

2021 Miss. H.B. 277

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Reporter

2021 Miss. H.B. 277; 2021 Miss. Gen. Laws 378; 2021 Miss. ALS 378

MISSISSIPPI ADVANCE LEGISLATIVE SERVICE > MISSISSIPPI 2021 REGULAR SESSION > > HOUSE BILL 277

Notice

Added: Text highlighted in green

Synopsis

AN ACT TO CREATE NEW SECTION 1-3-42, MISSISSIPPI CODE OF 1972, TO DEFINE TERMS DESCRIBING PHOTO IDENTIFICATION THAT ARE LEGAL IN THIS STATE; TO CREATE NEW SECTION 97-7-77, MISSISSIPPI CODE OF 1972, TO CREATE THE CRIME OF COUNTERFEITING, FRAUD OR MISREPRESENTATION IN RELATION TO A TRIBAL IDENTIFICATION CARD; TO AMEND SECTION 27-115-73, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF AGE TO BUY A LOTTERY TICKET; TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY FOR A CONCEALED CARRY LICENSE; TO AMEND SECTION 49-7-3, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY TO OBTAIN A HUNTING OR FISHING LICENSE; TO AMEND SECTION 63-21-39, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY REQUIRED FOR SCRAP SALES; TO AMEND SECTION 67-3-69, MISSISSIPPI CODE OF 1972, TO REVISE PROOF OF IDENTITY FOR PURCHASE OF ALCOHOL; TO AMEND SECTION 75-9-503, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY IN UCC FILING STATEMENTS; TO AMEND SECTION 75-24-29, MISSISSIPPI CODE OF 1972, TO CONFORM THE PERSONALLY IDENTIFYING INFORMATION THAT CAN BE COMPROMISED IN A SECURITY BREACH; TO AMEND SECTION 75-67-305, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY FOR PAWNSHOP TRANSACTIONS; TO AMEND SECTION 75-95-5, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY REQUIRED FOR PRECIOUS ITEM RESALE; TO AMEND SECTION 93-1-5, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF AGE REQUIRED TO OBTAIN A MARRIAGE LICENSE; TO AMEND SECTION 93-29-13, MISSISSIPPI CODE OF 1972, TO CONFORM FACTORS TO DETERMINE RISK OF ABDUCTION; TO AMEND SECTION 97-17-71, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY REQUIRED FOR SCRAP SALES; TO AMEND SECTION 97-45-1, MISSISSIPPI CODE OF 1972, TO CONFORM THE DEFINITION OF PERSONAL INFORMATION IN THE CONTEXT OF CERTAIN COMPUTER CRIMES; TO AMEND SECTION 45-35-13, MISSISSIPPI CODE OF 1972, DEALING WITH FRAUDULENT NONDRIVER IDENTIFICATION CARDS, TO MAKE A MINOR, NONSUBSTANTIVE CHANGE; AND FOR RELATED PURPOSES.

Text

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

SECTION 1. The following shall be codified as Section [1-3-42](#), Mississippi Code of 1972:

1-3-42.

The terms “photo identification,” “photographic identification,” “valid identification,” “valid identification card” or any similar term when used with reference to a personally identifying document required as legal documentation or required to be presented as part of a transaction includes all of the following:

- (a) A current and valid Mississippi driver's license;
- (b) A current and valid identification card issued by a branch, department, agency or entity of the State of Mississippi;
- (c) A current and valid United States passport;
- (d) A current and valid employee identification card containing a photograph of the employee and issued by any branch, department, agency or entity of the United States government, the State of Mississippi, or any county, municipality, board, authority or other entity of this state;
- (e) A current and valid Mississippi license to carry a pistol or revolver;
- (f) A valid tribal identification card containing a photograph of the holder;
- (g) A current and valid United States military identification card;
- (h) A current and valid student identification card, containing a photograph of the student, issued by any accredited college, university or community or junior college in the State of Mississippi;
- (i) An official Mississippi voter identification card containing a photograph of the elector; or
- (j) Any other valid and unexpired government-issued identification card that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth.

SECTION 2. The following shall be codified as Section [97-7-77](#), Mississippi Code of 1972:

97-7-77.

- (1) “Tribal identification card” means a valid identification card issued by a federally recognized Indian tribe that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth.
- (2)
 - (a) It is unlawful for a person knowingly to:
 - (i) Display, or cause or permit to be displayed, or have in the person's possession, any cancelled, fictitious, fraudulently altered, forged, counterfeited or fraudulently obtained tribal identification card;
 - (ii) Permit the use of a tribal identification card issued to the person or lend a tribal identification card to another person;
 - (iii) Display or represent a tribal identification card not issued to the person as being the person's card;
 - (iv) Display or have in the person's possession a fraudulently altered, forged or counterfeited tribal identification card with intent that the altered, forged or counterfeited card be offered, accepted or mistaken for a valid tribal identification card.
 - (b) A violation of this subsection is a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment for not more than six (6) months, or both.
- (3)
 - (a) It is unlawful for a person to photograph, copy, duplicate, alter, forge, counterfeit or in any way reproduce, manufacture, sell or distribute a tribal identification card or facsimile thereof with intent that it be offered, accepted or mistaken for a valid tribal identification card.

(b) A violation of this subsection (3) shall be punished as follows:

- (i)** If the person was twenty-one (21) years of age or older at the time of the offense, the person is guilty of a felony and shall be punished by a fine of not less than Five Thousand Dollars (\$5,000.00), imprisonment for not more than three (3) years, or both.
- (ii)** If the person was under twenty-one (21) years of age at the time of the offense, a first offense is a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment for not more than six (6) months, or both, and a second or subsequent offense committed by a minor is a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00), imprisonment for not more than one (1) year, or both.

SECTION 3. Section [27-115-73](#), Mississippi Code of 1972, is amended as follows:

27-115-73.

(1)

(a) No lottery retailer and no agent, associate, employee, representative or servant of any such person shall allow any illegal lottery device to be on its premises, nor shall any lottery retailer, agent, associate, employee, representative or servant sell a lottery ticket to any person unless the person submits any one (1) of the following forms of identification which establish the age of the person as twenty-one (21) years or older:

- (i)** A valid and current Mississippi driver's license which contains a photograph of the person presenting the driver's license.
- (ii)** A valid and current driver's license of another state which contains a photograph of the person submitting the driver's license.
- (iii)** A valid and current special identification card issued by the State of Mississippi containing a photograph of the person submitting the identification card.
- (iv)** A valid and current passport or visa issued by the federal government or another country or nation that contains a permanently attached photograph of the person submitting the passport or visa.
- (v)** A valid and current military or federal identification card issued by the federal government containing a photograph of the person submitting the identification card.
- (vi)** A valid and current tribal identification card issued by a federally recognized Indian tribe containing a photograph of the person submitting the identification card.

(b) Each form of identification listed in paragraph (a) of this subsection must on its face establish the age of the person as twenty-one (21) years of age or older, and there must be no reason to doubt the authenticity or correctness of the identification. No form of identification mentioned in paragraph (a) of this subsection shall be accepted as proof of age if it is expired, defaced, mutilated or altered. If the driver's license, state special identification card or lawful identification submitted is a duplicate, the person shall submit additional identification which contains the name, date of birth and photograph of the person.

(c) An educational institution identification card, check-cashing identification card, or employee identification card shall not be considered as lawful identification for the purposes of this subsection.

(2) Any lottery retailer who knowingly sells a lottery ticket to a person under twenty-one (21) years of age will be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for the first offense and, for each subsequent offense, not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00) and may be disqualified as a lottery retailer.

(3)

- (a) It is unlawful for any person under twenty-one (21) years of age to purchase a lottery ticket.
- (b) Whoever violates the provisions of this subsection shall be fined not more than One Hundred Dollars (\$100.00).
- (c) Any person apprehended while violating the provisions of this subsection shall be issued a citation by the apprehending law enforcement officer, which shall be paid in the same manner as provided for the offenders of local traffic violations.

SECTION 4. Section [45-9-101](#), Mississippi Code of 1972, is amended as follows:

45-9-101.

(1)

- (a) Except as otherwise provided, the Department of Public Safety is authorized to issue licenses to carry stun guns, concealed pistols or revolvers to persons qualified as provided in this section. Such licenses shall be valid throughout the state for a period of five (5) years from the date of issuance. Any person possessing a valid license issued pursuant to this section may carry a stun gun, concealed pistol or concealed revolver.
- (b) The licensee must carry the license, together with valid identification, at all times in which the licensee is carrying a stun gun, concealed pistol or revolver and must display both the license and proper identification upon demand by a law enforcement officer. A violation of the provisions of this paragraph (b) shall constitute a noncriminal violation with a penalty of Twenty-five Dollars (\$25.00) and shall be enforceable by summons.

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

- (a) Is a resident of the state. However, this residency requirement may be waived if the applicant possesses a valid permit from another state, is active military personnel stationed in Mississippi, or is a retired law enforcement officer establishing residency in the state;
- (b)
 - (i) Is twenty-one (21) years of age or older; or
 - (ii) Is at least eighteen (18) years of age but not yet twenty-one (21) years of age and the applicant:
 - 1. Is a member or veteran of the United States Armed Forces, including National Guard or Reserve; and
 - 2. Holds a valid Mississippi driver's license or identification card issued by the Department of Public Safety or a valid and current tribal identification card issued by a federally recognized Indian tribe containing a photograph of the holder;
- (c) Does not suffer from a physical infirmity which prevents the safe handling of a stun gun, pistol or revolver;
- (d) Is not ineligible to possess a firearm by virtue of having been convicted of a felony in a court of this state, of any other state, or of the United States without having been pardoned or without having been expunged for same;
- (e) Does not chronically or habitually abuse controlled substances to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses controlled substances to the extent that his faculties are impaired if the applicant has been voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance or been found guilty of a crime under the provisions of the Uniform Controlled Substances Law or similar laws of

any other state or the United States relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;

- (f) Does not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant has been voluntarily or involuntarily committed as an alcoholic to a treatment facility or has been convicted of two (2) or more offenses related to the use of alcohol under the laws of this state or similar laws of any other state or the United States within the three-year period immediately preceding the date on which the application is submitted;
- (g) Desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself;
- (h) Has not been adjudicated mentally incompetent, or has waited five (5) years from the date of his restoration to capacity by court order;
- (i) Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility unless he possesses a certificate from a psychiatrist licensed in this state that he has not suffered from disability for a period of five (5) years;
- (j) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled;
- (k) Is not a fugitive from justice; and
- (l) Is not disqualified to possess a weapon based on federal law.
- (3) The Department of Public Safety may deny a license if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred prior to the date on which the application is submitted, or may revoke a license if the licensee has been found guilty of one or more crimes of violence within the preceding three (3) years. The department shall, upon notification by a law enforcement agency or a court and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime which would disqualify such person from having a license under this section, until final disposition of the case. The provisions of subsection (7) of this section shall apply to any suspension or revocation of a license pursuant to the provisions of this section.
- (4) The application shall be completed, under oath, on a form promulgated by the Department of Public Safety and shall include only:

 - (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) and (3) of this section;
 - (e) A statement that the applicant has been furnished a copy of this section and is knowledgeable of its provisions;
 - (f) A conspicuous warning that the application is executed under oath and that a knowingly false answer to any question, or the knowing submission of any false document by the applicant, subjects the applicant to criminal prosecution; and
 - (g) A statement that the applicant desires a legal means to carry a stun gun, concealed pistol or revolver 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 thirty (30) days in which the head, including hair, in a size as determined by the Department of Public Safety, except that an applicant who is younger than twenty-one (21) years of age must submit a photograph in profile of the applicant;
 - (c) A nonrefundable license fee of Eighty Dollars (\$80.00). Costs for processing the set of fingerprints as required in paragraph (d) of this subsection shall be borne by the applicant. Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States shall be exempt from the payment of the license fee;
 - (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 concerning commitments of the applicant to any of the treatment facilities or institutions referred to in subsection (2) and permitting access to all the applicant's criminal records.
- (6)
 - (a) The Department of Public Safety, upon receipt of the items listed in subsection (5) of this section, shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.
 - (b) The Department of Public Safety shall forward a copy of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence. The sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence may, at his discretion, participate in the process by submitting a voluntary report to the Department of Public Safety containing any readily discoverable prior information that he feels may be pertinent to the licensing of any applicant. The reporting shall be made within thirty (30) days after the date he receives the copy of the application. Upon receipt of a response from a sheriff or police chief, such sheriff or police chief shall be reimbursed at a rate set by the department.
 - (c) The Department of Public Safety shall, within forty-five (45) days after the date of receipt of the items listed in subsection (5) of this section:
 - (i) Issue the license;
 - (ii) Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsections (2) and (3) of this section. If the Department of Public Safety denies the application, it shall notify the applicant in writing, stating the ground for denial, and the denial shall be subject to the appeal process set forth in subsection (7); or
 - (iii) Notify the applicant that the department is unable to make a determination regarding the issuance or denial of a license within the forty-five-day period prescribed by this subsection, and provide an estimate of the amount of time the department will need to make the determination.
 - (d) In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of two (2) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.
- (7)
 - (a) If the Department of Public Safety denies the issuance of a license, or suspends or revokes a license, the party aggrieved may appeal such denial, suspension or revocation to the Commissioner of Public Safety, or his authorized agent, within thirty (30) days after the aggrieved party receives written notice of such denial, suspension or revocation. The Commissioner of Public

Safety, or his duly authorized agent, shall rule upon such appeal within thirty (30) days after the appeal is filed and failure to rule within this thirty-day period shall constitute sustaining such denial, suspension or revocation. Such review shall be conducted pursuant to such reasonable rules and regulations as the Commissioner of Public Safety may adopt.

- (b)** If the revocation, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to paragraph (a) of this subsection, the aggrieved party may file within ten (10) days after the rendition of such decision a petition in the circuit or county court of his residence for review of such decision. A hearing for review shall be held and shall proceed before the court without a jury upon the record made at the hearing before the Commissioner of Public Safety or his duly authorized agent. No such party shall be allowed to carry a stun gun, concealed pistol or revolver pursuant to the provisions of this section while any such appeal is pending.
- (8)** The Department of Public Safety shall maintain an automated listing of license holders and such information shall be available online, upon request, at all times, to all law enforcement agencies through the Mississippi Crime Information Center. However, the records of the department relating to applications for licenses to carry stun guns, concealed pistols or revolvers and records relating to license holders shall be exempt from the provisions of the Mississippi Public Records Act of 1983, and shall be released only upon order of a court having proper jurisdiction over a petition for release of the record or records.
- (9)** Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license lost or destroyed, the licensee shall notify the Department of Public Safety in writing of such change or loss. Failure to notify the Department of Public Safety pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of Twenty-five Dollars (\$25.00) and shall be enforceable by a summons.
- (10)** In the event that a stun gun, concealed pistol or revolver license is lost or destroyed, the person to whom the license was issued shall comply with the provisions of subsection (9) of this section and may obtain a duplicate, or substitute thereof, upon payment of Fifteen Dollars (\$15.00) to the Department of Public Safety, and furnishing a notarized statement to the department that such license has been lost or destroyed.
- (11)** A license issued under this section shall be revoked if the licensee becomes ineligible under the criteria set forth in subsection (2) of this section.
- (12)**

 - (a)** No less than ninety (90) days prior to the expiration date of the license, the Department of Public Safety shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the department. The licensee must renew his license on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3) of this section, and a full set of fingerprints administered by the Department of Public Safety or the sheriff of the county of residence of the licensee.

The first renewal may be processed by mail and the subsequent renewal must be made in person. Thereafter every other renewal may be processed by mail to assure that the applicant must appear in person every ten (10) years for the purpose of obtaining a new photograph.
 - (i)** Except as provided in this subsection, a renewal fee of Forty Dollars (\$40.00) shall also be submitted along with costs for processing the fingerprints;
 - (ii)** Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States shall be exempt from the renewal fee; and
 - (iii)** The renewal fee for a Mississippi resident aged sixty-five (65) years of age or older shall be Twenty Dollars (\$20.00).

- (b) The Department of Public Safety shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing. The license shall be renewed upon receipt of the completed renewal application and appropriate payment of fees.
- (c) A licensee who fails to file a renewal application on or before its expiration date must renew his license by paying a late fee of Fifteen Dollars (\$15.00). No license shall be renewed six (6) months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees pursuant to subsection (5) of this section must be submitted, and a background investigation shall be conducted pursuant to the provisions of this section.
- (13) No license issued pursuant to this section shall authorize any person to carry a stun gun, concealed pistol or revolver into any place of nuisance as defined in Section 95-3-1, Mississippi Code of 1972; any police, sheriff or highway patrol station; any detention facility, prison or jail; any courthouse; any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his courtroom; any polling place; any meeting place of the governing body of any governmental entity; any meeting of the Legislature or a committee thereof; any school, college 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, light spirit product or light wine is consumed on the premises, that is primarily devoted to such purpose; any elementary or secondary school facility; any junior college, community college, college or university facility unless for the purpose of participating in any authorized firearms-related activity; inside the passenger terminal of any airport, except that no person shall be prohibited from carrying any legal firearm into the terminal if the firearm is encased for shipment, for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; any church or other place of worship, except as provided in Section 45-9-171; or any place where the carrying of firearms is prohibited by federal law. In addition to the places enumerated in this subsection, the carrying of a stun gun, concealed pistol or revolver may be disallowed in any place in the discretion of the person or entity exercising control over the physical location of such place by the placing of a written notice clearly readable at a distance of not less than ten (10) feet that the "carrying of a pistol or revolver is prohibited." No license issued pursuant to this section shall authorize the participants in a parade or demonstration for which a permit is required to carry a stun gun, concealed pistol or revolver.
- (14) A law enforcement officer as defined in Section 45-6-3, chiefs of police, sheriffs and persons licensed as professional bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of 1972, shall be exempt from the licensing requirements of this section. The licensing requirements of this section do not apply to the carrying by any person of a stun gun, pistol or revolver, knife, or other deadly weapon that is not concealed as defined in Section 97-37-1.
- (15) Any person who knowingly submits a false answer to any question on an application for a license issued pursuant to this section, or who knowingly submits a false document when applying for a license issued pursuant to this section, shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 99-19-31, Mississippi Code of 1972.
- (16) All fees collected by the Department of Public Safety pursuant to this section shall be deposited into a special fund hereby created in the State Treasury and shall be used for implementation and administration of this section. After the close of each fiscal year, the balance in this fund shall be certified to the Legislature and then may be used by the Department of Public Safety as directed by the Legislature.
- (17) All funds received by a sheriff or police chief pursuant to the provisions of this section shall be deposited into the general fund of the county or municipality, as appropriate, and shall be budgeted to the sheriff's office or police department as appropriate.
- (18) Nothing in this section shall be construed to require or allow the registration, documentation or providing of serial numbers with regard to any stun gun or firearm.

- (19) Any person holding a valid unrevoked and unexpired license to carry stun guns, concealed pistols or revolvers issued in another state shall have such license recognized by this state to carry stun guns, concealed pistols or revolvers. The Department of Public Safety is authorized to enter into a reciprocal agreement with another state if that state requires a written agreement in order to recognize licenses to carry stun guns, concealed pistols or revolvers issued by this state.
- (20) The provisions of this section shall be under the supervision of the Commissioner of Public Safety. The commissioner is authorized to promulgate reasonable rules and regulations to carry out the provisions of this section.
- (21) For the purposes of this section, the term “stun gun” means a portable device or weapon from which an electric current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure, momentarily stun, knock out, cause mental disorientation or paralyze.
- (22)
- (a) From and after January 1, 2016, the Commissioner of Public Safety shall promulgate rules and regulations which provide that licenses authorized by this section for honorably retired law enforcement officers and honorably retired correctional officers from the Mississippi Department of Corrections shall (i) include the words “retired law enforcement officer” on the front of the license, and (ii) that the license itself have a red background to distinguish it from other licenses issued under this section.
- (b) An honorably retired law enforcement officer and honorably retired correctional officer shall provide the following information to receive the license described in this section: (i) a letter, with the official letterhead of the agency or department from which such officer is retiring, which explains that such officer is honorably retired, and (ii) a letter with the official letterhead of the agency or department, which explains that such officer has completed a certified law enforcement training academy.
- (23) A disabled veteran who seeks to qualify for an exemption under this section shall be required to provide a veterans health services identification card issued by the United States Department of Veterans Affairs indicating a service-connected disability, which shall be sufficient proof of such service-connected disability.
- (24) A license under this section is not required for a loaded or unloaded pistol or revolver to be carried upon the person in a sheath, belt holster or shoulder holster or in a purse, handbag, satchel, other similar bag or briefcase or fully enclosed case if the person is not engaged in criminal activity other than a misdemeanor traffic offense, is not otherwise prohibited from possessing a pistol or revolver under state or federal law, and is not in a location prohibited under subsection (13) of this section.

SECTION 5. Section [49-7-3](#), Mississippi Code of 1972, is amended as follows:

49-7-3.

- (1) Any resident of the State of Mississippi shall be entitled to receive a resident fishing license.
- (2) Any person domiciled within the State of Mississippi shall be entitled to receive a resident hunting license provided in Section 49-7-5. The domicile of a person is that person's principal or primary home or place of abode. A “principal or primary home or place of abode” is that home or place in which a person's habitation is fixed and to which he, whenever absent, has the present intention of returning after a departure of absence therefrom, regardless of the duration of the absence. The burden of proving domicile shall be on the person claiming such status. The following evidence or other reliable evidence may be considered in establishing, but is not necessarily determinative of, domicile: driver's license, valid and current tribal identification card issued by a federally recognized Indian tribe containing a photograph of the person submitting the identification card, residence for income or other tax purposes, homestead exemption receipt, or any other means prescribed by the department. In the case of minors, domicile of the parents shall be used as evidence of the minor's domicile.

- (3) A nondomiciliary of the state may be issued a resident hunting or fishing license or combination resident hunting/fishing license upon providing the following:
 - (a) A current identification card from a Mississippi college or university; or
 - (b) A current military identification card showing that the person is an active member of the United States Armed Forces (excluding Reserves and the National Guard) and proof that the person is stationed on a military base in Mississippi.
- (4) A nondomiciliary of the state may be issued a special Armed Forces fourteen-day hunting and fishing license with the same hunting and fishing privileges and at the same fee of a resident sportsman's license, if the nondomiciliary is an active member of the United States Armed Forces (excluding Reserves and the National Guard) and his application is approved by the department. The applicant must file his application for the special fourteen-day license in the office of the department. The department shall establish requirements for proof of active military status and any other requirements it deems desirable. The department shall not issue more than two (2) special fourteen-day licenses to the same applicant per license year.
- (5) A holder of a resident or nonresident license is required to carry the license on his person while engaged in hunting, trapping or fishing. Any penalty for not carrying a license while engaged in hunting, trapping or fishing shall be waived if the person can verify purchase of a license prior to the date of the violation.
- (6) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 6. Section [63-21-39](#), Mississippi Code of 1972, is amended as follows:

63-21-39.

- (1)
 - (a) An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall indicate same on the back of the certificate of title and shall immediately cause the certificate of title and any other documents required by the Department of Revenue to be mailed or delivered to the Department of Revenue for cancellation. A certificate of title of the vehicle shall not again be issued except upon application containing the information the Department of Revenue requires, accompanied by a certificate of inspection in the form and content specified in Section 63-21-15(5) and proof of payment of a fee as provided in subsection (2) of this section.
 - (b) Notwithstanding any other provision of this chapter to the contrary, if the owner or authorized agent of the owner has not obtained a title in his or her name for the vehicle to be transferred, has lost the title for the vehicle to be transferred, or has returned the title to the Department of Revenue in accordance with [paragraph \(a\) of this subsection](#), he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle is at least ten (10) model years old. The statement described in this paragraph may be used only to transfer such a vehicle to a licensed used motor vehicle parts dealer or scrap metal processor. The department shall promulgate a form for the statement which shall include, but not be limited to:
 - (i) A statement that the vehicle shall never be titled again; it must be dismantled or scrapped;
 - (ii) A description of the vehicle including the year, make, model and vehicle identification number;
 - (iii) The name, address, and driver's license number, [nondriver identification card number or tribal identification card number](#) of the owner;
 - (iv) A certification that the owner:
 - 1. Never obtained a title to the vehicle in his or her name; or

2. Was issued a title for the vehicle, but the title was lost or stolen;
- (v) A certification that the vehicle:
 1. Is at least ten (10) model years old; and
 2. Is not subject to any security interest or lien;
- (vi) An acknowledgment that the owner and buyer of the vehicle realizes this form will be filed with the department and that:
 1. It is a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense of knowingly falsifying any information on this statement; and
 2. It is a felony, punishable by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) or imprisonment for not less than one (1) year nor more than five (5) years, or both, for conviction of a second or subsequent offense of knowingly falsifying any information on this statement;
- (vii) The owner's signature and the date of the transaction;
- (viii) The name and address of the business acquiring the vehicle;
- (ix) The National Motor Vehicle Title Information System identification number; and
- (x) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation.
- (c) Until such time as the department makes available an Internet-based system, the used motor vehicle parts dealer or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (b) of this subsection (1) to the Department of Revenue within three (3) business days of the completion of the transaction, requesting that the department cancel the Mississippi certificate of title and registration. Once the department develops an Internet-based system, the used motor vehicle parts dealer or scrap metal processor shall utilize such system and within two (2) business days electronically submit the information contained in the statement using that system.
- (d) Within two (2) business days of each day's close of business, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver in a format approved by the department, by electronic means once developed and made available by the department, a list of all such vehicles purchased that day for scrap or for parts. That list shall contain the following information:
 - (i) The name, address and contact information for the reporting entity;
 - (ii) The vehicle identification numbers of such vehicles;
 - (iii) The dates such vehicles were obtained;
 - (iv) The names of the individuals or entities from whom the vehicles were obtained, for use by law enforcement personnel and appropriate governmental agencies only;
 - (v) A statement of whether the vehicles were, or will be, crushed or disposed of, or offered for sale or other purposes;
 - (vi) A statement of whether the vehicle is intended for export out of the United States; and
 - (vii) The National Motor Vehicle Title Information System identification number of the business acquiring the vehicle.
- (e)

- (i) For purposes of this subsection, the term “motor vehicle” shall not include a vehicle which has been crushed or flattened by mechanical means such that it is no longer the motor vehicle as described by the certificate of title, or such that the vehicle identification number is no longer visible or accessible.
- (ii) In cases in which crushed or flattened vehicles are purchased or received, the purchasing or receiving used motor vehicle parts dealer or scrap metal processor shall verify that the seller has reported the vehicles in accordance with this subsection. Such verification may be in the form of a certification from the seller or a contract between the seller and the purchasing or receiving used motor vehicle parts dealer or scrap metal processor attesting to the seller's compliance with the reporting requirements of this subsection. Such verification must clearly identify the seller by a government issued photograph identification card or employer identification number, and the verification and copy of the identification card or number shall be maintained by the purchasing or receiving used motor vehicle parts dealer or scrap metal processor for a period of not less than two (2) years.
- (f) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be reported to the National Motor Vehicle Title Information System, in a format that will satisfy the requirement for reporting this information, in accordance with rules adopted by the United States Department of Justice in [28 C.F.R. 25.56](#).
- (g) Until such time as the department develops and makes available the Internet-based system described in paragraph (d) of this subsection, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within forty-eight (48) hours of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor which shall satisfy the requirements of paragraph (d).
- (h) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be made available only to law enforcement agencies and for purposes of canceling certificates of title. The information shall otherwise be considered to be confidential business information of the respective reporting entities.
- (i) All records required under the provisions of this subsection shall be maintained for a period of two (2) years by the reporting entity and shall include a scanned or photocopied copy of the seller's or seller's representative's driver's license or state-issued identification card or other valid form of identification.
- (j) A person who knowingly and willfully violates this subsection (1), or any person who knowingly and willfully falsifies or assists another person in falsifying the statement or information required under paragraph (b) or (d) of this subsection, or any person who knowingly and willfully sells a vehicle upon which there is an unsatisfied lien or security interest, or who purchases a vehicle without complying with either paragraph (a) or (b) of this subsection and who knowingly and willfully destroys or dismantles a vehicle upon which he knows that there is an unsatisfied lien or security interest shall:
 - (i) Be guilty of a misdemeanor, punishable by a fine not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense; or
 - (ii) Upon conviction of a second or subsequent offense, a felony, punishable by imprisonment for not less than one (1) year nor more than five (5) years or a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or both.

In addition, the court may order each person convicted to pay restitution to any party suffering monetary loss in the amount of such loss. No part of any sentence imposed by the court shall be suspended unless such restitution has been paid in full.

- (k) A person who knowingly and willfully fails to deliver the title as required under paragraph (a) of this subsection, or the statement required under paragraph (b) of this subsection to the Department of Revenue within seventy-two (72) hours of the completion of the transaction, or who, until such time as the department develops and makes available the Internet-based system described in paragraph (d), fails to deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within two (2) business days of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor shall be in violation of this section, and subject to a civil penalty of up to One Thousand Dollars (\$1,000.00) per violation. Actions to impose this penalty may be brought by any local or state law enforcement agency, district attorney, or by the Attorney General, in any court of competent jurisdiction. One-half (1/2) of the monies generated from such civil penalties shall be deposited in a special fund created in the State Treasury for use by the Department of Revenue's Title Bureau, and one-half (1/2) of the monies generated from such civil penalties shall be deposited in the general fund of the municipality if the suit was brought in a municipal court, or in the general fund of the county if the suit was brought in the court of a county.
- (2) For the purpose of requesting a branded title on a vehicle with a salvage certificate of title, every owner of a vehicle that has been issued a salvage certificate of title in this state or any other state which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to be issued shall make application to the Department of Revenue, accompanied by a certificate of inspection issued by the Department of Public Safety in the form and content specified in Section 63-21-15(5) and the payment of a fee of Seventy-five Dollars (\$75.00) for each motor vehicle for which a certificate of inspection is issued. In addition, the Department of Public Safety may charge such a person a fee in the amount of Twenty-five Dollars (\$25.00) for performing any vehicle identification number verification required by federal law or regulation for the vehicle for which the person is applying for a title. All such monies shall be collected by the Department of Public Safety and paid to the State Treasurer for deposit in a special fund that is hereby created in the State Treasury to be known as the "Salvage Certificate of Title Fund." Monies in the special fund may be expended by the Department of Public Safety, upon appropriation by the Legislature. The Department of Revenue shall establish by regulation the minimum requirements by which a vehicle which has been issued a salvage certificate of title may be issued a branded title.
- (3) Before a branded title may be issued for a vehicle for which a salvage certificate of title has been issued, the applicant shall submit, by hand delivery or mail, such documents and information to the Department of Public Safety as the department may require for the purpose of determining if the vehicle complies with the requirements of this section and all applicable regulations promulgated by the Commissioner of Public Safety and the Department of Revenue. The Department of Public Safety also may require that an applicant bring a vehicle for which application for a branded title is being made to a Highway Patrol facility for a visual inspection whenever the department deems that a visual inspection is necessary or advisable. Nothing in this section shall be construed to prohibit inspectors of the Mississippi Highway Patrol from conducting on-site inspections and investigations of motor vehicle rebuilders or motor vehicle repair businesses to determine if such businesses are in compliance with all applicable laws relating to the motor vehicle title laws of this state and regulations promulgated by the Commissioner of Public Safety and the Department of Revenue.

SECTION 7. Section [67-3-69](#), Mississippi Code of 1972, is amended as follows:

67-3-69.

- (1) Except as to Sections 67-3-17, 67-3-23, 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of this chapter or of any rule or regulation of the commissioner, shall be a misdemeanor and, where the punishment therefor is not elsewhere prescribed in this section, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than six (6) months, or both, in the

discretion of the court. If any person so convicted shall be the holder of any permit or license issued by the commissioner under authority of this chapter, the permit or license shall from and after the date of such conviction be void and the holder thereof shall not thereafter, for a period of one (1) year from the date of such conviction, be entitled to any permit or license for any purpose authorized by this chapter. Upon conviction of the holder of any permit or license, the appropriate law enforcement officer shall seize the permit or license and transmit it to the commissioner.

(2)

- (a)** Any person who shall violate any provision of Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.
 - (b)** Any person who shall violate any provision of Section 67-3-57 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than one (1) year, or by both, in the discretion of the court. Any person convicted of violating any provision of the sections referred to in this subsection shall forfeit his permit, and shall not thereafter be permitted to engage in any business taxable under the provisions of Sections 27-71-301 through 27-71-347.
- (3)** If the holder of a permit, or the employee of the holder of a permit, shall be convicted of selling any beer, light spirit product or wine to anyone who is visibly intoxicated from the licensed premises or to any person under the age of twenty-one (21) years from the licensed premises in violation of Section 67-3-53(b), then, in addition to any other penalty provided for by law, the commissioner may impose the following penalties against the holder of a permit:
- (a)** For the first offense on the licensed premises, by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) and/or suspension of the permit for not more than three (3) months.
 - (b)** For a second offense occurring on the licensed premises within twelve (12) months of the first offense, by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00) and/or suspension of the permit for not more than six (6) months.
 - (c)** For a third offense occurring on the licensed premises within twelve (12) months of the first, by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00) and/or suspension or revocation of the permit to sell beer, light spirit product or light wine.
 - (d)** For a fourth or subsequent offense occurring on the licensed premises within twelve (12) months of the first, by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00) and/or suspension or revocation of the permit to sell beer, light spirit product or light wine.
- (4)** A person who sells any beer, light spirit product or wine to a person under the age of twenty-one (21) years shall not be guilty of a violation of Section 67-3-53(b) if the person under the age of twenty-one (21) years represents himself to be twenty-one (21) years of age or older by displaying an apparently valid Mississippi driver's license containing a physical description consistent with his appearance or by displaying some other apparently valid identification card or document containing a picture and physical description consistent with his appearance for the purpose of inducing the person to sell beer, light spirit product or wine to him.
- (5)** If a small craft brewery is convicted of violating the provisions of Section 67-3-48, then, in addition to any other provision provided for by law, the small craft brewery shall be punished as follows:
- (a)** For the first offense, the small craft brewery may be fined in an amount not to exceed Five Hundred Dollars (\$500.00).

- (b) For a second offense occurring within twelve (12) months of the first offense, the small craft brewery may be fined an amount not to exceed One Thousand Dollars (\$1,000.00).
- (c) For a third or subsequent offense occurring within twelve (12) months of the first offense, the small craft brewery may be fined an amount not to exceed Five Thousand Dollars (\$5,000.00) and the permit to operate as a manufacturer shall be suspended for thirty (30) days.

SECTION 8. Section [75-9-503](#), Mississippi Code of 1972, is amended as follows:

75-9-503.

- (a) A financing statement sufficiently provides the name of the debtor:
 - (1) Except as otherwise provided in paragraph (3), if the debtor is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name that is stated to be the registered organization's name on the public organic record most recently filed with or issued or enacted by the registered organization's jurisdiction of organization which purports to state, amend or restate the registered organization's name;
 - (2) Subject to subsection (f) if the collateral is being administered by the personal representative of a decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that collateral is being administered by a personal representative;
 - (3) If the collateral is held in a trust that is not a registered organization, only if the financing statement:
 - (A) Provides, as the name of the debtor:
 - (i) If the organic record of the trust specifies a name for the trust, the name specified; or
 - (ii) If the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and
 - (B) In a separate part of the financing statement:
 - (i) If the name is provided in accordance with subparagraph (A)(i), indicates that the collateral is held in a trust; or
 - (ii) If the name is provided in accordance with subparagraph (A)(ii), provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;
 - (4) Subject to subsection (g), if the debtor is an individual to whom this state has issued a driver's license or nondriver's identification card that has not expired, or if the debtor furnishes a valid identification card issued by a federally recognized Indian tribe that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth that has not expired, only if the financing statement provides the name of the individual which is indicated on the driver's license, nondriver's identification card or tribal identification card;
 - (5) If the debtor is an individual to whom paragraph (4) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and
 - (6) In other cases:
 - (A) If the debtor has a name, only if the financing statement provides the organizational name of the debtor; and

- (B)** If the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.
- (b)** A financing statement that provides the name of the debtor in accordance with subsection (a) is not rendered ineffective by the absence of:
- (1)** A trade name or other name of the debtor; or
 - (2)** Unless required under subsection (a)(6)(B), names of partners, members, associates, or other persons comprising the debtor.
- (c)** A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.
- (d)** Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.
- (e)** A financing statement may provide the name of more than one (1) debtor and the name of more than one (1) secured party.
- (f)** The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under subsection (a)(2).
- (g)** If this state has issued to an individual more than one (1) driver's license or nondriver's identification card of a kind described in subsection (a)(4), the one that was issued most recently is the one to which subsection (a)(4) refers.
- (h)** In this section, the "name of the settlor or testator" means:
- (1)** If the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the settlor's jurisdiction of organization which purports to state, amend, or restate the settlor's name; or
 - (2)** In other cases, the name of the settlor or testator indicated in the trust's organic record.

SECTION 9. Section [75-24-29](#), Mississippi Code of 1972, is amended as follows:

75-24-29.

- (1)** This section applies to any person who conducts business in this state and who, in the ordinary course of the person's business functions, owns, licenses or maintains personal information of any resident of this state.
- (2)** For purposes of this section, the following terms shall have the meanings ascribed unless the context clearly requires otherwise:
 - (a)** "Breach of security" means unauthorized acquisition of electronic files, media, databases or computerized data containing personal information of any resident of this state when access to the personal information has not been secured by encryption or by any other method or technology that renders the personal information unreadable or unusable;
 - (b)** "Personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements:
 - (i)** Social security number;
 - (ii)** Driver's license number, state identification card number or tribal identification card number; or
 - (iii)** An account number or credit or debit card number in combination with any required security code, access code or password that would permit access to an individual's financial account;

“personal information” does not include publicly available information that is lawfully made available to the general public from federal, state or local government records or widely distributed media;

(iv) “Affected individual” means any individual who is a resident of this state whose personal information was, or is reasonably believed to have been, intentionally acquired by an unauthorized person through a breach of security.

- (3) A person who conducts business in this state shall disclose any breach of security to all affected individuals. The disclosure shall be made without unreasonable delay, subject to the provisions of subsections (4) and (5) of this section and the completion of an investigation by the person to determine the nature and scope of the incident, to identify the affected individuals, or to restore the reasonable integrity of the data system. Notification shall not be required if, after an appropriate investigation, the person reasonably determines that the breach will not likely result in harm to the affected individuals.
- (4) Any person who conducts business in this state that maintains computerized data which includes personal information that the person does not own or license shall notify the owner or licensee of the information of any breach of the security of the data as soon as practicable following its discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person for fraudulent purposes.
- (5) Any notification required by this section shall be delayed for a reasonable period of time if a law enforcement agency determines that the notification will impede a criminal investigation or national security and the law enforcement agency has made a request that the notification be delayed. Any such delayed notification shall be made after the law enforcement agency determines that notification will not compromise the criminal investigation or national security and so notifies the person of that determination.
- (6) Any notice required by the provisions of this section may be provided by one (1) of the following methods: (a) written notice; (b) telephone notice; (c) electronic notice, if the person’s primary means of communication with the affected individuals is by electronic means or if the notice is consistent with the provisions regarding electronic records and signatures set forth in 15 USCS 7001; or (d) substitute notice, provided the person demonstrates that the cost of providing notice in accordance with paragraph (a), (b) or (c) of this subsection would exceed Five Thousand Dollars (\$5,000.00), that the affected class of subject persons to be notified exceeds five thousand (5,000) individuals or the person does not have sufficient contact information. Substitute notice shall consist of the following: electronic mail notice when the person has an electronic mail address for the affected individuals; conspicuous posting of the notice on the website of the person if the person maintains one; and notification to major statewide media, including newspapers, radio and television.
- (7) Any person who conducts business in this state that maintains its own security breach procedures as part of an information security policy for the treatment of personal information, and otherwise complies with the timing requirements of this section, shall be deemed to be in compliance with the security breach notification requirements of this section if the person notifies affected individuals in accordance with the person’s policies in the event of a breach of security. Any person that maintains such a security breach procedure pursuant to the rules, regulations, procedures or guidelines established by the primary or federal functional regulator, as defined in 15 USCS 6809(2), shall be deemed to be in compliance with the security breach notification requirements of this section, provided the person notifies affected individuals in accordance with the policies or the rules, regulations, procedures or guidelines established by the primary or federal functional regulator in the event of a breach of security of the system.
- (8) Failure to comply with the requirements of this section shall constitute an unfair trade practice and shall be enforced by the Attorney General; however, nothing in this section may be construed to create a private right of action.

SECTION 10. Section [75-67-305](#), Mississippi Code of 1972, is amended as follows:

75-67-305.

- (1) At the time of making the pawn or purchase transaction, the pawnbroker shall enter upon the pawn ticket a record of the following information which shall be typed or written in ink and in the English language:
 - (a) A clear and accurate description of the property, including the following:
 - (i) Brand name;
 - (ii) Model number;
 - (iii) Serial number;
 - (iv) Size;
 - (v) Color, as apparent to the untrained eye;
 - (vi) Precious metal type, weight and content, if known;
 - (vii) Gemstone description, including the number of stones;
 - (viii) In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length and finish; and
 - (ix) Any other unique identifying marks, numbers, names or letters;
 - (b) The name, residence address and date of birth of pledgor or seller;
 - (c) Date of pawn or purchase transaction;
 - (d) Driver's license number, social security number, Mississippi identification card number, as defined in Section 45-35-1, or tribal identification card number of the pledgor or seller or identification information verified by at least two (2) forms of identification, one (1) of which must be a photographic identification;
 - (e) Description of the pledgor including approximate height, sex and race;
 - (f) Amount of cash advanced;
 - (g) The maturity date of the pawn transaction and the amount due; and
 - (h) The monthly rate and pawn charge. Such rates and charges shall be disclosed using the requirements prescribed in Regulation Z (Truth in Lending) of the rules and regulations of the Board of Governors of the Federal Reserve.
- (2) Each pawn or purchase transaction document shall be consecutively numbered and entered in a corresponding log or record book. Separate logs or record books for pawn and purchase transactions shall be kept.
- (3) Records may be in the form of traditional hard copies, computer printouts or magnetic media if readily accessible for viewing on a screen with the capability of being promptly printed upon request.
- (4) Every licensee shall maintain a record which indicates the total number of accounts and the total dollar value of all pawn transactions outstanding as of December 31 of each year.

SECTION 11. Section [75-95-5](#), Mississippi Code of 1972, is amended as follows:

75-95-5.

- (1) Each dealer shall keep the following information for six (6) months from the date of purchase of a precious item:

- (a) The name, current address, date of birth and signature of the person from whom the dealer purchased the item.
- (b) A description of the person, including height, weight, race, complexion and hair color.
- (c) A copy and the serial number of a valid identification card number, as required under subsection (2).
- (d) A list describing the items purchased from that person.

Upon the request of a local law enforcement agency, the dealer must make available any of the information required under this subsection.

- (2) Before making a purchase, a dealer shall require the person from whom he or she is purchasing the precious item to identify himself or herself with a valid driver's license, nondriver's identification card, armed services identification card, tribal identification card or other valid photo identification sufficient to obtain the information required under subsection (1). The photo identification must contain a traceable serial number, which must be recorded by the dealer. The local law enforcement agency shall make available to each dealer a list of the forms of photo identification that are acceptable under this chapter. A valid, unexpired tribal identification card is acceptable under this chapter.
- (3) Each dealer, at least once each week in which he or she makes a purchase, shall make out and deliver to the local law enforcement agency a true, complete and legible list of all items purchased during the period since the last report. If the local law enforcement agency has issued forms for the making of the reports, the dealer must use those forms to meet the requirements of this subsection. The list of items must include the following:
 - (a) The brand name and serial number, if any, of the item or items purchased.
 - (b) An accurate description of each item sufficient to enable the law enforcement agency to identify the item.
 - (c) The date and time when the item was received.
 - (d) The amount paid for each item.
 - (e) All information required under subsection (1) of this section.

SECTION 12. Section [93-1-5](#), Mississippi Code of 1972, is amended as follows:

93-1-5.

- (1) Every male who is at least seventeen (17) years old and every female who is at least fifteen (15) years old shall be capable in law of contracting marriage. However, males and females under the age of twenty-one (21) years must furnish the circuit clerk satisfactory evidence of consent to the marriage by the parents or guardians of the parties. It shall be unlawful for the circuit court clerk to issue a marriage license until the following conditions precedent have been complied with:
 - (a) Application for the license is to be made in writing to the clerk of the circuit court of any county in the State of Mississippi. The application shall be sworn to by both applicants and shall include:
 - (i) The names, ages and addresses of the parties applying;
 - (ii) The names and addresses of the parents of the applicants, and, for applicants under the age of twenty-one (21), if no parents, then names and addresses of the guardian or next of kin;
 - (iii) The signatures of witnesses; and
 - (iv) Any other data that may be required by law or the State Board of Health.
 - (b) Proof of age shall be presented to the circuit court clerk in the form of either a birth certificate, baptismal record, armed service discharge, armed service identification card, life insurance policy, insurance certificate, school record, driver's license, tribal identification card or other official

document evidencing age. The document substantiating age and date of birth shall be examined by the circuit court clerk before whom application is made, and the circuit court clerk shall retain in his file with the application the document or a certified or photostatic copy of the document.

- (c) Applicants under the age of twenty-one (21) must submit affidavits showing the age of both applying parties made by either the father, mother, guardian or next of kin of each of the contracting parties and filed with the clerk of the circuit court along with the application.
- (d) If the male applicant is under seventeen (17) years of age or the female is under fifteen (15) years of age, and satisfactory proof is furnished to the judge of any circuit, chancery or county court that sufficient reasons exist and that the parties desire to be married to each other and that the parents or other person in loco parentis of the person or persons so under age consent to the marriage, then the judge of any such court in the county where either of the parties resides may waive the minimum age requirement and by written instrument authorize the clerk of the court to issue the marriage license to the parties if they are otherwise qualified by law. Authorization shall be a part of the confidential files of the clerk of the court, subject to inspection only by written permission of the judge.
- (e) In no event shall a license be issued by the circuit court clerk when it appears to the circuit court clerk that the applicants are, or either of them is:
 - (i) Intoxicated; or
 - (ii) Suffering from a mental illness or an intellectual disability to the extent that the clerk believes that the person does not understand the nature and consequences of the application for a marriage license.
- (2) Any circuit clerk shall be liable under his official bond because of noncompliance with the provisions of this section.
- (3) Any circuit court clerk who issues a marriage license without complying with the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).

SECTION 13. Section [93-29-13](#), Mississippi Code of 1972, is amended as follows:

93-29-13. Factors to Determine Risk of Abduction.

- (a) In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent:
 - (1) Has previously abducted or attempted to abduct the child;
 - (2) Has threatened to abduct the child;
 - (3) Has recently engaged in activities that may indicate a planned abduction, including:
 - (A) Abandoning employment;
 - (B) Selling a primary residence;
 - (C) Terminating a lease;
 - (D) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents or conducting any unusual financial activities;
 - (E) Applying for a passport or visa or obtaining travel documents for the respondent, a family member or the child; or
 - (F) Seeking to obtain the child's birth certificate or school or medical records;
 - (4) Has engaged in domestic violence, stalking or child abuse or neglect;

- (5)** Has refused to follow a child-custody determination;
 - (6)** Lacks strong familial, financial, emotional or cultural ties to the state or the United States;
 - (7)** Has strong familial, financial, emotional or cultural ties to another state or country;
 - (8)** Is likely to take the child to a country that:
 - (A)** Is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;
 - (B)** Is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:
 - (i)** The Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;
 - (ii)** Is noncompliant according to the most recent compliance report issued by the United States Department of State; or
 - (iii)** Lacks legal mechanisms for immediately and effectively enforcing a return order under the Hague Convention on the Civil Aspects of International Child Abduction;
 - (C)** Poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children;
 - (D)** Has laws or practices that would:
 - (i)** Enable the respondent, without due cause, to prevent the petitioner from contacting the child;
 - (ii)** Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status or religion; or
 - (iii)** Restrict the child's ability legally to leave the country after the child reaches the age of majority because of a child's gender, nationality or religion;
 - (E)** Is included by the United States Department of State on a current list of state sponsors of terrorism;
 - (F)** Does not have an official United States diplomatic presence in the country; or
 - (G)** Is engaged in active military action or war, including a civil war, to which the child may be exposed;
 - (9)** Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;
 - (10)** Has had an application for United States citizenship denied;
 - (11)** Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a social security card, a driver's license, nondriver identification card, tribal identification card or other government-issued identification card or has made a misrepresentation to the United States government;
 - (12)** Has used multiple names to attempt to mislead or defraud; or
 - (13)** Has engaged in any other conduct the court considers relevant to the risk of abduction.
- (b)** In the hearing on a petition under this chapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

SECTION 14. Section 97-17-71, Mississippi Code of 1972, is amended as follows:

97-17-71.

- (1) For the purposes of this section, the following terms shall have the meanings ascribed in this section:
 - (a) "Railroad materials" means any materials, equipment and parts used in the construction, operation, protection and maintenance of a railroad.
 - (b) "Copper materials" means any copper wire, bars, rods or tubing, including copper wire or cable or coaxial cable of the type used by public utilities, common carriers or communication services providers, whether wireless or wire line, copper air conditioner evaporator coil or condenser, aluminum copper radiators not attached to a motor vehicle, or any combination of these.
 - (c) "Aluminum materials" means any aluminum cable, bars, rods or tubing of the type used to construct utility, communication or broadcasting towers, aluminum utility wire and aluminum irrigation pipes or tubing. "Aluminum materials" does not include aluminum cans that have served their original economic purpose.
 - (d) "Law enforcement officer" means any person appointed or employed full time by the state or any political subdivision thereof, or by the state military department as provided in Section 33-1-33, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal traffic laws of this state or the ordinances of any political subdivision thereof.
 - (e) "Metal property" means materials as defined in this section as railroad track materials, copper materials and aluminum materials and electrical, communications or utility brass, metal covers for service access and entrances to sewers and storm drains, metal bridge pilings, irrigation wiring and other metal property attached to or part of center pivots, grain bins, stainless steel sinks, catalytic converters not attached to a motor vehicle and metal beer kegs. Metal property does not include ferrous materials not listed in this section.
 - (f) "Person" means an individual, partnership, corporation, joint venture, trust, limited liability company, association or any other legal or commercial entity.
 - (g) "Personal identification card" means any government issued photographic identification card including a valid identification card issued by a federally recognized Indian tribe that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth.
 - (h) "Photograph" or "photographically" means a still photographic image, including images captured in digital format, that are of such quality that the persons and objects depicted are clearly identifiable.
 - (i) "Purchase transaction" means a transaction in which a person gives consideration in exchange for metal property.
 - (j) "Purchaser" means a person who gives consideration in exchange for metal property.
 - (k) "Record" or "records" means a paper, electronic or other method of storing information.
 - (l) "Scrap metal dealer" means any person who is engaged, from a fixed location or otherwise, in the business of paying compensation for metal property that has served its original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value.
- (2) Every scrap metal dealer or other purchaser shall keep an accurate and legible record in which he shall enter the following information for each purchase transaction:

- (a) The name, address and age of the person from whom the metal property is purchased as obtained from the seller's personal identification card;
- (b) The date and place of each acquisition of the metal property;
- (c) The weight, quantity or volume and a general physical description of the type of metal property, such as wire, tubing, extrusions or casting, purchased in a purchase transaction;
- (d) The amount of consideration given in a purchase transaction for the metal property;
- (e) The vehicle license tag number, state of issue and the make and type of the vehicle used to deliver the metal property to the purchaser;
- (f) If a person other than the seller delivers the metal property to the purchaser, the name, address and age of the person who delivers the metal property;
- (g) A signed statement from the person receiving consideration in the purchase transaction stating that he is the rightful owner of the metal property or is entitled to sell the metal property being sold;
- (h)

 - (i) A scanned copy or a photocopy of the personal identification card of the person receiving consideration in the purchase transaction; or
 - (ii) If a person other than the seller delivers the metal property to the purchaser, a scanned copy or a photocopy of the personal identification card of the person delivering the metal property to the purchaser; and
- (i) A photograph, videotape or similar likeness of the person receiving consideration or any person other than the seller who delivers the metal property to the purchaser in which the person's facial features are clearly visible and in which the metal property the person is selling or delivering is clearly visible.

Such records shall be maintained by the scrap metal dealer or purchaser for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer during usual and customary business hours.
- (3) The purchaser of metal property must hold the metal property separate and identifiable from other purchases for not less than three (3) business days from the date of purchase. The purchaser shall also photographically capture the metal property in the same form, without change, in which the metal property was acquired, and maintain the photograph for a period of not less than two (2) years. The time and date shall be digitally recorded on the photograph, and the identity of the person taking the photograph shall be recorded. The purchaser shall permit any law enforcement officer to make an inspection of the metal property during the holding period, and of all photographs of the metal property. Any photograph of metal property taken and maintained pursuant to this subsection shall be admissible in any civil or criminal proceeding.
- (4) During the usual and customary business hours of a scrap metal dealer or other purchaser, a law enforcement officer, after proper identification as a law enforcement officer, shall have the right to inspect all purchased metal property in the possession of the scrap metal dealer or purchaser.
- (5)

 - (a) Whenever a law enforcement officer has reasonable cause to believe that any item of metal property in the possession of a scrap metal dealer or other purchaser has been stolen, a law enforcement officer who has an affidavit from the alleged rightful owner of the property identifying the property with specificity, including any identifying markings, may issue and deliver a written hold notice to the scrap metal dealer or other purchaser. The hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the hold notice. Upon receipt of the notice, the scrap metal dealer or other purchaser may not process or remove the metal property identified in the notice from the place of business of the scrap metal

dealer or purchaser for fifteen (15) calendar days after receipt of the notice, unless sooner released by a law enforcement officer.

- (b)** No later than the expiration of the fifteen-day period, a law enforcement officer, after receiving additional substantive evidence beyond the initial affidavit, may issue and deliver a second written hold notice, which shall be an extended hold notice. The extended hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the extended hold notice. Upon receipt of the extended hold notice, the scrap metal dealer or purchaser may not process or remove the items of metal property identified in the notice from the place of business of the scrap metal dealer or purchaser for fifteen (15) calendar days after receipt of the extended hold notice, unless sooner released by a law enforcement officer.
 - (c)** At the expiration of the hold period or, if extended in accordance with this subsection, at the expiration of the extended hold period, the hold is automatically released, then the scrap metal dealer or purchaser may dispose of the metal property unless other disposition has been ordered by a court of competent jurisdiction.
 - (d)** If the scrap metal dealer or other purchaser contests the identification or ownership of the metal property, the party other than the scrap metal dealer or other purchaser claiming ownership of any metal property in the possession of a scrap metal dealer or other purchaser, provided that a timely report of the theft of the metal property was made to the proper authorities, may bring a civil action in the circuit court of the county in which the scrap metal dealer or purchaser is located. The petition for the action shall include the means of identification of the metal property utilized by the petitioner to determine ownership of the metal property in the possession of the scrap metal dealer or other purchaser.
 - (e)** When a lawful owner recovers stolen metal property from a scrap metal dealer or other purchaser who has complied with this section, and the person who sold the metal property to the scrap metal dealer or other purchaser is convicted of a violation of this section, or theft by receiving stolen property under Section 97-17-70, the court shall order the convicted person to make full restitution to the scrap metal dealer or other purchaser, including, without limitation, attorney's fees, court costs and other expenses.
- (6)** This section shall not apply to purchases of metal property from any of the following:
- (a)** A law enforcement officer acting in an official capacity;
 - (b)** A trustee in bankruptcy, executor, administrator or receiver who has presented proof of such status to the scrap metal dealer;
 - (c)** Any public official acting under a court order who has presented proof of such status to the scrap metal dealer;
 - (d)** A sale on the execution, or by virtue of any process issued by a court, if proof thereof has been presented to the scrap metal dealer; or
 - (e)** A manufacturing, industrial or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business.
- (7)** It shall be unlawful for any person to give a false statement of ownership or to give a false or altered identification or vehicle tag number and receive money or other consideration from a scrap metal dealer or other purchaser in return for metal property.
- (8)** A scrap metal dealer or other purchaser shall not enter into any cash transactions in payment for the purchase of metal property. Payment shall be made by check issued to the seller of the metal, made payable to the name and address of the seller and mailed to the recorded address of the seller, or by electronic funds transfer. Payment shall not be made for a period of three (3) days after the purchase transaction.

- (9) If a person acquiring metal property fails to maintain the records or to hold such materials for the period of time prescribed by this section, such failure shall be prima facie evidence that the person receiving the metal property received it knowing it to be stolen in violation of Section 97-17-70.
- (10) It shall be unlawful for any person to transport or cause to be transported for himself or another from any point within this state to any point outside this state any metal property, unless the person or entity first reports to the sheriff of the county from which he departs this state transporting such materials the same information that a purchaser in this state would be required to obtain and keep in a record as set forth in subsection (2) of this section. In such a case the sheriff receiving the report shall keep the information in records maintained in his office as a public record available for inspection by any person at all reasonable times. This section shall not apply to a public utility, as that term is defined in Section 77-3-3, engaged in carrying on utility operations; to a railroad, as that term is defined in Section 77-9-5; to a communications service provider, whether wireless or wire line; to a scrap metal dealer; or to a person identified in subsection (6) as being exempt from the provisions of this section.
- (11) It shall be unlawful for a scrap metal dealer or other purchaser to knowingly purchase or possess a metal beer keg, or a metal syrup tank generally used by the soft drink industry, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal. However, it shall not be unlawful to purchase or possess a metal syrup tank generally used by the soft drink industry if the scrap metal dealer or other purchaser obtains a bill of sale at the time of purchase from a seller if the seller is a manufacturer of such tanks, a soft drink company or a soft drink distributor.
- (12) It shall be unlawful to sell to a scrap metal dealer any bronze vase and/or marker, memorial, statue, plaque, or other bronze object used at a cemetery or other location where deceased persons are interred or memorialized, or for any such dealer to purchase those objects, unless the source of the bronze is known and notice is provided to the municipal or county law enforcement agency where the dealer is located. The notice shall identify all names, letters, dates and symbols on the bronze and a photograph of the bronze shall be attached thereto. Written permission from the cemetery and the appropriate law enforcement agency must be received before any type of bronze described in this subsection may be purchased, processed, sold or melted.
- (13) It shall be unlawful for any scrap metal dealer to purchase any manhole cover and other similar types of utility access covers, including storm drain covers, or any metal property clearly identified as belonging to a political subdivision of the state or a municipality, unless that metal property is purchased from the political subdivision, the municipal utility or the manufacturer of the metal. Any purchaser who purchases metal property in bulk shall be allowed twenty-four (24) hours to determine if any metal property prohibited by this subsection is included in a bulk purchase. If such prohibited metal property is included in a bulk purchase, the purchaser shall notify law enforcement no later than twenty-four (24) hours after the purchase.
- (14) It shall be unlawful for a scrap metal dealer or other purchaser to purchase metal property from a person younger than eighteen (18) years of age.
- (15) Metal property may not be purchased, acquired or collected between the hours of 9:00 p.m. and 6:00 a.m.
- (16) Except as provided in this subsection, any person willfully or knowingly violating the provisions of this section shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) per offense, unless the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, are in aggregate an amount which exceeds One Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars (\$5,000.00), in which case the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed five (5) years, fined not more than Ten Thousand Dollars (\$10,000.00), or both. Any person found guilty of stealing metal property or receiving metal property, knowing it to be stolen in violation of Section 97-17-70, shall

be ordered to make full restitution to the victim, including, without limitation, restitution for property damage that resulted from the theft of the property.

- (17) If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, are in aggregate an amount which exceeds Five Thousand Dollars (\$5,000.00) but less than Twenty-five Thousand Dollars (\$25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed ten (10) years, fined not more than Ten Thousand Dollars (\$10,000.00), or both.
- (18) If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, are in aggregate an amount which exceeds Twenty-five Thousand Dollars (\$25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed twenty (20) years, fined not more than Ten Thousand Dollars (\$10,000.00), or both.
- (19) This section shall not be construed to repeal other criminal laws. Whenever conduct proscribed by any provision of this section is also proscribed by any other provision of law, the provision which carries the more serious penalty shall be applied.
- (20) This section shall apply to all businesses regulated under this section without regard to the location within the State of Mississippi.
- (21) This section shall not be construed to prohibit municipalities and counties from enacting and implementing ordinances, rules and regulations that impose stricter requirements relating to purchase transactions.

SECTION 15. Section [97-45-1](#), Mississippi Code of 1972, is amended as follows:

97-45-1.

For the purposes of this chapter, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

- (a) "Access" means to program, to execute programs on, to communicate with, store data in, retrieve data from or otherwise make use of any resources, including data or programs, of a computer, computer system or computer network.
- (b) "Computer" includes an electronic, magnetic, optical or other high-speed data processing device or system performing logical arithmetic and storage functions and includes any property, data storage facility or communications facility directly related to or operating in conjunction with such device or system. "Computer" shall not include an automated typewriter or typesetter, a machine designed solely for word processing which contains no database intelligence or a portable hand-held calculator nor shall "computer" include any other device which contains components similar to those in computers but in which the components have the sole function of controlling the device for the single purpose for which the device is intended unless the thus controlled device is a processor of data or is a storage of intelligence in which case it too is included.
- (c) "Computer network" means a set of related, remotely connected devices and communication facilities including at least one (1) computer system with the capability to transmit data through communication facilities.
- (d) "Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.
- (e) "Computer software" means a set of computer programs, procedures and associated documentation concerned with operation of a computer system.

- (f) “Computer system” means a set of functionally related, connected or unconnected, computer equipment, devices or computer software.
- (g) “Computer services” means providing access to or service or data from a computer, a computer system or a computer network and includes the actual data processing.
- (h) “Credible threat” means a threat made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety.
- (i) “Loss or damage” includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred or other consequential damages incurred because of interruption of service.
- (j) “Device” includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic or other impulses.
- (k) “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric or photo-optical system.
- (l) “Electronic mail” means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder or other electronic means sent to a person identified by a unique address or address number and received by that person.
- (m) “Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- (n) “Financial instrument” means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card as defined in Section 97-19-9(b), Mississippi Code of 1972, or marketable security.
- (o) “Financial transaction device” means any of the following:

 - (i) An electronic funds transfer card.
 - (ii) A credit card.
 - (iii) A debit card.
 - (iv) A point-of-sale card.
 - (v) Any instrument, device, card, plate, code, account number, personal identification number, or a record or copy of a code, account number, or personal identification number or other means of access to a credit account or deposit account, or a driver’s license or state identification card used to access a proprietary account, other than access originated solely by a paper instrument, that can be used alone or in conjunction with another access device, for any of the following purposes.

 1. Obtaining money, cash refund or credit account credit, goods, services or any other thing of value.
 2. Certifying or guaranteeing to a person or business the availability to the device holder of funds on deposit to honor a draft or check payable to the order of that person or business.
 3. Providing the device holder access to a deposit account for the purpose of making deposits, withdrawing funds, transferring funds between deposit accounts, obtaining information pertaining to a deposit account or making an electronic funds transfer.
- (p) “Intellectual property” includes data, computer programs, computer software, trade secrets, copyrighted materials and confidential or proprietary information in any form or medium when such

is stored in, produced by or intended for use or storage with or in a computer, a computer system or a computer network.

- (q) “Internet” means that term as defined in Section 230 of Title II of the Communications Act of 1934, Chapter 652, 110 Stat. 137, 47 USCS 230.
- (r) “Medical records” includes, but is not limited to, medical and mental health histories, reports, summaries, diagnoses and prognoses, treatment and medication information, notes, entries, and x-rays and other imaging records.
- (s) “Personal identity information” means any of the following information of another person:
 - (i) A social security number.
 - (ii) A driver’s license number, state personal identification card number or tribal identification card number.
 - (iii) Employment information.
 - (iv) Information regarding any financial account held by another person including, but not limited to, any of the following:
 1. A savings or checking account number.
 2. A financial transaction device account number.
 3. A stock or other security certificate or account number.
 4. A personal information number for an account described in items 1 through 4.
- (t) “Post a message” means transferring, sending, posting, publishing, disseminating, or otherwise communicating or attempting to transfer, send, post, publish, disseminate or otherwise communicate information, whether truthful or untruthful, about the victim.
- (u) “Property” means property as defined in Section 1-3-45, Mississippi Code of 1972, and shall specifically include, but not be limited to, financial instruments, electronically stored or produced data and computer programs, whether in machine readable or human readable form.
- (v) “Proper means” includes:
 - (i) Discovery by independent invention;
 - (ii) Discovery by “reverse engineering”; that is, by starting with the known product and working backward to find the method by which it was developed. The acquisition of the known product must be by lawful means;
 - (iii) Discovery under license or authority of the owner;
 - (iv) Observation of the property in public use or on public display; or
 - (v) Discovery in published literature.
- (w) “Unconsented contact” means any contact with another individual that is initiated or continued without that individual’s consent or in disregard of that individual’s expressed desire that the contact be avoided or discontinued. Unconsented contact includes any of the following:
 - (i) Following or appearing within sight of the victim.
 - (ii) Approaching or confronting the victim in a public place or on private property.
 - (iii) Appearing at the victim’s workplace or residence.
 - (iv) Entering onto or remaining on property owned, leased or occupied by the victim.
 - (v) Contacting the victim by telephone.

- (vi) Sending mail or electronic communications to the victim through the use of any medium, including the Internet or a computer, computer program, computer system or computer network.
- (vii) Placing an object on, or delivering or having delivered an object to, property owned, leased or occupied by the victim.
- (x) "Use" means to make use of, to convert to one's service, to avail oneself of or to employ. In the context of this chapter, "use" includes to instruct, communicate with, store data in or retrieve data from, or otherwise utilize the logical arithmetic or memory functions of a computer.
- (y) "Victim" means the individual who is the target of the conduct elicited by the posted message or a member of that individual's immediate family.

SECTION 16. Section [45-35-13](#), Mississippi Code of 1972, is amended as follows:

45-35-13.

- (1) No person shall:
 - (a) Display, or cause or permit to be displayed, or have in his possession, any cancelled, fictitious, fraudulently altered or fraudulently obtained identification cards;
 - (b) Lend an identification card to any person or knowingly permit the use thereof by another;
 - (c) Display or represent any identification card not issued to him as being his card;
 - (d) Permit any unlawful use of an identification card issued to him;
 - (e) Do any act forbidden or fail to perform any act required by this article;
 - (f) Photograph, photostat, duplicate or in any way reproduce, manufacture, sell or distribute any identification card or facsimile thereof so that it could be mistaken for a valid identification card; or
 - (g) Display or have in his possession any photograph, photostat, duplicate, reproduction or facsimile of an identification card unless authorized by the provisions of this article.
- (2) Any person convicted of a violation of any provision of **paragraph** (a), (b), (c), (d), (e) or (g) of subsection (1) of this section is guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.
- (3) Any person under twenty-one (21) years of age at the time of the offense who is convicted of a violation of paragraph (f) of subsection (1) of this section shall be punished as follows:
 - (a) A first offense shall be a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.
 - (b) A second or subsequent offense, the offenses being committed within a period of five (5) years, shall be a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.
- (4) Any person twenty-one (21) years of age or older at the time of the offense who is convicted of a violation of paragraph (f) of subsection (1) of this section is guilty of a felony and shall be punished by a fine of not less than Five Thousand Dollars (\$5,000.00), or imprisonment for not more than three (3) years, or by both such fine and imprisonment.

SECTION 17.

This act shall take effect and be in force from and after July 1, 2021.

History

Approved by the Governor March 18, 2021

Effective date: July 1, 2021

Sponsor

Bounds

MISSISSIPPI ADVANCE LEGISLATIVE SERVICE
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