TO: Judiciary B

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2018

By: Representatives Gipson, Arnold, Baker, Barnett, Beckett, Bomgar, Bounds, Boyd, Byrd, Carpenter, Chism, Criswell, Currie, Gibbs (36th), Guice, Hale, Hopkins, Mangold, Massengill, McLeod, Mettetal, Oliver, Roberson, Rogers (14th), Rogers (61st), Scoggin, Staples, Stevenson, Tullos, Wilson, Ford, Horne, Mims, Shirley, Patterson, Crawford, Morgan, Brown, Weathersby, Henley

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1083

AN ACT TO AMEND SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ANY PERSON WHO HAS AN ENHANCED FIREARMS LICENSE TO CARRY SUCH FIREARM ON PUBLIC PROPERTY; TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING AMENDMENT; TO BRING FORWARD SECTIONS 45-9-171, 97-37-9 AND 97-3-15, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 97-37-7, Mississippi Code of 1972, is amended as follows:

97-37-7. (1) (a) It shall not be a violation of Section 97-37-1 or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by duly constituted bank guards, company guards, watchmen, railroad special agents or duly authorized representatives who are not sworn law enforcement officers, agents or employees of a patrol service, guard service, or a company engaged in the business of transporting money, securities or other valuables, while actually engaged in the performance of their duties as such, provided that such persons have made a written application and paid a nonrefundable permit

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fee of One Hundred Dollars ($100.00) to the Department of Public Safety.

(b) No permit shall be issued to any person who has ever been convicted of a felony under the laws of this or any other state or of the United States. To determine an applicant's eligibility for a permit, the person shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. The department shall charge a fee which includes the amounts required by the Federal Bureau of Investigation and the department for the national and state criminal history record checks and any necessary costs incurred by the department for the handling and administration of the criminal history background checks. In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of three (3) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.

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

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

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

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

(2) It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by Department of Wildlife, Fisheries and Parks law
enforcement officers, railroad special agents who are sworn law enforcement officers, investigators employed by the Attorney General, criminal investigators employed by the district attorneys, all prosecutors, public defenders, investigators or probation officers employed by the Department of Corrections, employees of the State Auditor who are authorized by the State Auditor to perform investigative functions, or any deputy fire marshal or investigator employed by the State Fire Marshal, while engaged in the performance of their duties as such, or by fraud investigators with the Department of Human Services, or by judges of the Mississippi Supreme Court, Court of Appeals, circuit, chancery, county, justice and municipal courts, or by coroners.

Before any person shall be authorized under this subsection to carry a weapon, he shall complete a weapons training course approved by the Board of Law Enforcement Officer Standards and Training. Before any criminal investigator employed by a district attorney shall be authorized under this section to carry a pistol, firearm or other weapon, he shall have complied with Section 45-6-11 or any training program required for employment as an agent of the Federal Bureau of Investigation. A law enforcement officer, as defined in Section 45-6-3, shall be authorized to carry weapons in courthouses in performance of his official duties. A person licensed under Section 45-9-101 to carry a concealed pistol, who (a) has voluntarily completed an instructional course in the safe handling and use of firearms
offered by an instructor certified by a nationally recognized organization that customarily offers firearms training, or by any other organization approved by the Department of Public Safety, (b) is a member or veteran of any active or reserve component branch of the United States of America Armed Forces having completed law enforcement or combat training with pistols or other handguns as recognized by such branch after submitting an affidavit attesting to have read, understand and agree to comply with all provisions of the enhanced carry law, or (c) is an honorably retired law enforcement officer or honorably retired member or veteran of any active or reserve component branch of the United States of America Armed Forces having completed law enforcement or combat training with pistols or other handguns, after submitting an affidavit attesting to have read, understand and agree to comply with all provisions of Mississippi enhanced carry law shall also be authorized to carry weapons in courthouses except in courtrooms during a judicial proceeding, * * * and any location listed in subsection (13) of Section 45-9-101, and any other public property, or portion of public property, except any place of nuisance as defined in Section 95-3-1, any police, sheriff or highway patrol station or any detention facility, prison or jail. Any rule, regulation, or other policy that has the effect of limiting the locations on public property, or a portion of public property where a person may carry a concealed pistol pursuant to the Mississippi enhanced carry law beyond the
locations described in this subsection shall have no force or effect. For the purposes of this subsection (2), component branch of the United States Armed Forces includes the Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army National Guard, the Army National Guard of the United States, the Air National Guard or the Air National Guard of the United States, as those terms are defined in Section 101, Title 10, United States Code, and any other reserve component of the United States Armed Forces enumerated in Section 10101, Title 10, United States Code. The department shall promulgate rules and regulations allowing concealed pistol permit holders to obtain an endorsement on their permit indicating that they have completed the aforementioned course and have the authority to carry in these locations. This section shall in no way interfere with the right of a trial judge to restrict the carrying of firearms in the courtroom.

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

(4) (a) A person licensed to carry a concealed pistol or revolver with the endorsement under Section 97-37-7, who is adversely affected by a rule, regulation, policy, or posted written notice adopted by an agency, entity, or person in violation of this section may file suit for declarative and injunctive relief against the agency, entity, or person in the circuit court which shall have jurisdiction over the location where the violation of this section occurs.

(b) Before instituting suit under this subsection, the party adversely impacted by the rule, regulation, policy, or posted written notice shall notify the Attorney General in writing of the violation and include evidence of the violation. The Attorney General shall, within thirty (30) days, investigate whether the agency, entity, or person adopted a rule, regulation, policy, or posted written notice in violation of this section and provide the appropriate authority notice of his findings, including, if applicable, a description of the violation and specific language of the rule, regulation, policy, or posted written notice found to be in violation. The agency, entity, or person shall have thirty (30) days from receipt of that notice to cure the violation. If the agency, entity, or person fails to cure the violation within that thirty-day time period, a suit
under paragraph (a) of this subsection may proceed. The findings
of the Attorney General shall constitute a "Public Record" as
defined by the Mississippi Public Records Act of 1983, Section
25-61-1 et seq.

(c) If the circuit court finds that an agency, entity,
or person adopted a rule, regulation, policy, or posted written
notice in violation of this section and failed to cure that
violation in accordance with paragraph (b) of this subsection, the
circuit court shall issue a permanent injunction against an
agency, entity, or person prohibiting the enforcement of the rule,
regulation, policy, or posted written notice.

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

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

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

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

   (a) Is a resident of the state. However, this residency requirement may be waived if the applicant possesses a valid permit from another state, is active military personnel stationed in Mississippi, or is a retired law enforcement officer establishing residency in the state;

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

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

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

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

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

   (d) Is not ineligible to possess a firearm by virtue of having been convicted of a felony in a court of this state, of any other state, or of the United States without having been pardoned for same, unless that pardon expressly provides that the person may not ship, transport, possess or receive firearms. A
conviction which has been expunged pursuant to state law shall not
be considered a conviction for purposes of this subsection;

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

(f) Does not chronically and habitually use alcoholic
beverages to the extent that his normal faculties are impaired.
It shall be presumed that an applicant chronically and habitually
uses alcoholic beverages to the extent that his normal faculties
are impaired if the applicant has been voluntarily or
involuntarily committed as an alcoholic to a treatment facility or
has been convicted of two (2) or more offenses related to the use
of alcohol under the laws of this state or similar laws of any
other state or the United States within the three-year period
immediately preceding the date on which the application is
submitted;
(g) Desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself;

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

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

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

(k) Is not a fugitive from justice; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) No license issued pursuant to this section shall
authorize any person to carry a stun gun, concealed pistol or
revolver into any place of nuisance as defined in Section 95-3-1,
Mississippi Code of 1972; any police, sheriff or highway patrol
station; any detention facility, prison or jail; any courthouse;
any courtroom, except that nothing in this section shall preclude
a judge from carrying a concealed weapon or determining who will
carry a concealed weapon in his courtroom; any polling place; any
meeting place of the governing body of any governmental entity;
any meeting of the Legislature or a committee thereof; any school,
college or professional athletic event not related to firearms;
any portion of an establishment, licensed to dispense alcoholic
beverages for consumption on the premises, that is primarily
devoted to dispensing alcoholic beverages; any portion of an
establishment in which beer or light wine is consumed on the
premises, that is primarily devoted to such purpose; any
elementary or secondary school facility; any junior college,
community college, college or university facility unless for the
purpose of participating in any authorized firearms-related
activity; inside the passenger terminal of any airport, except
that no person shall be prohibited from carrying any legal firearm
into the terminal if the firearm is encased for shipment, for
purposes of checking such firearm as baggage to be lawfully
transported on any aircraft; any church or other place of worship,
except as provided in Section 45-9-171; or any place where the
carrying of firearms is prohibited by federal law. In addition to
the places enumerated in this subsection, the carrying of a stun
gun, concealed pistol or revolver may be disallowed in any place
in the discretion of the person or entity exercising control over
the physical location of such place by the placing of a written
notice clearly readable at a distance of not less than ten (10)
feet that the "carrying of a pistol or revolver is prohibited."
No license issued pursuant to this section shall authorize the
participants in a parade or demonstration for which a permit is
required to carry a stun gun, concealed pistol or revolver.

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

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

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

(17) All funds received by a sheriff or police chief pursuant to the provisions of this section shall be deposited into the general fund of the county or municipality, as appropriate, and shall be budgeted to the sheriff's office or police department as appropriate.
(18) Nothing in this section shall be construed to require or allow the registration, documentation or providing of serial numbers with regard to any stun gun or firearm.

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

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

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

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

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

(23) A disabled veteran who seeks to qualify for an exemption under this section shall be required to provide, as proof of service-connected disability, verification from the United States Department of Veterans Affairs. A Veterans Health Identification Card issued by the United States Department of Veterans Affairs indicating a service-connected disability is sufficient proof.

(24) A license under this section is not required for a loaded or unloaded pistol or revolver to be carried upon the person in a sheath, belt holster or shoulder holster or in a purse, handbag, satchel, other similar bag or briefcase or fully
enclosed case if the person is not engaged in criminal activity other than a misdemeanor traffic offense, is not otherwise prohibited from possessing a pistol or revolver under state or federal law, and is not in a location prohibited under subsection (13) of this section.

SECTION 3. Section 45-9-171, Mississippi Code of 1972, is brought forward as follows:

45-9-171. (1) This section shall be known and may be cited as the "Mississippi Church Protection Act."

(2) (a) The governing body of any church or place of worship may establish a security program by which designated members are authorized to carry firearms for the protection of the congregation of the church or place of worship, including resisting any unlawful attempt to commit a violent felony listed in Section 97-3-2(1) upon a member or other attendee in the church or place of worship or on the immediate premises thereof. A church or place of worship may establish a security program that meets the requirements of subsection (2)(b) of this section, and a member of the security program shall be immune from civil liability for any action taken by a member of the security program if the action in question occurs during the reasonable exercise of and within the course and scope of the member's official duties as a member of the security program for the church or place of worship. For purposes of this section, "church" or "place of
“worship” means only a bona fide duly constituted religious society, ecclesiastical body, or any congregation thereof.

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

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

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

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

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

SECTION 4. Section 97-37-9, Mississippi Code of 1972, is
brought forward as follows:

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

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

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

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

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

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

(f) That he was a member of the Armed Forces of the
United States, National Guard, State Militia, Emergency Management
Corps, guard or patrolman in a state or municipal institution
while in the performance of his official duties; or
(g) That he was in lawful pursuit of a felon; or
(h) That he was lawfully engaged in legitimate sports;
(i) That at the time he was a company guard, bank guard, watchman, or other person enumerated in Section 97-37-7, and was then actually engaged in the performance of his duties as such, and then held a valid permit from the sheriff, the commissioner of public safety, or a valid permit issued by the Secretary of State prior to May 1, 1974, to carry the weapon; and the burden of proving either of said defenses shall be on the accused; or
(j) That at the time he or she was a member of a church or place of worship security program, and was then actually engaged in the performance of his or her duties as such and met the requirements of Section 45-9-171.

SECTION 5. Section 97-3-15, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

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

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

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

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

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

   (i) When necessarily committed in the performance of
duty as a member of a church or place of worship security program
as described in Section 45-9-171.
(2) (a) As used in subsection (1)(c) and (d) of this section, the term "when necessarily committed" means that a public officer or a person acting by or at the officer's command, aid or assistance is authorized to use such force as necessary in securing and detaining the felon offender, overcoming the offender's resistance, preventing the offender's escape, recapturing the offender if the offender escapes or in protecting himself or others from bodily harm; but such officer or person shall not be authorized to resort to deadly or dangerous means when to do so would be unreasonable under the circumstances. The public officer or person acting by or at the officer's command may act upon a reasonable apprehension of the surrounding circumstances; however, such officer or person shall not use excessive force or force that is greater than reasonably necessary in securing and detaining the offender, overcoming the offender's resistance, preventing the offender's escape, recapturing the offender if the offender escapes or in protecting himself or others from bodily harm.

(b) As used in subsection (1)(c) and (d) of this section the term "felon" shall include an offender who has been convicted of a felony and shall also include an offender who is in custody, or whose custody is being sought, on a charge or for an offense which is punishable, upon conviction, by death or confinement in the Penitentiary.
(c) As used in subsections (1)(e) and (3) of this section, "dwelling" means a building or conveyance of any kind that has a roof over it, whether the building or conveyance is temporary or permanent, mobile or immobile, including a tent, that is designed to be occupied by people lodging therein at night, including any attached porch.

(3) A person who uses defensive force shall be presumed to have reasonably feared imminent death or great bodily harm, or the commission of a felony upon him or another or upon his dwelling, or against a vehicle which he was occupying, or against his business or place of employment or the immediate premises of such business or place of employment, if the person against whom the defensive force was used, was in the process of unlawfully and forcibly entering, or had unlawfully and forcibly entered, a dwelling, occupied vehicle, business, place of employment or the immediate premises thereof or if that person had unlawfully removed or was attempting to unlawfully remove another against the other person's will from that dwelling, occupied vehicle, business, place of employment or the immediate premises thereof and the person who used defensive force knew or had reason to believe that the forcible entry or unlawful and forcible act was occurring or had occurred. This presumption shall not apply if the person against whom defensive force was used has a right to be in or is a lawful resident or owner of the dwelling, vehicle, business, place of employment or the immediate premises thereof or
is the lawful resident or owner of the dwelling, vehicle, business, place of employment or the immediate premises thereof or if the person who uses defensive force is engaged in unlawful activity or if the person is a law enforcement officer engaged in the performance of his official duties.

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

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

(b) The court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant acted in accordance with subsection (1)(e) or (f) of this section. A defendant who has previously been adjudicated "not guilty" of any crime by reason of subsection (1)(e) or (f) of this section shall be immune from any civil action for damages arising from the same conduct.
SECTION 6. This act shall take effect and be in force from and after July 1, 2018.