

By: Senator(s) Fillingane

To: Judiciary, Division B

SENATE BILL NO. 2190

1 AN ACT TO AMEND SECTION 63-1-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE TITLE OF THE HIGHWAY SAFETY PATROL AND DRIVER'S LICENSE
3 LAW OF 1938; TO AMEND SECTION 63-1-3, MISSISSIPPI CODE OF 1972, TO
4 DEFINE THE TERM "SYSTEM OF RECORD"; TO AMEND SECTION 63-1-15,
5 MISSISSIPPI CODE OF 1972, TO REQUIRE LICENSE EXAMINERS TO INPUT
6 EACH REJECTED AND ACCEPTED APPLICATION INTO THE SYSTEM OF RECORD;
7 TO AMEND SECTION 63-1-16, MISSISSIPPI CODE OF 1972, TO DELETE THE
8 REQUIREMENT THAT THE "WAIT ANYWHERE APPOINTMENT" PROGRAM BE MADE
9 AVAILABLE ON THE DRIVER SERVICES BUREAU'S WEBSITE; TO AMEND
10 SECTION 63-1-17, MISSISSIPPI CODE OF 1972, TO UPDATE CERTAIN
11 LANGUAGE RELATED TO RECORDKEEPING; TO AMEND SECTION 63-1-45,
12 MISSISSIPPI CODE OF 1972, TO REVISE THE MECHANISMS FOR KEEPING
13 RECORDS OF ALL FUNDS RECEIVED FROM APPLICANTS; TO REQUIRE LICENSE
14 EXAMINERS TO RETAIN A RECORD OF ALL FUNDS RECEIVED FROM APPLICANTS
15 UPON DIGITAL RECORD OR ACCOUNTING SYSTEMS AS PRESCRIBED AND
16 FURNISHED BY THE DEPARTMENT; TO PROVIDE THAT FUNDS RECEIVED FROM
17 AN APPLICATION SHALL BE SUBJECT TO AUDIT AT ANY TIME BY THE
18 DEPARTMENT; TO REQUIRE APPLICATION TO BE DIGITIZED AND STORED IN
19 THE SYSTEM OF RECORD; TO AMEND SECTION 63-1-51, MISSISSIPPI CODE
20 OF 1972, TO DELETE THE REQUIREMENT THAT THE COMMISSIONER OF PUBLIC
21 SAFETY BE LOCATED IN JACKSON, MISSISSIPPI; TO AMEND SECTION
22 63-1-52, MISSISSIPPI CODE OF 1972, TO REVISE THE METHOD OF SERVICE
23 FOR NOTICES OF SUSPENSION, CANCELLATION OR REVOCATION; TO REPEAL
24 SECTION 63-1-34, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE
25 COMMISSIONER OF PUBLIC SAFETY TO PREPARE AND MAKE AVAILABLE
26 ASSISTIVE VIDEOTAPES FOR READING IMPAIRED APPLICANTS; TO BRING
27 FORWARD SECTION 45-9-101, MISSISSIPPI CODE OF 1972, FOR THE
28 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

30 **SECTION 1.** Section 63-1-1, Mississippi Code of 1972, is
31 amended as follows:



63-1-1. This article may be cited as the * * * Driver's License * * * Act.

SECTION 2. Section 63-1-3, Mississippi Code of 1972, is amended as follows:

63-1-3. The following words and phrases when used in this article shall, for the purpose of such law, have the meanings respectively ascribed to them in this section:

(a) The term "commissioner" means the commissioner of public safety of this state * * * .

(b) The term "highway" means every way or place of whatever nature open to the use of the public for the purpose of vehicular travel, and shall include streets of municipalities * * * .

(c) The term "operator" means any person in actual physical control of a motor vehicle on the highway * * * .

(d) The term "owner" means a person who holds the legal title of a vehicle; in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this article.



(e) The term "system of record" means the software database which maintains all documents related to credentials issued by the Driver Service Bureau of the Department of Safety.

SECTION 3. Section 63-1-15, Mississippi Code of 1972, is amended as follows:

63-1-15. (1) The commissioner * * * shall be authorized to designate persons who may act as examiners for license or instruction permits. The commissioner may promulgate rules and regulations to effectuate this chapter.

* * *

(2) License examiners shall input each rejected or approved application into the system of record in accordance with the rules and regulations promulgated by the commissioner.

SECTION 4. Section 63-1-16, Mississippi Code of 1972, is amended as follows:

63-1-16. (1) The Department of Public Safety shall, upon request of the board of supervisors, furnish a Driver Service Bureau public access computer at a location in each county seat to access the Driver Service Bureau website. The county shall furnish the internet connectivity at the location for the Driver Service Bureau public access computer.

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



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

* * *

SECTION 5. Section 63-1-17, Mississippi Code of 1972, is amended as follows:

63-1-17. As the license examiners file their statements showing the serial numbers of licenses and temporary driving permits issued pursuant to this article during the preceding month, the commissioner shall keep a record of all licenses and permits issued pursuant to this article by such examiners, a record of all licenses and permits revoked, a record of all * * * orders mailed to him by the trial judges, and such other information that he deems necessary to carry out the provisions of this article.

SECTION 6. Section 63-1-45, Mississippi Code of 1972, is amended as follows:

63-1-45. (1) * * * License examiners shall retain a record of all funds received from applicants upon digital record or accounting systems as prescribed and furnished by the department. A receipt of the transactions shall be provided to the applicant. Funds received from an application shall be subject to audit at any time by the department. Upon submission, application forms should be digitized and stored in the system of record.



(2) There shall be tendered with all applications for a temporary driving permit, temporary motorcycle driving permit, initial issuance of any license issued pursuant to this article, renewal licenses, duplicate licenses or any other services for which a fee is charged, the proper fee required by law by cash, certified check, money order or electronic payment as authorized under Section 27-104-33.

(3) The Commissioner of Public Safety shall deposit the amount of fees, together with all fees for duplicate licenses, permits, delinquent fees and reinstatement fees collected by him into the General Fund of the State Treasury, in accordance with the provisions of Section 45-1-23(2); however, Seven Dollars (\$7.00) of the fee derived from the fee charged for original and renewal operators' licenses imposed under Section 63-1-43(1) and Four Dollars (\$4.00) of the fee derived from the fee charged for original and renewal Class D commercial drivers' licenses under Section 63-1-43(4) shall be deposited into a special fund that is created in the State Treasury. Monies in the fund may be expended upon legislative appropriation solely for the purchase by the Mississippi Highway Safety Patrol of patrol cars, communications equipment and weapons.

SECTION 7. Section 63-1-51, Mississippi Code of 1972, is amended as follows:

63-1-51. (1) It shall be the duty of the court clerk, upon conviction of any person holding a license issued pursuant to this



130 article where the penalty for a traffic violation is as much as
131 Ten Dollars (\$10.00), to mail a copy of abstract of the court
132 record or provide an electronically or computer generated copy of
133 abstract of the court record immediately to the
134 commissioner * * *, showing the date of conviction, penalty, etc.,
135 so that a record of same may be made by the Department of Public
136 Safety. The commissioner shall forthwith revoke the license of
137 any person for a period of one (1) year upon receiving a duly
138 certified record of each person's convictions of any of the
139 following offenses when such conviction has become final:

140 (a) Manslaughter or negligent homicide resulting from
141 the operation of a motor vehicle;

142 (b) Any felony in the commission of which a motor
143 vehicle is used;

144 (c) Failure to stop and render aid as required under
145 the laws of this state in event of a motor vehicle accident
146 resulting in the death or personal injury of another;

147 (d) Perjury or the willful making of a false affidavit
148 or statement under oath to the department under this article or
149 under any other law relating to the ownership or operation of
150 motor vehicles; or

151 (e) Conviction, or forfeiture of bail not vacated, upon
152 three (3) charges of reckless driving committed within a period of
153 twelve (12) months.



(2) The commissioner shall revoke the license issued pursuant to this article of any person convicted of negligent homicide, in addition to any penalty now provided by law.

(3) In addition to the reasons specified in this section, the commissioner shall be authorized to suspend the license issued to any person pursuant to this article for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 8. Section 63-1-52, Mississippi Code of 1972, is amended as follows:

63-1-52. (1) Whenever the Commissioner of Public Safety suspends, cancels or revokes the driver's license or driving privileges of any person, notice of the suspension, cancellation or revocation shall be given to such person by the commissioner, or his duly authorized agent, in the manner provided in subsection (2) of this section and at the time provided in subsection (3) of



178 this section or in the manner and at the time provided in
179 subsection (4) of this section.

180 (2) Notice shall be given in the following manner:

181 (a) In writing, (i) by United States * * * first-class
182 mail; * * * (ii) by personal service at the person's address as it
183 appears on the driving record maintained by the Department of
184 Public Safety or at the person's last-known address; or (iii) by
185 personal notice being given by any law enforcement officer of this
186 state or any duly authorized agent of the Commissioner of Public
187 Safety on forms prescribed and furnished by the Commissioner of
188 Public Safety; or (iv) by notification made to the person's duly
189 issued mobile identification, whenever a person's driver's license
190 or driving privileges are suspended, revoked or cancelled in
191 accordance with the Mississippi Driver License Compact Law, the
192 Mississippi Implied Consent Law, the Mississippi Motor Vehicle
193 Safety Responsibility Law or subsection (2)(c), (2)(d), (2)(e) or
194 (2)(f) of Section 63-1-53.

195 (b) In writing, by United States first class mail,
196 whenever a person's driver's license or driving privileges are
197 suspended, revoked or cancelled in accordance with the Mississippi
198 Commercial Driver's License Law, the Youth Court Law, Chapter 23
199 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section
200 63-1-51, subsection (2)(g) or (2)(h) of Section 63-1-53, or
201 Section 63-9-25.

202 (3) Notice shall be given at the following time:



203 (a) Before suspension, revocation or cancellation,
204 whenever a person's driver's license or driving privileges are
205 suspended, revoked or cancelled in accordance with the Mississippi
206 Driver License Compact Law, the Mississippi Motor Vehicle Safety
207 Responsibility Law or subsection (2)(c), (2)(d), (2)(e) or (2)(f)
208 of Section 63-1-53.

209 (b) Unless otherwise specifically provided for by law,
210 at the time of suspension, revocation or cancellation, whenever a
211 person's driver's license or driving privileges are suspended,
212 revoked or cancelled in accordance with the Mississippi Commercial
213 Driver's License Law, the Mississippi Implied Consent Law, the
214 Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972,
215 Section 63-1-45, Section 63-1-51, subsection (2)(g) or (2)(h) of
216 Section 63-1-53, or Section 63-9-25.

217 (4) Whenever the Commissioner of Public Safety suspends,
218 revokes or cancels the driver's license or driving privileges of
219 any person in accordance with some provision of law other than a
220 provision of law referred to in subsections (2) and (3) of this
221 section, and the manner and time for giving notice is not provided
222 for in such law, then notice of such suspension, revocation or
223 cancellation shall be given in the manner and at the time provided
224 for under subsections (2)(b) and (3)(b) of this section.

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



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

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

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

(a) Is a resident of the state. However, this residency requirement may be waived if the applicant possesses a valid permit from another state, is a member of any active or 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;



(b) A full-face photograph of the applicant taken within the preceding thirty (30) days in which the head, including 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.



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

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

392 (i) Issue the license;

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



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

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

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



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

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

447 (9) Within thirty (30) days after the changing of a
448 permanent address, or within thirty (30) days after having a
449 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



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

545 (14) A law enforcement officer as defined in Section 45-6-3,
546 chiefs of police, sheriffs and persons licensed as professional
547 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
548 1972, shall be exempt from the licensing requirements of this
549 section.



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

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

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



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

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

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

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

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



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

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

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

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



624 letterhead of the agency or department, which explains that such
625 officer has completed a certified law enforcement training
626 academy.

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

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



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

661 **SECTION 10.** Section 63-1-34, Mississippi Code of 1972, which
662 requires the Commissioner of Public Safety to prepare and make
663 available assistive videotapes for reading impaired applicants, is
664 repealed.

665 **SECTION 11.** This act shall take effect and be in force from
666 and after July 1, 2025.

