STATE OF MISSISSIPPI

Office of the Governor

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HOUSE OF REPRESENTATIVES

March 4, 2013

TO THE MEMBERS OF THE MISSISSIPPI HOUSE OF REPRESENTATIVES AND THE MISSISSIPPI STATE SENATE:

GOVERNOR'S SIGNING STATEMENT FOR HOUSE BILL 485

I am signing House Bill 485, "AN ACT TO CREATE SECTION 25-61-11.1, MISSISSIPPI CODE OF 1972, TO EXEMPT INFORMATION REGARDING PERSONS WITH A WEAPON PERMIT FROM THE MISSISSIPPI PUBLIC RECORDS ACT OF 1983; TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES."

This bill clarifies that the name, home address, any telephone number, and any other private information of any person who applies for a concealed carry permit "shall be exempt from the Mississippi Public Records Act." In my view, the Second Amendment to the United States Constitution and Article 3, Section 12 of the Mississippi Constitution already prohibit the public disclosure of this information and public identification of citizens who comply with the law by applying for such licenses. "[T]he [United States Supreme] Court consistently has refused to allow government to chill the exercise of constitutional rights by requiring disclosure of protected, but sometimes unpopular, activities." *Thornburgh v. Am. Coll. of Obstetricians & Gynecologists*, 476 U.S. 747, 767 (1986) (collecting cases), *overruled in part on other grounds by Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833 (1992). States are therefore prohibited from requiring public disclosures that "raise the specter of public exposure and harassment" of citizens who choose to exercise a protected constitutional right and that, thereby, "pose an unacceptable danger of deterring the exercise of that right." *Id.* at 767–68. Accordingly, a state may not, through its public records law, single out law-abiding citizens for public identification simply because they choose to exercise their Second Amendment rights.

That said, House Bill 485 serves an important purpose because it clearly disposes of any claim that these records are subject to the Public Records Act. Further, a Senate amendment, in which the House concurred, clarifies that these records "shall be released *only* upon order of a court having proper jurisdiction over a petition for release of the record or records" (emphasis added). This amendment does *not* authorize a court to order release of the records under the Public Records Act – as the bill makes clear, no such authority exists. Rather, the amendment makes clear that release of these records is neither required *nor within the discretion of state officials*.

I am therefore signing House Bill 485 because it is an important protection of the constitutional rights, privacy, and safety of law-abiding gun owners and their families.

Respectfully submitted,

Phil Bryant
Governor