

By: Representatives Bounds, Miles, Haney

To: Judiciary B

HOUSE BILL NO. 390

1 AN ACT TO AMEND SECTION 45-9-171, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT A "QUALIFIED RETIRED LAW ENFORCEMENT OFFICER" IS
3 ELIGIBLE FOR IMMUNITY AS A MEMBER OF, AS WELL AS TO ASSIST OR
4 TRAIN OTHER MEMBERS OF A CHURCH SECURITY PROGRAM UNDER THE
5 MISSISSIPPI CHURCH PROTECTION ACT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 45-9-171, Mississippi Code of 1972, is
8 amended as follows:

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

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



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

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

30 (i) The program at a minimum must require that
31 each * * * member of the program possesses a firearms permit
32 issued under Section 45-9-101 and has completed an instructional
33 course in the safe handling and use of firearms as described in
34 Section 97-37-7. In addition, any person who is a "qualified
35 retired law enforcement officer" as defined under 18 USCS Section
36 926C(c) may be a member of the program, and eligible for immunity
37 under this paragraph (b). The program may also include one or
38 more persons with law enforcement or military background and/or
39 one or more such "qualified retired law enforcement officers" who
40 may assist the church or place of worship in training of the
41 members of the program;

42 (ii) The names of the members designated by the
43 church or place of worship to serve in the security program must
44 be spread upon the minutes of the body or otherwise noted in



45 writing at the time of the member's designation if the body does
46 not maintain minutes, and this written record must be made
47 available to law enforcement upon request during the course of
48 investigation after an incident in which the member used a firearm
49 while acting as a member of the security program; and

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

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

62 **SECTION 2.** This act shall take effect and be in force from
63 and after July 1, 2019.

