

By: Senator(s) Montgomery, Hudson, Browning, Burton, Butler (38th), Carmichael, Clarke, Doty, Hale, Harkins, Hill, Hopson, Jackson (15th), Jackson (11th), Jones, Kirby, Massey, McDaniel, Moran, Parker, Parks, Polk, Smith, Sojourner, Stone, Tindell, Tollison, Ward, Watson, Wiggins, Wilemon, Younger

To: Veterans and Military Affairs

SENATE BILL NO. 2619  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE QUALIFICATION NECESSARY FOR AN ENHANCED CONCEALED-CARRY  
3 PERMIT; TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO  
4 CLARIFY THE DEFINITION OF ARMED SERVICES MEMBER FOR PURPOSES OF  
5 ELIGIBILITY OF A MINOR FOR A CONCEALED-CARRY PERMIT; TO AMEND  
6 SECTION 97-37-31, MISSISSIPPI CODE OF 1972, TO REMOVE THE  
7 PROVISION PROHIBITING ARMOR PIERCING AMMUNITION; TO AMEND SECTION  
8 45-9-53, MISSISSIPPI CODE OF 1972, TO CLARIFY CONCEALED CARRY OF  
9 WEAPONS; AND FOR RELATED PURPOSES.

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

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

13 97-37-7. (1) (a) It shall not be a violation of Section  
14 97-37-1 or any other statute for pistols, firearms or other  
15 suitable and appropriate weapons to be carried by duly constituted  
16 bank guards, company guards, watchmen, railroad special agents or  
17 duly authorized representatives who are not sworn law enforcement  
18 officers, agents or employees of a patrol service, guard service,  
19 or a company engaged in the business of transporting money,  
20 securities or other valuables, while actually engaged in the  
21 performance of their duties as such, provided that such persons



22 have made a written application and paid a nonrefundable permit  
23 fee of One Hundred Dollars (\$100.00) to the Department of Public  
24 Safety.

25 (b) No permit shall be issued to any person who has  
26 ever been convicted of a felony under the laws of this or any  
27 other state or of the United States. To determine an applicant's  
28 eligibility for a permit, the person shall be fingerprinted. If  
29 no disqualifying record is identified at the state level, the  
30 fingerprints shall be forwarded by the Department of Public Safety  
31 to the Federal Bureau of Investigation for a national criminal  
32 history record check. The department shall charge a fee which  
33 includes the amounts required by the Federal Bureau of  
34 Investigation and the department for the national and state  
35 criminal history record checks and any necessary costs incurred by  
36 the department for the handling and administration of the criminal  
37 history background checks. In the event a legible set of  
38 fingerprints, as determined by the Department of Public Safety and  
39 the Federal Bureau of Investigation, cannot be obtained after a  
40 minimum of three (3) attempts, the Department of Public Safety  
41 shall determine eligibility based upon a name check by the  
42 Mississippi Highway Safety Patrol and a Federal Bureau of  
43 Investigation name check conducted by the Mississippi Highway  
44 Safety Patrol at the request of the Department of Public Safety.

45 (c) A person may obtain a duplicate of a lost or  
46 destroyed permit upon payment of a Fifteen Dollar (\$15.00)



47 replacement fee to the Department of Public Safety, if he  
48 furnishes a notarized statement to the department that the permit  
49 has been lost or destroyed.

50 (d) (i) No less than ninety (90) days prior to the  
51 expiration date of a permit, the Department of Public Safety shall  
52 mail to the permit holder written notice of expiration together  
53 with the renewal form prescribed by the department. The permit  
54 holder shall renew the permit on or before the expiration date by  
55 filing with the department the renewal form, a notarized affidavit  
56 stating that the permit holder remains qualified, and the renewal  
57 fee of Fifty Dollars (\$50.00); \* \* \* honorably retired law  
58 enforcement officers shall be exempt from payment of the renewal  
59 fee. A permit holder who fails to file a renewal application on  
60 or before its expiration date shall pay a late fee of Fifteen  
61 Dollars (\$15.00).

62 (ii) Renewal of the permit shall be required every  
63 four (4) years. The permit of a qualified renewal applicant shall  
64 be renewed upon receipt of the completed renewal application and  
65 appropriate payment of fees.

66 (iii) A permit cannot be renewed six (6) months or  
67 more after its expiration date, and such permit shall be deemed to  
68 be permanently expired; the holder may reapply for an original  
69 permit as provided in this section.

70 (2) It shall not be a violation of this or any other statute  
71 for pistols, firearms or other suitable and appropriate weapons to



72 be carried by Department of Wildlife, Fisheries and Parks law  
73 enforcement officers, railroad special agents who are sworn law  
74 enforcement officers, investigators employed by the Attorney  
75 General, criminal investigators employed by the district  
76 attorneys, all prosecutors, public defenders, investigators or  
77 probation officers employed by the Department of Corrections,  
78 employees of the State Auditor who are authorized by the State  
79 Auditor to perform investigative functions, or any deputy fire  
80 marshal or investigator employed by the State Fire Marshal, while  
81 engaged in the performance of their duties as such, or by fraud  
82 investigators with the Department of Human Services, or by judges  
83 of the Mississippi Supreme Court, Court of Appeals, circuit,  
84 chancery, county, justice and municipal courts, or by coroners.  
85 Before any person shall be authorized under this subsection to  
86 carry a weapon, he shall complete a weapons training course  
87 approved by the Board of Law Enforcement Officer Standards and  
88 Training. Before any criminal investigator employed by a district  
89 attorney shall be authorized under this section to carry a pistol,  
90 firearm or other weapon, he shall have complied with Section  
91 45-6-11 or any training program required for employment as an  
92 agent of the Federal Bureau of Investigation. A law enforcement  
93 officer, as defined in Section 45-6-3, shall be authorized to  
94 carry weapons in courthouses in performance of his official  
95 duties. A person licensed under Section 45-9-101 to carry a  
96 concealed pistol, who (a) has voluntarily completed an



97 instructional course in the safe handling and use of firearms  
98 offered by an instructor certified by a nationally recognized  
99 organization that customarily offers firearms training, or by any  
100 other organization approved by the Department of Public Safety,  
101 (b) is a member or veteran of any active or reserve component  
102 branch of the United States of America Armed Forces having  
103 completed law enforcement or combat training with pistols or other  
104 handguns as recognized by such branch after submitting an  
105 affidavit attesting to have read, understand and agree to comply  
106 with all provisions of the enhanced carry law, or (c) is an  
107 honorably retired law enforcement officer or honorably retired  
108 member or veteran of any active or reserve component branch of the  
109 United States of America Armed Forces having completed law  
110 enforcement or combat training with pistols or other handguns,  
111 after submitting affidavit attesting to have read, understand and  
112 agree to comply with all provisions of Mississippi enhanced carry  
113 law shall also be authorized to carry weapons in courthouses  
114 except in courtrooms during a judicial proceeding, and any  
115 location listed in subsection (13) of Section 45-9-101, except any  
116 place of nuisance as defined in Section 95-3-1, any police,  
117 sheriff or highway patrol station or any detention facility,  
118 prison or jail. For the purposes of this subsection (2),  
119 component branch of the United States Armed Forces includes the  
120 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army  
121 National Guard, the Army National Guard of the United States, the



122 Air National Guard or the Air National Guard of the United States,  
123 as those terms are defined in Section 101, Title 10, United States  
124 Code, and any other reserve component of the United States Armed  
125 Forces enumerated in Section 10101, Title 10, United States Code.

126 The department shall promulgate rules and regulations allowing  
127 concealed pistol permit holders to obtain an endorsement on their  
128 permit indicating that they have completed the aforementioned  
129 course and have the authority to carry in these locations. This  
130 section shall in no way interfere with the right of a trial judge  
131 to restrict the carrying of firearms in the courtroom.

132 (3) It shall not be a violation of this or any other statute  
133 for pistols, firearms or other suitable and appropriate weapons,  
134 to be carried by any out-of-state, full-time commissioned law  
135 enforcement officer who holds a valid commission card from the  
136 appropriate out-of-state law enforcement agency and a photo  
137 identification. The provisions of this subsection shall only  
138 apply if the state where the out-of-state officer is employed has  
139 entered into a reciprocity agreement with the state that allows  
140 full-time commissioned law enforcement officers in Mississippi to  
141 lawfully carry or possess a weapon in such other states. The  
142 Commissioner of Public Safety is authorized to enter into  
143 reciprocal agreements with other states to carry out the  
144 provisions of this subsection.

145 **SECTION 2.** Section 45-9-101, Mississippi Code of 1972, is  
146 amended as follows:



147           45-9-101. (1) (a) The Department of Public Safety is  
148 authorized to issue licenses to carry stun guns, concealed pistols  
149 or revolvers to persons qualified as provided in this section.  
150 Such licenses shall be valid throughout the state for a period of  
151 five (5) years from the date of issuance. Any person possessing a  
152 valid license issued pursuant to this section may carry a stun  
153 gun, concealed pistol or concealed revolver.

154           (b) The licensee must carry the license, together with  
155 valid identification, at all times in which the licensee is  
156 carrying a stun gun, concealed pistol or revolver and must display  
157 both the license and proper identification upon demand by a law  
158 enforcement officer. A violation of the provisions of this  
159 paragraph (b) shall constitute a noncriminal violation with a  
160 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable  
161 by summons.

162           (2) The Department of Public Safety shall issue a license if  
163 the applicant:

164           (a) Is a resident of the state and has been a resident  
165 for twelve (12) months or longer immediately preceding the filing  
166 of the application. However, this residency requirement may be  
167 waived \* \* \* if the applicant possesses a valid permit from  
168 another state, is active military personnel stationed in  
169 Mississippi, or is a retired law enforcement officer establishing  
170 residency in the state;

171           (b) (i) Is twenty-one (21) years of age or older; or



172 (ii) Is at least eighteen (18) years of age but  
173 not yet twenty-one (21) years of age and the applicant:

174 1. Is a member or veteran of the United  
175 States Armed Forces, including National Guard or Reserve; and

176 2. Holds a valid Mississippi driver's license  
177 or identification card \* \* \* issued by the Department of Public  
178 Safety;

179 (c) Does not suffer from a physical infirmity which  
180 prevents the safe handling of a stun gun, pistol or revolver;

181 (d) Is not ineligible to possess a firearm by virtue of  
182 having been convicted of a felony in a court of this state, of any  
183 other state, or of the United States without having been pardoned  
184 for same;

185 (e) Does not chronically or habitually abuse controlled  
186 substances to the extent that his normal faculties are impaired.  
187 It shall be presumed that an applicant chronically and habitually  
188 uses controlled substances to the extent that his faculties are  
189 impaired if the applicant has been voluntarily or involuntarily  
190 committed to a treatment facility for the abuse of a controlled  
191 substance or been found guilty of a crime under the provisions of  
192 the Uniform Controlled Substances Law or similar laws of any other  
193 state or the United States relating to controlled substances  
194 within a three-year period immediately preceding the date on which  
195 the application is submitted;





196           (f) Does not chronically and habitually use alcoholic  
197 beverages to the extent that his normal faculties are impaired.  
198 It shall be presumed that an applicant chronically and habitually  
199 uses alcoholic beverages to the extent that his normal faculties  
200 are impaired if the applicant has been voluntarily or  
201 involuntarily committed as an alcoholic to a treatment facility or  
202 has been convicted of two (2) or more offenses related to the use  
203 of alcohol under the laws of this state or similar laws of any  
204 other state or the United States within the three-year period  
205 immediately preceding the date on which the application is  
206 submitted;

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

209           (h) Has not been adjudicated mentally incompetent, or  
210 has waited five (5) years from the date of his restoration to  
211 capacity by court order;

212           (i) Has not been voluntarily or involuntarily committed  
213 to a mental institution or mental health treatment facility unless  
214 he possesses a certificate from a psychiatrist licensed in this  
215 state that he has not suffered from disability for a period of  
216 five (5) years;

217           (j) Has not had adjudication of guilt withheld or  
218 imposition of sentence suspended on any felony unless three (3)  
219 years have elapsed since probation or any other conditions set by  
220 the court have been fulfilled;



221 (k) Is not a fugitive from justice; and

222 (l) Is not disqualified to possess a weapon based on  
223 federal law.

224 (3) The Department of Public Safety may deny a license if  
225 the applicant has been found guilty of one or more crimes of  
226 violence constituting a misdemeanor unless three (3) years have  
227 elapsed since probation or any other conditions set by the court  
228 have been fulfilled or expunction has occurred prior to the date  
229 on which the application is submitted, or may revoke a license if  
230 the licensee has been found guilty of one or more crimes of  
231 violence within the preceding three (3) years. The department  
232 shall, upon notification by a law enforcement agency or a court  
233 and subsequent written verification, suspend a license or the  
234 processing of an application for a license if the licensee or  
235 applicant is arrested or formally charged with a crime which would  
236 disqualify such person from having a license under this section,  
237 until final disposition of the case. The provisions of subsection  
238 (7) of this section shall apply to any suspension or revocation of  
239 a license pursuant to the provisions of this section.

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

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



245 (b) The driver's license number or social security  
246 number of applicant;

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

249 (d) A statement that the applicant is in compliance  
250 with criteria contained within subsections (2) and (3) of this  
251 section;

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

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

258 (g) A statement that the applicant desires a legal  
259 means to carry a stun gun, concealed pistol or revolver to defend  
260 himself.

261 (5) The applicant shall submit only the following to the  
262 Department of Public Safety:

263 (a) A completed application as described in subsection  
264 (4) of this section;

265 (b) A full-face photograph of the applicant taken  
266 within the preceding thirty (30) days in which the head, including  
267 hair, in a size as determined by the Department of Public Safety,  
268 except that an applicant who is younger than twenty-one (21) years  
269 of age must submit a photograph in profile of the applicant;



270 (c) A nonrefundable license fee of One Hundred Dollars  
271 (\$100.00). Costs for processing the set of fingerprints as  
272 required in paragraph (d) of this subsection shall be borne by the  
273 applicant. Honorably retired law enforcement officers and  
274 disabled veterans shall be exempt from the payment of the license  
275 fee;

276 (d) A full set of fingerprints of the applicant  
277 administered by the Department of Public Safety; and

278 (e) A waiver authorizing the Department of Public  
279 Safety access to any records concerning commitments of the  
280 applicant to any of the treatment facilities or institutions  
281 referred to in subsection (2) and permitting access to all the  
282 applicant's criminal records.

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

287 (b) The Department of Public Safety shall forward a  
288 copy of the applicant's application to the sheriff of the  
289 applicant's county of residence and, if applicable, the police  
290 chief of the applicant's municipality of residence. The sheriff  
291 of the applicant's county of residence and, if applicable, the  
292 police chief of the applicant's municipality of residence may, at  
293 his discretion, participate in the process by submitting a  
294 voluntary report to the Department of Public Safety containing any



295 readily discoverable prior information that he feels may be  
296 pertinent to the licensing of any applicant. The reporting shall  
297 be made within thirty (30) days after the date he receives the  
298 copy of the application. Upon receipt of a response from a  
299 sheriff or police chief, such sheriff or police chief shall be  
300 reimbursed at a rate set by the department.

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

304 (i) Issue the license;

305 (ii) Deny the application based solely on the  
306 ground that the applicant fails to qualify under the criteria  
307 listed in subsections (2) and (3) of this section. If the  
308 Department of Public Safety denies the application, it shall  
309 notify the applicant in writing, stating the ground for denial,  
310 and the denial shall be subject to the appeal process set forth in  
311 subsection (7); or

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

317 (d) In the event a legible set of fingerprints, as  
318 determined by the Department of Public Safety and the Federal  
319 Bureau of Investigation, cannot be obtained after a minimum of two



320 (2) attempts, the Department of Public Safety shall determine  
321 eligibility based upon a name check by the Mississippi Highway  
322 Safety Patrol and a Federal Bureau of Investigation name check  
323 conducted by the Mississippi Highway Safety Patrol at the request  
324 of the Department of Public Safety.

325 (7) (a) If the Department of Public Safety denies the  
326 issuance of a license, or suspends or revokes a license, the party  
327 aggrieved may appeal such denial, suspension or revocation to the  
328 Commissioner of Public Safety, or his authorized agent, within  
329 thirty (30) days after the aggrieved party receives written notice  
330 of such denial, suspension or revocation. The Commissioner of  
331 Public Safety, or his duly authorized agent, shall rule upon such  
332 appeal within thirty (30) days after the appeal is filed and  
333 failure to rule within this thirty-day period shall constitute  
334 sustaining such denial, suspension or revocation. Such review  
335 shall be conducted pursuant to such reasonable rules and  
336 regulations as the Commissioner of Public Safety may adopt.

337 (b) If the revocation, suspension or denial of issuance  
338 is sustained by the Commissioner of Public Safety, or his duly  
339 authorized agent pursuant to paragraph (a) of this subsection, the  
340 aggrieved party may file within ten (10) days after the rendition  
341 of such decision a petition in the circuit or county court of his  
342 residence for review of such decision. A hearing for review shall  
343 be held and shall proceed before the court without a jury upon the  
344 record made at the hearing before the Commissioner of Public



345 Safety or his duly authorized agent. No such party shall be  
346 allowed to carry a stun gun, concealed pistol or revolver pursuant  
347 to the provisions of this section while any such appeal is  
348 pending.

349 (8) The Department of Public Safety shall maintain an  
350 automated listing of license holders and such information shall be  
351 available online, upon request, at all times, to all law  
352 enforcement agencies through the Mississippi Crime Information  
353 Center. However, the records of the department relating to  
354 applications for licenses to carry stun guns, concealed pistols or  
355 revolvers and records relating to license holders shall be exempt  
356 from the provisions of the Mississippi Public Records Act of 1983,  
357 and shall be released only upon order of a court having proper  
358 jurisdiction over a petition for release of the record or records.

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

367 (10) In the event that a stun gun, concealed pistol or  
368 revolver license is lost or destroyed, the person to whom the  
369 license was issued shall comply with the provisions of subsection



370 (9) of this section and may obtain a duplicate, or substitute  
371 thereof, upon payment of Fifteen Dollars (\$15.00) to the  
372 Department of Public Safety, and furnishing a notarized statement  
373 to the department that such license has been lost or destroyed.

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

377 (12) (a) No less than ninety (90) days prior to the  
378 expiration date of the license, the Department of Public Safety  
379 shall mail to each licensee a written notice of the expiration and  
380 a renewal form prescribed by the department. The licensee must  
381 renew his license on or before the expiration date by filing with  
382 the department the renewal form, a notarized affidavit stating  
383 that the licensee remains qualified pursuant to the criteria  
384 specified in subsections (2) and (3) of this section, and a full  
385 set of fingerprints administered by the Department of Public  
386 Safety or the sheriff of the county of residence of the licensee.  
387 The first renewal may be processed by mail and the subsequent  
388 renewal must be made in person. Thereafter every other renewal  
389 may be processed by mail to assure that the applicant must appear  
390 in person every ten (10) years for the purpose of obtaining a new  
391 photograph.

392 (i) Except as provided in this subsection, a  
393 renewal fee of Fifty Dollars (\$50.00) shall also be submitted  
394 along with costs for processing the fingerprints;





395 (ii) Honorably retired law enforcement officers  
396 and disabled veterans shall be exempt from the renewal fee; and

397 (iii) The renewal fee for a Mississippi resident  
398 aged sixty-five (65) years of age or older shall be Twenty-five  
399 Dollars (\$25.00).

400 (b) The Department of Public Safety shall forward the  
401 full set of fingerprints of the applicant to the appropriate  
402 agencies for state and federal processing. The license shall be  
403 renewed upon receipt of the completed renewal application and  
404 appropriate payment of fees.

405 (c) A licensee who fails to file a renewal application  
406 on or before its expiration date must renew his license by paying  
407 a late fee of Fifteen Dollars (\$15.00). No license shall be  
408 renewed six (6) months or more after its expiration date, and such  
409 license shall be deemed to be permanently expired. A person whose  
410 license has been permanently expired may reapply for licensure;  
411 however, an application for licensure and fees pursuant to  
412 subsection (5) of this section must be submitted, and a background  
413 investigation shall be conducted pursuant to the provisions of  
414 this section.

415 (13) No license issued pursuant to this section shall  
416 authorize any person to carry a stun gun, concealed pistol or  
417 revolver into any place of nuisance as defined in Section 95-3-1,  
418 Mississippi Code of 1972; any police, sheriff or highway patrol  
419 station; any detention facility, prison or jail; any courthouse;



420 any courtroom, except that nothing in this section shall preclude  
421 a judge from carrying a concealed weapon or determining who will  
422 carry a concealed weapon in his courtroom; any polling place; any  
423 meeting place of the governing body of any governmental entity;  
424 any meeting of the Legislature or a committee thereof; any school,  
425 college or professional athletic event not related to firearms;  
426 any portion of an establishment, licensed to dispense alcoholic  
427 beverages for consumption on the premises, that is primarily  
428 devoted to dispensing alcoholic beverages; any portion of an  
429 establishment in which beer or light wine is consumed on the  
430 premises, that is primarily devoted to such purpose; any  
431 elementary or secondary school facility; any junior college,  
432 community college, college or university facility unless for the  
433 purpose of participating in any authorized firearms-related  
434 activity; inside the passenger terminal of any airport, except  
435 that no person shall be prohibited from carrying any legal firearm  
436 into the terminal if the firearm is encased for shipment, for  
437 purposes of checking such firearm as baggage to be lawfully  
438 transported on any aircraft; any church or other place of worship;  
439 or any place where the carrying of firearms is prohibited by  
440 federal law. In addition to the places enumerated in this  
441 subsection, the carrying of a stun gun, concealed pistol or  
442 revolver may be disallowed in any place in the discretion of the  
443 person or entity exercising control over the physical location of  
444 such place by the placing of a written notice clearly readable at



445 a distance of not less than ten (10) feet that the "carrying of a  
446 pistol or revolver is prohibited." No license issued pursuant to  
447 this section shall authorize the participants in a parade or  
448 demonstration for which a permit is required to carry a stun gun,  
449 concealed pistol or revolver.

450 (14) A law enforcement officer as defined in Section 45-6-3,  
451 chiefs of police, sheriffs and persons licensed as professional  
452 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
453 1972, shall be exempt from the licensing requirements of this  
454 section. The licensing requirements of this section do not apply  
455 to the carrying by any person of a stun gun, pistol or revolver,  
456 knife, or other deadly weapon that is not concealed as defined in  
457 Section 97-37-1.

458 (15) Any person who knowingly submits a false answer to any  
459 question on an application for a license issued pursuant to this  
460 section, or who knowingly submits a false document when applying  
461 for a license issued pursuant to this section, shall, upon  
462 conviction, be guilty of a misdemeanor and shall be punished as  
463 provided in Section 99-19-31, Mississippi Code of 1972.

464 (16) All fees collected by the Department of Public Safety  
465 pursuant to this section shall be deposited into a special fund  
466 hereby created in the State Treasury and shall be used for  
467 implementation and administration of this section. After the  
468 close of each fiscal year, the balance in this fund shall be



469 certified to the Legislature and then may be used by the  
470 Department of Public Safety as directed by the Legislature.

471 (17) All funds received by a sheriff or police chief  
472 pursuant to the provisions of this section shall be deposited into  
473 the general fund of the county or municipality, as appropriate,  
474 and shall be budgeted to the sheriff's office or police department  
475 as appropriate.

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

479 (19) Any person holding a valid unrevoked and unexpired  
480 license to carry stun guns, concealed pistols or revolvers issued  
481 in another state shall have such license recognized by this state  
482 to carry stun guns, concealed pistols or revolvers. The  
483 Department of Public Safety is authorized to enter into a  
484 reciprocal agreement with another state if that state requires a  
485 written agreement in order to recognize licenses to carry stun  
486 guns, concealed pistols or revolvers issued by this state.

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

491 (21) For the purposes of this section, the term "stun gun"  
492 means a portable device or weapon from which an electric current,  
493 impulse, wave or beam may be directed, which current, impulse,



494 wave or beam is designed to incapacitate temporarily, injure,  
495 momentarily stun, knock out, cause mental disorientation or  
496 paralyze.

497         **SECTION 3.** Section 97-37-31, Mississippi Code of 1972, is  
498 amended as follows:

499         97-37-31. It shall be unlawful for any person, persons,  
500 corporation or manufacturing establishment, not duly authorized  
501 under federal law, to make, manufacture, sell or possess any  
502 instrument or device which, if used on firearms of any kind, will  
503 arrest or muffle the report of said firearm when shot or  
504 fired \* \* \*. Any person violating this section shall be guilty of  
505 a misdemeanor and, upon conviction, shall be fined not more than  
506 Five Hundred Dollars (\$500.00), or imprisoned in the Penitentiary  
507 not more than thirty (30) days, or both. All such instruments or  
508 devices shall be registered with the Department of Public Safety  
509 and any law enforcement agency in possession of such instruments  
510 or devices shall submit an annual inventory of such instruments  
511 and devices to the Department of Public Safety. The Commissioner  
512 of Public Safety shall document the information required by this  
513 section.

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

516         45-9-53. (1) This section and Section 45-9-51 do not affect  
517 the authority that a county or municipality may have under another  
518 law:



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

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

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

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

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

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

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

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



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

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

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

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

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

565 (2) The exception provided by subsection (1) (f) of this  
566 section does not apply if the firearm was in or carried to and  
567 from an area designated for use in a lawful hunting, fishing or



568 other sporting event and the firearm is of the type commonly used  
569 in the activity.

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

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

576 (a) At a location listed in Section 45-9-101(13)  
577 indicating that a license issued under Section 45-9-101 does not  
578 authorize the holder to carry a firearm into that location, as  
579 long as the sign also indicates that carrying a firearm is  
580 unauthorized only for license holders without a training  
581 endorsement or that it is a location included in Section  
582 97-37-7(2) where carrying a firearm is unauthorized for all  
583 license holders; and

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





592           (5) (a) A citizen of this state, or a person licensed to  
593 carry a concealed pistol or revolver under Section 45-9-101, or a  
594 person licensed to carry a concealed pistol or revolver with the  
595 endorsement under Section 97-37-7, who is adversely affected by an  
596 ordinance or posted written notice adopted by a county or  
597 municipality in violation of this section may file suit for  
598 declarative and injunctive relief against a county or municipality  
599 in the circuit court which shall have jurisdiction over the county  
600 or municipality where the violation of this section occurs.

601           (b) Before instituting suit under this subsection, the  
602 party adversely impacted by the ordinance or posted written notice  
603 shall notify the Attorney General in writing of the violation and  
604 include evidence of the violation. The Attorney General shall,  
605 within thirty (30) days, investigate whether the county or  
606 municipality adopted an ordinance or posted written notice in  
607 violation of this section and provide the chief administrative  
608 officer of the county or municipality notice of his findings,  
609 including, if applicable, a description of the violation and  
610 specific language of the ordinance or posted written notice found  
611 to be in violation. The county or municipality shall have thirty  
612 (30) days from receipt of that notice to cure the violation. If  
613 the county or municipality fails to cure the violation within that  
614 thirty-day time period, a suit under paragraph (a) of this  
615 subsection may proceed. The findings of the Attorney General



616 shall constitute a "Public Record" as defined by the Mississippi  
617 Public Records Act of 1983, Section 25-61-1 et seq.

618 (c) If the circuit court finds that a county or  
619 municipality adopted an ordinance or posted written notice in  
620 violation of this section and failed to cure that violation in  
621 accordance with paragraph (b) of this subsection, the circuit  
622 court shall issue a permanent injunction against a county or  
623 municipality prohibiting it from enforcing the ordinance or posted  
624 written notice. Any elected county or municipal official under  
625 whose jurisdiction the violation occurred may be civilly liable in  
626 a sum not to exceed One Thousand Dollars (\$1,000.00), plus all  
627 reasonable attorney's fees and costs incurred by the party  
628 bringing the suit. Public funds may not be used to defend or  
629 reimburse officials who are found by the court to have violated  
630 this section.

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

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

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



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

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

648 (a) The county or municipality has adopted an ordinance  
649 authorizing the participation of the county or municipality, or  
650 participation by an officer or employee of the county or  
651 municipality in such a program; and

652 (b) Any ordinance enacted pursuant to this section must  
653 require that any firearm received shall be offered for sale at  
654 auction as provided by Sections 19-3-85 and 21-39-21 to federally  
655 licensed firearms dealers, with the proceeds from such sale at  
656 auction reverting to the general operating fund of the county,  
657 municipality or other governmental body. Any firearm remaining in  
658 possession of the county, municipality or other governmental body  
659 after attempts to sell at auction may be disposed of in a manner  
660 that the body deems appropriate.

661 **SECTION 5.** This act shall take effect and be in force from  
662 and after its passage.

