

By: Representatives Bounds, Miles, Haney

To: Judiciary B

HOUSE BILL NO. 390
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 45-9-171, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE CERTAIN ACTIVE AND RETIRED LAW ENFORCEMENT OFFICERS
3 TO SERVE AS MEMBERS OF A CHURCH SECURITY PROGRAM AND BE ELIGIBLE
4 FOR IMMUNITY UNDER THE MISSISSIPPI CHURCH PROTECTION ACT; AND FOR
5 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, is a law enforcement officer as defined in
35 Section 45-6-3, or is a qualified retired law enforcement officer
36 as defined in 18 U.S.C. Section 926C(c). The program may also
37 include one or more persons with law enforcement or military
38 background who may assist the church or place of worship in
39 training of the members of the program;

40 (ii) The names of the members designated by the
41 church or place of worship to serve in the security program must
42 be spread upon the minutes of the body or otherwise noted in
43 writing at the time of the member's designation if the body does
44 not maintain minutes, and this written record must be made



45 available to law enforcement upon request during the course of
46 investigation after an incident in which the member used a firearm
47 while acting as a member of the security program; and

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

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

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

