

By: Representatives Gipson, Morgan,
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To: Judiciary B

HOUSE BILL NO. 786

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 THE PRECEDING SECTION; TO BRING FORWARD SECTION 97-37-7,
4 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; TO AMEND
5 SECTION 97-37-9, MISSISSIPPI CODE OF 1972, TO REVISE THE LIST OF
6 DEFENSES FOR A PERSON INDICTED OR CHARGED FOR A VIOLATION OF THE
7 PROVISION OF LAW REGULATING THE USE OF FIREARMS; TO AMEND SECTION
8 97-3-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT KILLING A
9 PERSON WHILE ACTING AS A PARTICIPANT OF A CHURCH OR PLACE OF
10 WORSHIP SECURITY TEAM IS JUSTIFIABLE HOMICIDE; AND FOR RELATED
11 PURPOSES.

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

13 **SECTION 1.** This act shall be known and may be cited as the
14 "Mississippi Church Protection Act."

15 **SECTION 2.** (1) The governing body of any church or place of
16 worship may establish a security program by which designated
17 members are authorized to carry firearms for the protection of the
18 congregation of such church or place of worship. Any church or
19 place of worship that establishes a security program that meets
20 the requirements of subsection (2) of this section and any
21 participant of such security program shall be immune from civil
22 liability for any action taken by a member of such security



23 program, if such action occurs during the course and scope of the
24 member's performance of their official duties as a member of the
25 security program for the church or place of worship.

26 (2) In order to be eligible for the immunity provided in
27 this section:

28 (a) Such program shall: (i) require each participant of
29 the program to have a firearms permit issued under Section
30 45-9-101; and (ii) require each participant to complete an
31 instructional course in the safe handling and use of firearms as
32 described in Section 97-37-7. Participants of such programs who
33 have law enforcement or military background may assist the church
34 or place of worship in training; and

35 (b) The accused member of the program who is involved
36 in any action under the provisions of this section shall have met
37 the requirements of paragraphs (a)(i) and (a)(ii) of this
38 subsection.

39 (3) Any person who is indicted or charged with a violation
40 of criminal law while acting in his capacity as a member of a
41 security program of a church or place of worship may assert as a
42 defense in addition to any other defense available, that at the
43 time of the action in question, he or she was a member of a church
44 or place of worship security program, was then actually engaged in
45 the performance of his or her duties as a member of such program,
46 and had met the requirements of paragraphs (a)(i) and (a)(ii) of
47 Section 2 of this act at the time of such action.



48 **SECTION 3.** Section 45-9-101, Mississippi Code of 1972, is
49 amended as follows:

50 45-9-101. (1) (a) Except as otherwise provided, the
51 Department of Public Safety is authorized to issue licenses to
52 carry stun guns, concealed pistols or revolvers to persons
53 qualified as provided in this section. Such licenses shall be
54 valid throughout the state for a period of five (5) years from the
55 date of issuance. Any person possessing a valid license issued
56 pursuant to this section may carry a stun gun, concealed pistol or
57 concealed revolver.

58 (b) The licensee must carry the license, together with
59 valid identification, at all times in which the licensee is
60 carrying a stun gun, concealed pistol or revolver and must display
61 both the license and proper identification upon demand by a law
62 enforcement officer. A violation of the provisions of this
63 paragraph (b) shall constitute a noncriminal violation with a
64 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
65 by summons.

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

68 (a) Is a resident of the state and has been a resident
69 for twelve (12) months or longer immediately preceding the filing
70 of the application. However, this residency requirement may be
71 waived if the applicant possesses a valid permit from another
72 state, is active military personnel stationed in Mississippi, or



73 is a retired law enforcement officer establishing residency in the
74 state;

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

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

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

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

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

84 (d) Is not ineligible to possess a firearm by virtue of
85 having been convicted of a felony in a court of this state, of any
86 other state, or of the United States without having been pardoned
87 for same;

88 (e) Does not chronically or habitually abuse controlled
89 substances to the extent that his normal faculties are impaired.

90 It shall be presumed that an applicant chronically and habitually
91 uses controlled substances to the extent that his faculties are
92 impaired if the applicant has been voluntarily or involuntarily
93 committed to a treatment facility for the abuse of a controlled
94 substance or been found guilty of a crime under the provisions of
95 the Uniform Controlled Substances Law or similar laws of any other
96 state or the United States relating to controlled substances



97 within a three-year period immediately preceding the date on which
98 the application is submitted;

99 (f) Does not chronically and habitually use alcoholic
100 beverages to the extent that his normal faculties are impaired.
101 It shall be presumed that an applicant chronically and habitually
102 uses alcoholic beverages to the extent that his normal faculties
103 are impaired if the applicant has been voluntarily or
104 involuntarily committed as an alcoholic to a treatment facility or
105 has been convicted of two (2) or more offenses related to the use
106 of alcohol under the laws of this state or similar laws of any
107 other state or the United States within the three-year period
108 immediately preceding the date on which the application is
109 submitted;

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

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

115 (i) Has not been voluntarily or involuntarily committed
116 to a mental institution or mental health treatment facility unless
117 he possesses a certificate from a psychiatrist licensed in this
118 state that he has not suffered from disability for a period of
119 five (5) years;

120 (j) Has not had adjudication of guilt withheld or
121 imposition of sentence suspended on any felony unless three (3)



122 years have elapsed since probation or any other conditions set by
123 the court have been fulfilled;

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

125 (l) Is not disqualified to possess a weapon based on
126 federal law.

127 (3) The Department of Public Safety may deny a license if
128 the applicant has been found guilty of one or more crimes of
129 violence constituting a misdemeanor unless three (3) years have
130 elapsed since probation or any other conditions set by the court
131 have been fulfilled or expunction has occurred prior to the date
132 on which the application is submitted, or may revoke a license if
133 the licensee has been found guilty of one or more crimes of
134 violence within the preceding three (3) years. The department
135 shall, upon notification by a law enforcement agency or a court
136 and subsequent written verification, suspend a license or the
137 processing of an application for a license if the licensee or
138 applicant is arrested or formally charged with a crime which would
139 disqualify such person from having a license under this section,
140 until final disposition of the case. The provisions of subsection
141 (7) of this section shall apply to any suspension or revocation of
142 a license pursuant to the provisions of this section.

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



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

148 (b) The driver's license number or social security
149 number of applicant;

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

152 (d) A statement that the applicant is in compliance
153 with criteria contained within subsections (2) and (3) of this
154 section;

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

157 (f) A conspicuous warning that the application is
158 executed under oath and that a knowingly false answer to any
159 question, or the knowing submission of any false document by the
160 applicant, subjects the applicant to criminal prosecution; and

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

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

166 (a) A completed application as described in subsection
167 (4) of this section;

168 (b) A full-face photograph of the applicant taken
169 within the preceding thirty (30) days in which the head, including
170 hair, in a size as determined by the Department of Public Safety,



171 except that an applicant who is younger than twenty-one (21) years
172 of age must submit a photograph in profile of the applicant;

173 (c) A nonrefundable license fee of Eighty Dollars
174 (\$80.00). Costs for processing the set of fingerprints as
175 required in paragraph (d) of this subsection shall be borne by the
176 applicant. Honorably retired law enforcement officers, disabled
177 veterans and active duty members of the Armed Forces of the United
178 States shall be exempt from the payment of the license fee;

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

181 (e) A waiver authorizing the Department of Public
182 Safety access to any records concerning commitments of the
183 applicant to any of the treatment facilities or institutions
184 referred to in subsection (2) and permitting access to all the
185 applicant's criminal records.

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

190 (b) The Department of Public Safety shall forward a
191 copy of the applicant's application to the sheriff of the
192 applicant's county of residence and, if applicable, the police
193 chief of the applicant's municipality of residence. The sheriff
194 of the applicant's county of residence and, if applicable, the
195 police chief of the applicant's municipality of residence may, at



196 his discretion, participate in the process by submitting a
197 voluntary report to the Department of Public Safety containing any
198 readily discoverable prior information that he feels may be
199 pertinent to the licensing of any applicant. The reporting shall
200 be made within thirty (30) days after the date he receives the
201 copy of the application. Upon receipt of a response from a
202 sheriff or police chief, such sheriff or police chief shall be
203 reimbursed at a rate set by the department.

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

207 (i) Issue the license;

208 (ii) Deny the application based solely on the
209 ground that the applicant fails to qualify under the criteria
210 listed in subsections (2) and (3) of this section. If the
211 Department of Public Safety denies the application, it shall
212 notify the applicant in writing, stating the ground for denial,
213 and the denial shall be subject to the appeal process set forth in
214 subsection (7); or

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



220 (d) In the event a legible set of fingerprints, as
221 determined by the Department of Public Safety and the Federal
222 Bureau of Investigation, cannot be obtained after a minimum of two
223 (2) attempts, the Department of Public Safety shall determine
224 eligibility based upon a name check by the Mississippi Highway
225 Safety Patrol and a Federal Bureau of Investigation name check
226 conducted by the Mississippi Highway Safety Patrol at the request
227 of the Department of Public Safety.

228 (7) (a) If the Department of Public Safety denies the
229 issuance of a license, or suspends or revokes a license, the party
230 aggrieved may appeal such denial, suspension or revocation to the
231 Commissioner of Public Safety, or his authorized agent, within
232 thirty (30) days after the aggrieved party receives written notice
233 of such denial, suspension or revocation. The Commissioner of
234 Public Safety, or his duly authorized agent, shall rule upon such
235 appeal within thirty (30) days after the appeal is filed and
236 failure to rule within this thirty-day period shall constitute
237 sustaining such denial, suspension or revocation. Such review
238 shall be conducted pursuant to such reasonable rules and
239 regulations as the Commissioner of Public Safety may adopt.

240 (b) If the revocation, suspension or denial of issuance
241 is sustained by the Commissioner of Public Safety, or his duly
242 authorized agent pursuant to paragraph (a) of this subsection, the
243 aggrieved party may file within ten (10) days after the rendition
244 of such decision a petition in the circuit or county court of his



245 residence for review of such decision. A hearing for review shall
246 be held and shall proceed before the court without a jury upon the
247 record made at the hearing before the Commissioner of Public
248 Safety or his duly authorized agent. No such party shall be
249 allowed to carry a stun gun, concealed pistol or revolver pursuant
250 to the provisions of this section while any such appeal is
251 pending.

252 (8) The Department of Public Safety shall maintain an
253 automated listing of license holders and such information shall be
254 available online, upon request, at all times, to all law
255 enforcement agencies through the Mississippi Crime Information
256 Center. However, the records of the department relating to
257 applications for licenses to carry stun guns, concealed pistols or
258 revolvers and records relating to license holders shall be exempt
259 from the provisions of the Mississippi Public Records Act of 1983,
260 and shall be released only upon order of a court having proper
261 jurisdiction over a petition for release of the record or records.

262 (9) Within thirty (30) days after the changing of a
263 permanent address, or within thirty (30) days after having a
264 license lost or destroyed, the licensee shall notify the
265 Department of Public Safety in writing of such change or loss.
266 Failure to notify the Department of Public Safety pursuant to the
267 provisions of this subsection shall constitute a noncriminal
268 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
269 be enforceable by a summons.



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

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

280 (12) (a) No less than ninety (90) days prior to the
281 expiration date of the license, the Department of Public Safety
282 shall mail to each licensee a written notice of the expiration and
283 a renewal form prescribed by the department. The licensee must
284 renew his license on or before the expiration date by filing with
285 the department the renewal form, a notarized affidavit stating
286 that the licensee remains qualified pursuant to the criteria
287 specified in subsections (2) and (3) of this section, and a full
288 set of fingerprints administered by the Department of Public
289 Safety or the sheriff of the county of residence of the licensee.
290 The first renewal may be processed by mail and the subsequent
291 renewal must be made in person. Thereafter every other renewal
292 may be processed by mail to assure that the applicant must appear
293 in person every ten (10) years for the purpose of obtaining a new
294 photograph.



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

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

301 (iii) The renewal fee for a Mississippi resident
302 aged sixty-five (65) years of age or older shall be Twenty Dollars
303 (\$20.00).

304 (b) The Department of Public Safety shall forward the
305 full set of fingerprints of the applicant to the appropriate
306 agencies for state and federal processing. The license shall be
307 renewed upon receipt of the completed renewal application and
308 appropriate payment of fees.

309 (c) A licensee who fails to file a renewal application
310 on or before its expiration date must renew his license by paying
311 a late fee of Fifteen Dollars (\$15.00). No license shall be
312 renewed six (6) months or more after its expiration date, and such
313 license shall be deemed to be permanently expired. A person whose
314 license has been permanently expired may reapply for licensure;
315 however, an application for licensure and fees pursuant to
316 subsection (5) of this section must be submitted, and a background
317 investigation shall be conducted pursuant to the provisions of
318 this section.



319 (13) No license issued pursuant to this section shall
320 authorize any person to carry a stun gun, concealed pistol or
321 revolver into any place of nuisance as defined in Section 95-3-1,
322 Mississippi Code of 1972; any police, sheriff or highway patrol
323 station; any detention facility, prison or jail; any courthouse;
324 any courtroom, except that nothing in this section shall preclude
325 a judge from carrying a concealed weapon or determining who will
326 carry a concealed weapon in his courtroom; any polling place; any
327 meeting place of the governing body of any governmental entity;
328 any meeting of the Legislature or a committee thereof; any school,
329 college or professional athletic event not related to firearms;
330 any portion of an establishment, licensed to dispense alcoholic
331 beverages for consumption on the premises, that is primarily
332 devoted to dispensing alcoholic beverages; any portion of an
333 establishment in which beer or light wine is consumed on the
334 premises, that is primarily devoted to such purpose; any
335 elementary or secondary school facility; any junior college,
336 community college, college or university facility unless for the
337 purpose of participating in any authorized firearms-related
338 activity; inside the passenger terminal of any airport, except
339 that no person shall be prohibited from carrying any legal firearm
340 into the terminal if the firearm is encased for shipment, for
341 purposes of checking such firearm as baggage to be lawfully
342 transported on any aircraft; any church or other place of worship,
343 except as provided in Section 2 of this act; or any place where



344 the carrying of firearms is prohibited by federal law. In
345 addition to the places enumerated in this subsection, the carrying
346 of a stun gun, concealed pistol or revolver may be disallowed in
347 any place in the discretion of the person or entity exercising
348 control over the physical location of such place by the placing of
349 a written notice clearly readable at a distance of not less than
350 ten (10) feet that the "carrying of a pistol or revolver is
351 prohibited." No license issued pursuant to this section shall
352 authorize the participants in a parade or demonstration for which
353 a permit is required to carry a stun gun, concealed pistol or
354 revolver.

355 (14) A law enforcement officer as defined in Section 45-6-3,
356 chiefs of police, sheriffs and persons licensed as professional
357 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
358 1972, shall be exempt from the licensing requirements of this
359 section. The licensing requirements of this section do not apply
360 to the carrying by any person of a stun gun, pistol or revolver,
361 knife, or other deadly weapon that is not concealed as defined in
362 Section 97-37-1.

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



369 (16) All fees collected by the Department of Public Safety
370 pursuant to this section shall be deposited into a special fund
371 hereby created in the State Treasury and shall be used for
372 implementation and administration of this section. After the
373 close of each fiscal year, the balance in this fund shall be
374 certified to the Legislature and then may be used by the
375 Department of Public Safety as directed by the Legislature.

376 (17) All funds received by a sheriff or police chief
377 pursuant to the provisions of this section shall be deposited into
378 the general fund of the county or municipality, as appropriate,
379 and shall be budgeted to the sheriff's office or police department
380 as appropriate.

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

384 (19) Any person holding a valid unrevoked and unexpired
385 license to carry stun guns, concealed pistols or revolvers issued
386 in another state shall have such license recognized by this state
387 to carry stun guns, concealed pistols or revolvers. The
388 Department of Public Safety is authorized to enter into a
389 reciprocal agreement with another state if that state requires a
390 written agreement in order to recognize licenses to carry stun
391 guns, concealed pistols or revolvers issued by this state.

392 (20) The provisions of this section shall be under the
393 supervision of the Commissioner of Public Safety. The



394 commissioner is authorized to promulgate reasonable rules and
395 regulations to carry out the provisions of this section.

396 (21) For the purposes of this section, the term "stun gun"
397 means a portable device or weapon from which an electric current,
398 impulse, wave or beam may be directed, which current, impulse,
399 wave or beam is designed to incapacitate temporarily, injure,
400 momentarily stun, knock out, cause mental disorientation or
401 paralyze.

402 (22) (a) From and after January 1, 2016, the Commissioner
403 of Public Safety shall promulgate rules and regulations which
404 provide that licenses authorized by this section for honorably
405 retired law enforcement officers and honorably retired
406 correctional officers from the Mississippi Department of
407 Corrections shall (i) include the words "retired law enforcement
408 officer" on the front of the license, and (ii) that the license
409 itself have a red background to distinguish it from other licenses
410 issued under this section.

411 (b) An honorably retired law enforcement officer and
412 honorably retired correctional officer shall provide the following
413 information to receive the license described in this section: (i)
414 a letter, with the official letterhead of the agency or department
415 from which such officer is retiring, which explains that such
416 officer is honorably retired, and (ii) a letter with the official
417 letterhead of the agency or department, which explains that such



418 officer has completed a certified law enforcement training
419 academy.

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

424 (24) No license shall be required under this section for a
425 loaded or unloaded pistol or revolver carried in a purse, handbag,
426 satchel, other similar bag or briefcase or fully enclosed case.

427 **SECTION 4.** Section 97-37-7, Mississippi Code of 1972, is
428 brought forward as follows:

429 97-37-7. (1) (a) It shall not be a violation of Section
430 97-37-1 or any other statute for pistols, firearms or other
431 suitable and appropriate weapons to be carried by duly constituted
432 bank guards, company guards, watchmen, railroad special agents or
433 duly authorized representatives who are not sworn law enforcement
434 officers, agents or employees of a patrol service, guard service,
435 or a company engaged in the business of transporting money,
436 securities or other valuables, while actually engaged in the
437 performance of their duties as such, provided that such persons
438 have made a written application and paid a nonrefundable permit
439 fee of One Hundred Dollars (\$100.00) to the Department of Public
440 Safety.

441 (b) No permit shall be issued to any person who has
442 ever been convicted of a felony under the laws of this or any



443 other state or of the United States. To determine an applicant's
444 eligibility for a permit, the person shall be fingerprinted. If
445 no disqualifying record is identified at the state level, the
446 fingerprints shall be forwarded by the Department of Public Safety
447 to the Federal Bureau of Investigation for a national criminal
448 history record check. The department shall charge a fee which
449 includes the amounts required by the Federal Bureau of
450 Investigation and the department for the national and state
451 criminal history record checks and any necessary costs incurred by
452 the department for the handling and administration of the criminal
453 history background checks. In the event a legible set of
454 fingerprints, as determined by the Department of Public Safety and
455 the Federal Bureau of Investigation, cannot be obtained after a
456 minimum of three (3) attempts, the Department of Public Safety
457 shall determine eligibility based upon a name check by the
458 Mississippi Highway Safety Patrol and a Federal Bureau of
459 Investigation name check conducted by the Mississippi Highway
460 Safety Patrol at the request of the Department of Public Safety.

461 (c) A person may obtain a duplicate of a lost or
462 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
463 replacement fee to the Department of Public Safety, if he
464 furnishes a notarized statement to the department that the permit
465 has been lost or destroyed.

466 (d) (i) No less than ninety (90) days prior to the
467 expiration date of a permit, the Department of Public Safety shall



468 mail to the permit holder written notice of expiration together
469 with the renewal form prescribed by the department. The permit
470 holder shall renew the permit on or before the expiration date by
471 filing with the department the renewal form, a notarized affidavit
472 stating that the permit holder remains qualified, and the renewal
473 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
474 officers shall be exempt from payment of the renewal fee. A
475 permit holder who fails to file a renewal application on or before
476 its expiration date shall pay a late fee of Fifteen Dollars
477 (\$15.00).

478 (ii) Renewal of the permit shall be required every
479 four (4) years. The permit of a qualified renewal applicant shall
480 be renewed upon receipt of the completed renewal application and
481 appropriate payment of fees.

482 (iii) A permit cannot be renewed six (6) months or
483 more after its expiration date, and such permit shall be deemed to
484 be permanently expired; the holder may reapply for an original
485 permit as provided in this section.

486 (2) It shall not be a violation of this or any other statute
487 for pistols, firearms or other suitable and appropriate weapons to
488 be carried by Department of Wildlife, Fisheries and Parks law
489 enforcement officers, railroad special agents who are sworn law
490 enforcement officers, investigators employed by the Attorney
491 General, criminal investigators employed by the district
492 attorneys, all prosecutors, public defenders, investigators or



493 probation officers employed by the Department of Corrections,
494 employees of the State Auditor who are authorized by the State
495 Auditor to perform investigative functions, or any deputy fire
496 marshal or investigator employed by the State Fire Marshal, while
497 engaged in the performance of their duties as such, or by fraud
498 investigators with the Department of Human Services, or by judges
499 of the Mississippi Supreme Court, Court of Appeals, circuit,
500 chancery, county, justice and municipal courts, or by coroners.
501 Before any person shall be authorized under this subsection to
502 carry a weapon, he shall complete a weapons training course
503 approved by the Board of Law Enforcement Officer Standards and
504 Training. Before any criminal investigator employed by a district
505 attorney shall be authorized under this section to carry a pistol,
506 firearm or other weapon, he shall have complied with Section
507 45-6-11 or any training program required for employment as an
508 agent of the Federal Bureau of Investigation. A law enforcement
509 officer, as defined in Section 45-6-3, shall be authorized to
510 carry weapons in courthouses in performance of his official
511 duties. A person licensed under Section 45-9-101 to carry a
512 concealed pistol, who (a) has voluntarily completed an
513 instructional course in the safe handling and use of firearms
514 offered by an instructor certified by a nationally recognized
515 organization that customarily offers firearms training, or by any
516 other organization approved by the Department of Public Safety,
517 (b) is a member or veteran of any active or reserve component



518 branch of the United States of America Armed Forces having
519 completed law enforcement or combat training with pistols or other
520 handguns as recognized by such branch after submitting an
521 affidavit attesting to have read, understand and agree to comply
522 with all provisions of the enhanced carry law, or (c) is an
523 honorably retired law enforcement officer or honorably retired
524 member or veteran of any active or reserve component branch of the
525 United States of America Armed Forces having completed law
526 enforcement or combat training with pistols or other handguns,
527 after submitting an affidavit attesting to have read, understand
528 and agree to comply with all provisions of Mississippi enhanced
529 carry law shall also be authorized to carry weapons in courthouses
530 except in courtrooms during a judicial proceeding, and any
531 location listed in subsection (13) of Section 45-9-101, except any
532 place of nuisance as defined in Section 95-3-1, any police,
533 sheriff or highway patrol station or any detention facility,
534 prison or jail. For the purposes of this subsection (2),
535 component branch of the United States Armed Forces includes the
536 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
537 National Guard, the Army National Guard of the United States, the
538 Air National Guard or the Air National Guard of the United States,
539 as those terms are defined in Section 101, Title 10, United States
540 Code, and any other reserve component of the United States Armed
541 Forces enumerated in Section 10101, Title 10, United States Code.
542 The department shall promulgate rules and regulations allowing



543 concealed pistol permit holders to obtain an endorsement on their
544 permit indicating that they have completed the aforementioned
545 course and have the authority to carry in these locations. This
546 section shall in no way interfere with the right of a trial judge
547 to restrict the carrying of firearms in the courtroom.

548 (3) It shall not be a violation of this or any other statute
549 for pistols, firearms or other suitable and appropriate weapons,
550 to be carried by any out-of-state, full-time commissioned law
551 enforcement officer who holds a valid commission card from the
552 appropriate out-of-state law enforcement agency and a photo
553 identification. The provisions of this subsection shall only
554 apply if the state where the out-of-state officer is employed has
555 entered into a reciprocity agreement with the state that allows
556 full-time commissioned law enforcement officers in Mississippi to
557 lawfully carry or possess a weapon in such other states. The
558 Commissioner of Public Safety is authorized to enter into
559 reciprocal agreements with other states to carry out the
560 provisions of this subsection.

561 **SECTION 5.** Section 97-37-9, Mississippi Code of 1972, is
562 amended as follows:

563 97-37-9. Any person indicted or charged for a violation of
564 Section 97-37-1 may show as a defense:

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



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

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

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

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

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

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

581 (h) That he was lawfully engaged in legitimate sports;
582 or

583 (i) That at the time he was a company guard, bank
584 guard, watchman, or other person enumerated in Section 97-37-7,
585 and was then actually engaged in the performance of his duties as
586 such, and then held a valid permit from the sheriff, the
587 commissioner of public safety, or a valid permit issued by the
588 Secretary of State prior to May 1, 1974, to carry the weapon; and
589 the burden of proving either of said defenses shall be on the
590 accused.

591 (j) That at the time he or she was a member of a church
592 or place of worship security program, and was then actually



593 engaged in the performance of his or her duties as such and met
594 the requirements of Section 2 of this act.

595 **SECTION 6.** Section 97-3-15, Mississippi Code of 1972, is
596 amended as follows:

597 97-3-15. (1) The killing of a human being by the act,
598 procurement or omission of another shall be justifiable in the
599 following cases:

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

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

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

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

613 (e) When committed by any person in resisting any
614 attempt unlawfully to kill such person or to commit any felony
615 upon him, or upon or in any dwelling, in any occupied vehicle, in
616 any place of business, in any place of employment or in the
617 immediate premises thereof in which such person shall be;



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

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

625 (h) When necessarily committed in lawfully suppressing
626 any riot or in lawfully keeping and preserving the peace * * *;
627 and

628 (i) When necessarily committed in the performance of
629 duty as a member of a church or place of worship security program
630 as described in House Bill No. , Regular Session 2016.

631 (2) (a) As used in subsection (1)(c) and (d) of this
632 section, the term "when necessarily committed" means that a public
633 officer or a person acting by or at the officer's command, aid or
634 assistance is authorized to use such force as necessary in
635 securing and detaining the felon offender, overcoming the
636 offender's resistance, preventing the offender's escape,
637 recapturing the offender if the offender escapes or in protecting
638 himself or others from bodily harm; but such officer or person
639 shall not be authorized to resort to deadly or dangerous means
640 when to do so would be unreasonable under the circumstances. The
641 public officer or person acting by or at the officer's command may
642 act upon a reasonable apprehension of the surrounding



643 circumstances; however, such officer or person shall not use
644 excessive force or force that is greater than reasonably necessary
645 in securing and detaining the offender, overcoming the offender's
646 resistance, preventing the offender's escape, recapturing the
647 offender if the offender escapes or in protecting himself or
648 others from bodily harm.

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

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

661 (3) A person who uses defensive force shall be presumed to
662 have reasonably feared imminent death or great bodily harm, or the
663 commission of a felony upon him or another or upon his dwelling,
664 or against a vehicle which he was occupying, or against his
665 business or place of employment or the immediate premises of such
666 business or place of employment, if the person against whom the
667 defensive force was used, was in the process of unlawfully and



668 forcibly entering, or had unlawfully and forcibly entered, a
669 dwelling, occupied vehicle, business, place of employment or the
670 immediate premises thereof or if that person had unlawfully
671 removed or was attempting to unlawfully remove another against the
672 other person's will from that dwelling, occupied vehicle,
673 business, place of employment or the immediate premises thereof
674 and the person who used defensive force knew or had reason to
675 believe that the forcible entry or unlawful and forcible act was
676 occurring or had occurred. This presumption shall not apply if
677 the person against whom defensive force was used has a right to be
678 in or is a lawful resident or owner of the dwelling, vehicle,
679 business, place of employment or the immediate premises thereof or
680 is the lawful resident or owner of the dwelling, vehicle,
681 business, place of employment or the immediate premises thereof or
682 if the person who uses defensive force is engaged in unlawful
683 activity or if the person is a law enforcement officer engaged in
684 the performance of his official duties * * *.

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



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

695 (b) The court shall award reasonable attorney's fees,
696 court costs, compensation for loss of income, and all expenses
697 incurred by the defendant in defense of any civil action brought
698 by a plaintiff if the court finds that the defendant acted in
699 accordance with subsection (1)(e) or (f) of this section. A
700 defendant who has previously been adjudicated "not guilty" of any
701 crime by reason of subsection (1)(e) or (f) of this section shall
702 be immune from any civil action for damages arising from same
703 conduct.

704 **SECTION 7.** This act shall take effect and be in force from
705 and after July 1, 2016.

