

Mississippi Gun Laws; A Primer

Guns and concealed carry issues are all over the news. Gun safety classes and concealed carry interest is at a time high. I had intended to do this posting in a little more of a conversational tone, however in light of the high interest in MS regarding concealed carry and considering the high interest, I decided to be more informative and to the statutory language. Having made that disclaimer, I did edit down, considerably, the law at what I determined to be the meat of the law. The following are the basics of MS gun laws.



In Mississippi a person can lawfully possess a firearm, unless they cannot due to felony, infirmity or other recognized reason. They may have a gun in their home, car and business and can use it to defend themselves and others. They may have a loaded firearm on their person, though restrictions apply regarding on your person and car, due to concealed carry laws and some hunting laws. There is also debate on whether a person can open carry in MS. There are exceptions for hunting purposes, but the MS Attorney General has taken the position that persons

Mississippi has a "Concealed Carry" law.

Miss. Code Ann. § 45-9-101 (2012) (NOT reproduced in its entirety, paraphrased)

§ 45-9-101. License to Carry

(1) (a) The Department of Public Safety may issue licenses to carry concealed to persons qualified. The license shall be valid for (5) years. Any person possessing a valid license may carry. (b) The licensee must carry the license and valid identification, at all times if carrying and must display both the license and proper identification upon demand by a law enforcement officer.

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

(a) Is a **resident of the state for twelve (12) months** or longer prior to filing.

(b) Is at least twenty-one **(21) years of age**;

(c) Does **not suffer from a physical infirmity** which prevents the safe handling of a gun;

(d) Is **not ineligible to possess** a firearm by virtue of a felony;

(e) Does **not abuse controlled substances**. It shall be presumed that an applicant uses controlled substances if the applicant has been committed to a treatment facility or been found guilty of a crime relating to

substances within three-years preceding application ;

(f) Does **not abuse alcoholic beverages**. It shall be presumed that an applicant uses alcohol if the applicant has been committed as an alcoholic to a treatment facility or has been convicted of two (2) or more offenses involving the use of alcohol within three-years preceding application;

(g) to defend himself;

(h) Has not been adjudicated mentally incompetent, or has waited five (5) years, if so;

(i) Has not been committed to a mental institution unless he possesses a certificate from a psychiatrist that the applicant has not suffered for 5 years;

(j) Has not had guilt withheld or sentence suspended on any felony unless three (3) years have elapsed;

(k) Is not a fugitive from justice; and

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

(3) The Department of Public Safety may deny a license if the applicant has been found guilty of a crime constituting a misdemeanor unless three (3) years have elapsed.

(4) The Application Process

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

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

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

(d) A statement that the applicant is in compliance with criteria contained within subsections (2) through (4) of this section;

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

(f) A conspicuous warning that the application is executed under oath and false answers subjects the applicant to criminal prosecution; and

(g) A statement that the applicant desires a legal means to carry to defend himself.

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

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

(b) A full-face photograph of the applicant taken within the preceding (30) days

(c) A nonrefundable license fee of (\$ 100.00) + Costs for processing the set of fingerprints

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

(e) A waiver authorizing the Department of Public Safety access to any records of commitment and

... CANNOT carry here:

(13) No license issued shall authorize any person to carry concealed into any place of **nuisance** as defined in Section 95-3-1; any **police, sheriff or highway patrol station**; any **detention facility, prison, courthouse**; any **courtroom**; any **polling place**; any **meeting place of the governing body**;

governmental entity; any meeting of the Legislature or a committee thereof; any school or professional athletic event not related to firearms; any portion of an establishment, licensed to dispense alcoholic beverages for consumption on the premises, that is primarily devoted to dispensing alcoholic beverages; any portion of an establishment in which beer or light wine is consumed on the premises, that is primarily devoted to such purpose; any elementary school facility; any junior college, community college, college or university facility unless the purpose of participating in any authorized firearms-related activity; inside the passenger compartment of any airport, except if encased for shipment; any church or other place of worship; or any place where the carrying of firearms is prohibited by federal law. In addition carrying may be disallowed in the discretion of the person or entity exercising control over the physical location of the place by the placing of a written notice clearly readable at a distance of not less than ten feet that the "carrying of a pistol or revolver is prohibited."

UNLESS; Mississippi also allows for an enhanced carry per § 97-37-7, which removes most of the above restrictions :

A person licensed under Section 45-9-101 to carry a concealed pistol, who has voluntarily completed an instructional course in the safe handling and use of firearms offered by an instructor certified by a nationally recognized organization that customarily offers firearms training, or by any other organization approved by the Department of Public Safety, shall also be authorized to carry weapons in public places, except in courtrooms during a judicial proceeding, and any location listed in subsection (b) of Section 45-9-101, except any place of nuisance as defined in Section 95-3-1, any police, sheriff's office, patrol station or any detention facility, prison or jail.

...

(18) Nothing in this section shall be construed to require or allow the registration of any gun or firearm, and nothing in this section shall be construed to allow the open and unconcealed carrying of any gun.

(19) Any person holding a valid license to carry issued in another state shall have such license recognized in this state.

What can you NOT carry?

§ 97-37-1. Deadly weapons; carrying while concealed;

(1) any person who carries, concealed in whole or in part, any **bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, slingshot, pistol, revolver, or any rifle or shotgun less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or any muffler or silencer on any firearm, whether or not it is accompanied by a firearm,** or uses or attempts to use against any person, or carries any imitation firearm, shall upon conviction be punished as follows:(a) By a fine of not less than one hundred (\$ 100.00) nor more than five hundred (\$ 500.00), or imprisonment for not more than six (6) months, or both,

(b) By a fine of not less than one hundred (\$ 100.00) nor more than five hundred (\$ 500.00), and imprisonment not less than six (6) months nor more than six (6) months, for the second conviction.

(c) By confinement in the custody of the Department of Corrections for not less than one (1) year nor more than three (3) years, for the third conviction.

(2) It shall not be a violation of this section for any person over the age of eighteen (18) years to carry

deadly weapon concealed in whole or in part within the confines of his own home or his place of business or property associated with his home or business or within any motor vehicle.

(3) It shall not be a violation of this section for any person to carry a firearm or deadly weapon concealed in part if the possessor of the weapon is then engaged in a legitimate weapon-related sports activity returning from such activity. For purposes of this subsection, "legitimate weapon-related sports activity" means hunting, fishing, target shooting or any other legal sports activity which normally involves the use of a firearm or other weapon.

Matthew Thompson is a family law attorney and suggests you be careful as you never know who may

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