

By: Senator(s) Seymour

To: Judiciary, Division A

SENATE BILL NO. 2464

1 AN ACT TO PROHIBIT A STATE AGENCY OR POLITICAL SUBDIVISION TO
2 ENTER INTO ANY CONTRACT THAT DISCRIMINATES AGAINST CERTAIN
3 ENTITIES OR TRADE ASSOCIATIONS; TO AMEND SECTION 45-9-51,
4 MISSISSIPPI CODE OF 1972, TO PROHIBIT A COUNTY OR MUNICIPALITY
5 FROM ENTERING INTO ANY CONTRACT OR RENTAL AGREEMENT THAT RESTRICTS
6 THE POSSESSION, CARRYING, TRANSPORTATION, SALE, TRANSFER OR
7 OWNERSHIP OF FIREARMS OR KNIVES; TO PROVIDE THAT STATE AGENCIES
8 MAY NOT INTERFERE WITH THE RIGHT OF CITIZENS TO POSSESS FIREARMS
9 OR KNIVES; TO CREATE A CIVIL CAUSE OF ACTION TO CHALLENGE
10 ORDINANCES AND REGULATIONS IN VIOLATION OF THAT RIGHT; TO EXEMPT
11 STATE LAW ENFORCEMENT AGENCIES FROM REGULATING LAW ENFORCEMENT
12 OFFICERS IN THE COURSE OF THEIR OFFICIAL DUTIES; TO AMEND SECTION
13 45-9-53, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
14 PURPOSES.

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

16 **SECTION 1.** As used in Sections 1 and 2 of this act, the
17 following terms have the meaning herein ascribed unless the
18 context clearly indicates otherwise:

19 (a) "Ammunition" means a loaded cartridge case, primer,
20 bullet or propellant powder with or without a projectile.

21 (b) "Company" means a for-profit organization,
22 association, corporation, partnership, joint venture, limited
23 partnership, limited liability partnership or limited liability
24 company, including a wholly owned subsidiary, majority-owned



25 subsidiary, parent company, or affiliate of those entities or
26 associations that exists to make a profit. The term does not
27 include a sole proprietorship.

28 (c) "Discriminate against a firearm entity, knife
29 entity, firearm trade association or knife trade association":

30 (i) Means, with respect to the entity or
31 association, to:

32 1. Refuse to engage in the trade of any goods
33 or services with the entity or association based solely on its
34 status as a firearm entity, knife entity, firearm trade
35 association or knife trade association;

36 2. Refrain from continuing an existing
37 business relationship with the entity or association based solely
38 on its status as a firearm entity, knife entity, firearm trade
39 association or knife trade association; or

40 3. Terminate an existing business
41 relationship with the entity or association based solely on its
42 status as a firearm entity, knife entity, firearm trade
43 association or knife trade association; and

44 (ii) Does not include:

45 1. The established policies of a merchant,
46 retail seller, or platform that restricts or prohibits the listing
47 or selling of ammunition, firearms, firearm accessories or knives;
48 and



49 2. A company's refusal to engage in the trade
50 of any goods or services, decision to refrain from continuing an
51 existing business relationship, or decision to terminate an
52 existing business relationship:

53 a. To comply with federal, state, or
54 local law, policy, or regulations or a directive by a regulatory
55 agency; or

56 b. For any traditional business reason
57 that is specific to the customer or potential customer and not
58 based solely on an entity's or association's status as a firearm
59 entity, knife entity, firearm trade association or knife trade
60 association.

61 (d) "Firearm" means a weapon that expels a projectile
62 by the action of explosive or expanding gases.

63 (e) "Firearm accessory" means a device specifically
64 designed or adapted to enable an individual to wear, carry, store,
65 or mount a firearm on the individual or on a conveyance and an
66 item used in conjunction with or mounted on a firearm that is not
67 essential to the basic function of the firearm. The term includes
68 a detachable firearm magazine.

69 (f) "Firearm entity" means:

70 (i) A firearm, firearm accessory, or ammunition
71 manufacturer, distributor, wholesaler, supplier or retailer; and

72 (ii) A sport shooting range.



(g) "Firearm trade association" means any person, corporation, unincorporated association, federation, business league or business organization that:

(i) Is not organized or operated for profit and for which none of its net earnings inures to the benefit of any private shareholder or individual;

(ii) Has two (2) or more firearm entities as members; and

(iii) Is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code.

(h) "Governmental entity" means state agency or political subdivision.

(i) "Knife" means a cutting instrument that includes a sharpened or pointed edge.

(j) "Knife entity" means a knife manufacturer, distributor, wholesaler, supplier or retailer.

(k) "Knife trade association" means any person, corporation, unincorporated association, federation, business, league or business organization that:

(i) Is not organized or operated for profit and for which none of its net earnings inures to the benefit of any private shareholder or individual;

(ii) Has two (2) or more knife entities as members; and



(iii) Is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code.

SECTION 2. (1) This section applies only to a contract that:

(a) Is between a governmental entity and a company with at least one or more full-time employees; and

(b) Has a value of at least Forty Thousand Dollars (\$40,000.00) that is paid wholly or partly from public funds of the governmental entity.

(2) Except as provided by subsection (3) of this section, a governmental entity may not enter into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it:

(a) Does not have a practice, policy, guidance, or directive that discriminates against a firearm entity, knife entity, firearm trade association or knife trade association; and

(b) Will not discriminate during the term of the contract against a firearm entity, knife entity, firearm trade association or knife trade association.

(3) Subsection (2) of this section does not apply to a governmental entity that:

(a) Contracts with a sole-source provider; or



(b) Does not receive any bids from a company that is able to provide the written verification required by that subsection.

SECTION 3. Section 45-9-51, Mississippi Code of 1972, is amended as follows:

45-9-51. (1) Subject to the provisions of Section 45-9-53, no county or municipality may adopt any ordinance or enter into any contract or rental agreement that restricts the possession, carrying, transportation, sale, transfer or ownership of firearms or ammunition or their components or knives.

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

(3) (a) No state agency may adopt a posted written notice, rule, regulation, order or policy or enter into any contract or rental agreement that restricts the possession, carrying, transportation, sale, transfer or ownership of firearms or ammunition or their components or knives.

(b) No state agency or their officers or employees may participate in any program in which individuals are given a thing of value provided by another individual or other entity in



exchange for surrendering a firearm or knife to the state agency
or other governmental body.

(4) (a) A citizen of this state, or a person licensed to
carry a concealed pistol or revolver under Section 45-9-101, or a
person licensed to carry a concealed pistol or revolver with the
endorsement under Section 97-37-7, who is adversely affected by a
posted written notice, rule, regulation, order or policy adopted
or verbally imposed by a state agency in violation of this
section, may file suit for declarative and injunctive relief
against the state agency or state agency head or member of a state
agency's governing body in the circuit court. Venue for the
action shall be proper against the state agency where the
violation of this section occurs.

(b) If the circuit court finds that a state agency
adopted a posted written notice, rule, regulation, order or policy
in violation of this section, the circuit court shall issue a
permanent injunction against the state agency prohibiting it from
enforcing the posted written notice, rule, regulation, order or
policy. Any state agency head or member of a state agency's
governing body under whose jurisdiction the violation occurred may
be civilly liable in a sum not to exceed One Thousand Dollars
(\$1,000.00), plus all reasonable attorney's fees and costs
incurred by the party bringing the suit. Public funds may not be
used to defend or reimburse officials who are found by the court
to have violated this section.



171 (c) It shall be an affirmative defense to any claim
172 brought against a state agency head or member of a state agency's
173 governing body under this subsection (4) that the state official:

174 (i) Did not vote in the affirmative for, support
175 or adopt the posted written notice, rule, regulation, order or
176 policy deemed by the court to be in violation of this section; and

177 (ii) Attempted to take recorded action to rescind
178 the written notice, rule, regulation, order or policy deemed by
179 the court to be in violation of this section.

180 (5) Notwithstanding this section, a state law enforcement
181 agency may regulate the possession, carrying, transportation,
182 sale, transfer or ownership of firearms or ammunition or their
183 components or knives issued or used by law enforcement officers in
184 the course of their official duties.

185 **SECTION 4.** Section 45-9-53, Mississippi Code of 1972, is
186 amended as follows:

187 45-9-53. (1) This section and Section 45-9-51 do not affect
188 the authority that a county or municipality may have under another
189 law:

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

193 (b) To regulate the discharge of firearms within the
194 limits of the county or municipality. A county or municipality
195 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 or knives in cases of insurrection, riots and natural disasters in which the city



finds such regulation necessary to protect the health and safety of the public. However, the provisions of this section shall not apply to the lawful possession, transfer, sale, transportation, storage, display, carry or use of firearms, ammunition or components of firearms or ammunition or knives;

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

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

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

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

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



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

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

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

(5) (a) A citizen of this state, or a person licensed to carry a concealed pistol or revolver under Section 45-9-101, or a person licensed to carry a concealed pistol or revolver with the endorsement under Section 97-37-7, who is adversely affected by an ordinance * * *, posted written notice or any other rule,



271 regulation, order or policy adopted or verbally imposed by a
272 county or municipality in violation of this section may file suit
273 for declarative and injunctive relief against a county or
274 municipality in the circuit court which shall have jurisdiction
275 over the county or municipality where the violation of this
276 section occurs.

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

294 (c) If the circuit court finds that a county or
295 municipality adopted an ordinance or posted written notice or



imposed any rule, regulation, order or policy in violation of this section and failed to cure that violation in accordance with paragraph (b) of this subsection, the circuit court shall issue a permanent injunction against a county or municipality prohibiting it from enforcing the ordinance, rule, regulation, order, policy or posted written notice. Any elected county or municipal official under whose jurisdiction the violation occurred may be civilly liable in a sum not to exceed One Thousand Dollars (\$1,000.00), plus all reasonable attorney's fees and costs incurred by the party bringing the suit. Public funds may not be used to defend or reimburse officials who are found by the court to have violated this section.

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

(i) Did not vote in the affirmative for the adopted ordinance * * *, posted written notice, rule, regulation, order or policy deemed by the court to be in violation of this section;

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

(iii) Did attempt to take recorded action to rescind the ordinance, rule, regulation, order or policy or remove



320 the posted written notice deemed by the court to be in violation
321 of this section.

322 (6) No county or municipality or their officers or employees
323 may participate in any program in which individuals are given a
324 thing of value provided by another individual or other entity in
325 exchange for surrendering a firearm or knife to the county,
326 municipality or other governmental body * * *.

327 * * *

328 **SECTION 5.** The change in law made by this act applies only
329 to a contract entered into on or after the effective date of this
330 act. A contract entered into before the effective date of this
331 act is governed by the law as it existed immediately before the
332 effective date of this act, and that law is continued in effect
333 for that purpose.

334 **SECTION 6.** This act shall take effect and be in force from
335 and after July 1, 2025.

