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To: Judiciary B

HOUSE BILL NO. 786
(As Sent to Governor)

1 AN ACT TO CREATE THE "MISSISSIPPI CHURCH PROTECTION ACT"; TO
 2 AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO CONFORM; TO
 3 AMEND SECTION 97-37-9, MISSISSIPPI CODE OF 1972, TO REVISE THE
 4 LIST OF DEFENSES FOR A PERSON INDICTED OR CHARGED FOR A VIOLATION
 5 OF THE PROVISION OF LAW REGULATING THE USE OF FIREARMS; TO AMEND
 6 SECTION 97-3-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT KILLING
 7 A PERSON WHILE ACTING AS A PARTICIPANT OF A CHURCH OR PLACE OF
 8 WORSHIP SECURITY TEAM IS JUSTIFIABLE HOMICIDE; TO PROHIBIT
 9 ENFORCEMENT OF UNCONSTITUTIONAL FEDERAL RULES AND ORDERS; AND FOR
 10 RELATED PURPOSES.

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

12 **SECTION 1.** (1) This section shall be known and may be cited
 13 as the "Mississippi Church Protection Act."

14 (2) (a) The governing body of any church or place of
 15 worship may establish a security program by which designated
 16 members are authorized to carry firearms for the protection of the
 17 congregation of the church or place of worship, including
 18 resisting any unlawful attempt to commit a violent felony listed
 19 in Section 97-3-2(1) upon a member or other attendee in the church
 20 or place of worship or on the immediate premises thereof. A
 21 church or place of worship may establish a security program that
 22 meets the requirements of subsection (2) (b) of this section, and a



23 member of the security program shall be immune from civil
24 liability for any action taken by a member of the security program
25 if the action in question occurs during the reasonable exercise of
26 and within the course and scope of the member's official duties as
27 a member of the security program for the church or place of
28 worship. For purposes of this section, "church" or "place of
29 worship" means only a bona fide duly constituted religious
30 society, ecclesiastical body, or any congregation thereof.

31 (b) In order to be eligible for the immunity provided
32 in this section:

33 (i) The program at a minimum must require that
34 each participant of the program possesses a firearms permit issued
35 under Section 45-9-101 and has completed an instructional course
36 in the safe handling and use of firearms as described in Section
37 97-37-7. The program may also include one or more persons with
38 law enforcement or military background who may assist the church
39 or place of worship in training of the members of the program;

40 (ii) The names of the members designated by the
41 church or place of worship to serve in the security program must
42 be spread upon the minutes of the body or otherwise noted in
43 writing at the time of the member's designation if the body does
44 not maintain minutes, and this written record must be made
45 available to law enforcement upon request during the course of
46 investigation after an incident in which the member used a firearm
47 while acting as a member of the security program; and



48 (iii) The member of the program who is claiming
49 immunity under the provisions of this section must have met the
50 requirements of this paragraph (b).

51 (3) A person who is indicted or charged with a violation of
52 criminal law while acting as a member of a security program of a
53 church or place of worship may assert as a defense, in addition to
54 any other defense available, that at the time of the action in
55 question, the person was a member of a church body or place of
56 worship security program, was then actually engaged in the
57 performance of the person's duties as a member of the program, and
58 had met the requirements of this section at the time of the action
59 in question.

60 **SECTION 2.** Section 45-9-101, Mississippi Code of 1972, is
61 amended as follows:

62 45-9-101. (1) (a) Except as otherwise provided, the
63 Department of Public Safety is authorized to issue licenses to
64 carry stun guns, concealed pistols or revolvers to persons
65 qualified as provided in this section. Such licenses shall be
66 valid throughout the state for a period of five (5) years from the
67 date of issuance. Any person possessing a valid license issued
68 pursuant to this section may carry a stun gun, concealed pistol or
69 concealed revolver.

70 (b) The licensee must carry the license, together with
71 valid identification, at all times in which the licensee is
72 carrying a stun gun, concealed pistol or revolver and must display



73 both the license and proper identification upon demand by a law
74 enforcement officer. A violation of the provisions of this
75 paragraph (b) shall constitute a noncriminal violation with a
76 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
77 by summons.

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

80 (a) Is a resident of the state * * * ~~and has been a~~
81 ~~resident for twelve (12) months or longer immediately preceding~~
82 ~~the filing of the application.~~ However, this residency
83 requirement may be waived if the applicant possesses a valid
84 permit from another state, is active military personnel stationed
85 in Mississippi, or is a retired law enforcement officer
86 establishing residency in the state;

87 (b) (i) Is twenty-one (21) years of age or older; or

88 (ii) Is at least eighteen (18) years of age but
89 not yet twenty-one (21) years of age and the applicant:

90 1. Is a member or veteran of the United
91 States Armed Forces, including National Guard or Reserve; and

92 2. Holds a valid Mississippi driver's license
93 or identification card issued by the Department of Public Safety;

94 (c) Does not suffer from a physical infirmity which
95 prevents the safe handling of a stun gun, pistol or revolver;

96 (d) Is not ineligible to possess a firearm by virtue of
97 having been convicted of a felony in a court of this state, of any



98 other state, or of the United States without having been pardoned
99 for same;

100 (e) Does not chronically or habitually abuse controlled
101 substances to the extent that his normal faculties are impaired.
102 It shall be presumed that an applicant chronically and habitually
103 uses controlled substances to the extent that his faculties are
104 impaired if the applicant has been voluntarily or involuntarily
105 committed to a treatment facility for the abuse of a controlled
106 substance or been found guilty of a crime under the provisions of
107 the Uniform Controlled Substances Law or similar laws of any other
108 state or the United States relating to controlled substances
109 within a three-year period immediately preceding the date on which
110 the application is submitted;

111 (f) Does not chronically and habitually use alcoholic
112 beverages to the extent that his normal faculties are impaired.
113 It shall be presumed that an applicant chronically and habitually
114 uses alcoholic beverages to the extent that his normal faculties
115 are impaired if the applicant has been voluntarily or
116 involuntarily committed as an alcoholic to a treatment facility or
117 has been convicted of two (2) or more offenses related to the use
118 of alcohol under the laws of this state or similar laws of any
119 other state or the United States within the three-year period
120 immediately preceding the date on which the application is
121 submitted;



122 (g) Desires a legal means to carry a stun gun,
123 concealed pistol or revolver to defend himself;

124 (h) Has not been adjudicated mentally incompetent, or
125 has waited five (5) years from the date of his restoration to
126 capacity by court order;

127 (i) Has not been voluntarily or involuntarily committed
128 to a mental institution or mental health treatment facility unless
129 he possesses a certificate from a psychiatrist licensed in this
130 state that he has not suffered from disability for a period of
131 five (5) years;

132 (j) Has not had adjudication of guilt withheld or
133 imposition of sentence suspended on any felony unless three (3)
134 years have elapsed since probation or any other conditions set by
135 the court have been fulfilled;

136 (k) Is not a fugitive from justice; and

137 (l) Is not disqualified to possess a weapon based on
138 federal law.

139 (3) The Department of Public Safety may deny a license if
140 the applicant has been found guilty of one or more crimes of
141 violence constituting a misdemeanor unless three (3) years have
142 elapsed since probation or any other conditions set by the court
143 have been fulfilled or expunction has occurred prior to the date
144 on which the application is submitted, or may revoke a license if
145 the licensee has been found guilty of one or more crimes of
146 violence within the preceding three (3) years. The department



147 shall, upon notification by a law enforcement agency or a court
148 and subsequent written verification, suspend a license or the
149 processing of an application for a license if the licensee or
150 applicant is arrested or formally charged with a crime which would
151 disqualify such person from having a license under this section,
152 until final disposition of the case. The provisions of subsection
153 (7) of this section shall apply to any suspension or revocation of
154 a license pursuant to the provisions of this section.

155 (4) The application shall be completed, under oath, on a
156 form promulgated by the Department of Public Safety and shall
157 include only:

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

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

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

164 (d) A statement that the applicant is in compliance
165 with criteria contained within subsections (2) and (3) of this
166 section;

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

169 (f) A conspicuous warning that the application is
170 executed under oath and that a knowingly false answer to any



171 question, or the knowing submission of any false document by the
172 applicant, subjects the applicant to criminal prosecution; and

173 (g) A statement that the applicant desires a legal
174 means to carry a stun gun, concealed pistol or revolver to defend
175 himself.

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

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

180 (b) A full-face photograph of the applicant taken
181 within the preceding thirty (30) days in which the head, including
182 hair, in a size as determined by the Department of Public Safety,
183 except that an applicant who is younger than twenty-one (21) years
184 of age must submit a photograph in profile of the applicant;

185 (c) A nonrefundable license fee of Eighty Dollars
186 (\$80.00). Costs for processing the set of fingerprints as
187 required in paragraph (d) of this subsection shall be borne by the
188 applicant. Honorably retired law enforcement officers, disabled
189 veterans and active duty members of the Armed Forces of the United
190 States shall be exempt from the payment of the license fee;

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

193 (e) A waiver authorizing the Department of Public
194 Safety access to any records concerning commitments of the
195 applicant to any of the treatment facilities or institutions



196 referred to in subsection (2) and permitting access to all the
197 applicant's criminal records.

198 (6) (a) The Department of Public Safety, upon receipt of
199 the items listed in subsection (5) of this section, shall forward
200 the full set of fingerprints of the applicant to the appropriate
201 agencies for state and federal processing.

202 (b) The Department of Public Safety shall forward a
203 copy of the applicant's application to the sheriff of the
204 applicant's county of residence and, if applicable, the police
205 chief of the applicant's municipality of residence. The sheriff
206 of the applicant's county of residence and, if applicable, the
207 police chief of the applicant's municipality of residence may, at
208 his discretion, participate in the process by submitting a
209 voluntary report to the Department of Public Safety containing any
210 readily discoverable prior information that he feels may be
211 pertinent to the licensing of any applicant. The reporting shall
212 be made within thirty (30) days after the date he receives the
213 copy of the application. Upon receipt of a response from a
214 sheriff or police chief, such sheriff or police chief shall be
215 reimbursed at a rate set by the department.

216 (c) The Department of Public Safety shall, within
217 forty-five (45) days after the date of receipt of the items listed
218 in subsection (5) of this section:

219 (i) Issue the license;



220 (ii) Deny the application based solely on the
221 ground that the applicant fails to qualify under the criteria
222 listed in subsections (2) and (3) of this section. If the
223 Department of Public Safety denies the application, it shall
224 notify the applicant in writing, stating the ground for denial,
225 and the denial shall be subject to the appeal process set forth in
226 subsection (7); or

227 (iii) Notify the applicant that the department is
228 unable to make a determination regarding the issuance or denial of
229 a license within the forty-five-day period prescribed by this
230 subsection, and provide an estimate of the amount of time the
231 department will need to make the determination.

232 (d) In the event a legible set of fingerprints, as
233 determined by the Department of Public Safety and the Federal
234 Bureau of Investigation, cannot be obtained after a minimum of two
235 (2) attempts, the Department of Public Safety shall determine
236 eligibility based upon a name check by the Mississippi Highway
237 Safety Patrol and a Federal Bureau of Investigation name check
238 conducted by the Mississippi Highway Safety Patrol at the request
239 of the Department of Public Safety.

240 (7) (a) If the Department of Public Safety denies the
241 issuance of a license, or suspends or revokes a license, the party
242 aggrieved may appeal such denial, suspension or revocation to the
243 Commissioner of Public Safety, or his authorized agent, within
244 thirty (30) days after the aggrieved party receives written notice



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

252 (b) If the revocation, suspension or denial of issuance
253 is sustained by the Commissioner of Public Safety, or his duly
254 authorized agent pursuant to paragraph (a) of this subsection, the
255 aggrieved party may file within ten (10) days after the rendition
256 of such decision a petition in the circuit or county court of his
257 residence for review of such decision. A hearing for review shall
258 be held and shall proceed before the court without a jury upon the
259 record made at the hearing before the Commissioner of Public
260 Safety or his duly authorized agent. No such party shall be
261 allowed to carry a stun gun, concealed pistol or revolver pursuant
262 to the provisions of this section while any such appeal is
263 pending.

264 (8) The Department of Public Safety shall maintain an
265 automated listing of license holders and such information shall be
266 available online, upon request, at all times, to all law
267 enforcement agencies through the Mississippi Crime Information
268 Center. However, the records of the department relating to
269 applications for licenses to carry stun guns, concealed pistols or



270 revolvers and records relating to license holders shall be exempt
271 from the provisions of the Mississippi Public Records Act of 1983,
272 and shall be released only upon order of a court having proper
273 jurisdiction over a petition for release of the record or records.

274 (9) Within thirty (30) days after the changing of a
275 permanent address, or within thirty (30) days after having a
276 license lost or destroyed, the licensee shall notify the
277 Department of Public Safety in writing of such change or loss.
278 Failure to notify the Department of Public Safety pursuant to the
279 provisions of this subsection shall constitute a noncriminal
280 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
281 be enforceable by a summons.

282 (10) In the event that a stun gun, concealed pistol or
283 revolver license is lost or destroyed, the person to whom the
284 license was issued shall comply with the provisions of subsection
285 (9) of this section and may obtain a duplicate, or substitute
286 thereof, upon payment of Fifteen Dollars (\$15.00) to the
287 Department of Public Safety, and furnishing a notarized statement
288 to the department that such license has been lost or destroyed.

289 (11) A license issued under this section shall be revoked if
290 the licensee becomes ineligible under the criteria set forth in
291 subsection (2) of this section.

292 (12) (a) No less than ninety (90) days prior to the
293 expiration date of the license, the Department of Public Safety
294 shall mail to each licensee a written notice of the expiration and



295 a renewal form prescribed by the department. The licensee must
296 renew his license on or before the expiration date by filing with
297 the department the renewal form, a notarized affidavit stating
298 that the licensee remains qualified pursuant to the criteria
299 specified in subsections (2) and (3) of this section, and a full
300 set of fingerprints administered by the Department of Public
301 Safety or the sheriff of the county of residence of the licensee.
302 The first renewal may be processed by mail and the subsequent
303 renewal must be made in person. Thereafter every other renewal
304 may be processed by mail to assure that the applicant must appear
305 in person every ten (10) years for the purpose of obtaining a new
306 photograph.

307 (i) Except as provided in this subsection, a
308 renewal fee of Forty Dollars (\$40.00) shall also be submitted
309 along with costs for processing the fingerprints;

310 (ii) Honorably retired law enforcement officers,
311 disabled veterans and active duty members of the Armed Forces of
312 the United States shall be exempt from the renewal fee; and

313 (iii) The renewal fee for a Mississippi resident
314 aged sixty-five (65) years of age or older shall be Twenty Dollars
315 (\$20.00).

316 (b) The Department of Public Safety shall forward the
317 full set of fingerprints of the applicant to the appropriate
318 agencies for state and federal processing. The license shall be



319 renewed upon receipt of the completed renewal application and
320 appropriate payment of fees.

321 (c) A licensee who fails to file a renewal application
322 on or before its expiration date must renew his license by paying
323 a late fee of Fifteen Dollars (\$15.00). No license shall be
324 renewed six (6) months or more after its expiration date, and such
325 license shall be deemed to be permanently expired. A person whose
326 license has been permanently expired may reapply for licensure;
327 however, an application for licensure and fees pursuant to
328 subsection (5) of this section must be submitted, and a background
329 investigation shall be conducted pursuant to the provisions of
330 this section.

331 (13) No license issued pursuant to this section shall
332 authorize any person to carry a stun gun, concealed pistol or
333 revolver into any place of nuisance as defined in Section 95-3-1,
334 Mississippi Code of 1972; any police, sheriff or highway patrol
335 station; any detention facility, prison or jail; any courthouse;
336 any courtroom, except that nothing in this section shall preclude
337 a judge from carrying a concealed weapon or determining who will
338 carry a concealed weapon in his courtroom; any polling place; any
339 meeting place of the governing body of any governmental entity;
340 any meeting of the Legislature or a committee thereof; any school,
341 college or professional athletic event not related to firearms;
342 any portion of an establishment, licensed to dispense alcoholic
343 beverages for consumption on the premises, that is primarily



344 devoted to dispensing alcoholic beverages; any portion of an
345 establishment in which beer or light wine is consumed on the
346 premises, that is primarily devoted to such purpose; any
347 elementary or secondary school facility; any junior college,
348 community college, college or university facility unless for the
349 purpose of participating in any authorized firearms-related
350 activity; inside the passenger terminal of any airport, except
351 that no person shall be prohibited from carrying any legal firearm
352 into the terminal if the firearm is encased for shipment, for
353 purposes of checking such firearm as baggage to be lawfully
354 transported on any aircraft; any church or other place of worship,
355 except as provided in Section 1 of this act; or any place where
356 the carrying of firearms is prohibited by federal law. In
357 addition to the places enumerated in this subsection, the carrying
358 of a stun gun, concealed pistol or revolver may be disallowed in
359 any place in the discretion of the person or entity exercising
360 control over the physical location of such place by the placing of
361 a written notice clearly readable at a distance of not less than
362 ten (10) feet that the "carrying of a pistol or revolver is
363 prohibited." No license issued pursuant to this section shall
364 authorize the participants in a parade or demonstration for which
365 a permit is required to carry a stun gun, concealed pistol or
366 revolver.

367 (14) A law enforcement officer as defined in Section 45-6-3,
368 chiefs of police, sheriffs and persons licensed as professional



369 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
370 1972, shall be exempt from the licensing requirements of this
371 section. The licensing requirements of this section do not apply
372 to the carrying by any person of a stun gun, pistol or revolver,
373 knife, or other deadly weapon that is not concealed as defined in
374 Section 97-37-1.

375 (15) Any person who knowingly submits a false answer to any
376 question on an application for a license issued pursuant to this
377 section, or who knowingly submits a false document when applying
378 for a license issued pursuant to this section, shall, upon
379 conviction, be guilty of a misdemeanor and shall be punished as
380 provided in Section 99-19-31, Mississippi Code of 1972.

381 (16) All fees collected by the Department of Public Safety
382 pursuant to this section shall be deposited into a special fund
383 hereby created in the State Treasury and shall be used for
384 implementation and administration of this section. After the
385 close of each fiscal year, the balance in this fund shall be
386 certified to the Legislature and then may be used by the
387 Department of Public Safety as directed by the Legislature.

388 (17) All funds received by a sheriff or police chief
389 pursuant to the provisions of this section shall be deposited into
390 the general fund of the county or municipality, as appropriate,
391 and shall be budgeted to the sheriff's office or police department
392 as appropriate.



393 (18) Nothing in this section shall be construed to require
394 or allow the registration, documentation or providing of serial
395 numbers with regard to any stun gun or firearm.

396 (19) Any person holding a valid unrevoked and unexpired
397 license to carry stun guns, concealed pistols or revolvers issued
398 in another state shall have such license recognized by this state
399 to carry stun guns, concealed pistols or revolvers. The
400 Department of Public Safety is authorized to enter into a
401 reciprocal agreement with another state if that state requires a
402 written agreement in order to recognize licenses to carry stun
403 guns, concealed pistols or revolvers issued by this state.

404 (20) The provisions of this section shall be under the
405 supervision of the Commissioner of Public Safety. The
406 commissioner is authorized to promulgate reasonable rules and
407 regulations to carry out the provisions of this section.

408 (21) For the purposes of this section, the term "stun gun"
409 means a portable device or weapon from which an electric current,
410 impulse, wave or beam may be directed, which current, impulse,
411 wave or beam is designed to incapacitate temporarily, injure,
412 momentarily stun, knock out, cause mental disorientation or
413 paralyze.

414 (22) (a) From and after January 1, 2016, the Commissioner
415 of Public Safety shall promulgate rules and regulations which
416 provide that licenses authorized by this section for honorably
417 retired law enforcement officers and honorably retired



418 correctional officers from the Mississippi Department of
419 Corrections shall (i) include the words "retired law enforcement
420 officer" on the front of the license, and (ii) that the license
421 itself have a red background to distinguish it from other licenses
422 issued under this section.

423 (b) An honorably retired law enforcement officer and
424 honorably retired correctional officer shall provide the following
425 information to receive the license described in this section: (i)
426 a letter, with the official letterhead of the agency or department
427 from which such officer is retiring, which explains that such
428 officer is honorably retired, and (ii) a letter with the official
429 letterhead of the agency or department, which explains that such
430 officer has completed a certified law enforcement training
431 academy.

432 (23) A disabled veteran who seeks to qualify for an
433 exemption under this section shall be required to provide, as
434 proof of service-connected disability, verification from the
435 United States Department of Veterans Affairs.

436 (24) * * * ~~No~~ A license * * * shall be required under this
437 section is not required for a loaded or unloaded pistol or
438 revolver to be carried upon the person in a sheath, belt holster
439 or shoulder holster or in a purse, handbag, satchel, other similar
440 bag or briefcase or fully enclosed case if the person is not
441 engaged in criminal activity other than a misdemeanor traffic
442 offense, is not otherwise prohibited from possessing a pistol or



443 revolver under state or federal law, and is not in a location
444 prohibited under subsection (13) of this section.

445 **SECTION 3.** Section 97-37-9, Mississippi Code of 1972, is
446 amended as follows:

447 97-37-9. Any person indicted or charged for a violation of
448 Section 97-37-1 may show as a defense:

449 (a) That he was threatened, and had good and sufficient
450 reason to apprehend a serious attack from any enemy, and that he
451 did so apprehend; or

452 (b) That he was traveling and was not a tramp, or was
453 setting out on a journey and was not a tramp; or

454 (c) That he was a law enforcement or peace officer in
455 the discharge of his duties; or

456 (d) That he was at the time in the discharge of his
457 duties as a mail carrier; or

458 (e) That he was at the time engaged in transporting
459 valuables for an express company or bank; or

460 (f) That he was a member of the Armed Forces of the
461 United States, National Guard, State Militia, Emergency Management
462 Corps, guard or patrolman in a state or municipal institution
463 while in the performance of his official duties; or

464 (g) That he was in lawful pursuit of a felon; or

465 (h) That he was lawfully engaged in legitimate
466 sports; * * *~~or~~



467 (i) That at the time he was a company guard, bank
468 guard, watchman, or other person enumerated in Section 97-37-7,
469 and was then actually engaged in the performance of his duties as
470 such, and then held a valid permit from the sheriff, the
471 commissioner of public safety, or a valid permit issued by the
472 Secretary of State prior to May 1, 1974, to carry the weapon; and
473 the burden of proving either of said defenses shall be on the
474 accused * * *; or

475 (j) That at the time he or she was a member of a church
476 or place of worship security program, and was then actually
477 engaged in the performance of his or her duties as such and met
478 the requirements of Section 1 of this act.

479 **SECTION 4.** Section 97-3-15, Mississippi Code of 1972, is
480 amended as follows:

481 97-3-15. (1) The killing of a human being by the act,
482 procurement or omission of another shall be justifiable in the
483 following cases:

484 (a) When committed by public officers, or those acting
485 by their aid and assistance, in obedience to any judgment of a
486 competent court;

487 (b) When necessarily committed by public officers, or
488 those acting by their command in their aid and assistance, in
489 overcoming actual resistance to the execution of some legal
490 process, or to the discharge of any other legal duty;



491 (c) When necessarily committed by public officers, or
492 those acting by their command in their aid and assistance, in
493 retaking any felon who has been rescued or has escaped;

494 (d) When necessarily committed by public officers, or
495 those acting by their command in their aid and assistance, in
496 arresting any felon fleeing from justice;

497 (e) When committed by any person in resisting any
498 attempt unlawfully to kill such person or to commit any felony
499 upon him, or upon or in any dwelling, in any occupied vehicle, in
500 any place of business, in any place of employment or in the
501 immediate premises thereof in which such person shall be;

502 (f) When committed in the lawful defense of one's own
503 person or any other human being, where there shall be reasonable
504 ground to apprehend a design to commit a felony or to do some
505 great personal injury, and there shall be imminent danger of such
506 design being accomplished;

507 (g) When necessarily committed in attempting by lawful
508 ways and means to apprehend any person for any felony committed;

509 (h) When necessarily committed in lawfully suppressing
510 any riot or in lawfully keeping and preserving the peace * * *;
511 and

512 (i) When necessarily committed in the performance of
513 duty as a member of a church or place of worship security program
514 as described in Section 1 of this act.



515 (2) (a) As used in subsection (1)(c) and (d) of this
516 section, the term "when necessarily committed" means that a public
517 officer or a person acting by or at the officer's command, aid or
518 assistance is authorized to use such force as necessary in
519 securing and detaining the felon offender, overcoming the
520 offender's resistance, preventing the offender's escape,
521 recapturing the offender if the offender escapes or in protecting
522 himself or others from bodily harm; but such officer or person
523 shall not be authorized to resort to deadly or dangerous means
524 when to do so would be unreasonable under the circumstances. The
525 public officer or person acting by or at the officer's command may
526 act upon a reasonable apprehension of the surrounding
527 circumstances; however, such officer or person shall not use
528 excessive force or force that is greater than reasonably necessary
529 in securing and detaining the offender, overcoming the offender's
530 resistance, preventing the offender's escape, recapturing the
531 offender if the offender escapes or in protecting himself or
532 others from bodily harm.

533 (b) As used in subsection (1)(c) and (d) of this
534 section the term "felon" shall include an offender who has been
535 convicted of a felony and shall also include an offender who is in
536 custody, or whose custody is being sought, on a charge or for an
537 offense which is punishable, upon conviction, by death or
538 confinement in the Penitentiary.



539 (c) As used in subsections (1)(e) and (3) of this
540 section, "dwelling" means a building or conveyance of any kind
541 that has a roof over it, whether the building or conveyance is
542 temporary or permanent, mobile or immobile, including a tent, that
543 is designed to be occupied by people lodging therein at night,
544 including any attached porch * * *.

545 (3) A person who uses defensive force shall be presumed to
546 have reasonably feared imminent death or great bodily harm, or the
547 commission of a felony upon him or another or upon his dwelling,
548 or against a vehicle which he was occupying, or against his
549 business or place of employment or the immediate premises of such
550 business or place of employment, if the person against whom the
551 defensive force was used, was in the process of unlawfully and
552 forcibly entering, or had unlawfully and forcibly entered, a
553 dwelling, occupied vehicle, business, place of employment or the
554 immediate premises thereof or if that person had unlawfully
555 removed or was attempting to unlawfully remove another against the
556 other person's will from that dwelling, occupied vehicle,
557 business, place of employment or the immediate premises thereof
558 and the person who used defensive force knew or had reason to
559 believe that the forcible entry or unlawful and forcible act was
560 occurring or had occurred. This presumption shall not apply if
561 the person against whom defensive force was used has a right to be
562 in or is a lawful resident or owner of the dwelling, vehicle,
563 business, place of employment or the immediate premises thereof or



564 is the lawful resident or owner of the dwelling, vehicle,
565 business, place of employment or the immediate premises thereof or
566 if the person who uses defensive force is engaged in unlawful
567 activity or if the person is a law enforcement officer engaged in
568 the performance of his official duties * * *†.

569 (4) A person who is not the initial aggressor and is not
570 engaged in unlawful activity shall have no duty to retreat before
571 using deadly force under subsection (1)(e) or (f) of this section
572 if the person is in a place where the person has a right to be,
573 and no finder of fact shall be permitted to consider the person's
574 failure to retreat as evidence that the person's use of force was
575 unnecessary, excessive or unreasonable.

576 (5) (a) The presumptions contained in subsection (3) of
577 this section shall apply in civil cases in which self-defense or
578 defense of another is claimed as a defense.

579 (b) The court shall award reasonable attorney's fees,
580 court costs, compensation for loss of income, and all expenses
581 incurred by the defendant in defense of any civil action brought
582 by a plaintiff if the court finds that the defendant acted in
583 accordance with subsection (1)(e) or (f) of this section. A
584 defendant who has previously been adjudicated "not guilty" of any
585 crime by reason of subsection (1)(e) or (f) of this section shall
586 be immune from any civil action for damages arising from the same
587 conduct.



588 **SECTION 5.** No federal executive order, agency order, law not
589 enrolled by the United States Congress and signed by the President
590 of the United States, rule, regulation or administrative
591 interpretation of a law or statute issued, enacted or promulgated
592 after July 1, 2016, that violates the United States Constitution
593 or the Mississippi Constitution of 1890 shall be enforced or
594 ordered to be enforced by any official, agent or employee of this
595 state or a political subdivision thereof.

596 **SECTION 6.** This act shall take effect and be in force from
597 and after its passage.

