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To: Judiciary B

COMMITTEE SUBSTITUTE
 FOR
 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, including
 19 resisting any unlawful attempt to kill a member(s) or attendee(s)
 20 of such church or place of worship, or to commit any felony upon
 21 any such member or attendee in the church or place of worship or
 22 in the immediate premises thereof. Any church or place of worship



23 that establishes a security program that meets the requirements of
24 subsection (2) of this section and any participant of such
25 security program shall be immune from civil liability for any
26 action taken by a member of such security program, if such action
27 occurs during the course and scope of the member's performance of
28 their official duties as a member of the security program for the
29 church or place of worship. For purposes of this act, "church" or
30 "place of worship" means and shall only be applicable to a bona
31 fide duly constituted religious society, ecclesiastical body or
32 any congregation thereof that was operating as such at the time of
33 any actions described in this act.

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

36 (a) Such program shall at a minimum: (i) require each
37 participant of the program to have a firearms permit issued under
38 Section 45-9-101; and (ii) require each participant to complete an
39 instructional course in the safe handling and use of firearms as
40 described in Section 97-37-7; provided, however, that such program
41 may also include one or more persons with law enforcement or
42 military background who, may assist the church or place of worship
43 in training of the members of the program; and

44 (b) The accused member of the program who is involved
45 in any action under the provisions of this section shall have met
46 the requirements of paragraphs (a) (i) and (a) (ii) of this
47 subsection.



48 (3) Any person who is indicted or charged with a violation
49 of criminal law while acting in his capacity as a member of a
50 security program of a church or place of worship may assert as a
51 defense in addition to any other defense available, that at the
52 time of the action in question, he or she was a member of a church
53 or place of worship security program, was then actually engaged in
54 the performance of his or her duties as a member of such program,
55 and had met the requirements of paragraphs (a)(i) and (a)(ii) of
56 Section 2 of this act at the time of such action.

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

59 45-9-101. (1) (a) Except as otherwise provided, the
60 Department of Public Safety is authorized to issue licenses to
61 carry stun guns, concealed pistols or revolvers to persons
62 qualified as provided in this section. Such licenses shall be
63 valid throughout the state for a period of five (5) years from the
64 date of issuance. Any person possessing a valid license issued
65 pursuant to this section may carry a stun gun, concealed pistol or
66 concealed revolver.

67 (b) The licensee must carry the license, together with
68 valid identification, at all times in which the licensee is
69 carrying a stun gun, concealed pistol or revolver and must display
70 both the license and proper identification upon demand by a law
71 enforcement officer. A violation of the provisions of this
72 paragraph (b) shall constitute a noncriminal violation with a



73 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
74 by summons.

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

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

84 (b) (i) Is twenty-one (21) years of age or older; or
85 (ii) Is at least eighteen (18) years of age but
86 not yet twenty-one (21) years of age and the applicant:

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

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

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

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



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

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

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



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

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

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

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

134 (l) Is not disqualified to possess a weapon based on
135 federal law.

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



146 processing of an application for a license if the licensee or
147 applicant is arrested or formally charged with a crime which would
148 disqualify such person from having a license under this section,
149 until final disposition of the case. The provisions of subsection
150 (7) of this section shall apply to any suspension or revocation of
151 a license pursuant to the provisions of this section.

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

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

157 (b) The driver's license number or social security
158 number of applicant;

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

161 (d) A statement that the applicant is in compliance
162 with criteria contained within subsections (2) and (3) of this
163 section;

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

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



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

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

175 (a) A completed application as described in subsection
176 (4) of this section;

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

182 (c) A nonrefundable license fee of Eighty Dollars
183 (\$80.00). Costs for processing the set of fingerprints as
184 required in paragraph (d) of this subsection shall be borne by the
185 applicant. Honorably retired law enforcement officers, disabled
186 veterans and active duty members of the Armed Forces of the United
187 States shall be exempt from the payment of the license fee;

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

190 (e) A waiver authorizing the Department of Public
191 Safety access to any records concerning commitments of the
192 applicant to any of the treatment facilities or institutions
193 referred to in subsection (2) and permitting access to all the
194 applicant's criminal records.



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

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

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

216 (i) Issue the license;

217 (ii) Deny the application based solely on the
218 ground that the applicant fails to qualify under the criteria
219 listed in subsections (2) and (3) of this section. If the



220 Department of Public Safety denies the application, it shall
221 notify the applicant in writing, stating the ground for denial,
222 and the denial shall be subject to the appeal process set forth in
223 subsection (7); or

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

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

237 (7) (a) If the Department of Public Safety denies the
238 issuance of a license, or suspends or revokes a license, the party
239 aggrieved may appeal such denial, suspension or revocation to the
240 Commissioner of Public Safety, or his authorized agent, within
241 thirty (30) days after the aggrieved party receives written notice
242 of such denial, suspension or revocation. The Commissioner of
243 Public Safety, or his duly authorized agent, shall rule upon such
244 appeal within thirty (30) days after the appeal is filed and



245 failure to rule within this thirty-day period shall constitute
246 sustaining such denial, suspension or revocation. Such review
247 shall be conducted pursuant to such reasonable rules and
248 regulations as the Commissioner of Public Safety may adopt.

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

261 (8) The Department of Public Safety shall maintain an
262 automated listing of license holders and such information shall be
263 available online, upon request, at all times, to all law
264 enforcement agencies through the Mississippi Crime Information
265 Center. However, the records of the department relating to
266 applications for licenses to carry stun guns, concealed pistols or
267 revolvers and records relating to license holders shall be exempt
268 from the provisions of the Mississippi Public Records Act of 1983,



269 and shall be released only upon order of a court having proper
270 jurisdiction over a petition for release of the record or records.

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

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

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

289 (12) (a) No less than ninety (90) days prior to the
290 expiration date of the license, the Department of Public Safety
291 shall mail to each licensee a written notice of the expiration and
292 a renewal form prescribed by the department. The licensee must
293 renew his license on or before the expiration date by filing with



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

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

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

310 (iii) The renewal fee for a Mississippi resident
311 aged sixty-five (65) years of age or older shall be Twenty Dollars
312 (\$20.00).

313 (b) The Department of Public Safety shall forward the
314 full set of fingerprints of the applicant to the appropriate
315 agencies for state and federal processing. The license shall be
316 renewed upon receipt of the completed renewal application and
317 appropriate payment of fees.



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

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



343 premises, that is primarily devoted to such purpose; any
344 elementary or secondary school facility; any junior college,
345 community college, college or university facility unless for the
346 purpose of participating in any authorized firearms-related
347 activity; inside the passenger terminal of any airport, except
348 that no person shall be prohibited from carrying any legal firearm
349 into the terminal if the firearm is encased for shipment, for
350 purposes of checking such firearm as baggage to be lawfully
351 transported on any aircraft; any church or other place of worship,
352 except as provided in Section 2 of this act; or any place where
353 the carrying of firearms is prohibited by federal law. In
354 addition to the places enumerated in this subsection, the carrying
355 of a stun gun, concealed pistol or revolver may be disallowed in
356 any place in the discretion of the person or entity exercising
357 control over the physical location of such place by the placing of
358 a written notice clearly readable at a distance of not less than
359 ten (10) feet that the "carrying of a pistol or revolver is
360 prohibited." No license issued pursuant to this section shall
361 authorize the participants in a parade or demonstration for which
362 a permit is required to carry a stun gun, concealed pistol or
363 revolver.

364 (14) A law enforcement officer as defined in Section 45-6-3,
365 chiefs of police, sheriffs and persons licensed as professional
366 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
367 1972, shall be exempt from the licensing requirements of this



368 section. The licensing requirements of this section do not apply
369 to the carrying by any person of a stun gun, pistol or revolver,
370 knife, or other deadly weapon that is not concealed as defined in
371 Section 97-37-1.

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

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

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

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



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

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

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

411 (22) (a) From and after January 1, 2016, the Commissioner
412 of Public Safety shall promulgate rules and regulations which
413 provide that licenses authorized by this section for honorably
414 retired law enforcement officers and honorably retired
415 correctional officers from the Mississippi Department of
416 Corrections shall (i) include the words "retired law enforcement
417 officer" on the front of the license, and (ii) that the license



418 itself have a red background to distinguish it from other licenses
419 issued under this section.

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

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

433 (24) No license shall be required under this section for a
434 loaded or unloaded pistol or revolver carried upon the person in a
435 sheath, belt holster or shoulder holster or carried in a purse,
436 handbag, satchel, other similar bag or briefcase or fully enclosed
437 case.

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

440 97-37-7. (1) (a) It shall not be a violation of Section
441 97-37-1 or any other statute for pistols, firearms or other
442 suitable and appropriate weapons to be carried by duly constituted



443 bank guards, company guards, watchmen, railroad special agents or
444 duly authorized representatives who are not sworn law enforcement
445 officers, agents or employees of a patrol service, guard service,
446 or a company engaged in the business of transporting money,
447 securities or other valuables, while actually engaged in the
448 performance of their duties as such, provided that such persons
449 have made a written application and paid a nonrefundable permit
450 fee of One Hundred Dollars (\$100.00) to the Department of Public
451 Safety.

452 (b) No permit shall be issued to any person who has
453 ever been convicted of a felony under the laws of this or any
454 other state or of the United States. To determine an applicant's
455 eligibility for a permit, the person shall be fingerprinted. If
456 no disqualifying record is identified at the state level, the
457 fingerprints shall be forwarded by the Department of Public Safety
458 to the Federal Bureau of Investigation for a national criminal
459 history record check. The department shall charge a fee which
460 includes the amounts required by the Federal Bureau of
461 Investigation and the department for the national and state
462 criminal history record checks and any necessary costs incurred by
463 the department for the handling and administration of the criminal
464 history background checks. In the event a legible set of
465 fingerprints, as determined by the Department of Public Safety and
466 the Federal Bureau of Investigation, cannot be obtained after a
467 minimum of three (3) attempts, the Department of Public Safety



468 shall determine eligibility based upon a name check by the
469 Mississippi Highway Safety Patrol and a Federal Bureau of
470 Investigation name check conducted by the Mississippi Highway
471 Safety Patrol at the request of the Department of Public Safety.

472 (c) A person may obtain a duplicate of a lost or
473 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
474 replacement fee to the Department of Public Safety, if he
475 furnishes a notarized statement to the department that the permit
476 has been lost or destroyed.

477 (d) (i) No less than ninety (90) days prior to the
478 expiration date of a permit, the Department of Public Safety shall
479 mail to the permit holder written notice of expiration together
480 with the renewal form prescribed by the department. The permit
481 holder shall renew the permit on or before the expiration date by
482 filing with the department the renewal form, a notarized affidavit
483 stating that the permit holder remains qualified, and the renewal
484 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
485 officers shall be exempt from payment of the renewal fee. A
486 permit holder who fails to file a renewal application on or before
487 its expiration date shall pay a late fee of Fifteen Dollars
488 (\$15.00).

489 (ii) Renewal of the permit shall be required every
490 four (4) years. The permit of a qualified renewal applicant shall
491 be renewed upon receipt of the completed renewal application and
492 appropriate payment of fees.



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

497 (2) It shall not be a violation of this or any other statute
498 for pistols, firearms or other suitable and appropriate weapons to
499 be carried by Department of Wildlife, Fisheries and Parks law
500 enforcement officers, railroad special agents who are sworn law
501 enforcement officers, investigators employed by the Attorney
502 General, criminal investigators employed by the district
503 attorneys, all prosecutors, public defenders, investigators or
504 probation officers employed by the Department of Corrections,
505 employees of the State Auditor who are authorized by the State
506 Auditor to perform investigative functions, or any deputy fire
507 marshal or investigator employed by the State Fire Marshal, while
508 engaged in the performance of their duties as such, or by fraud
509 investigators with the Department of Human Services, or by judges
510 of the Mississippi Supreme Court, Court of Appeals, circuit,
511 chancery, county, justice and municipal courts, or by coroners.
512 Before any person shall be authorized under this subsection to
513 carry a weapon, he shall complete a weapons training course
514 approved by the Board of Law Enforcement Officer Standards and
515 Training. Before any criminal investigator employed by a district
516 attorney shall be authorized under this section to carry a pistol,
517 firearm or other weapon, he shall have complied with Section



518 45-6-11 or any training program required for employment as an
519 agent of the Federal Bureau of Investigation. A law enforcement
520 officer, as defined in Section 45-6-3, shall be authorized to
521 carry weapons in courthouses in performance of his official
522 duties. A person licensed under Section 45-9-101 to carry a
523 concealed pistol, who (a) has voluntarily completed an
524 instructional course in the safe handling and use of firearms
525 offered by an instructor certified by a nationally recognized
526 organization that customarily offers firearms training, or by any
527 other organization approved by the Department of Public Safety,
528 (b) is a member or veteran of any active or reserve component
529 branch of the United States of America Armed Forces having
530 completed law enforcement or combat training with pistols or other
531 handguns as recognized by such branch after submitting an
532 affidavit attesting to have read, understand and agree to comply
533 with all provisions of the enhanced carry law, or (c) is an
534 honorably retired law enforcement officer or honorably retired
535 member or veteran of any active or reserve component branch of the
536 United States of America Armed Forces having completed law
537 enforcement or combat training with pistols or other handguns,
538 after submitting an affidavit attesting to have read, understand
539 and agree to comply with all provisions of Mississippi enhanced
540 carry law shall also be authorized to carry weapons in courthouses
541 except in courtrooms during a judicial proceeding, and any
542 location listed in subsection (13) of Section 45-9-101, except any



543 place of nuisance as defined in Section 95-3-1, any police,
544 sheriff or highway patrol station or any detention facility,
545 prison or jail. For the purposes of this subsection (2),
546 component branch of the United States Armed Forces includes the
547 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
548 National Guard, the Army National Guard of the United States, the
549 Air National Guard or the Air National Guard of the United States,
550 as those terms are defined in Section 101, Title 10, United States
551 Code, and any other reserve component of the United States Armed
552 Forces enumerated in Section 10101, Title 10, United States Code.
553 The department shall promulgate rules and regulations allowing
554 concealed pistol permit holders to obtain an endorsement on their
555 permit indicating that they have completed the aforementioned
556 course and have the authority to carry in these locations. This
557 section shall in no way interfere with the right of a trial judge
558 to restrict the carrying of firearms in the courtroom.

559 (3) It shall not be a violation of this or any other statute
560 for pistols, firearms or other suitable and appropriate weapons,
561 to be carried by any out-of-state, full-time commissioned law
562 enforcement officer who holds a valid commission card from the
563 appropriate out-of-state law enforcement agency and a photo
564 identification. The provisions of this subsection shall only
565 apply if the state where the out-of-state officer is employed has
566 entered into a reciprocity agreement with the state that allows
567 full-time commissioned law enforcement officers in Mississippi to



568 lawfully carry or possess a weapon in such other states. The
569 Commissioner of Public Safety is authorized to enter into
570 reciprocal agreements with other states to carry out the
571 provisions of this subsection.

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

574 97-37-9. Any person indicted or charged for a violation of
575 Section 97-37-1 may show as a defense:

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

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

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

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

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

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

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



592 (h) That he was lawfully engaged in legitimate sports;
593 or

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

602 (j) That at the time he or she was a member of a church
603 or place of worship security program, and was then actually
604 engaged in the performance of his or her duties as such and met
605 the requirements of Section 2 of this act.

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

608 97-3-15. (1) The killing of a human being by the act,
609 procurement or omission of another shall be justifiable in the
610 following cases:

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

614 (b) When necessarily committed by public officers, or
615 those acting by their command in their aid and assistance, in



616 overcoming actual resistance to the execution of some legal
617 process, or to the discharge of any other legal duty;

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

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

624 (e) When committed by any person in resisting any
625 attempt unlawfully to kill such person or to commit any felony
626 upon him, or upon or in any dwelling, in any occupied vehicle, in
627 any place of business, in any place of employment or in the
628 immediate premises thereof in which such person shall be;

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

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

636 (h) When necessarily committed in lawfully suppressing
637 any riot or in lawfully keeping and preserving the peace * * *;

638 and



639 (i) When necessarily committed in the performance of
640 duty as a member of a church or place of worship security program
641 as described in Section 2 of this act.

642 (2) (a) As used in subsection (1)(c) and (d) of this
643 section, the term "when necessarily committed" means that a public
644 officer or a person acting by or at the officer's command, aid or
645 assistance is authorized to use such force as necessary in
646 securing and detaining the felon offender, overcoming the
647 offender's resistance, preventing the offender's escape,
648 recapturing the offender if the offender escapes or in protecting
649 himself or others from bodily harm; but such officer or person
650 shall not be authorized to resort to deadly or dangerous means
651 when to do so would be unreasonable under the circumstances. The
652 public officer or person acting by or at the officer's command may
653 act upon a reasonable apprehension of the surrounding
654 circumstances; however, such officer or person shall not use
655 excessive force or force that is greater than reasonably necessary
656 in securing and detaining the offender, overcoming the offender's
657 resistance, preventing the offender's escape, recapturing the
658 offender if the offender escapes or in protecting himself or
659 others from bodily harm.

660 (b) As used in subsection (1)(c) and (d) of this
661 section the term "felon" shall include an offender who has been
662 convicted of a felony and shall also include an offender who is in
663 custody, or whose custody is being sought, on a charge or for an



664 offense which is punishable, upon conviction, by death or
665 confinement in the Penitentiary.

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

672 (3) A person who uses defensive force shall be presumed to
673 have reasonably feared imminent death or great bodily harm, or the
674 commission of a felony upon him or another or upon his dwelling,
675 or against a vehicle which he was occupying, or against his
676 business or place of employment or the immediate premises of such
677 business or place of employment, if the person against whom the
678 defensive force was used, was in the process of unlawfully and
679 forcibly entering, or had unlawfully and forcibly entered, a
680 dwelling, occupied vehicle, business, place of employment or the
681 immediate premises thereof or if that person had unlawfully
682 removed or was attempting to unlawfully remove another against the
683 other person's will from that dwelling, occupied vehicle,
684 business, place of employment or the immediate premises thereof
685 and the person who used defensive force knew or had reason to
686 believe that the forcible entry or unlawful and forcible act was
687 occurring or had occurred. This presumption shall not apply if
688 the person against whom defensive force was used has a right to be



689 in or is a lawful resident or owner of the dwelling, vehicle,
690 business, place of employment or the immediate premises thereof or
691 is the lawful resident or owner of the dwelling, vehicle,
692 business, place of employment or the immediate premises thereof or
693 if the person who uses defensive force is engaged in unlawful
694 activity or if the person is a law enforcement officer engaged in
695 the performance of his official duties * * *.

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

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

706 (b) The court shall award reasonable attorney's fees,
707 court costs, compensation for loss of income, and all expenses
708 incurred by the defendant in defense of any civil action brought
709 by a plaintiff if the court finds that the defendant acted in
710 accordance with subsection (1)(e) or (f) of this section. A
711 defendant who has previously been adjudicated "not guilty" of any
712 crime by reason of subsection (1)(e) or (f) of this section shall



713 be immune from any civil action for damages arising from same
714 conduct.

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

