

By: Representative Henderson

To: Judiciary B

HOUSE BILL NO. 1116

1 AN ACT TO REQUIRE FIREARMS TRAINING FOR PRIVATE SECURITY
2 PERSONNEL; TO PROVIDE THE COURSEWORK AND EXAMINATION FOR ARMED AND
3 UNARMED PRIVATE SECURITY PERSONNEL; TO PROVIDE REQUIREMENTS FOR
4 INSTRUCTORS AND TRAINERS; TO PROVIDE FOR THE TYPES OF WEAPONS
5 WHICH PRIVATE SECURITY PERSONNEL MAY USE; TO AMEND SECTION
6 97-37-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF
7 THIS ACT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) Prior to issuance of the employment firearm
10 permit, the Mississippi Department of Public Safety shall require
11 the applicant to complete at least sixteen (16) hours of training
12 administered by a "certified trainer," and pass an examination,
13 covering at least, but not limited to, the following subjects:

14 (a) Orientation.

15 (b) Complete at least eight (8) hours of classroom
16 training administered by a certified trainer:

17 (i) Handling a firearm;

18 (ii) Safety and maintenance;

19 (iii) Legal limitations of the use of a firearm;

20 and

21 (iv) Emergency procedures.

22 (c) Complete at least four (4) hours of marksmanship
23 training administered by a certified trainer, and achieve a
24 minimum of seventy percent (70%) on approved silhouette targets.

25 A statement from a certified trainer certifying the completion of
26 the training required herein must be submitted to the Department
27 of Public Safety within thirty (30) days of employment.

28 (d) Complete at least two (2) hours regarding legal
29 powers and limitation of a security officer or guard.



30 (e) Complete at least two (2) hours regarding emergency
31 procedures.

32 (2) Prior to issuance of a registration card the applicant
33 for an unarmed security permit must complete at least eight (8)
34 hours of training administered by a certified trainer, and pass an
35 examination, covering at least, but not limited to, the following
36 subjects:

- 37 (a) Orientation;
- 38 (b) General duties;
- 39 (c) Legal powers of a security officer/guard; and
- 40 (d) Safety and emergency procedures.

41 (3) The requirements of subsection (1) and (2) do not apply
42 to applicants for registration who are a sworn peace officers and
43 certified by the Board on Law Enforcement Officer Standards and
44 Training. The Department of Public Safety may issue a temporary
45 registration card to such officer upon the department's
46 verification of the officer certification.

47 **SECTION 2.** (1) An individual is eligible to become a
48 certified trainer only if such individual:

- 49 (a) Is at least twenty-one (21) years of age;
- 50 (b) Has at least one (1) year of supervisory experience
51 satisfactory to the commissioner with a contract security company
52 or proprietary security organization, or who has any federal,
53 United States military, state, county, or municipal law
54 enforcement agency certification; and
- 55 (c) Is personally qualified to conduct the training
56 required by the act.

57 (2) A certified trainer may, in such trainer's discretion,
58 instruct personally or use a combination of personal instruction,
59 audio or visual training aids.

60 (3) To assist in the implementation of the training program,
61 the certified trainer may appoint as an instructor any individual
62 who:



63 (a) Is at least twenty-one (21) years of age; and
64 (b) Has at least one (1) year of experience with any
65 federal, United States military, state, county, or municipal law
66 enforcement agency, or with a contract security company or a
67 proprietary security organization.

68 (4) A certified trainer may be an employee of a contract
69 security company or proprietary security organization.

70 (5) The certified trainer shall certify to the successful
71 completion of training required by this act and shall submit such
72 certification to the Department of Public Safety prior to the
73 issuance of a registration card, or renewal thereof, in case of
74 armed security guards or officers.

75 (6) The Department of Public Safety shall charge and collect
76 an annual fee in such amount as set by the Department of Public
77 Safety for certification of a trainer under this section.

78 (7) Certifications may be renewed up to three (3) months
79 after the expiration by payment of the renewal fee, plus a penalty
80 established by the commissioner for each month or portion thereof,
81 which elapses before payment is tendered.

82 **SECTION 3.** (1) An armed security officer or guard may carry
83 only such types of firearm as the Department of Public Safety, by
84 rules and regulations, prescribe in the performance of such
85 person's duties. A security officer or guard may carry a firearm
86 only if certified to carry such firearm. With proper
87 certification, an unarmed or armed security officer or guard may
88 carry any other type of weapon to include, but not limited to,
89 batons, clubs, stun guns, chemical weapons known as mace or pepper
90 spray or any other tool or weapon that the department may
91 prescribe.

92 (2) For applicants for private security officer or guard who
93 will carry a club, stun gun, chemical spray, night stick, or other
94 less than lethal devise, the commissioner shall require
95 appropriate training specific to such device by a certified



96 trainer who is certified to instruct for such specific device. It
97 shall be the employers' responsibility to keep training records of
98 their employees for such specific device. The security officer or
99 guard shall also have in such person's possession a certification
100 card issued by an instructor or trainer who is certified to
101 instruct or train in the legal use of such specific device, and
102 shall, exhibit such card upon demand by the Department of Public
103 Safety or the instructor or trainer's duly authorized agent or any
104 law enforcement officer.

105 **SECTION 4.** Section 97-37-7, Mississippi Code of 1972, is
106 amended as follows:

107 97-37-7. (1) (a) It shall not be a violation of Section
108 97-37-1 or any other statute for pistols, firearms or other
109 suitable and appropriate weapons to be carried by duly constituted
110 bank guards, company guards, watchmen, railroad special agents or
111 duly authorized representatives who are not sworn law enforcement
112 officers, agents or employees of a patrol service, guard service,
113 or a company engaged in the business of transporting money,
114 securities or other valuables, while actually engaged in the
115 performance of their duties as such, provided that such persons
116 have made a written application and paid a nonrefundable permit
117 fee of One Hundred Dollars (\$100.00) to the Department of Public
118 Safety.

119 (b) No permit shall be issued to any person who has
120 ever been convicted of a felony under the laws of this or any
121 other state or of the United States. To determine an applicant's
122 eligibility for a permit, the person shall be fingerprinted. If
123 no disqualifying record is identified at the state level, the
124 fingerprints shall be forwarded by the Department of Public Safety
125 to the Federal Bureau of Investigation for a national criminal
126 history record check. The department shall charge a fee which
127 includes the amounts required by the Federal Bureau of
128 Investigation and the department for the national and state



129 criminal history record checks and any necessary costs incurred by
130 the department for the handling and administration of the criminal
131 history background checks. In the event a legible set of
132 fingerprints, as determined by the Department of Public Safety and
133 the Federal Bureau of Investigation, cannot be obtained after a
134 minimum of three (3) attempts, the Department of Public Safety
135 shall determine eligibility based upon a name check by the
136 Mississippi Highway Safety Patrol and a Federal Bureau of
137 Investigation name check conducted by the Mississippi Safety
138 Patrol at the request of the Department of Public Safety.

139 (c) A person may obtain a duplicate of a lost or
140 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
141 replacement fee to the Department of Public Safety, if he
142 furnishes a notarized statement to the department that the permit
143 has been lost or destroyed.

144 (d) (i) No less than ninety (90) days prior to the
145 expiration date of a permit, the Department of Public Safety shall
146 mail to the permit holder written notice of expiration together
147 with the renewal form prescribed by the department. The permit
148 holder shall renew the permit on or before the expiration date by
149 filing with the department the renewal form, a notarized affidavit
150 stating that the permit holder remains qualified, and the renewal
151 fee of Fifty Dollars (\$50.00); provided, however, that honorably
152 retired law enforcement officers shall be exempt from payment of
153 the renewal fee. A permit holder who fails to file a renewal
154 application on or before its expiration date shall pay a late fee
155 of Fifteen Dollars (\$15.00).

156 (ii) Renewal of the permit shall be required every
157 four (4) years. The permit of a qualified renewal applicant shall
158 be renewed upon receipt of the completed renewal application and
159 appropriate payment of fees.

160 (iii) A permit cannot be renewed six (6) months or
161 more after its expiration date, and such permit shall be deemed to



162 be permanently expired; the holder may reapply for an original
163 permit as provided in this section.

164 (e) Security officers shall comply with the provisions of
165 Sections 1 through 3 of House Bill No. ,2003 Regular Session.

166 (2) It shall not be a violation of this or any other statute
167 for pistols, firearms or other suitable and appropriate weapons to
168 be carried by Department of Wildlife, Fisheries and Parks law
169 enforcement officers, railroad special agents who are sworn law
170 enforcement officers, investigators employed by the Attorney
171 General, district attorneys, legal assistants to district
172 attorneys, criminal investigators employed by the district
173 attorneys, investigators or probation officers employed by the
174 Department of Corrections, employees of the State Auditor who are
175 authorized by the State Auditor to perform investigative
176 functions, or any deputy fire marshal or investigator employed by
177 the State Fire Marshal, while engaged in the performance of their
178 duties as such, or by fraud investigators with the Department of
179 Human Services, or by judges of the Mississippi Supreme Court,
180 Court of Appeals, circuit, chancery, county and municipal courts.
181 Before any person shall be authorized under this subsection to
182 carry a weapon, he shall complete a weapons training course
183 approved by the Board of Law Enforcement Officer Standards and
184 Training. Before any criminal investigator employed by a district
185 attorney shall be authorized under this section to carry a pistol,
186 firearm or other weapon, he shall have complied with Section
187 45-6-11 or any training program required for employment as an
188 agent of the Federal Bureau of Investigation. A law enforcement
189 officer, as defined in Section 45-6-3, shall be authorized to
190 carry weapons in courthouses in performance of his official
191 duties. This section shall in no way interfere with the right of
192 a trial judge to restrict the carrying of firearms in the
193 courtroom.



194 (3) It shall not be a violation of this or any other statute
195 for pistols, firearms or other suitable and appropriate weapons,
196 to be carried by any out-of-state, full-time commissioned law
197 enforcement officer who holds a valid commission card from the
198 appropriate out-of-state law enforcement agency and a photo
199 identification. The provisions of this subsection shall only
200 apply if the state where the out-of-state officer is employed has
201 entered into a reciprocity agreement with the state that allows
202 full-time commissioned law enforcement officers in Mississippi to
203 lawfully carry or possess a weapon in such other states. The
204 Commissioner of Public Safety is authorized to enter into
205 reciprocal agreements with other states to carry out the
206 provisions of this subsection.

207 **SECTION 5.** This act shall take effect and be in force from
208 and after July 1, 2003.

