

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 2311

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE LIST OF PERSONS PERMITTED TO CARRY A DEADLY WEAPON  
3 WITHOUT A PERMIT; TO REVISE THE REQUIREMENTS FOR OBTAINING A  
4 PERMIT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 97-37-7, Mississippi Code of 1972, is  
7 amended as follows:

8 97-37-7. (1) (a) It shall not be a violation of Section  
9 97-37-1 or any other statute for pistols, firearms or other  
10 suitable and appropriate weapons to be carried by duly constituted  
11 bank guards, company guards, watchmen, railroad special agents or  
12 duly authorized representatives, agents or employees of a patrol  
13 service, guard service, or a company engaged in the business of  
14 transporting money, securities or other valuables, while actually  
15 engaged in the performance of their duties as such, provided that  
16 such persons have made a written application and paid a  
17 nonrefundable permit fee of One Hundred Dollars (\$100.00) to the  
18 Department of Public Safety. The permit fee is payable to the  
19 department upon renewal every four (4) years. In addition, the  
20 companies who have employed such persons must be under bond in a  
21 sum of not less than One Thousand Dollars (\$1,000.00) for the  
22 lawful and faithful performance of their duties, the cost of which  
23 bond shall be paid by the employer of such persons; and further  
24 provided that such persons have first made written application and  
25 obtained an annual permit so to do from the sheriff of the county  
26 in which they are employed. Provided, however, that where the  
27 duties of any person covered by the provisions of this paragraph  
28 (a) may carry him into more than one (1) county, such person may



29 file a bond in the sum of Two Thousand Dollars (\$2,000.00) with  
30 the Commissioner of Public Safety, for the lawful and faithful  
31 performance of his duties, the cost of the bond shall be paid by  
32 the employer of such person, and provided further that such person  
33 has first made written application with and obtained a permit so  
34 to do from the Commissioner of Public Safety, and said permit  
35 shall be valid as a statewide permit. Proof of renewal of the  
36 bond shall be submitted to the department every four (4) years.

37 (b) No such permit shall be issued to any person who  
38 has ever been convicted of a felony under the laws of this or any  
39 other state or of the United States. In order to determine an  
40 applicant's eligibility for a permit, the person shall be  
41 fingerprinted. If no disqualifying record is identified at the  
42 state level, the fingerprints shall be forwarded by the Department  
43 of Public Safety to the Federal Bureau of Investigation for a  
44 national criminal history record check. The department is hereby  
45 authorized to charge a fee which shall include the monetary  
46 amounts required by the Federal Bureau of Investigation and the  
47 department for the national and state criminal history record  
48 checks and any necessary costs incurred by the department for the  
49 handling and administration of the criminal history background  
50 checks. In the event a legible set of fingerprints, as determined  
51 by the Department of Public Safety and the Federal Bureau of  
52 Investigation, cannot be obtained after three (3) attempts, the  
53 department shall determine eligibility based upon a name check by  
54 the Mississippi Highway Safety Patrol and a Federal Bureau of  
55 Investigation name check conducted by the Mississippi Highway  
56 Safety Patrol at the request of the department.

57 (c) In the event that a permit is lost or destroyed,  
58 the person to whom the permit was issued may obtain a duplicate,  
59 or substitute thereof, upon payment of Fifteen Dollars (\$15.00) to  
60 the Department of Public Safety after furnishing a notarized



61 statement to the department that such permit has been lost or  
62 destroyed.

63 (d) No less than ninety (90) days prior to the  
64 expiration date of the permit, the Department of Public Safety  
65 shall mail to each permit holder a written notice of the  
66 expiration and a renewal form prescribed by the department. The  
67 permit holder must renew his permit on or before the expiration  
68 date by filing with the department the renewal form, a notarized  
69 affidavit stating that the permit holder remains qualified, and a  
70 renewal fee of Fifty Dollars (\$50.00); provided, however, that  
71 honorably retired law enforcement officers shall be exempt from  
72 this renewal fee. Renewal of the permit shall be required every  
73 four (4) years. The permit shall be renewed upon receipt of the  
74 completed renewal application and appropriate payment of fees.  
75 Additionally, a permit holder who fails to file a renewal  
76 application on or before its expiration date must renew his  
77 license by paying a late fee of Fifteen Dollars (\$15.00). No  
78 permit shall be renewed six (6) months or more after its  
79 expiration date, and such permit shall be deemed to be permanently  
80 expired. A person whose permit has been permanently expired may  
81 reapply for a permit; however, an application and payment of fees  
82 must be submitted, and a background investigation shall be  
83 conducted pursuant to subsection (1)(b) of this section.

84 (2) It shall further not be a violation of this or any other  
85 statute for pistols, firearms or other suitable and appropriate  
86 weapons to be carried by Department of Wildlife, Fisheries and  
87 Parks law enforcement officers, investigators employed by the  
88 Attorney General, district attorneys, legal assistants to district  
89 attorneys, criminal investigators employed by the district  
90 attorneys, investigators or probation officers employed by the  
91 Department of Corrections, employees of the State Auditor who are  
92 authorized by the State Auditor to perform investigative  
93 functions, or any deputy fire marshal or investigator employed by



94 the State Fire Marshal, while engaged in the performance of their  
95 duties as such, or by fraud investigators with the Department of  
96 Human Services, or by judges of the Mississippi Supreme Court,  
97 Court of Appeals, circuit, chancery, county and municipal courts.  
98 Before any person shall be authorized under this subsection (2) to  
99 carry a weapon, he shall complete a weapons training course  
100 approved by the Board of Law Enforcement Officer Standards and  
101 Training. Before any criminal investigator employed by a district  
102 attorney shall be authorized under this section to carry a pistol,  
103 firearm or other weapon, he shall have complied with Section  
104 45-6-11 or any training program required for employment as an  
105 agent of the Federal Bureau of Investigation. A law enforcement  
106 officer, as defined in Section 45-6-3, shall be authorized to  
107 carry weapons in courthouses in performance of his official  
108 duties. This section shall in no way interfere with the right of  
109 a trial judge to restrict the carrying of firearms in the  
110 courtroom.

111 (3) It shall not be a violation of this or any other statute  
112 for pistols, firearms or other suitable and appropriate weapons to  
113 be carried by any out-of-state, full-time commissioned law  
114 enforcement officer who holds a valid commission card from the  
115 appropriate out-of-state law enforcement agency and a photo  
116 identification. The provisions of this subsection shall only  
117 apply if the state where the out-of-state officer is employed has  
118 entered into a reciprocity agreement with the state that allows  
119 full-time commissioned law enforcement officers in Mississippi to  
120 lawfully carry or possess a weapon in such other states. The  
121 Commissioner of Public Safety is authorized to enter into  
122 reciprocal agreements with other states to carry out the  
123 provisions of this subsection.

124 (4) All fees collected by the Department of Public Safety  
125 pursuant to this section shall be deposited into a special fund  
126 hereby created in the State Treasury and shall be used for the



127 implementation and administration of this section. After the  
128 close of each fiscal year, the balance in this fund shall be  
129 certified to the Legislature and then may be used by the  
130 department as directed by the Legislature.

131       **SECTION 2.** This act shall take effect and be in force from  
132 and after July 1, 2002.

