

By: Senator(s) Hudson

To: Judiciary, Division B;  
Veterans and Military Affairs

SENATE BILL NO. 2136

1 AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO  
2 EXEMPT ACTIVE AND HONORABLY DISCHARGED MEMBERS OF THE MILITARY AND  
3 ACTIVE AND HONORABLY RETIRED LAW ENFORCEMENT OFFICERS FROM CERTAIN  
4 TRAINING REQUIREMENTS; AND FOR RELATED PURPOSES.

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

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

8 97-37-7. (1) (a) It shall not be a violation of Section  
9 97-37-1 or any other statute for pistols, firearms or other  
10 suitable and appropriate weapons to be carried by duly constituted  
11 bank guards, company guards, watchmen, railroad special agents or  
12 duly authorized representatives who are not sworn law enforcement  
13 officers, agents or employees of a patrol service, guard service,  
14 or a company engaged in the business of transporting money,  
15 securities or other valuables, while actually engaged in the  
16 performance of their duties as such, provided that such persons  
17 have made a written application and paid a nonrefundable permit  
18 fee of One Hundred Dollars (\$100.00) to the Department of Public  
19 Safety.

20 (b) No permit shall be issued to any person who has  
21 ever been convicted of a felony under the laws of this or any  
22 other state or of the United States. To determine an applicant's  
23 eligibility for a permit, the person shall be fingerprinted. If  
24 no disqualifying record is identified at the state level, the  
25 fingerprints shall be forwarded by the Department of Public Safety  
26 to the Federal Bureau of Investigation for a national criminal  
27 history record check. The department shall charge a fee which  
28 includes the amounts required by the Federal Bureau of



29 Investigation and the department for the national and state  
30 criminal history record checks and any necessary costs incurred by  
31 the department for the handling and administration of the criminal  
32 history background checks. In the event a legible set of  
33 fingerprints, as determined by the Department of Public Safety and  
34 the Federal Bureau of Investigation, cannot be obtained after a  
35 minimum of three (3) attempts, the Department of Public Safety  
36 shall determine eligibility based upon a name check by the  
37 Mississippi Highway Safety Patrol and a Federal Bureau of  
38 Investigation name check conducted by the Mississippi Highway  
39 Safety Patrol at the request of the Department of Public Safety.

40 (c) A person may obtain a duplicate of a lost or  
41 destroyed permit upon payment of a Fifteen Dollar (\$15.00)  
42 replacement fee to the Department of Public Safety, if he  
43 furnishes a notarized statement to the department that the permit  
44 has been lost or destroyed.

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

57 (ii) Renewal of the permit shall be required every  
58 four (4) years. The permit of a qualified renewal applicant shall  
59 be renewed upon receipt of the completed renewal application and  
60 appropriate payment of fees.



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

65 (2) (a) It shall not be a violation of this or any other  
66 statute for pistols, firearms or other suitable and appropriate  
67 weapons to be carried by Department of Wildlife, Fisheries and  
68 Parks law enforcement officers, railroad special agents who are  
69 sworn law enforcement officers, investigators employed by the  
70 Attorney General, criminal investigators employed by the district  
71 attorneys, all prosecutors, public defenders, investigators or  
72 probation officers employed by the Department of Corrections,  
73 employees of the State Auditor who are authorized by the State  
74 Auditor to perform investigative functions, or any deputy fire  
75 marshal or investigator employed by the State Fire Marshal, while  
76 engaged in the performance of their duties as such, or by fraud  
77 investigators with the Department of Human Services, or by judges  
78 of the Mississippi Supreme Court, Court of Appeals, circuit,  
79 chancery, county, justice and municipal courts, or by coroners.  
80 Before any person shall be authorized under this subsection to  
81 carry a weapon, he shall complete a weapons training course  
82 approved by the Board of Law Enforcement Officer Standards and  
83 Training. Before any criminal investigator employed by a district  
84 attorney shall be authorized under this section to carry a pistol,  
85 firearm or other weapon, he shall have complied with Section  
86 45-6-11 or any training program required for employment as an  
87 agent of the Federal Bureau of Investigation. A law enforcement  
88 officer, as defined in Section 45-6-3, shall be authorized to  
89 carry weapons in courthouses in performance of his official  
90 duties.

91 (b) A person licensed under Section 45-9-101 to carry a  
92 concealed pistol, who has voluntarily completed an instructional  
93 course in the safe handling and use of firearms offered by an



94 instructor certified by a nationally recognized organization that  
95 customarily offers firearms training, or by any other organization  
96 approved by the Department of Public Safety, shall also be  
97 authorized to carry weapons in courthouses except in courtrooms  
98 during a judicial proceeding, and any location listed in  
99 subsection (13) of Section 45-9-101, except any place of nuisance  
100 as defined in Section 95-3-1, any police, sheriff or highway  
101 patrol station or any detention facility, prison or jail. The  
102 department shall promulgate rules and regulations allowing  
103 concealed pistol permit holders to obtain an endorsement on their  
104 permit indicating that they have completed the aforementioned  
105 course and have the authority to carry in these locations. Active  
106 and honorably discharged members of the military and active and  
107 honorably retired law enforcement officers are exempt from the  
108 instructional course requirement and may obtain the endorsement  
109 under this paragraph (b) upon proof satisfactory to the department  
110 as to the applicant's military or law enforcement status.

111 (c) This section shall in no way interfere with the  
112 right of a trial judge to restrict the carrying of firearms in the  
113 courtroom.

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



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128           **SECTION 2.** This act shall take effect and be in force from  
129 and after July 1, 2012.

