

By: Representative Denton

To: Judiciary B;  
Constitution

## HOUSE BILL NO. 495

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



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

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

- (iii) A forward pistol grip;

- (iv) A flash suppressor; or

- (v) A grenade launcher or flare launcher;

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

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

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

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

- (iv) A second hand grip.



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

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

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

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

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



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

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

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

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

(a) By a fine of not less than One Hundred Dollars (\$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



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

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

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

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

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

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





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

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

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

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

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

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

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

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

(d) To regulate the use of firearms in cases of insurrection, riots and natural disasters in which the city finds 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



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.

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

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

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

45-9-101. (1) (a) Except as otherwise provided, the 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;



(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





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,



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

(c) A nonrefundable license fee of Eighty Dollars (\$80.00). Costs for processing the set of fingerprints as required in paragraph (d) of this subsection shall be borne by the applicant. Honorably retired law enforcement officers, disabled veterans and 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 application for the license, shall be exempt from the payment of the license fee;

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

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

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

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



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

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

(i) Issue the license;

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

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



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

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

(9) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a 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;



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



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



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



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

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

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

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

(20) The provisions of this section shall be under the 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 letterhead of the agency or department, which explains that such officer has completed a certified law enforcement training 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, 2025.

