

By: Senator(s) Seymour, Blackwell, Younger

To: Judiciary, Division A

SENATE BILL NO. 2269

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.



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

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

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

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

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

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

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

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

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

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



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

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

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

105 (b) Has a value of at least Forty Thousand Dollars
106 (\$40,000.00) that is paid wholly or partly from public funds of
107 the governmental entity.

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

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

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

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

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



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

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

126 45-9-51. (1) Subject to the provisions of Section 45-9-53,
127 no county or municipality may adopt any ordinance or enter into
128 any contract or rental agreement that restricts the possession,
129 carrying, transportation, sale, transfer or ownership of firearms
130 or ammunition or their components or knives.

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

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

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



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

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

159 (b) If the circuit court finds that a state agency
160 adopted a posted written notice, rule, regulation, order or policy
161 in violation of this section, the circuit court shall issue a
162 permanent injunction against the state agency prohibiting it from
163 enforcing the posted written notice, rule, regulation, order or
164 policy. Any state agency head or member of a state agency's
165 governing body under whose jurisdiction the violation occurred may
166 be civilly liable in a sum not to exceed One Thousand Dollars
167 (\$1,000.00), plus all reasonable attorney's fees and costs
168 incurred by the party bringing the suit. Public funds may not be
169 used to defend or reimburse officials who are found by the court
170 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) This section does not apply to the authority of a state
181 law enforcement agency to regulate the possession, carrying,
182 transportation, sale, transfer or ownership of firearms or
183 ammunition or their components or knives issued or used by law
184 enforcement officers in 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



196 or other weapons in the extraterritorial jurisdiction of the
197 county or municipality or in an area annexed by the county or
198 municipality after September 1, 1981, if the firearm or other
199 weapon is:

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

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

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

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

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

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

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

219 (d) To regulate the use of firearms or knives in cases
220 of insurrection, riots and natural disasters in which the city



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

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

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

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

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

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



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

250 (a) At a location listed in Section 45-9-101(13)
251 indicating that a license issued under Section 45-9-101 does not
252 authorize the holder to carry a firearm into that location, as
253 long as the sign also indicates that carrying a firearm is
254 unauthorized only for license holders without a training
255 endorsement or that it is a location included in Section
256 97-37-7(2) where carrying a firearm is unauthorized for all
257 license holders; and

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

266 (5) (a) A citizen of this state, or a person licensed to
267 carry a concealed pistol or revolver under Section 45-9-101, or a
268 person licensed to carry a concealed pistol or revolver with the
269 endorsement under Section 97-37-7, who is adversely affected by an
270 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



296 imposed any rule, regulation, order or policy in violation of this
297 section and failed to cure that violation in accordance with
298 paragraph (b) of this subsection, the circuit court shall issue a
299 permanent injunction against a county or municipality prohibiting
300 it from enforcing the ordinance, rule, regulation, order, policy
301 or posted written notice. Any elected county or municipal
302 official under whose jurisdiction the violation occurred may be
303 civilly liable in a sum not to exceed One Thousand Dollars
304 (\$1,000.00), plus all reasonable attorney's fees and costs
305 incurred by the party bringing the suit. Public funds may not be
306 used to defend or reimburse officials who are found by the court
307 to have violated this section.

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

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

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

318 (iii) Did attempt to take recorded action to
319 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, 2024.

