

STATE OF MISSISSIPPI



JIM HOOD  
ATTORNEY GENERAL

OPINIONS  
DIVISION

August 27, 2018

Robert Lawrence, Esq.  
City of Crystal Springs  
Post Office Box 473  
Crystal Springs, Mississippi 39059-0473

Re: Prosecutor Training for Concealed Weapons Carry

Dear Mr. Lawrence:

Attorney General Jim Hood has received your request for an opinion and assigned it to me for research and reply.

### Background and Issues Presented

Your request letter states:

As City Attorney for the City of Crystal Springs, Mississippi, and City prosecutor for Crystal Springs and the Town of Wesson, I am requesting an opinion on the following facts and questions.

#### Facts:

The concealed carry firearms laws are extremely confusing and contradictory. My questions concern the authority of a prosecutor to carry a concealed weapon under Section 97-37-7 (2) MCA which requires completion of "...a weapons training course approved by the Board of Law Enforcement Officer Standards and Training." (BLEOST) The training courses required to obtain an enhanced carry endorsement are approved by BLEOST for enhanced carry certification but I cannot find if enhanced carry training approved by BLEOST qualifies for prosecutor training.

#### Question:

Under the facts as stated, I have the following questions:

1. Does successful completion of a BLEOST approved course for an

enhanced carry permit meet the requirements for prosecutor training under Section 97-37-7 (2) MCA?

2. If the answer to question 1 is affirmative what documentation is necessary for a prosecutor to meet the requirements of Section 97-37-7 (2) MCA?

3. Is a prosecutor authored to concealed carry under Section 97-37-7 (2) MCA authorized to carry in the court room in which he is prosecuting with the Judge's permission?

### Legal Analysis and Response

In general, Section 97-37-1 of the Mississippi Code Annotated criminalizes the concealed carry of a pistol or revolver. There are various exceptions, including certain conditions, prescribed in Section 97-37-1. Your request, however, seems to deal with one, if not two, exceptions set forth in Section 97-37-7. The first exception deals with prosecutors and other state officials. With regard to this exception, the statute states, in relevant part:

***It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by Department of Wildlife, Fisheries and Parks law enforcement officers, railroad special agents who are sworn law enforcement officers, investigators employed by the Attorney General, criminal investigators employed by the district attorneys, all prosecutors, public defenders, investigators or probation officers employed by the Department of Corrections, employees of the State Auditor who are authorized by the State Auditor to perform investigative functions, or any deputy fire marshal or investigator employed by the State Fire Marshal, while engaged in the performance of their duties as such, or by fraud investigators with the Department of Human Services, or by judges of the Mississippi Supreme Court, Court of Appeals, circuit, chancery, county, justice and municipal courts, or by coroners. Before any person shall be authorized under this subsection to carry a weapon, he shall complete a weapons training course approved by the Board of Law Enforcement Officer Standards and Training.***

Miss. Code Ann. Section 97-37-7 (as amended).

The weapons course mentioned above is prescribed by the Board of Law Enforcement Officer Standards and Training ("BLEOST") and is related only to the concealed carry exception granted to prosecutors and the other listed persons. This training is that which is required for a prosecutor to carry a concealed weapon. The statute does not require any documentation, or any specific type of documentation, as a requirement for concealed carry; however, it is common practice, as we understand, that the instructor

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for a BLEOST approved course will provide the person with a letter or other documentary evidence of training. If you have further questions regarding documentation, we suggest that you contact BLEOST or, if applicable, the instructor for the course.

Your final question asks whether a prosecutor, who has obtained the judge's permission, may carry a concealed weapon into the courtroom. The last sentence of Section 97-37-7(2) provides: "This section shall in no way interfere with the right of a trial judge to restrict the carrying of firearms in the courtroom." Section 45-9-101(13) similarly states nothing in it "shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his courtroom." Accordingly, it is the opinion of this office that a prosecutor who has completed the approved BLEOST training may carry a concealed weapon in a courtroom with the judge's permission.

As a point of clarification, your letter states that "[t]he training courses required to obtain an **enhanced carry endorsement are approved by BLEOST for enhanced carry certification . . .**" An enhanced carry endorsement does not relate to prosecutors or the other individuals listed below. Instead, "enhanced carry" relates to licenses granted under Section 45-9-101 and optional further training provided for in another provision of Section 97-37-7(2). This additional provision provides:

A person licensed under Section 45-9-101 to carry a concealed pistol, who (a) has voluntarily completed an instructional course in the safe handling and use of firearms offered by an instructor certified by a nationally recognized organization that customarily offers firearms training, or by any other organization approved by the Department of Public Safety . . . shall also be authorized to carry weapons in courthouses except in courtrooms during a judicial proceeding, and any location listed in subsection (13) of Section 45-9-101. . .

Miss. Code Ann. Section 97-37-7 (as amended). This "endorsement" is an additional right granted to a holder of a license under Section 45-9-101. The course required for this endorsement is approved by the Department of Public Safety and is applicable to concealed carry license holders. A person receiving BLEOST training is not by virtue of that training entitled to a license, and BLEOST training is not for the purpose of obtaining an "enhanced carry endorsement."

If this office can be of further assistance, do not hesitate to contact us.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:



Ricky G. Luke  
Assistant Attorney General