

By: Senator(s) Powell

To: Judiciary, Division B

SENATE BILL NO. 2411

1 AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW APPLICATION BY MAIL FOR A PERMIT TO CARRY A CONCEALED  
3 WEAPON; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 45-9-101, Mississippi Code of 1972, is  
6 amended as follows:

7 45-9-101. (1) (a) The Department of Public Safety is  
8 authorized to issue licenses to carry stun guns, concealed pistols  
9 or revolvers to persons qualified as provided in this section.  
10 Such licenses shall be valid throughout the state for a period of  
11 four (4) years from the date of issuance. Any person possessing a  
12 valid license issued pursuant to this section may carry a stun  
13 gun, concealed pistol or concealed revolver.

14 (b) The licensee must carry the license, together with  
15 valid identification, at all times in which the licensee is  
16 carrying a stun gun, concealed pistol or revolver and must display  
17 both the license and proper identification upon demand by a law  
18 enforcement officer. A violation of the provisions of this  
19 paragraph (b) shall constitute a noncriminal violation with a  
20 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable  
21 by summons.

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

24 (a) Is a resident of the state and has been a resident  
25 for twelve (12) months or longer immediately preceding the filing  
26 of the application. However, this residency requirement may be  
27 waived, provided the applicant possesses a valid permit from



28 another state, is active military personnel stationed in  
29 Mississippi or is a retired law enforcement officer establishing  
30 residency in the state;

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

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

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

38 (e) Does not chronically or habitually abuse controlled  
39 substances to the extent that his normal faculties are impaired.  
40 It shall be presumed that an applicant chronically and habitually  
41 uses controlled substances to the extent that his faculties are  
42 impaired if the applicant has been voluntarily or involuntarily  
43 committed to a treatment facility for the abuse of a controlled  
44 substance or been found guilty of a crime under the provisions of  
45 the Uniform Controlled Substances Law or similar laws of any other  
46 state or the United States relating to controlled substances  
47 within a three-year period immediately preceding the date on which  
48 the application is submitted;

49 (f) Does not chronically and habitually use alcoholic  
50 beverages to the extent that his normal faculties are impaired.  
51 It shall be presumed that an applicant chronically and habitually  
52 uses alcoholic beverages to the extent that his normal faculties  
53 are impaired if the applicant has been voluntarily or  
54 involuntarily committed as an alcoholic to a treatment facility or  
55 has been convicted of two (2) or more offenses related to the use  
56 of alcohol under the laws of this state or similar laws of any  
57 other state or the United States within the three-year period  
58 immediately preceding the date on which the application is  
59 submitted;



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

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

65 (i) Has not been voluntarily or involuntarily committed  
66 to a mental institution or mental health treatment facility unless  
67 he possesses a certificate from a psychiatrist licensed in this  
68 state that he has not suffered from disability for a period of  
69 five (5) years;

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

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

75 (l) Is not disqualified to possess or own a weapon  
76 based on federal law.

77 (3) The Department of Public Safety may deny a license if  
78 the applicant has been found guilty of one or more crimes of  
79 violence constituting a misdemeanor unless three (3) years have  
80 elapsed since probation or any other conditions set by the court  
81 have been fulfilled or expunction has occurred prior to the date  
82 on which the application is submitted, or may revoke a license if  
83 the licensee has been found guilty of one or more crimes of  
84 violence within the preceding three (3) years. The department  
85 shall, upon notification by a law enforcement agency or a court  
86 and subsequent written verification, suspend a license or the  
87 processing of an application for a license if the licensee or  
88 applicant is arrested or formally charged with a crime which would  
89 disqualify such person from having a license under this section,  
90 until final disposition of the case. The provisions of subsection  
91 (7) of this section shall apply to any suspension or revocation of  
92 a license pursuant to the provisions of this section.



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

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

98 (b) The driver's license number or social security  
99 number of applicant;

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

102 (d) A statement that the applicant is in compliance  
103 with criteria contained within subsections (2) and (3) of this  
104 section;

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

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

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

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

116 (a) A completed application as described in subsection  
117 (4) of this section;

118 (b) A full-face photograph of the applicant taken  
119 within the preceding thirty (30) days in which the head, including  
120 hair, measures seven-eighths (7/8) of an inch wide and one and  
121 one-eighth (1-1/8) inches high;

122 (c) A nonrefundable license fee of One Hundred Dollars  
123 (\$100.00). Costs for processing the set of fingerprints as  
124 required in paragraph (c) of this subsection shall be borne by the



125 applicant. Honorably retired law enforcement officers shall be  
126 exempt from the payment of the license fee;

127 (d) A full set of fingerprints of the applicant  
128 administered by the Department of Public Safety or the sheriff of  
129 the county of residence of the applicant; and

130 (e) A waiver authorizing the Department of Public  
131 Safety access to any records concerning commitments of the  
132 applicant to any of the treatment facilities or institutions  
133 referred to in subsection (2) and permitting access to all the  
134 applicant's criminal records.

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

139 (b) The Department of Public Safety shall forward a  
140 copy of the applicant's application to the sheriff of the  
141 applicant's county of residence and, if applicable, the police  
142 chief of the applicant's municipality of residence. The sheriff  
143 of the applicant's county of residence and, if applicable, the  
144 police chief of the applicant's municipality of residence may, at  
145 his discretion, participate in the process by submitting a  
146 voluntary report to the Department of Public Safety containing any  
147 readily discoverable prior information that he feels may be  
148 pertinent to the licensing of any applicant. The reporting shall  
149 be made within thirty (30) days after the date he receives the  
150 copy of the application. Upon receipt of a response from a  
151 sheriff or police chief, such sheriff or police chief shall be  
152 reimbursed at a rate set by the department.

153 (c) The Department of Public Safety shall, within one  
154 hundred twenty (120) days after the date of receipt of the items  
155 listed in subsection (5) of this section:

156 (i) Issue the license; or



157                   (ii) Deny the application based solely on the  
158 ground that the applicant fails to qualify under the criteria  
159 listed in subsections (2) and (3) of this section. If the  
160 Department of Public Safety denies the application, it shall  
161 notify the applicant in writing, stating the ground for denial,  
162 and the denial shall be subject to the appeal process set forth in  
163 subsection (7).

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

172                   (7) (a) If the Department of Public Safety denies the  
173 issuance of a license, or suspends or revokes a license, the party  
174 aggrieved may appeal such denial, suspension or revocation to the  
175 Commissioner of Public Safety, or his authorized agent, within  
176 thirty (30) days after the aggrieved party receives written notice  
177 of such denial, suspension or revocation. The Commissioner of  
178 Public Safety, or his duly authorized agent, shall rule upon such  
179 appeal within thirty (30) days after the appeal is filed and  
180 failure to rule within this thirty-day period shall constitute  
181 sustaining such denial, suspension or revocation. Such review  
182 shall be conducted pursuant to such reasonable rules and  
183 regulations as the Commissioner of Public Safety may adopt.

184                   (b) If the revocation, suspension or denial of issuance  
185 is sustained by the Commissioner of Public Safety, or his duly  
186 authorized agent pursuant to paragraph (a) of this subsection, the  
187 aggrieved party may file within ten (10) days after the rendition  
188 of such decision a petition in the circuit or county court of his  
189 residence for review of such decision. A hearing for review shall



190 be held and shall proceed before the court without a jury upon the  
191 record made at the hearing before the Commissioner of Public  
192 Safety or his duly authorized agent. No such party shall be  
193 allowed to carry a stun gun, concealed pistol or revolver pursuant  
194 to the provisions of this section while any such appeal is  
195 pending.

196 (8) The Department of Public Safety shall maintain an  
197 automated listing of license holders and such information shall be  
198 available online, upon request, at all times, to all law  
199 enforcement agencies through the Mississippi Crime Information  
200 Center. However, the records of the department relating to  
201 applications for licenses to carry stun guns, concealed pistols or  
202 revolvers and records relating to license holders shall be exempt  
203 from the provisions of the Mississippi Public Records Act of 1983  
204 for a period of forty-five (45) days from the date of the issuance  
205 of the license or the final denial of an application.

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

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



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

224 (12) No less than ninety (90) days prior to the expiration  
225 date of the license, the Department of Public Safety shall mail to  
226 each licensee a written notice of the expiration and a renewal  
227 form prescribed by the department. The licensee must renew his  
228 license on or before the expiration date by filing with the  
229 department the renewal form, a notarized affidavit stating that  
230 the licensee remains qualified pursuant to the criteria specified  
231 in subsections (2) and (3) of this section, and a full set of  
232 fingerprints administered by the Department of Public Safety or  
233 the sheriff of the county of residence of the licensee. A renewal  
234 fee of Fifty Dollars (\$50.00) shall also be submitted along with  
235 costs for processing the fingerprints; provided, however, that  
236 honorably retired law enforcement officers shall be exempt from  
237 this renewal fee. The Department of Public Safety shall forward  
238 the full set of fingerprints of the applicant to the appropriate  
239 agencies for state and federal processing. The license shall be  
240 renewed upon receipt of the completed renewal application and  
241 appropriate payment of fees. Additionally, a licensee who fails  
242 to file a renewal application on or before its expiration date  
243 must renew his license by paying a late fee of Fifteen Dollars  
244 (\$15.00). No license shall be renewed six (6) months or more  
245 after its expiration date, and such license shall be deemed to be  
246 permanently expired. A person whose license has been permanently  
247 expired may reapply for licensure; however, an application for  
248 licensure and fees pursuant to subsection (5) of this section must  
249 be submitted, and a background investigation shall be conducted  
250 pursuant to the provisions of this section.

251 (13) No license issued pursuant to this section shall  
252 authorize any person to carry a stun gun, concealed pistol or  
253 revolver into any place of nuisance as defined in Section 95-3-1,





254 Mississippi Code of 1972; any police, sheriff or highway patrol  
255 station; any detention facility, prison or jail; any courthouse;  
256 any courtroom, except that nothing in this section shall preclude  
257 a judge from carrying a concealed weapon or determining who will  
258 carry a concealed weapon in his courtroom; any polling place; any  
259 meeting place of the governing body of any governmental entity;  
260 any meeting of the Legislature or a committee thereof; any public  
261 park unless for the purpose of participating in any authorized  
262 firearms-related activity; any school, college or professional  
263 athletic event not related to firearms; any portion of an  
264 establishment, licensed to dispense alcoholic beverages for  
265 consumption on the premises, that is primarily devoted to  
266 dispensing alcoholic beverages; any portion of an establishment in  
267 which beer or light wine is consumed on the premises, that is  
268 primarily devoted to such purpose; any elementary or secondary  
269 school facility; any junior college, community college, college or  
270 university facility unless for the purpose of participating in any  
271 authorized firearms-related activity; inside the passenger  
272 terminal of any airport, except that no person shall be prohibited  
273 from carrying any legal firearm into the terminal if the firearm  
274 is encased for shipment, for purposes of checking such firearm as  
275 baggage to be lawfully transported on any aircraft; any church or  
276 other place of worship; or any place where the carrying of  
277 firearms is prohibited by federal law. In addition to the places  
278 enumerated in this subsection, the carrying of a stun gun,  
279 concealed pistol or revolver may be disallowed in any place in the  
280 discretion of the person or entity exercising control over the  
281 physical location of such place by the placing of a written notice  
282 clearly readable at a distance of not less than ten (10) feet that  
283 the "carrying of a pistol or revolver is prohibited." No license  
284 issued pursuant to this section shall authorize the participants  
285 in a parade or demonstration for which a permit is required to  
286 carry a stun gun, concealed pistol or revolver.



287 (14) A law enforcement officer as defined in Section 45-6-3,  
288 chiefs of police, sheriffs and persons licensed as professional  
289 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
290 1972, shall be exempt from the licensing requirements of this  
291 section.

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

298 (16) All fees collected by the Department of Public Safety  
299 pursuant to this section shall be deposited into a special fund  
300 hereby created in the State Treasury and shall be used for  
301 implementation and administration of this section. After the  
302 close of each fiscal year, the balance in this fund shall be  
303 certified to the Legislature and then may be used by the  
304 Department of Public Safety as directed by the Legislature.

305 (17) All funds received by a sheriff or police chief  
306 pursuant to the provisions of this section shall be deposited into  
307 the general fund of the county or municipality, as appropriate,  
308 and shall be budgeted to the sheriff's office or police department  
309 as appropriate.

310 (18) Nothing in this section shall be construed to require  
311 or allow the registration, documentation or providing of serial  
312 numbers with regard to any stun gun or firearm. Further, nothing  
313 in this section shall be construed to allow the open and  
314 unconcealed carrying of any stun gun or a deadly weapon as  
315 described in Section 97-37-1, Mississippi Code of 1972.

316 (19) Any person holding a valid unrevoked and unexpired  
317 license to carry stun guns, concealed pistols or revolvers issued  
318 in another state shall have such license recognized by this state  
319 to carry stun guns, concealed pistols or revolvers, provided that



320 the issuing state authorizes license holders from this state to  
321 carry stun guns, concealed pistols or revolvers in such issuing  
322 state and the appropriate authority has communicated that fact to  
323 the Department of Public Safety.

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

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

334 **SECTION 2.** This act shall take effect and be in force from  
335 and after July 1, 2008.

