identification card, and renewal shall take place at  
651 the same time and place as renewal of the driver's license or  
652 identification card. The Commissioner of Public Safety shall have  
653 the authority to promulgate rules and regulations which may be  
654 necessary to ensure the effectiveness of the concurrent  
655 application and renewal processes.

656           **SECTION 6.** Section 97-37-7, Mississippi Code of 1972, is  
657 brought forward as follows:

658           97-37-7. (1) (a) It shall not be a violation of Section  
659 97-37-1 or any other statute for pistols, firearms or other  
660 suitable and appropriate weapons to be carried by duly constituted  
661 bank guards, company guards, watchmen, railroad special agents or  
662 duly authorized representatives who are not sworn law enforcement  
663 officers, agents or employees of a patrol service, guard service,  
664 or a company engaged in the business of transporting money,  
665 securities or other valuables, while actually engaged in the  
666 performance of their duties as such, provided that such persons  
667 have made a written application and paid a nonrefundable permit



668 fee of One Hundred Dollars (\$100.00) to the Department of Public  
669 Safety.

670 (b) No permit shall be issued to any person who has  
671 ever been convicted of a felony under the laws of this or any  
672 other state or of the United States. To determine an applicant's  
673 eligibility for a permit, the person shall be fingerprinted. If  
674 no disqualifying record is identified at the state level, the  
675 fingerprints shall be forwarded by the Department of Public Safety  
676 to the Federal Bureau of Investigation for a national criminal  
677 history record check. The department shall charge a fee which  
678 includes the amounts required by the Federal Bureau of  
679 Investigation and the department for the national and state  
680 criminal history record checks and any necessary costs incurred by  
681 the department for the handling and administration of the criminal  
682 history background checks. In the event a legible set of  
683 fingerprints, as determined by the Department of Public Safety and  
684 the Federal Bureau of Investigation, cannot be obtained after a  
685 minimum of three (3) attempts, the Department of Public Safety  
686 shall determine eligibility based upon a name check by the  
687 Mississippi Highway Safety Patrol and a Federal Bureau of  
688 Investigation name check conducted by the Mississippi Highway  
689 Safety Patrol at the request of the Department of Public Safety.

690 (c) A person may obtain a duplicate of a lost or  
691 destroyed permit upon payment of a Fifteen Dollar (\$15.00)  
692 replacement fee to the Department of Public Safety, if he



693 furnishes a notarized statement to the department that the permit  
694 has been lost or destroyed.

695 (d) (i) No less than ninety (90) days prior to the  
696 expiration date of a permit, the Department of Public Safety shall  
697 mail to the permit holder written notice of expiration together  
698 with the renewal form prescribed by the department. The permit  
699 holder shall renew the permit on or before the expiration date by  
700 filing with the department the renewal form, a notarized affidavit  
701 stating that the permit holder remains qualified, and the renewal  
702 fee of Fifty Dollars (\$50.00); honorably retired law enforcement  
703 officers shall be exempt from payment of the renewal fee. A  
704 permit holder who fails to file a renewal application on or before  
705 its expiration date shall pay a late fee of Fifteen Dollars  
706 (\$15.00).

707 (ii) Renewal of the permit shall be required every  
708 four (4) years. The permit of a qualified renewal applicant shall  
709 be renewed upon receipt of the completed renewal application and  
710 appropriate payment of fees.

711 (iii) A permit cannot be renewed six (6) months or  
712 more after its expiration date, and such permit shall be deemed to  
713 be permanently expired; the holder may reapply for an original  
714 permit as provided in this section.

715 (2) It shall not be a violation of this or any other statute  
716 for pistols, firearms or other suitable and appropriate weapons to  
717 be carried by Department of Wildlife, Fisheries and Parks law



718 enforcement officers, railroad special agents who are sworn law  
719 enforcement officers, investigators employed by the Attorney  
720 General, criminal investigators employed by the district  
721 attorneys, all prosecutors, public defenders, investigators or  
722 probation officers employed by the Department of Corrections,  
723 employees of the State Auditor who are authorized by the State  
724 Auditor to perform investigative functions, or any deputy fire  
725 marshal or investigator employed by the State Fire Marshal, while  
726 engaged in the performance of their duties as such, or by fraud  
727 investigators with the Department of Human Services, or by judges  
728 of the Mississippi Supreme Court, Court of Appeals, circuit,  
729 chancery, county, justice and municipal courts, or by coroners.  
730 Before any person shall be authorized under this subsection to  
731 carry a weapon, he shall complete a weapons training course  
732 approved by the Board of Law Enforcement Officer Standards and  
733 Training. Before any criminal investigator employed by a district  
734 attorney shall be authorized under this section to carry a pistol,  
735 firearm or other weapon, he shall have complied with Section  
736 45-6-11 or any training program required for employment as an  
737 agent of the Federal Bureau of Investigation. A law enforcement  
738 officer, as defined in Section 45-6-3, shall be authorized to  
739 carry weapons in courthouses in performance of his official  
740 duties. A person licensed under Section 45-9-101 to carry a  
741 concealed pistol, who (a) has voluntarily completed an  
742 instructional course in the safe handling and use of firearms



743 offered by an instructor certified by a nationally recognized  
744 organization that customarily offers firearms training, or by any  
745 other organization approved by the Department of Public Safety,  
746 (b) is a member or veteran of any active or reserve component  
747 branch of the United States of America Armed Forces having  
748 completed law enforcement or combat training with pistols or other  
749 handguns as recognized by such branch after submitting an  
750 affidavit attesting to have read, understand and agree to comply  
751 with all provisions of the enhanced carry law, or (c) is an  
752 honorably retired law enforcement officer or honorably retired  
753 member or veteran of any active or reserve component branch of the  
754 United States of America Armed Forces having completed law  
755 enforcement or combat training with pistols or other handguns,  
756 after submitting an affidavit attesting to have read, understand  
757 and agree to comply with all provisions of Mississippi enhanced  
758 carry law shall also be authorized to carry weapons in courthouses  
759 except in courtrooms during a judicial proceeding, and any  
760 location listed in subsection (13) of Section 45-9-101, except any  
761 place of nuisance as defined in Section 95-3-1, any police,  
762 sheriff or highway patrol station or any detention facility,  
763 prison or jail. For the purposes of this subsection (2),  
764 component branch of the United States Armed Forces includes the  
765 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army  
766 National Guard, the Army National Guard of the United States, the  
767 Air National Guard or the Air National Guard of the United States,



as those terms are defined in Section 101, Title 10, United States Code, and any other reserve component of the United States Armed Forces enumerated in Section 10101, Title 10, United States Code. The department shall promulgate rules and regulations allowing concealed pistol permit holders to obtain an endorsement on their permit indicating that they have completed the aforementioned course and have the authority to carry in these locations. This section shall in no way interfere with the right of a trial judge to restrict the carrying of firearms in the courtroom.

For purposes of this subsection (2), the following words shall have the meanings described herein, unless the context otherwise requires:

(i) "Courthouse" means any building in which a circuit court, chancery court, youth court, municipal court, justice court or any appellate court is located, or any building in which a court of law is regularly held.

(ii) "Courtroom" means the actual room in which a judicial proceeding occurs, including any jury room, witness room, judge's chamber, office housing the judge's staff, or similar room. "Courtroom" shall not mean hallways, courtroom entrances, courthouse grounds, lobbies, corridors, or other areas within a courthouse which are generally open to the public for the transaction of business outside of an active judicial proceeding, the grassed areas, cultivated flower beds, sidewalks, parking





lots, or other areas contained within the boundaries of the public land upon which the courthouse is located.

(3) It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons, to be carried by any out-of-state, full-time commissioned law enforcement officer who holds a valid commission card from the appropriate out-of-state law enforcement agency and a photo identification. The provisions of this subsection shall only apply if the state where the out-of-state officer is employed has entered into a reciprocity agreement with the state that allows full-time commissioned law enforcement officers in Mississippi to lawfully carry or possess a weapon in such other states. The Commissioner of Public Safety is authorized to enter into reciprocal agreements with other states to carry out the provisions of this subsection.

**SECTION 7.** Section 97-37-9, Mississippi Code of 1972, is brought forward as follows:

97-37-9. Any person indicted or charged for a violation of Section 97-37-1 may show as a defense:

(a) That he was threatened, and had good and sufficient reason to apprehend a serious attack from any enemy, and that he did so apprehend; or

(b) That he was traveling and was not a tramp, or was setting out on a journey and was not a tramp; or



816 (c) That he was a law enforcement or peace officer in  
817 the discharge of his duties; or

818 (d) That he was at the time in the discharge of his  
819 duties as a mail carrier; or

820 (e) That he was at the time engaged in transporting  
821 valuables for an express company or bank; or

822 (f) That he was a member of the Armed Forces of the  
823 United States, National Guard, State Militia, Emergency Management  
824 Corps, guard or patrolman in a state or municipal institution  
825 while in the performance of his official duties; or

826 (g) That he was in lawful pursuit of a felon; or

827 (h) That he was lawfully engaged in legitimate sports;  
828 or

829 (i) That at the time he was a company guard, bank  
830 guard, watchman, or other person enumerated in Section 97-37-7,  
831 and was then actually engaged in the performance of his duties as  
832 such, and then held a valid permit from the sheriff, the  
833 commissioner of public safety, or a valid permit issued by the  
834 Secretary of State prior to May 1, 1974, to carry the weapon; and  
835 the burden of proving either of said defenses shall be on the  
836 accused; or

837 (j) That at the time he or she was a member of a church  
838 or place of worship security program, and was then actually  
839 engaged in the performance of his or her duties as such and met  
840 the requirements of Section 45-9-171; or



(k) That at the time he or she was certified under a School Safety Guardian Program, and was then actually engaged in the performance of his or her duties under the program and met the requirements of Section 45-9-181.

**SECTION 8.** (1) All federal acts, laws, orders, rules and regulations, whether past, present or future, which infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 12 of the Mississippi Constitution of 1890 shall be invalid in this state, shall not be recognized by this state, shall be specifically rejected by this state and have no effect in this state.

(2) Such federal acts, laws, orders, rules, and regulations which include any act ordering the confiscation of firearms, firearm accessories, or ammunition from law-abiding citizens.

(3) It shall be the duty of the courts and law enforcement agencies of this state to protect the rights of law-abiding citizens to keep and bear arms within the borders of this state and from the infringements in subsection (2) of this section.

(4) No public officer or employee of this state shall have any authority to enforce or attempt to enforce any of the infringements on the right to keep and bear arms included in subsection (2) of this section.

(5) Any official, agent, or employee of the United States government who enforces or attempts to enforce any of the



866 infringements on the right to keep and bear arms included in  
867 subsection (2) of this section is guilty of a misdemeanor.

868 (6) Any Mississippi citizen who has been subject to an  
869 effort to enforce any of the infringements on the right to keep  
870 and bear arms included in subsection (2) of this section shall  
871 have a private cause of action for declaratory judgment and for  
872 damages against any person or entity attempting such enforcement.

873 **SECTION 9.** This act shall take effect and be in force from  
874 and after July 1, 2025.

