

By: Representatives Bennett, Owen

To: Education

HOUSE BILL NO. 1120

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 that are approved
112 by the department to offer an instructional course in the safe
113 handling and use of firearms under Section 97-37-7(2), to offer
114 additional school safety guardian training and certification. The
115 school safety guardian training certification process must
116 include:

117 (i) An instructional course developed by the
118 Mississippi Department of Public Safety;

119 (ii) A criminal background check;

120 (iii) A psychological screening;

121 (iv) A shooting proficiency test; and

122 (v) An annual re-certification training.

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

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

128 (ii) Has completed an instructional course in the
129 safe handling and use of firearms as described in Section
130 97-37-7(2); and



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

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

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

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

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

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

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

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



155 45-1-2. (1) The Executive Director of the Department of
156 Public Safety shall be the Commissioner of Public Safety.

157 (2) The Commissioner of Public Safety shall establish the
158 organizational structure of the Department of Public Safety, which
159 shall include the creation of any units necessary to implement the
160 duties assigned to the department and consistent with specific
161 requirements of law including, but not limited to:

162 (a) Office of Public Safety Planning;

163 (b) Office of Mississippi Highway Safety Patrol;

164 (c) Office of Mississippi Bureau of Investigation (to
165 be directed by a Lieutenant Colonel of the Mississippi Highway
166 Safety Patrol);

167 (d) Office of Forensic Laboratories, which includes the
168 Mississippi Forensics Laboratory and the Office of the State
169 Medical Examiner;

170 (e) Office of Law Enforcement Officers' Training
171 Academy;

172 (f) Office of Support Services;

173 (g) Office of Narcotics, which shall be known as the
174 Bureau of Narcotics;

175 (h) Office of Homeland Security;

176 (i) Office of Capitol Police;

177 (j) Office of Driver Service Bureau; and

178 (k) Office of Commercial Transportation Enforcement
179 Division.



180 (3) The department shall be headed by a commissioner, who
181 shall be appointed by and serve at the pleasure of the Governor.
182 The appointment of the commissioner shall be made with the advice
183 and consent of the Senate. The commissioner shall have, at a
184 minimum, a bachelor's degree from an accredited college or
185 university.

186 (4) Notwithstanding any provision of law to the contrary,
187 the commissioner shall appoint heads of offices, who shall serve
188 at the pleasure of the commissioner. The commissioner shall have
189 the authority to organize the offices established by subsection
190 (2) of this section as deemed appropriate to carry out the
191 responsibilities of the department. The commissioner may assign
192 to the appropriate offices such powers and duties as deemed
193 appropriate to carry out the department's lawful functions. The
194 organization charts of the department shall be presented annually
195 with the budget request of the Governor for review by the
196 Legislature.

197 (5) The commissioner shall appoint, from within the
198 Department of Public Safety, a statewide safety training officer
199 who shall serve at the pleasure of the commissioner and whose duty
200 it shall be to perform public training for both law enforcement
201 and private persons throughout the state concerning proper
202 emergency response to the mentally ill, terroristic threats or
203 acts, domestic conflict, other conflict resolution, and such other
204 matters as the commissioner may direct.



205 (6) The commissioner, after consultation with the
206 Mississippi Association of Chiefs of Police and the Mississippi
207 Sheriffs' Association, shall be responsible for establishing
208 guidelines for response to active shooter situations and
209 jurisdictional issues related thereto.

210 (* * *7) The commissioner shall establish within the
211 department the Mississippi Office of Homeland Security for the
212 purpose of seeing that the laws are faithfully executed and for
213 the purpose of investigating cyber-related crimes and suppressing
214 crimes of violence and acts of intimidation and terror. The
215 commissioner is hereby authorized to employ within the Office of
216 Homeland Security a director, investigators and other qualified
217 personnel as he may deem necessary to make investigation of
218 cyber-related crimes, crimes of violence and acts of terrorism or
219 intimidation, to aid in the arrest and prosecution of persons
220 charged with such cyber-related crimes, crimes of violence, acts
221 of terrorism or intimidation, or threats of violence and to
222 perform other duties as necessary to accomplish these purposes.
223 Investigators and other law enforcement personnel employed by the
224 commissioner shall have full power to investigate, apprehend, and
225 arrest persons committing cyber-related crimes, acts of violence,
226 intimidation, or terrorism anywhere in the state, and shall be
227 vested with the power of police officers in the performance of
228 such duties as provided herein. Such investigators and other
229 personnel shall perform their duties under the direction of the



230 commissioner, or his designee. The commissioner shall be
231 authorized to offer and pay suitable rewards to other persons for
232 aiding in such investigation and in the apprehension and
233 conviction of persons charged with cyber-related crimes, acts of
234 violence, or threats of violence, or intimidation, or acts of
235 terrorism.

236 (* * *8) The commissioner shall establish within the Office
237 of Homeland Security a Mississippi Analysis and Information Center
238 (MSAIC Fusion Center) which shall be the highest priority for the
239 allocation of available federal resources for statewide
240 information sharing, including the deployment of personnel and
241 connectivity with federal data systems. Subject to appropriation
242 therefor, the Mississippi Fusion Center shall employ three (3)
243 regional analysts dedicated to analyzing and resolving potential
244 threats identified by the agency's statewide social media
245 intelligence platform and the dissemination of school safety
246 information.

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

249 45-9-101. (1) (a) Except as otherwise provided, the
250 Department of Public Safety is authorized to issue licenses to
251 carry stun guns, concealed pistols or revolvers to persons
252 qualified as provided in this section. Such licenses shall be
253 valid throughout the state for a period of five (5) years from the
254 date of issuance, except as provided in subsection (25) of this



255 section. Any person possessing a valid license issued pursuant to
256 this section may carry a stun gun, concealed pistol or concealed
257 revolver.

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

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

268 (a) Is a resident of the state. However, this
269 residency requirement may be waived if the applicant possesses a
270 valid permit from another state, is a member of any active or
271 reserve component branch of the United States of America Armed
272 Forces stationed in Mississippi, is the spouse of a member of any
273 active or reserve component branch of the United States of America
274 Armed Forces stationed in Mississippi * * * or is a retired law
275 enforcement officer establishing residency in the state;

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

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



279 1. Is a member or veteran of the United
280 States Armed Forces, including National Guard or Reserve; and
281 2. Holds a valid Mississippi driver's license
282 or identification card issued by the Department of Public Safety
283 or a valid and current tribal identification card issued by a
284 federally recognized Indian tribe containing a photograph of the
285 holder;

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

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

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



303 (f) Does not chronically and habitually use alcoholic
304 beverages to the extent that his normal faculties are impaired.
305 It shall be presumed that an applicant chronically and habitually
306 uses alcoholic beverages to the extent that his normal faculties
307 are impaired if the applicant has been voluntarily or
308 involuntarily committed as an alcoholic to a treatment facility or
309 has been convicted of two (2) or more offenses related to the use
310 of alcohol under the laws of this state or similar laws of any
311 other state or the United States within the three-year period
312 immediately preceding the date on which the application is
313 submitted;

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

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

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

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



328 (k) Is not a fugitive from justice; and
329 (l) Is not disqualified to possess a weapon based on
330 federal law.

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

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

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



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

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

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

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

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

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

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

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

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



377 (c) A nonrefundable license fee of Eighty Dollars
378 (\$80.00). Costs for processing the set of fingerprints as
379 required in paragraph (d) of this subsection shall be borne by the
380 applicant. Honorably retired law enforcement officers, disabled
381 veterans and active duty members of the Armed Forces of the United
382 States, and law enforcement officers employed with a law
383 enforcement agency of a municipality, county or state at the time
384 of application for the license, shall be exempt from the payment
385 of the license fee;

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

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

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

397 (b) The Department of Public Safety shall forward a
398 copy of the applicant's application to the sheriff of the
399 applicant's county of residence and, if applicable, the police
400 chief of the applicant's municipality of residence. The sheriff
401 of the applicant's county of residence, and, if applicable, the



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

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

414 (i) Issue the license;

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

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



427 (d) * * * If a legible set of fingerprints, as
428 determined by the Department of Public Safety and the Federal
429 Bureau of Investigation, cannot be obtained after a minimum of two
430 (2) attempts, the Department of Public Safety shall determine
431 eligibility based upon a name check by the Mississippi Highway
432 Safety Patrol and a Federal Bureau of Investigation name check
433 conducted by the Mississippi Highway Safety Patrol at the request
434 of the Department of Public Safety.

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

447 (b) If the revocation, suspension or denial of issuance
448 is sustained by the Commissioner of Public Safety, or his duly
449 authorized agent pursuant to paragraph (a) of this subsection, the
450 aggrieved party may file within ten (10) days after the rendition
451 of such decision a petition in the circuit or county court of his



452 residence for review of such decision. A hearing for review shall
453 be held and shall proceed before the court without a jury upon the
454 record made at the hearing before the Commissioner of Public
455 Safety or his duly authorized agent. No such party shall be
456 allowed to carry a stun gun, concealed pistol or revolver pursuant
457 to the provisions of this section while any such appeal is
458 pending.

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

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



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

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

487 (12) (a) Except as provided in subsection (25) of this
488 section, no less than ninety (90) days prior to the expiration
489 date of the license, the Department of Public Safety shall mail to
490 each licensee a written notice of the expiration and a renewal
491 form prescribed by the department. The licensee must renew his
492 license on or before the expiration date by filing with the
493 department the renewal form, a notarized affidavit stating that
494 the licensee remains qualified pursuant to the criteria specified
495 in subsections (2) and (3) of this section, and a full set of
496 fingerprints administered by the Department of Public Safety or
497 the sheriff of the county of residence of the licensee. The first
498 renewal may be processed by mail and the subsequent renewal must
499 be made in person. Thereafter every other renewal may be
500 processed by mail to assure that the applicant must appear in



501 person every ten (10) years for the purpose of obtaining a new
502 photograph.

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

506 (ii) Honorably retired law enforcement officers,
507 disabled veterans, active duty members of the Armed Forces of the
508 United States and law enforcement officers employed with a law
509 enforcement agency of a municipality, county or state at the time
510 of renewal, shall be exempt from the renewal fee; and

511 (iii) The renewal fee for a Mississippi resident
512 aged sixty-five (65) years of age or older shall be Twenty Dollars
513 (\$20.00).

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

519 (c) A licensee who fails to file a renewal application
520 on or before its expiration date must renew his license by paying
521 a late fee of Fifteen Dollars (\$15.00). No license shall be
522 renewed six (6) months or more after its expiration date, and such
523 license shall be deemed to be permanently expired. A person whose
524 license has been permanently expired may reapply for licensure;
525 however, an application for licensure and fees pursuant to



526 subsection (5) of this section must be submitted, and a background
527 investigation shall be conducted pursuant to the provisions of
528 this section.

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

534 (i) Any place of nuisance as defined in Section
535 95-3-1 * * *;

536 (ii) Any police, sheriff or highway patrol
537 station;

538 (iii) Any detention facility, prison or jail;

539 (iv) Any courthouse;

540 (v) Any courtroom, except that nothing in this
541 section shall preclude a judge from carrying a concealed weapon or
542 determining who will carry a concealed weapon in his courtroom;

543 (vi) Any polling place;

544 (vii) Any meeting place of the governing body of
545 any governmental entity;

546 (viii) Any meeting of the Legislature or a
547 committee thereof;

548 (ix) Any school, college or professional athletic
549 event not related to firearms, except as provided in Section
550 45-9-181;



551 (x) Any portion of an establishment, licensed to
552 dispense alcoholic beverages for consumption on the premises, that
553 is primarily devoted to dispensing alcoholic beverages;

554 (xi) Any portion of an establishment in which
555 beer, light spirit product or light wine is consumed on the
556 premises, that is primarily devoted to such purpose;

557 (xii) Any elementary or secondary school facility,
558 except as provided in Section 45-9-181;

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

563 (xiv) Inside the passenger terminal of any
564 airport, except that no person shall be prohibited from carrying
565 any legal firearm into the terminal if the firearm is encased for
566 shipment, for purposes of checking such firearm as baggage to be
567 lawfully transported on any aircraft;

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

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

572 (b) In addition to the places enumerated in paragraph
573 (a) of this subsection, the carrying of a stun gun, concealed
574 pistol or revolver may be disallowed in any place in the
575 discretion of the person or entity exercising control over the



576 physical location of such place by the placing of a written notice
577 clearly readable at a distance of not less than ten (10) feet that
578 the "carrying of a pistol or revolver is prohibited." No license
579 issued pursuant to this section shall authorize the participants
580 in a parade or demonstration for which a permit is required to
581 carry a stun gun, concealed pistol or revolver.

582 (14) A law enforcement officer as defined in Section 45-6-3,
583 chiefs of police, sheriffs and persons licensed as professional
584 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
585 1972, shall be exempt from the licensing requirements of this
586 section.

587 (a) The Commissioner of Public Safety shall promulgate
588 rules and regulations to provide licenses to law enforcement
589 officers as defined in Section 45-6-3 who choose to obtain a
590 license under the provisions of this section, which shall include
591 a distinction that the officer is an "active duty" law enforcement
592 officer and an endorsement that such officer is authorized to
593 carry in the locations listed in subsection (13). A law
594 enforcement officer shall provide the following information to
595 receive the license described in this subsection: (i) a letter,
596 with the official letterhead of the agency or department for which
597 the officer is employed at the time of application and (ii) a
598 letter with the official letterhead of the agency or department,
599 which explains that such officer has completed a certified law
600 enforcement training academy.



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

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

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

618 (17) All funds received by a sheriff or police chief
619 pursuant to the provisions of this section shall be deposited into
620 the general fund of the county or municipality, as appropriate,
621 and shall be budgeted to the sheriff's office or police department
622 as appropriate.

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



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

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

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

644 (22) (a) From and after January 1, 2016, the Commissioner
645 of Public Safety shall promulgate rules and regulations which
646 provide that licenses authorized by this section for honorably
647 retired law enforcement officers and honorably retired
648 correctional officers from the Mississippi Department of
649 Corrections shall (i) include the words "retired law enforcement
650 officer" on the front of the license, and (ii) unless the licensee



651 chooses to have this license combined with a driver's license or
652 identification card under subsection (25) of this section, that
653 the license itself have a red background to distinguish it from
654 other licenses issued under this section.

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

664 (23) A disabled veteran who seeks to qualify for an
665 exemption under this section shall be required to provide a
666 veterans health services identification card issued by the United
667 States Department of Veterans Affairs indicating a
668 service-connected disability, which shall be sufficient proof of
669 such service-connected disability.

670 (24) A license under this section is not required for a
671 loaded or unloaded pistol or revolver to be carried upon the
672 person in a sheath, belt holster or shoulder holster or in a
673 purse, handbag, satchel, other similar bag or briefcase or fully
674 enclosed case if the person is not engaged in criminal activity
675 other than a misdemeanor traffic offense, is not otherwise



676 prohibited from possessing a pistol or revolver under state or
677 federal law, and is not in a location prohibited under subsection
678 (13) of this section. However, the medical use of medical
679 cannabis by a cardholder who is a registered qualifying patient
680 which is lawful under the provisions of the Mississippi Medical
681 Cannabis Act and in compliance with rules and regulations adopted
682 thereunder shall not disqualify a person under this subsection
683 (24) solely because the person is prohibited from possessing a
684 firearm under 18 USCS Section 922(g) (3) due to such medical use of
685 medical cannabis.

686 (25) An applicant for a license under this section shall
687 have the option of, instead of being issued a separate card for
688 the license, having the license appear as a notation on the
689 individual's driver's license or identification card. If the
690 applicant chooses this option, the license issued under this
691 section shall have the same expiration date as the driver's
692 license or identification card, and renewal shall take place at
693 the same time and place as renewal of the driver's license or
694 identification card. The Commissioner of Public Safety shall have
695 the authority to promulgate rules and regulations which may be
696 necessary to ensure the effectiveness of the concurrent
697 application and renewal processes.

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



700 97-3-15. (1) The killing of a human being by the act,
701 procurement or omission of another shall be justifiable in the
702 following cases:

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

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

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

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

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

721 (f) When committed in the lawful defense of one's own
722 person or any other human being, where there shall be reasonable
723 ground to apprehend a design to commit a felony or to do some



724 great personal injury, and there shall be imminent danger of such
725 design being accomplished;

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

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

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

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

736 (2) (a) As used in subsection (1)(c) and (d) of this
737 section, the term "when necessarily committed" means that a public
738 officer or a person acting by or at the officer's command, aid or
739 assistance is authorized to use such force as necessary in
740 securing and detaining the felon offender, overcoming the
741 offender's resistance, preventing the offender's escape,
742 recapturing the offender if the offender escapes or in protecting
743 himself or others from bodily harm; but such officer or person
744 shall not be authorized to resort to deadly or dangerous means
745 when to do so would be unreasonable under the circumstances. The
746 public officer or person acting by or at the officer's command may
747 act upon a reasonable apprehension of the surrounding
748 circumstances; however, such officer or person shall not use



749 excessive force or force that is greater than reasonably necessary
750 in securing and detaining the offender, overcoming the offender's
751 resistance, preventing the offender's escape, recapturing the
752 offender if the offender escapes or in protecting himself or
753 others from bodily harm.

754 (b) As used in subsection (1)(c) and (d) of this
755 section, the term "felon" shall include an offender who has been
756 convicted of a felony and shall also include an offender who is in
757 custody, or whose custody is being sought, on a charge or for an
758 offense which is punishable, upon conviction, by death or
759 confinement in the Penitentiary.

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

766 (3) A person who uses defensive force shall be presumed to
767 have reasonably feared imminent death or great bodily harm, or the
768 commission of a felony upon him or another or upon his dwelling,
769 or against a vehicle which he was occupying, or against his
770 business or place of employment or the immediate premises of such
771 business or place of employment, if the person against whom the
772 defensive force was used, was in the process of unlawfully and
773 forcibly entering, or had unlawfully and forcibly entered, a



774 dwelling, occupied vehicle, business, place of employment or the
775 immediate premises thereof or if that person had unlawfully
776 removed or was attempting to unlawfully remove another against the
777 other person's will from that dwelling, occupied vehicle,
778 business, place of employment or the immediate premises thereof
779 and the person who used defensive force knew or had reason to
780 believe that the forcible entry or unlawful and forcible act was
781 occurring or had occurred. This presumption shall not apply if
782 the person against whom defensive force was used has a right to be
783 in or is a lawful resident or owner of the dwelling, vehicle,
784 business, place of employment or the immediate premises thereof or
785 is the lawful resident or owner of the dwelling, vehicle,
786 business, place of employment or the immediate premises thereof or
787 if the person who uses defensive force is engaged in unlawful
788 activity or if the person is a law enforcement officer engaged in
789 the performance of his official duties.

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



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

800 (b) The court shall award reasonable attorney's fees,
801 court costs, compensation for loss of income, and all expenses
802 incurred by the defendant in defense of any civil action brought
803 by a plaintiff if the court finds that the defendant acted in
804 accordance with subsection (1)(e) or (f) of this section. A
805 defendant who has previously been adjudicated "not guilty" of any
806 crime by reason of subsection (1)(e) or (f) of this section shall
807 be immune from any civil action for damages arising from the same
808 conduct.

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

811 97-37-9. Any person indicted or charged for a violation of
812 Section 97-37-1 may show as a defense:

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

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

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

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



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

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

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

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

830 or

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

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

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



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

