

**Quick Reference: Regulations Concerning the Possession of Weapons within Mississippi National Parks
Revised August 26, 2010**

Introduction:

Effective February 22, 2010, a new law passed by Congress addresses the possession of firearms in all national parks and wildlife refuges. This law (P.L. 111-24 §512) supersedes certain applications of Section 2.4(a)(1)(i) and (ii) of Title 36 of the Code of Federal Regulations (CFR) which hitherto prohibited the carrying of firearms in national parks in most circumstances. The new law is designed to match the firearms laws of the applicable state.

The law states:

The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if--

- (1) the individual is not otherwise prohibited by law from possessing the firearm; and
- (2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

The following table provides a quick reference on what is permitted reference the possessing, transporting, or storing weapons within the National Park System in Mississippi. This document is for internal use. **It constitutes the NPS' current interpretation (aided by legal counsel) of how the relevant state statutes apply to NPS lands. This document will be revised, as necessary, with changes in that interpretation.**

Activity	Law (Federal & Mississippi State)
Can a person carry a concealed firearm on their person?	Usually only if possessed by a law enforcement officer or by a person with a concealed weapons permit issued by MS or a state with reciprocity*, as per MS §97-37-1. See also Footnote 2.
Can a person carry a firearm on their person in open view?	Usually only if possessed by a law enforcement officer or by a person with a concealed weapons permit issued by MS or a state with reciprocity.* State law (MS §97-37-1) prohibits carrying a firearm "concealed in whole or in part" without a concealed weapons permit and case law has yet to define a situation where a firearm would not be concealed at least in part (including a holster, in a hand, on a string around a neck, etc.) as the argument presented to date seems to be that part of the weapon is always going to be concealed from view. See also Footnote 2.
Can a person carry a firearm into park buildings or forts?	18 USC §930(h) prohibits firearms and dangerous weapons in "federal facilities." This is defined as a "building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties." DOI solicitors interpret this to include administrative buildings, visitor centers, and within walled forts (including any open grounds within) but would not include most concessionaire operated buildings (unless NPS staff are routinely present on a <i>scheduled</i> basis). To be enforceable the prohibition must be "posted conspicuously at each public entrance." [LEO's: This would be a Class A misdemeanor, so charge by criminal complaint, not violation notice.].
Can a person carry a firearm into park concession facilities that don't meet the "federal facility" definition?	It is up to the concessioner. MS §45-9-101(13) states that the carrying of a concealed firearm may be disallowed in anyplace 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." The Solicitor has issued the opinion that concessioners may exercise the same control as that allotted to private proprietors within the state.
Can a person transport loaded firearms within a motor vehicle (including RV)?	Yes, concealed or in plain view. No concealed permit is required. MS law (MS §97-37-1(2)) permits citizens to carry firearms within a person's residence, place of business, and any motor vehicle.
Can a person transport a loaded firearm within a boat?	Normally only if possessed by a law enforcement officer or by a person with a concealed weapons permit issued by MS or a state with reciprocity*, as per MS §97-37-1. However, a concealed weapons permit would probably not be required for firearms on a vessel used for residential use. See also Footnotes 1, 2.
Can a person transport an unloaded firearm within a boat?	The CFR permits, as it always has, the transport of weapons in vessels if they are unloaded, rendered temporarily inoperable or are packed, cased, or stored in a manner that will prevent their ready use. No permit is required. See also Footnote 1.

Can a person possess a loaded firearm within a tent?	Only if possessed by a law enforcement officer or by a person with a concealed weapons permit issued by MS or a state with reciprocity*, as per MS §97-37-1. See also Footnote 3.
Can a person possess an unloaded firearm within a tent?	The CFR permits, as it always has, the storage of weapons in temporary lodging if they are unloaded, rendered temporarily inoperable or are packed, cased, or stored in a manner that will prevent their ready use. No permit is required.
Can an employee carry a firearm on their person?	No. Title 43CFR §20.511 (which supersedes state law) prohibits federal employees (which includes VIP's), other than those specifically designated to perform enforcement, police or other official duties requiring the use of firearms, from carrying or having in their possession firearms on DOI lands. When off duty, same regulations apply as to regular visitors. Employees in park housing would be permitted to possess firearms as permitted under MS §97-37-1(2).
Can a concessions employee carry a firearm in "their place of business?"	It depends. MS §97-37-1(2) allows firearms in a person's place of business. However, this statute would be superseded by 18 USC §930(h) which prohibits weapons in a "federal facility" (as defined above). If the concession is not within this definition of a "federal facility" then it would be up to concession company policy. NPS, however, can require concessioners (as a contractual condition) to prohibit concession employees from carrying firearms.
Can a person carry or transport a weapon besides a firearm?	No, with the exception that the CFR continues to permit transporting or storing weapons in temporary lodging, vehicles, and vessels if they are unloaded, rendered temporarily inoperable or are packed, cased, or stored in a manner that will prevent their ready use. State laws that permit the possession of weapons other than firearms are not applicable within national parks, as they are superseded by the CFR.

* States with concealed carry reciprocity with Mississippi: Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Kentucky, Louisiana, Michigan, Missouri, Montana, New Hampshire, North Carolina, Oklahoma, South Dakota, Tennessee, Texas, Utah, Washington, Wyoming.

General Note: The above listed information assumes that the firearm bearer has not lost their personal right to possess a firearm under the Gun Control Act of 1968 (codified at 18U.S.C. §921, et. seq.), or under state law. Generally speaking, individuals may have lost the right to bear firearms if: convicted of a felony; fugitives from justice; unlawful users of controlled substances (including individuals currently under the influence or past conviction of simple possession within the past year); adjudicated mental illness; aliens; dishonorable military discharge; renounced citizenship; subjects of certain restraint orders; convicted of domestic violence; or under felony indictment.

Footnote 1: 18 U.S.C. §2277 generally prohibits possession of a firearm onboard vessels without previously obtaining the permission of the owner or the master of the vessel. This prohibition applies to NPS and concessioner operated vessels. Ship Island Excursions prohibits the carrying of firearms on their ferries.

Footnote 2: MS §97-37-1(3) permits persons to carry firearms (even without a concealed weapons permit) concealed in whole or in part if the possessor of the weapon is then engaged in a legitimate weapon-related sports activity or is going to or returning from such activity which normally involves the use of a firearm (e.g. hunting, target shooting). Presumably, based on case law this would include holstered weapons.

Charging Guidance: Violations of state or local statutes cited above can be charged by rangers under 36CFR §2.4(f); or charging under the Assimilative Crimes Act (if concurrent or exclusive jurisdiction). Locally deputized rangers may also charge within the state system for the state statutes referenced above.