

By: Senator(s) Fillingane

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
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 SERVICE BUREAU'S WEBSITE; TO AMEND SECTION
10 63-1-17, MISSISSIPPI CODE OF 1972, TO UPDATE CERTAIN LANGUAGE
11 RELATED TO RECORDKEEPING; TO AMEND SECTION 63-1-45, MISSISSIPPI
12 CODE OF 1972, TO REVISE THE MECHANISMS FOR KEEPING RECORDS OF ALL
13 FUNDS RECEIVED FROM APPLICANTS; TO REQUIRE LICENSE EXAMINERS TO
14 RETAIN A RECORD OF ALL FUNDS RECEIVED FROM APPLICANTS UPON DIGITAL
15 RECORD OR ACCOUNTING SYSTEMS AS PRESCRIBED AND FURNISHED BY THE
16 DEPARTMENT; TO PROVIDE THAT FUNDS RECEIVED FROM AN APPLICATION
17 SHALL BE SUBJECT TO AUDIT AT ANY TIME BY THE DEPARTMENT; TO
18 REQUIRE THAT THE APPLICATIONS BE DIGITIZED AND STORED IN THE
19 SYSTEM OF RECORD; TO AMEND SECTION 63-1-51, MISSISSIPPI CODE OF
20 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 AMEND
27 SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO DELETE THE
28 AUTHORITY OF THE DEPARTMENT OF PUBLIC SAFETY TO PLACE CERTAIN
29 ENDORSEMENTS ON DRIVER'S LICENSES OR IDENTIFICATION CARDS; AND FOR
30 RELATED PURPOSES.

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



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

34 63-1-1. This article may be cited as the * * * Driver's
35 License * * * Act.

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

38 63-1-3. The following words and phrases when used in this
39 article shall, for the purpose of such law, have the meanings
40 respectively ascribed to them in this section:

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

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

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

49 (d) The term "owner" means a person who holds the legal
50 title of a vehicle; in the event a vehicle is the subject of an
51 agreement for the conditional sale or lease thereof with the right
52 of purchase upon performance of the conditions stated in the
53 agreement and with an immediate right of possession vested in the
54 conditional vendee or lessee, or in the event a mortgagor of a
55 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 Public 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.



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

131 63-1-51. (1) It shall be the duty of the court clerk, upon
132 conviction of any person holding a license issued pursuant to this
133 article where the penalty for a traffic violation is as much as
134 Ten Dollars (\$10.00), to mail a copy of abstract of the court
135 record or provide an electronically or computer generated copy of
136 abstract of the court record immediately to the
137 commissioner * * *, showing the date of conviction, penalty, etc.,
138 so that a record of same may be made by the Department of Public
139 Safety. The commissioner shall forthwith revoke the license of
140 any person for a period of one (1) year upon receiving a duly
141 certified record of each person's convictions of any of the
142 following offenses when such conviction has become final:

143 (a) Manslaughter or negligent homicide resulting from
144 the operation of a motor vehicle;

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

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

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



(e) Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of 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 this section or in the manner and at the time provided in subsection (4) of this section.

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

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

(b) In writing, by United States first class mail, whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Commercial Driver's License Law, the Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section



63-1-51, subsection (2)(g) or (2)(h) of Section 63-1-53, or
Section 63-9-25.

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

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

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

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



228 **SECTION 9.** Section 45-9-101, Mississippi Code of 1972, is
229 amend as follows:

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

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

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

249 (a) Is a resident of the state. However, this
250 residency requirement may be waived if the applicant possesses a
251 valid permit from another state, is a member of any active or
252 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;



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

358 (c) A nonrefundable license fee of Eighty Dollars
359 (\$80.00). Costs for processing the set of fingerprints as
360 required in paragraph (d) of this subsection shall be borne by the
361 applicant. Honorably retired law enforcement officers, disabled
362 veterans and active duty members of the Armed Forces of the United
363 States, and law enforcement officers employed with a law
364 enforcement agency of a municipality, county or state at the time
365 of application for the license, shall be exempt from the payment
366 of the license fee;

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

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

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



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

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

395 (i) Issue the license;

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



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

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

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



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

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

450 (9) Within thirty (30) days after the changing of a
451 permanent address, or within thirty (30) days after having a
452 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.



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

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

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



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

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

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

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

600 (20) The provisions of this section shall be under the
601 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



627 letterhead of the agency or department, which explains that such
628 officer has completed a certified law enforcement training
629 academy.

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

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



652 * * *

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

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

