

By: Senator(s) Seymour

To: Judiciary, Division B

## SENATE BILL NO. 2513

1 AN ACT TO BRING FORWARD SECTIONS 45-9-51 AND 49-9-53,  
2 MISSISSIPPI CODE OF 1972, WHICH ARE PROVISIONS OF LAW RELATED TO  
3 THE RESTRICTIONS UPON LOCAL REGULATIONS OF FIREARMS AND  
4 AMMUNITION, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO BRING  
5 FORWARD SECTION 45-9-101, MISSISSIPPI CODE OF 1972, WHICH IS THE  
6 PROVISION OF LAW THAT AUTHORIZED THE CONCEALED CARRY OF CERTAIN  
7 WEAPONS, FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED  
8 PURPOSES.

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

10 **SECTION 1.** Section 45-9-51, Mississippi Code of 1972, is  
11 brought forward as follows:

12 45-9-51. (1) Subject to the provisions of Section 45-9-53,  
13 no county or municipality may adopt any ordinance that restricts  
14 the possession, carrying, transportation, sale, transfer or  
15 ownership of firearms or ammunition or their components.

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



firearms or ammunition or their components to and from such dwelling.

**SECTION 2.** Section 45-9-53, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

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

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



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

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

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

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

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

(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 at: (i) a public park or at a public meeting of a county, municipality or



70 other governmental body; (ii) a political rally, parade or  
71 official political meeting; or (iii) a nonfirearm-related school,  
72 college or professional athletic event; or

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

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

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

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

85 (a) At a location listed in Section 45-9-101(13)  
86 indicating that a license issued under Section 45-9-101 does not  
87 authorize the holder to carry a firearm into that location, as  
88 long as the sign also indicates that carrying a firearm is  
89 unauthorized only for license holders without a training  
90 endorsement or that it is a location included in Section  
91 97-37-7(2) where carrying a firearm is unauthorized for all  
92 license holders; and

93 (b) At any location under the control of the county or  
94 municipality aside from a location listed in subsection (1)(f) of



95 this section or Section 45-9-101(13) indicating that the  
96 possession of a firearm is prohibited on the premises, as long as  
97 the sign also indicates that it does not apply to a person  
98 properly licensed under Section 45-9-101 or Section 97-37-7(2) to  
99 carry a concealed firearm or to a person lawfully carrying a  
100 firearm that is not concealed.

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

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



120 to be in violation. The county or municipality shall have thirty  
121 (30) days from receipt of that notice to cure the violation. If  
122 the county or municipality fails to cure the violation within that  
123 thirty-day time period, a suit under paragraph (a) of this  
124 subsection may proceed. The findings of the Attorney General  
125 shall constitute a "Public Record" as defined by the Mississippi  
126 Public Records Act of 1983, Section 25-61-1 et seq.

127 (c) If the circuit court finds that a county or  
128 municipality adopted an ordinance or posted written notice in  
129 violation of this section and failed to cure that violation in  
130 accordance with paragraph (b) of this subsection, the circuit  
131 court shall issue a permanent injunction against a county or  
132 municipality prohibiting it from enforcing the ordinance or posted  
133 written notice. Any elected county or municipal official under  
134 whose jurisdiction the violation occurred may be civilly liable in  
135 a sum not to exceed One Thousand Dollars (\$1,000.00), plus all  
136 reasonable attorney's fees and costs incurred by the party  
137 bringing the suit. Public funds may not be used to defend or  
138 reimburse officials who are found by the court to have violated  
139 this section.

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



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

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

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

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

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

161 (b) Any ordinance enacted pursuant to this section must  
162 require that any firearm received shall be offered for sale at  
163 auction as provided by Sections 19-3-85 and 21-39-21 to federally  
164 licensed firearms dealers, with the proceeds from such sale at  
165 auction reverting to the general operating fund of the county,  
166 municipality or other governmental body. Any firearm remaining in  
167 possession of the county, municipality or other governmental body



after attempts to sell at auction may be disposed of in a manner that the body deems appropriate.

**SECTION 3.** Section 45-9-101, Mississippi Code of 1972, is brought forward as follows:

45-9-101. (1) (a) Except as otherwise provided, the Department of Public Safety is authorized to issue licenses to 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



218 uses controlled substances to the extent that his faculties are  
219 impaired if the applicant has been voluntarily or involuntarily  
220 committed to a treatment facility for the abuse of a controlled  
221 substance or been found guilty of a crime under the provisions of  
222 the Uniform Controlled Substances Law or similar laws of any other  
223 state or the United States relating to controlled substances  
224 within a three-year period immediately preceding the date on which  
225 the application is submitted;

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

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

239           (h) Has not been adjudicated mentally incompetent, or  
240 has waited five (5) years from the date of his restoration to  
241 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,



267 until final disposition of the case. The provisions of subsection  
268 (7) of this section shall apply to any suspension or revocation of  
269 a license pursuant to the provisions of this section.

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

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

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

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

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

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

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

288 (g) A statement that the applicant desires a legal  
289 means to carry a stun gun, concealed pistol or revolver to defend  
290 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.



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

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

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

337                   (i)   Issue the license;  
338                   (ii)   Deny the application based solely on the  
339   ground that the applicant fails to qualify under the criteria  
340   listed in subsections (2) and (3) of this section. If the



Department of Public Safety denies the application, it shall notify the applicant in writing, stating the ground for denial, and the denial shall be subject to the appeal process set forth in subsection (7); or

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

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

(7) (a) If the Department of Public Safety denies the issuance of a license, or suspends or revokes a license, the party aggrieved may appeal such denial, suspension or revocation to the Commissioner of Public Safety, or his authorized agent, within thirty (30) days after the aggrieved party receives written notice of such denial, suspension or revocation. The Commissioner of Public Safety, or his duly authorized agent, shall rule upon such appeal within thirty (30) days after the appeal is filed and



366 failure to rule within this thirty-day period shall constitute  
367 sustaining such denial, suspension or revocation. Such review  
368 shall be conducted pursuant to such reasonable rules and  
369 regulations as the Commissioner of Public Safety may adopt.

370 (b) If the revocation, suspension or denial of issuance  
371 is sustained by the Commissioner of Public Safety, or his duly  
372 authorized agent pursuant to paragraph (a) of this subsection, the  
373 aggrieved party may file within ten (10) days after the rendition  
374 of such decision a petition in the circuit or county court of his  
375 residence for review of such decision. A hearing for review shall  
376 be held and shall proceed before the court without a jury upon the  
377 record made at the hearing before the Commissioner of Public  
378 Safety or his duly authorized agent. No such party shall be  
379 allowed to carry a stun gun, concealed pistol or revolver pursuant  
380 to the provisions of this section while any such appeal is  
381 pending.

382 (8) The Department of Public Safety shall maintain an  
383 automated listing of license holders and such information shall be  
384 available online, upon request, at all times, to all law  
385 enforcement agencies through the Mississippi Crime Information  
386 Center. However, the records of the department relating to  
387 applications for licenses to carry stun guns, concealed pistols or  
388 revolvers and records relating to license holders shall be exempt  
389 from the provisions of the Mississippi Public Records Act of 1983,





and shall be released only upon order of a court having proper jurisdiction over a petition for release of the record or records.

(9) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license lost or destroyed, the licensee shall notify the Department of Public Safety in writing of such change or loss. Failure to notify the Department of Public Safety pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of Twenty-five Dollars (\$25.00) and shall be enforceable by a summons.

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

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

(12) (a) Except as provided in subsection (25) of this section, no less than ninety (90) days prior to the expiration date of the license, the Department of Public Safety shall send to each licensee a written notice of the expiration and a renewal form prescribed by the department. The licensee must renew his



license on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3) of this section if necessary, and a full set of fingerprints administered by the Department of Public Safety or the sheriff of the county of residence of the licensee. The first renewal may be processed by mail "or other means as determined by the Department" and the subsequent renewal must be made in person. Thereafter every other renewal may be processed by mail to assure that the applicant must appear in person every ten (10) years for the purpose of obtaining a new photograph.

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

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

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

(b) The Department of Public Safety shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing. The license shall be



renewed upon receipt of the completed renewal application and appropriate payment of fees.

(c) A licensee who fails to file a renewal application on or before its expiration date must renew his license by paying a late fee of Fifteen Dollars (\$15.00). No license shall be renewed six (6) months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; 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



465 related to firearms; any portion of an establishment, licensed to  
466 dispense alcoholic beverages for consumption on the premises, that  
467 is primarily devoted to dispensing alcoholic beverages; any  
468 portion of an establishment in which beer, light spirit product or  
469 light wine is consumed on the premises, that is primarily devoted  
470 to such purpose; any elementary or secondary school facility; any  
471 junior college, community college, college or university facility  
472 unless for the purpose of participating in any authorized  
473 firearms-related activity; inside the passenger terminal of any  
474 airport, except that no person shall be prohibited from carrying  
475 any legal firearm into the terminal if the firearm is encased for  
476 shipment, for purposes of checking such firearm as baggage to be  
477 lawfully transported on any aircraft; any church or other place of  
478 worship, except as provided in Section 45-9-171; or any place  
479 where the carrying of firearms is prohibited by federal law. In  
480 addition to the places enumerated in this subsection, the carrying  
481 of a stun gun, concealed pistol or revolver may be disallowed in  
482 any place in the discretion of the person or entity exercising  
483 control over the physical location of such place by the placing of  
484 a written notice clearly readable at a distance of not less than  
485 ten (10) feet that the "carrying of a pistol or revolver is  
486 prohibited." No license issued pursuant to this section shall  
487 authorize the participants in a parade or demonstration for which  
488 a permit is required to carry a stun gun, concealed pistol or  
489 revolver.



490           (14) A law enforcement officer as defined in Section 45-6-3,  
491 chiefs of police, sheriffs and persons licensed as professional  
492 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
493 1972, shall be exempt from the licensing requirements of this  
494 section.

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

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

513           (15) Any person who knowingly submits a false answer to any  
514 question on an application for a license issued pursuant to this



515 section, or who knowingly submits a false document when applying  
516 for a license issued pursuant to this section, shall, upon  
517 conviction, be guilty of a misdemeanor and shall be punished as  
518 provided in Section 99-19-31, Mississippi Code of 1972.

519 (16) All fees collected by the Department of Public Safety  
520 pursuant to this section shall be deposited into a special fund  
521 hereby created in the State Treasury and shall be used for  
522 implementation and administration of this section. After the  
523 close of each fiscal year, the balance in this fund shall be  
524 certified to the Legislature and then may be used by the  
525 Department of Public Safety as directed by the Legislature.

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

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

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



written agreement in order to recognize licenses to carry stun guns, concealed pistols or revolvers issued by this state.

(20) The provisions of this section shall be under the supervision of the Commissioner of Public Safety. The commissioner is authorized to promulgate reasonable rules and regulations to carry out the provisions of this section.

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

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

(b) An honorably retired law enforcement officer and honorably retired correctional officer shall provide the following



information to receive the license described in this section: (i) a letter, with the official letterhead of the agency or department from which such officer is retiring, which explains that such officer is honorably retired, and (ii) a letter with the official letterhead of the agency or department, which explains that such officer has completed a certified law enforcement training academy.

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

(24) A license under this section is not required for a loaded or unloaded pistol or revolver to be carried upon the person in a sheath, belt holster or shoulder holster or in a purse, handbag, satchel, other similar bag or briefcase or fully enclosed case if the person is not engaged in criminal activity other than a misdemeanor traffic offense, is not otherwise prohibited from possessing a pistol or revolver under state or federal law, and is not in a location prohibited under subsection (13) of this section. However, the medical use of medical cannabis by a cardholder who is a registered qualifying patient which is lawful under the provisions of the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted





thereunder shall not disqualify a person under this subsection (24) solely because the person is prohibited from possessing a firearm under 18 USCS Section 922(g)(3) due to such medical use of medical cannabis.

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

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2025.

