

By: Representatives Bain, Barnett

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 532

1 AN ACT TO CREATE NEW SECTION 45-9-181, MISSISSIPPI CODE OF
2 1972, TO CREATE THE "MISSISSIPPI SCHOOL SAFETY GUARDIAN ACT"; TO
3 DEFINE TERMS; TO AUTHORIZE THE GOVERNING BODY OF A SCHOOL, IN
4 CONSULTATION WITH SCHOOL ADMINISTRATORS AND THE MISSISSIPPI
5 DEPARTMENT OF PUBLIC SAFETY, TO ALLOW THE DESIGNATION OF EMPLOYEES
6 TO PARTICIPATE IN THE SCHOOL SAFETY GUARDIAN PROGRAM DEVELOPED AND
7 ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY; TO PRESCRIBE THAT
8 THE SCOPE AND PURPOSE OF A SCHOOL SAFETY GUARDIAN PROGRAM INCLUDES
9 RESPONDING TO AN ACTIVE SHOOTER SITUATION OR OTHER SITUATION THAT
10 POSES IMMINENT HARM ON A SCHOOL CAMPUS OR IN THE IMMEDIATE
11 VICINITY OF A SCHOOL CAMPUS; TO REQUIRE A SCHOOL SAFETY GUARDIAN'S
12 WEAPON TO ALWAYS REMAIN UNDER HIS OR HER PHYSICAL CONTROL WHILE HE
13 OR SHE REMAINS ON THE SCHOOL CAMPUS; TO PROVIDE CIVIL IMMUNITY
14 UNDER CERTAIN CIRCUMSTANCES FOR SCHOOL SAFETY GUARDIANS WHO COMPLY
15 WITH THE ACT; TO REQUIRE THE GOVERNING BOARD OF A SCHOOL DISTRICT
16 TO PAY SCHOOL SAFETY GUARDIANS A MONTHLY STIPEND OF \$500; TO
17 EXEMPT THE IDENTITY OF SCHOOL SAFETY GUARDIANS FROM PUBLIC
18 DISCLOSURE; TO PROVIDE A TRAINING AND CERTIFICATION PROCESS AND TO
19 ENACT STANDARDS; TO AUTHORIZE THE DEPARTMENT TO CHARGE FEES TO
20 COVER THE COST OF TRAINING CERTIFICATION AND FOR THE ISSUANCE AND
21 REISSUANCE OF IDENTIFICATION OF LICENSE HOLDERS; TO ESTABLISH A
22 DEFENSE FOR SCHOOL SAFETY GUARDIANS FOR ALLEGED VIOLATIONS WHILE
23 ACTING WITH THE OFFICIAL SCOPE OF HIS OR HER EMPLOYMENT AS A
24 SCHOOL SAFETY GUARDIAN; TO AMEND SECTION 45-1-2, MISSISSIPPI CODE
25 OF 1972, TO DIRECT THE COMMISSIONER TO ESTABLISH GUIDELINES FOR
26 ACTIVE SHOOTER SITUATIONS; TO AMEND SECTION 45-9-101, MISSISSIPPI
27 CODE OF 1972, TO CONFORM THE PROVISIONS OF LAW REGARDING ISSUANCE
28 OF CERTAIN CONCEALED-CARRY LICENSES AND TO MAKE TECHNICAL
29 AMENDMENTS; TO AMEND SECTION 97-3-15, MISSISSIPPI CODE OF 1972, TO
30 CONFORM THE INSTANCES OF JUSTIFIABLE HOMICIDE; TO AMEND SECTION
31 97-37-9, MISSISSIPPI CODE OF 1972, TO CONFORM THE DEFENSES TO A
32 CHARGE OF UNLAWFULLY CARRYING OF A CONCEALED WEAPON; AND FOR
33 RELATED PURPOSES.



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

35 **SECTION 1.** The following shall be codified as Section
36 45-9-181, Mississippi Code of 1972:

37 45-9-181. (1) This section shall be known and may be cited
38 as the "Mississippi School Safety Guardian Act."

39 (2) For purposes of this section, the following words shall
40 have the meanings ascribed herein unless the context otherwise
41 requires:

42 (a) "School" means any public or private educational
43 institution within the State of Mississippi and includes any
44 elementary or secondary school.

45 (b) "Governing body" means, with respect to any public
46 school district or public charter school, the local school board
47 or charter school governing board, as applicable. With respect to
48 any private school, the term "governing body" means the board or
49 other governing body of the private school as provided in the
50 charter, bylaws, or other governing documents of the school.

51 (c) "School safety guardian" or "guardian" means a
52 trained school employee designated in accordance with subsection
53 (3) (a) who is authorized to carry concealed firearms for the
54 protection of the students, employees and others on the campus of
55 the school.

56 (d) "Department" means the Mississippi Department of
57 Public Safety.



58 (3) (a) The governing body of a school, in consultation
59 with school administrators and the Mississippi Department of
60 Public Safety, may designate employees to participate in a School
61 Safety Guardian Program developed by the Department of Public
62 Safety, by which designated and trained school employees are
63 authorized to carry concealed firearms for the protection of the
64 students, employees and others on the campus of the school.

65 (b) The scope and purpose of a School Safety Guardian
66 Program includes responding to an active shooter situation or
67 other situation that would cause death or bodily harm on the
68 school campus or in the immediate vicinity of the school campus.
69 The guardian's weapon shall always remain under his or her
70 physical control while such person remains on the school campus.

71 (4) A designated school safety guardian is immune from civil
72 liability for any action taken by the guardian if the action in
73 question occurs during the reasonable exercise of and within the
74 course and scope of the designated guardian's official duties.
75 School safety guardians are charged with these duties and must act
76 in accordance with these duties to maintain their certification
77 and immunity. If a school safety guardian is found to have failed
78 to carry out their official duties the immunity described in this
79 subsection shall be waived.

80 (5) School safety guardians shall be paid a monthly stipend
81 of Five Hundred Dollars (\$500.00) by the school district.



82 (6) The School Safety Guardian Program shall be administered
83 by the Mississippi Department of Public Safety through the Office
84 of Homeland Security. In consultation with the Mississippi
85 Department of Education, the department shall establish the School
86 Safety Guardian Program and promulgate any rules, regulations and
87 establish training requirements as may be deemed necessary for the
88 administration of the program.

89 (7) To be eligible for the immunity provided in this
90 section:

91 (a) The School Safety Guardian Program must, at a
92 minimum, require each designated member of the program who is not
93 a law enforcement officer, as defined in Section 45-6-3, to:

94 (i) Possess a firearms license issued under
95 Section 45-9-101 and complete an instructional course in the safe
96 handling and use of firearms as described in Section 97-37-7;

97 (ii) Complete instructional training through a law
98 enforcement training academy approved by the department not less
99 than once every twelve (12) months; and

100 (iii) Be certified in the proper administration of
101 cardiopulmonary resuscitation (CPR), the use of an automated
102 external defibrillator (AED) and rendering first aid; and

103 (b) The identities of any person designated by the
104 school's governing body to serve as a school safety guardian must
105 be documented at the time of the designation and shall be
106 communicated to school administrators and local law enforcement,



107 but records relating to school safety guardians' identities shall
108 be exempt from the provisions of the Mississippi Public Records
109 Act of 1983.

110 (8) (a) The department may establish a process to enable
111 Mississippi law enforcement training academies statewide, with at
112 least three (3) training academies located in each congressional
113 district according to the most recent federal decennial census
114 that are approved by the department to offer an instructional
115 course in the safe handling and use of firearms under Section
116 97-37-7(2), to offer additional school safety guardian training
117 and certification. The school safety guardian training
118 certification process must include:

119 (i) An instructional course developed by the
120 Mississippi Department of Public Safety;

121 (ii) A criminal background check;

122 (iii) A psychological screening;

123 (iv) A shooting proficiency test; and

124 (v) An annual re-certification training.

125 (b) A law enforcement training academy may provide
126 school safety guardian training to any employee of a school or
127 school district who:

128 (i) Holds a license to carry a concealed handgun
129 issued under Section 45-9-101;

130 (ii) Has completed an instructional course in the
131 safe handling and use of firearms as described in Section



132 97-37-7(2); and

133 (iii) Has current certification in the proper
134 administration of cardiopulmonary resuscitation (CPR), the use of
135 an automated external defibrillator (AED) and rendering first aid.

136 (c) The department may establish a fee in an amount
137 that is sufficient to cover the costs of the school safety
138 guardian training certification under this section to be paid to
139 the training academy by the governing body of the school.

140 (d) The department may adopt rules to administer this
141 section, including a method to identify license holders who have
142 completed a school safety guardian training certification course,
143 and may set a fee to be charged for the issuance or reissuance of
144 identification of the license holder as being school safety
145 guardian certified.

146 (e) The department shall adopt rules and regulations
147 that require review of the firearms training policies and
148 procedures of school districts that authorized its employees to
149 carry concealed firearms before the effective date of this act.
150 Upon review of such rules and regulations, if the department
151 determines that such district's policies and procedures conform to
152 the department's training standards under the authority of this
153 act, the department shall approve such district's policies and
154 procedures and all employees of such school district shall receive
155 all authority and protections provided by this act to carry
156 concealed firearms. However, if the department determines that



157 such district's policies and procedures fail to conform to the
158 department's training standards under the authority of this act,
159 the employees of the district shall be required to comply with the
160 requirements under this act to carry concealed firearms.

161 (9) A person who is indicted or charged with a violation of
162 criminal law while acting as a school safety guardian may assert
163 as a defense, in addition to any other defense available, that at
164 the time of the action in question:

165 (a) He or she was a certified school safety guardian;

166 (b) He or she was actually engaged in the performance
167 of his or her duties as a school safety guardian; and

168 (c) He or she had met the requirements of this section
169 at the time of the action in question.

170 **SECTION 2.** Section 45-1-2, Mississippi Code of 1972, is
171 amended as follows:

172 45-1-2. (1) The Executive Director of the Department of
173 Public Safety shall be the Commissioner of Public Safety.

174 (2) The Commissioner of Public Safety shall establish the
175 organizational structure of the Department of Public Safety, which
176 shall include the creation of any units necessary to implement the
177 duties assigned to the department and consistent with specific
178 requirements of law including, but not limited to:

179 (a) Office of Public Safety Planning;

180 (b) Office of Mississippi Highway Safety Patrol;



181 (c) Office of Mississippi Bureau of Investigation (to
182 be directed by a Lieutenant Colonel of the Mississippi Highway
183 Safety Patrol);

184 (d) Office of Forensic Laboratories, which includes the
185 Mississippi Forensics Laboratory and the Office of the State
186 Medical Examiner;

187 (e) Office of Law Enforcement Officers' Training
188 Academy;

189 (f) Office of Support Services;

190 (g) Office of Narcotics, which shall be known as the
191 Bureau of Narcotics;

192 (h) Office of Homeland Security;

193 (i) Office of Capitol Police;

194 (j) Office of Driver Service Bureau; and

195 (k) Office of Commercial Transportation Enforcement
196 Division.

197 (3) The department shall be headed by a commissioner, who
198 shall be appointed by and serve at the pleasure of the Governor.
199 The appointment of the commissioner shall be made with the advice
200 and consent of the Senate. The commissioner shall have, at a
201 minimum, a bachelor's degree from an accredited college or
202 university.

203 (4) Notwithstanding any provision of law to the contrary,
204 the commissioner shall appoint heads of offices, who shall serve
205 at the pleasure of the commissioner. The commissioner shall have



206 the authority to organize the offices established by subsection
207 (2) of this section as deemed appropriate to carry out the
208 responsibilities of the department. The commissioner may assign
209 to the appropriate offices such powers and duties as deemed
210 appropriate to carry out the department's lawful functions. The
211 organization charts of the department shall be presented annually
212 with the budget request of the Governor for review by the
213 Legislature.

214 (5) The commissioner shall appoint, from within the
215 Department of Public Safety, a statewide safety training officer
216 who shall serve at the pleasure of the commissioner and whose duty
217 it shall be to perform public training for both law enforcement
218 and private persons throughout the state concerning proper
219 emergency response to the mentally ill, terroristic threats or
220 acts, domestic conflict, other conflict resolution, and such other
221 matters as the commissioner may direct.

222 (6) The commissioner, after consultation with the
223 Mississippi Association of Chiefs of Police and the Mississippi
224 Sheriffs' Association, shall be responsible for establishing
225 guidelines for response to active shooter situations and
226 jurisdictional issues related thereto.

227 (* * *7) The commissioner shall establish within the
228 department the Mississippi Office of Homeland Security for the
229 purpose of seeing that the laws are faithfully executed and for
230 the purpose of investigating cyber-related crimes and suppressing



231 crimes of violence and acts of intimidation and terror. The
232 commissioner is hereby authorized to employ within the Office of
233 Homeland Security a director, investigators and other qualified
234 personnel as he may deem necessary to make investigation of
235 cyber-related crimes, crimes of violence and acts of terrorism or
236 intimidation, to aid in the arrest and prosecution of persons
237 charged with such cyber-related crimes, crimes of violence, acts
238 of terrorism or intimidation, or threats of violence and to
239 perform other duties as necessary to accomplish these purposes.
240 Investigators and other law enforcement personnel employed by the
241 commissioner shall have full power to investigate, apprehend, and
242 arrest persons committing cyber-related crimes, acts of violence,
243 intimidation, or terrorism anywhere in the state, and shall be
244 vested with the power of police officers in the performance of
245 such duties as provided herein. Such investigators and other
246 personnel shall perform their duties under the direction of the
247 commissioner, or his designee. The commissioner shall be
248 authorized to offer and pay suitable rewards to other persons for
249 aiding in such investigation and in the apprehension and
250 conviction of persons charged with cyber-related crimes, acts of
251 violence, or threats of violence, or intimidation, or acts of
252 terrorism.

253 (* * *8) The commissioner shall establish within the Office
254 of Homeland Security a Mississippi Analysis and Information Center
255 (MSAIC Fusion Center) which shall be the highest priority for the



256 allocation of available federal resources for statewide
257 information sharing, including the deployment of personnel and
258 connectivity with federal data systems. Subject to appropriation
259 therefor, the Mississippi Fusion Center shall employ three (3)
260 regional analysts dedicated to analyzing and resolving potential
261 threats identified by the agency's statewide social media
262 intelligence platform and the dissemination of school safety
263 information.

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

266 45-9-101. (1) (a) Except as otherwise provided, the
267 Department of Public Safety is authorized to issue licenses to
268 carry stun guns, concealed pistols or revolvers to persons
269 qualified as provided in this section. Such licenses shall be
270 valid throughout the state for a period of five (5) years from the
271 date of issuance, except as provided in subsection (25) of this
272 section. Any person possessing a valid license issued pursuant to
273 this section may carry a stun gun, concealed pistol or concealed
274 revolver.

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



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

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

285 (a) Is a resident of the state. However, this
286 residency requirement may be waived if the applicant possesses a
287 valid permit from another state, is a member of any active or
288 reserve component branch of the United States of America Armed
289 Forces stationed in Mississippi, is the spouse of a member of any
290 active or reserve component branch of the United States of America
291 Armed Forces stationed in Mississippi * * * or is a retired law
292 enforcement officer establishing residency in the state;

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

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

298 2. Holds a valid Mississippi driver's license
299 or identification card issued by the Department of Public Safety
300 or a valid and current tribal identification card issued by a
301 federally recognized Indian tribe containing a photograph of the
302 holder;

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



305 (d) Is not ineligible to possess a firearm by virtue of
306 having been convicted of a felony in a court of this state, of any
307 other state, or of the United States without having been pardoned
308 or without * * * expungement of the same;

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

320 (f) Does not chronically and habitually use alcoholic
321 beverages to the extent that his normal faculties are impaired.
322 It shall be presumed that an applicant chronically and habitually
323 uses alcoholic beverages to the extent that his normal faculties
324 are impaired if the applicant has been voluntarily or
325 involuntarily committed as an alcoholic to a treatment facility or
326 has been convicted of two (2) or more offenses related to the use
327 of alcohol under the laws of this state or similar laws of any
328 other state or the United States within the three-year period



329 immediately preceding the date on which the application is
330 submitted;

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

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

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

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

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

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

348 (3) The Department of Public Safety may deny a license if
349 the applicant has been found guilty of one or more crimes of
350 violence constituting a misdemeanor unless three (3) years have
351 elapsed since probation or any other conditions set by the court
352 have been fulfilled or expunction has occurred prior to the date
353 on which the application is submitted, or may revoke a license if



354 the licensee has been found guilty of one or more crimes of
355 violence within the preceding three (3) years. The department
356 shall, upon notification by a law enforcement agency or a court
357 and subsequent written verification, suspend a license or the
358 processing of an application for a license if the licensee or
359 applicant is arrested or formally charged with a crime which would
360 disqualify such person from having a license under this section,
361 until final disposition of the case. The provisions of subsection
362 (7) of this section shall apply to any suspension or revocation of
363 a license pursuant to the provisions of this section.

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

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

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

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

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

376 (e) A statement that the applicant has * * * read this
377 section and is knowledgeable of its provisions;



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

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

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

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

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

394 (c) A nonrefundable license fee of Eighty Dollars
395 (\$80.00). Costs for processing the set of fingerprints as
396 required in paragraph (d) of this subsection shall be borne by the
397 applicant. Honorably retired law enforcement officers, disabled
398 veterans and active duty members of the Armed Forces of the United
399 States, and law enforcement officers employed with a law
400 enforcement agency of a municipality, county or state at the time
401 of application for the license, shall be exempt from the payment
402 of the license fee;



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

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

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

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



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

431 (i) Issue the license;

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

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

444 (d) * * * If a legible set of fingerprints, as
445 determined by the Department of Public Safety and the Federal
446 Bureau of Investigation, cannot be obtained after a minimum of two
447 (2) attempts, the Department of Public Safety shall determine
448 eligibility based upon a name check by the Mississippi Highway
449 Safety Patrol and a Federal Bureau of Investigation name check
450 conducted by the Mississippi Highway Safety Patrol at the request
451 of the Department of Public Safety.



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

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



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

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

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



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

504 (12) (a) Except as provided in subsection (25) of this
505 section, no less than ninety (90) days prior to the expiration
506 date of the license, the Department of Public Safety shall mail to
507 each licensee a written notice of the expiration and a renewal
508 form prescribed by the department. The licensee must renew his
509 license on or before the expiration date by filing with the
510 department the renewal form, a notarized affidavit stating that
511 the licensee remains qualified pursuant to the criteria specified
512 in subsections (2) and (3) of this section, and a full set of
513 fingerprints administered by the Department of Public Safety or
514 the sheriff of the county of residence of the licensee. The first
515 renewal may be processed by mail and the subsequent renewal must
516 be made in person. Thereafter every other renewal may be
517 processed by mail to assure that the applicant must appear in
518 person every ten (10) years for the purpose of obtaining a new
519 photograph.

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

523 (ii) Honorably retired law enforcement officers,
524 disabled veterans, active duty members of the Armed Forces of the
525 United States and law enforcement officers employed with a law



526 enforcement agency of a municipality, county or state at the time
527 of renewal, shall be exempt from the renewal fee; and

528 (iii) The renewal fee for a Mississippi resident
529 aged sixty-five (65) years of age or older shall be Twenty Dollars
530 (\$20.00).

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

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

546 (13) (a) No license issued pursuant to this section shall
547 authorize any person, except a law enforcement officer as defined
548 in Section 45-6-3 with a distinct license authorized by the
549 Department of Public Safety, to carry a stun gun, concealed pistol
550 or revolver into:



551 (i) Any place of nuisance as defined in Section
552 95-3-1 * * *;
553 (ii) Any police, sheriff or highway patrol
554 station;
555 (iii) Any detention facility, prison or jail;
556 (iv) Any courthouse;
557 (v) Any courtroom, except that nothing in this
558 section shall preclude a judge from carrying a concealed weapon or
559 determining who will carry a concealed weapon in his courtroom;
560 (vi) Any polling place;
561 (vii) Any meeting place of the governing body of
562 any governmental entity;
563 (viii) Any meeting of the Legislature or a
564 committee thereof;
565 (ix) Any school, college or professional athletic
566 event not related to firearms, except as provided in Section
567 45-9-181;
568 (x) Any portion of an establishment, licensed to
569 dispense alcoholic beverages for consumption on the premises, that
570 is primarily devoted to dispensing alcoholic beverages;
571 (xi) Any portion of an establishment in which
572 beer, light spirit product or light wine is consumed on the
573 premises, that is primarily devoted to such purpose;
574 (xii) Any elementary or secondary school facility,
575 except as provided in Section 45-9-181;



576 (xiii) Any junior college, community college,
577 college or university facility unless for the purpose of
578 participating in any authorized firearms-related activity, except
579 as provided in Section 45-9-181;

580 (xiv) Inside the passenger terminal of any
581 airport, except that no person shall be prohibited from carrying
582 any legal firearm into the terminal if the firearm is encased for
583 shipment, for purposes of checking such firearm as baggage to be
584 lawfully transported on any aircraft;

585 (xv) Any church or other place of worship, except
586 as provided in Section 45-9-171; or

587 (xvi) Any place where the carrying of firearms is
588 prohibited by federal law.

589 (b) In addition to the places enumerated in paragraph
590 (a) of this subsection, the carrying of a stun gun, concealed
591 pistol or revolver may be disallowed in any place in the
592 discretion of the person or entity exercising control over the
593 physical location of such place by the placing of a written notice
594 clearly readable at a distance of not less than ten (10) feet that
595 the "carrying of a pistol or revolver is prohibited." No license
596 issued pursuant to this section shall authorize the participants
597 in a parade or demonstration for which a permit is required to
598 carry a stun gun, concealed pistol or revolver.

599 (14) A law enforcement officer as defined in Section 45-6-3,
600 chiefs of police, sheriffs and persons licensed as professional



601 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
602 1972, shall be exempt from the licensing requirements of this
603 section.

604 (a) The Commissioner of Public Safety shall promulgate
605 rules and regulations to provide licenses to law enforcement
606 officers as defined in Section 45-6-3 who choose to obtain a
607 license under the provisions of this section, which shall include
608 a distinction that the officer is an "active duty" law enforcement
609 officer and an endorsement that such officer is authorized to
610 carry in the locations listed in subsection (13). A law
611 enforcement officer shall provide the following information to
612 receive the license described in this subsection: (i) a letter,
613 with the official letterhead of the agency or department for which
614 the officer is employed at the time of application and (ii) a
615 letter with the official letterhead of the agency or department,
616 which explains that such officer has completed a certified law
617 enforcement training academy.

618 (b) The licensing requirements of this section do not
619 apply to the carrying by any person of a stun gun, pistol or
620 revolver, knife, or other deadly weapon that is not concealed as
621 defined in Section 97-37-1.

622 (15) Any person who knowingly submits a false answer to any
623 question on an application for a license issued pursuant to this
624 section, or who knowingly submits a false document when applying
625 for a license issued pursuant to this section, shall, upon



626 conviction, be guilty of a misdemeanor and shall be punished as
627 provided in Section 99-19-31, Mississippi Code of 1972.

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

635 (17) All funds received by a sheriff or police chief
636 pursuant to the provisions of this section shall be deposited into
637 the general fund of the county or municipality, as appropriate,
638 and shall be budgeted to the sheriff's office or police department
639 as appropriate.

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

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



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

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

661 (22) (a) From and after January 1, 2016, the Commissioner
662 of Public Safety shall promulgate rules and regulations which
663 provide that licenses authorized by this section for honorably
664 retired law enforcement officers and honorably retired
665 correctional officers from the Mississippi Department of
666 Corrections shall (i) include the words "retired law enforcement
667 officer" on the front of the license, and (ii) unless the licensee
668 chooses to have this license combined with a driver's license or
669 identification card under subsection (25) of this section, that
670 the license itself have a red background to distinguish it from
671 other licenses issued under this section.

672 (b) An honorably retired law enforcement officer and
673 honorably retired correctional officer shall provide the following
674 information to receive the license described in this section: (i)
675 a letter, with the official letterhead of the agency or department



676 from which such officer is retiring, which explains that such
677 officer is honorably retired, and (ii) a letter with the official
678 letterhead of the agency or department, which explains that such
679 officer has completed a certified law enforcement training
680 academy.

681 (23) A disabled veteran who seeks to qualify for an
682 exemption under this section shall be required to provide a
683 veterans health services identification card issued by the United
684 States Department of Veterans Affairs indicating a
685 service-connected disability, which shall be sufficient proof of
686 such service-connected disability.

687 (24) A license under this section is not required for a
688 loaded or unloaded pistol or revolver to be carried upon the
689 person in a sheath, belt holster or shoulder holster or in a
690 purse, handbag, satchel, other similar bag or briefcase or fully
691 enclosed case if the person is not engaged in criminal activity
692 other than a misdemeanor traffic offense, is not otherwise
693 prohibited from possessing a pistol or revolver under state or
694 federal law, and is not in a location prohibited under subsection
695 (13) of this section. However, the medical use of medical
696 cannabis by a cardholder who is a registered qualifying patient
697 which is lawful under the provisions of the Mississippi Medical
698 Cannabis Act and in compliance with rules and regulations adopted
699 thereunder shall not disqualify a person under this subsection
700 (24) solely because the person is prohibited from possessing a



701 firearm under 18 USCS Section 922(g) (3) due to such medical use of
702 medical cannabis.

703 (25) An applicant for a license under this section shall
704 have the option of, instead of being issued a separate card for
705 the license, having the license appear as a notation on the
706 individual's driver's license or identification card. If the
707 applicant chooses this option, the license issued under this
708 section shall have the same expiration date as the driver's
709 license or identification card, and renewal shall take place at
710 the same time and place as renewal of the driver's license or
711 identification card. The Commissioner of Public Safety shall have
712 the authority to promulgate rules and regulations which may be
713 necessary to ensure the effectiveness of the concurrent
714 application and renewal processes.

715 **SECTION 4.** Section 97-3-15, Mississippi Code of 1972, is
716 amended as follows:

717 97-3-15. (1) The killing of a human being by the act,
718 procurement or omission of another shall be justifiable in the
719 following cases:

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

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



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

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

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

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

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

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

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

747 (i) When necessarily committed in the performance of
748 duty as a member of a church or place of worship security program
749 as described in Section 45-9-171 * * *; and



750 (j) When necessarily committed in the performance of
751 duty as a member of a School Safety Guardian Program as described
752 in Section 45-9-181.

753 (2) (a) As used in subsection (1)(c) and (d) of this
754 section, the term "when necessarily committed" means that a public
755 officer or a person acting by or at the officer's command, aid or
756 assistance is authorized to use such force as necessary in
757 securing and detaining the felon offender, overcoming the
758 offender's resistance, preventing the offender's escape,
759 recapturing the offender if the offender escapes or in protecting
760 himself or others from bodily harm; but such officer or person
761 shall not be authorized to resort to deadly or dangerous means
762 when to do so would be unreasonable under the circumstances. The
763 public officer or person acting by or at the officer's command may
764 act upon a reasonable apprehension of the surrounding
765 circumstances; however, such officer or person shall not use
766 excessive force or force that is greater than reasonably necessary
767 in securing and detaining the offender, overcoming the offender's
768 resistance, preventing the offender's escape, recapturing the
769 offender if the offender escapes or in protecting himself or
770 others from bodily harm.

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



775 offense which is punishable, upon conviction, by death or
776 confinement in the Penitentiary.

777 (c) As used in subsections (1)(e) and (3) of this
778 section, "dwelling" means a building or conveyance of any kind
779 that has a roof over it, whether the building or conveyance is
780 temporary or permanent, mobile or immobile, including a tent, that
781 is designed to be occupied by people lodging therein at night,
782 including any attached porch.

783 (3) A person who uses defensive force shall be presumed to
784 have reasonably feared imminent death or great bodily harm, or the
785 commission of a felony upon him or another or upon his dwelling,
786 or against a vehicle which he was occupying, or against his
787 business or place of employment or the immediate premises of such
788 business or place of employment, if the person against whom the
789 defensive force was used, was in the process of unlawfully and
790 forcibly entering, or had unlawfully and forcibly entered, a
791 dwelling, occupied vehicle, business, place of employment or the
792 immediate premises thereof or if that person had unlawfully
793 removed or was attempting to unlawfully remove another against the
794 other person's will from that dwelling, occupied vehicle,
795 business, place of employment or the immediate premises thereof
796 and the person who used defensive force knew or had reason to
797 believe that the forcible entry or unlawful and forcible act was
798 occurring or had occurred. This presumption shall not apply if
799 the person against whom defensive force was used has a right to be



800 in or is a lawful resident or owner of the dwelling, vehicle,
801 business, place of employment or the immediate premises thereof or
802 is the lawful resident or owner of the dwelling, vehicle,
803 business, place of employment or the immediate premises thereof or
804 if the person who uses defensive force is engaged in unlawful
805 activity or if the person is a law enforcement officer engaged in
806 the performance of his official duties.

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

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

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



824 be immune from any civil action for damages arising from the same
825 conduct.

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

828 97-37-9. Any person indicted or charged for a violation of
829 Section 97-37-1 may show as a defense:

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

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

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

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

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

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

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

846 (h) That he was lawfully engaged in legitimate sports;

847 or



848 (i) That at the time he was a company guard, bank
849 guard, watchman, or other person enumerated in Section 97-37-7,
850 and was then actually engaged in the performance of his duties as
851 such, and then held a valid permit from the sheriff, the
852 commissioner of public safety, or a valid permit issued by the
853 Secretary of State prior to May 1, 1974, to carry the weapon; and
854 the burden of proving either of said defenses shall be on the
855 accused; * * *

856 (j) That at the time he or she was a member of a church
857 or place of worship security program, and was then actually
858 engaged in the performance of his or her duties as such and met
859 the requirements of Section 45-9-171 * * *; or

860 (k) That at the time he or she was a member of a School
861 Safety Guardian Program, and was then actually engaged in the
862 performance of his or her duties as such and met the requirements
863 of Section 45-9-181.

864 **SECTION 6.** This act shall take effect and be in force from
865 and after July 1, 2023.

