

By: Senator(s) Hill, Tate, Whaley, England, McCaughn, Blackwell, Moran, Fillingane, Sojourner, Caughman, Chassaniol, Branning, Chism, McLendon, Seymour

To: Education; Judiciary, Division A

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2079

1 AN ACT TO CREATE NEW SECTION 45-9-181, MISSISSIPPI CODE OF  
2 1972, TO ENACT THE MISSISSIPPI SCHOOL SAFETY GUARDIAN ACT; TO  
3 DEFINE TERMS; TO ESTABLISH THE SCHOOL SAFETY GUARDIAN TRAINING  
4 PROGRAM WITHIN THE OFFICE OF HOMELAND SECURITY WITHIN THE  
5 DEPARTMENT OF PUBLIC SAFETY; TO AUTHORIZE THE GOVERNING BODY OF A  
6 SCHOOL TO ESTABLISH A SCHOOL SAFETY GUARDIAN PROGRAM; TO PROVIDE  
7 CIVIL IMMUNITY UNDER CERTAIN CIRCUMSTANCES FOR SCHOOL SAFETY  
8 GUARDIANS WHO COMPLY WITH THE ACT; TO EXEMPT THE IDENTITY OF  
9 SCHOOL SAFETY GUARDIANS FROM PUBLIC DISCLOSURE; TO PROVIDE MINIMUM  
10 REQUIREMENT FOR THE TRAINING PROGRAM; TO ENACT STANDARDS; TO AMEND  
11 SECTION 45-1-2, MISSISSIPPI CODE OF 1972, TO DIRECT THE  
12 COMMISSIONER TO ESTABLISH GUIDELINES FOR ACTIVE SHOOTER  
13 SITUATIONS; TO AMEND SECTION 97-3-15, MISSISSIPPI CODE OF 1972, TO  
14 CONFORM THE INSTANCES OF JUSTIFIABLE HOMICIDE; TO AMEND SECTION  
15 97-37-9, MISSISSIPPI CODE OF 1972, TO CONFORM THE DEFENSES TO A  
16 CHARGE OF UNLAWFULLY CARRYING OF A CONCEALED WEAPON; AND FOR  
17 RELATED PURPOSES.

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

19 **SECTION 1.** The following shall be codified as Section  
20 45-9-181, Mississippi Code of 1972:

21 45-9-181. (1) This section shall be known and may be cited  
22 as the "Mississippi School Safety Guardian Act."

23 (2) For purposes of this section:

24 (a) "Department" means the Department of Public Safety.



25           (b) "Governing body" means with respect to any public  
26 school district or public charter school, the local school board  
27 or charter school board, as applicable; with respect to any  
28 private school, the board or other governing body of the private  
29 school as provided in the charter, bylaws, or other governing  
30 documents of the school.

31           (c) "Program" means a school safety guardian program  
32 established by the governing body of a school in accordance with  
33 this act.

34           (d) "School" means any public or private educational  
35 institution within the State of Mississippi and includes any  
36 elementary or secondary school.

37           (e) "Training program" means the School Safety Guardian  
38 Training Program established in subsection (3) of this act.

39           (3) There is hereby established the School Safety Guardian  
40 Program in the Office of Homeland Security within the department.  
41 The department shall administer the program through the Office of  
42 Homeland Security. In consultation with the Mississippi  
43 Department of Education, the department shall establish the  
44 program and promulgate rules, regulations, and establish training  
45 requirements.

46           (4) The governing body of a school, in consultation with  
47 school administrators and the department, may establish a program  
48 under this act. The governing body of a school shall designate  
49 employees to participate in the training program developed by the



50 department by which designated and trained school employees are  
51 authorized to carry concealed firearms for the protection of the  
52 students, employees and others on the campus of the school. The  
53 scope and purpose of each program shall include responding to an  
54 active shooter situation or other situation that would cause death  
55 or bodily harm on the school campus or in the immediate vicinity  
56 of the school campus. The school safety guardian's weapon shall  
57 always remain under his or her physical control on campus.

58 (5) A designated school safety guardian is immune from civil  
59 liability for any action taken by the school safety guardian if  
60 the action in question occurs during the reasonable exercise of  
61 and within the course and scope of the designated School Safety  
62 Guardian's official duties. School Safety Guardians are charged  
63 with these duties and must act in accordance with these duties to  
64 maintain their immunity. If a School Safety Guardian is found to  
65 have failed to carry out their official duties, the immunity  
66 described in this subsection shall be waived.

67 (6) School Safety Guardians may be paid a monthly stipend of  
68 Five Hundred Dollars (\$500.00) by the school district.

69 (7) To be eligible for the immunity provided in this  
70 section:

71 (a) The program, at a minimum, shall require that each  
72 designated member of the program who is not a law enforcement  
73 officer, as defined in Section 45-6-3, possess a firearms license  
74 issued under Section 45-9-101 and the endorsement authorized in



75 Section 97-37-7; has completed instructional training through a  
76 law enforcement training academy approved department not less than  
77 once every twelve (12) months; and has been CPR and First Aid  
78 certified; and

79 (b) The identities of any person designated by the  
80 school's governing body to serve as a School Safety Guardian must  
81 be documented at the time of the designation and shall be  
82 communicated to school administrators and local law enforcement.

83 (8) The department may authorize Mississippi law enforcement  
84 training academies to offer the training program to the governing  
85 body of a school.

86 (a) The training program, at a minimum, must include:

87 (i) An instructional course developed by the  
88 department;

89 (ii) A criminal background check;

90 (iii) A psychological screening;

91 (iv) A shooting proficiency test; and

92 (v) An annual recertification training.

93 (b) A law enforcement training academy may provide  
94 School Safety Guardian training to any employee of a school or  
95 school district who:

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

98 (ii) Has an endorsement authorized by Section  
99 97-37-7; and



100 (iii) Has current certification in CPR and First  
101 Aid.

102 (c) The department may establish a fee in an amount  
103 that is sufficient to cover the costs of the training program  
104 under this section to be paid to the training academy by the  
105 governing body of the school.

106 (d) The department may adopt rules to administer this  
107 section, including a method to identify license holders who have  
108 completed a School Safety Guardian training certification course  
109 and setting a fee to be charged by the department for the issuance  
110 or reissuance of identification of the license holder as being  
111 certified.

112 (9) A person who is indicted or charged with a violation of  
113 criminal law while acting as a School Safety Guardian may assert  
114 as a defense, in addition to any other defense available, that, at  
115 the time of the action in question, the person was a certified  
116 School Safety Guardian, was then actually engaged in the  
117 performance of the person's duties as a School Safety Guardian,  
118 and had met the requirements of this section at the time of the  
119 action in question.

120 (10) Records relating to the identities of any person  
121 designated by the school's governing body to serve as a School  
122 Safety Guardian shall be exempt from the provisions of the  
123 Mississippi Public Records Act of 1983.



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

126           45-1-2. (1) The Executive Director of the Department of  
127 Public Safety shall be the Commissioner of Public Safety.

128           (2) The Commissioner of Public Safety shall establish the  
129 organizational structure of the Department of Public Safety, which  
130 shall include the creation of any units necessary to implement the  
131 duties assigned to the department and consistent with specific  
132 requirements of law including, but not limited to:

133                   (a) Office of Public Safety Planning;

134                   (b) Office of Mississippi Highway Safety Patrol;

135                   (c) Office of Mississippi Bureau of Investigation (to  
136 be directed by a Lieutenant Colonel of the Mississippi Highway  
137 Safety Patrol);

138                   (d) Office of Forensic Laboratories, which includes the  
139 Mississippi Forensics Laboratory and the Office of the State  
140 Medical Examiner;

141                   (e) Office of Law Enforcement Officers' Training  
142 Academy;

143                   (f) Office of Support Services;

144                   (g) Office of Narcotics, which shall be known as the  
145 Bureau of Narcotics;

146                   (h) Office of Homeland Security;

147                   (i) Office of Capitol Police;

148                   (j) Office of Driver Service Bureau; and



149           (k) Office of Commercial Transportation Enforcement  
150 Division.

151           (3) The department shall be headed by a commissioner, who  
152 shall be appointed by and serve at the pleasure of the Governor.  
153 The appointment of the commissioner shall be made with the advice  
154 and consent of the Senate. The commissioner shall have, at a  
155 minimum, a bachelor's degree from an accredited college or  
156 university.

157           (4) Notwithstanding any provision of law to the contrary,  
158 the commissioner shall appoint heads of offices, who shall serve  
159 at the pleasure of the commissioner. The commissioner shall have  
160 the authority to organize the offices established by subsection  
161 (2) of this section as deemed appropriate to carry out the  
162 responsibilities of the department. The commissioner may assign  
163 to the appropriate offices such powers and duties as deemed  
164 appropriate to carry out the department's lawful functions. The  
165 organization charts of the department shall be presented annually  
166 with the budget request of the Governor for review by the  
167 Legislature.

168           (5) The commissioner shall appoint, from within the  
169 Department of Public Safety, a statewide safety training officer  
170 who shall serve at the pleasure of the commissioner and whose duty  
171 it shall be to perform public training for both law enforcement  
172 and private persons throughout the state concerning proper  
173 emergency response to the mentally ill, terroristic threats or



174 acts, domestic conflict, other conflict resolution, and such other  
175 matters as the commissioner may direct.

176 (6) The commissioner, after consultation with the  
177 Mississippi Association of Chiefs of Police and the Mississippi  
178 Sheriffs' Association, shall be responsible for establishing  
179 guidelines for response to active shooter situations and any  
180 related jurisdictional issues.

181 ( \* \* \*7) The commissioner shall establish within the  
182 department the Mississippi Office of Homeland Security for the  
183 purpose of seeing that the laws are faithfully executed and for  
184 the purpose of investigating cyber-related crimes and suppressing  
185 crimes of violence and acts of intimidation and terror. The  
186 commissioner is hereby authorized to employ within the Office of  
187 Homeland Security a director, investigators and other qualified  
188 personnel as he may deem necessary to make investigation of  
189 cyber-related crimes, crimes of violence and acts of terrorism or  
190 intimidation, to aid in the arrest and prosecution of persons  
191 charged with such cyber-related crimes, crimes of violence, acts  
192 of terrorism or intimidation, or threats of violence and to  
193 perform other duties as necessary to accomplish these purposes.  
194 Investigators and other law enforcement personnel employed by the  
195 commissioner shall have full power to investigate, apprehend, and  
196 arrest persons committing cyber-related crimes, acts of violence,  
197 intimidation, or terrorism anywhere in the state, and shall be  
198 vested with the power of police officers in the performance of





199 such duties as provided herein. Such investigators and other  
200 personnel shall perform their duties under the direction of the  
201 commissioner, or his designee. The commissioner shall be  
202 authorized to offer and pay suitable rewards to other persons for  
203 aiding in such investigation and in the apprehension and  
204 conviction of persons charged with cyber-related crimes, acts of  
205 violence, or threats of violence, or intimidation, or acts of  
206 terrorism.

207 ( \* \* \*8) The commissioner shall establish within the Office  
208 of Homeland Security a Mississippi Analysis and Information Center  
209 (MSAIC Fusion Center) which shall be the highest priority for the  
210 allocation of available federal resources for statewide  
211 information sharing, including the deployment of personnel and  
212 connectivity with federal data systems. Subject to appropriation  
213 therefor, the Mississippi Fusion Center shall employ three (3)  
214 regional analysts dedicated to analyzing and resolving potential  
215 threats identified by the agency's statewide social media  
216 intelligence platform and the dissemination of school safety  
217 information.

218 **SECTION 3.** Section 97-3-15, Mississippi Code of 1972, is  
219 amended as follows:

220 97-3-15. (1) The killing of a human being by the act,  
221 procurement or omission of another shall be justifiable in the  
222 following cases:



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

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

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

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

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

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

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



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

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

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

256 (2) (a) As used in subsection (1)(c) and (d) of this  
257 section, the term "when necessarily committed" means that a public  
258 officer or a person acting by or at the officer's command, aid or  
259 assistance is authorized to use such force as necessary in  
260 securing and detaining the felon offender, overcoming the  
261 offender's resistance, preventing the offender's escape,  
262 recapturing the offender if the offender escapes or in protecting  
263 himself or others from bodily harm; but such officer or person  
264 shall not be authorized to resort to deadly or dangerous means  
265 when to do so would be unreasonable under the circumstances. The  
266 public officer or person acting by or at the officer's command may  
267 act upon a reasonable apprehension of the surrounding  
268 circumstances; however, such officer or person shall not use  
269 excessive force or force that is greater than reasonably necessary  
270 in securing and detaining the offender, overcoming the offender's  
271 resistance, preventing the offender's escape, recapturing the



272 offender if the offender escapes or in protecting himself or  
273 others from bodily harm.

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

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

286 (3) A person who uses defensive force shall be presumed to  
287 have reasonably feared imminent death or great bodily harm, or the  
288 commission of a felony upon him or another or upon his dwelling,  
289 or against a vehicle which he was occupying, or against his  
290 business or place of employment or the immediate premises of such  
291 business or place of employment, if the person against whom the  
292 defensive force was used, was in the process of unlawfully and  
293 forcibly entering, or had unlawfully and forcibly entered, a  
294 dwelling, occupied vehicle, business, place of employment or the  
295 immediate premises thereof or if that person had unlawfully  
296 removed or was attempting to unlawfully remove another against the



297 other person's will from that dwelling, occupied vehicle,  
298 business, place of employment or the immediate premises thereof  
299 and the person who used defensive force knew or had reason to  
300 believe that the forcible entry or unlawful and forcible act was  
301 occurring or had occurred. This presumption shall not apply if  
302 the person against whom defensive force was used has a right to be  
303 in or is a lawful resident or owner of the dwelling, vehicle,  
304 business, place of employment or the immediate premises thereof or  
305 is the lawful resident or owner of the dwelling, vehicle,  
306 business, place of employment or the immediate premises thereof or  
307 if the person who uses defensive force is engaged in unlawful  
308 activity or if the person is a law enforcement officer engaged in  
309 the performance of his official duties.

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

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

320 (b) The court shall award reasonable attorney's fees,  
321 court costs, compensation for loss of income, and all expenses



322 incurred by the defendant in defense of any civil action brought  
323 by a plaintiff if the court finds that the defendant acted in  
324 accordance with subsection (1)(e) or (f) of this section. A  
325 defendant who has previously been adjudicated "not guilty" of any  
326 crime by reason of subsection (1)(e) or (f) of this section shall  
327 be immune from any civil action for damages arising from the same  
328 conduct.

329         **SECTION 4.** Section 97-37-9, Mississippi Code of 1972, is  
330 amended as follows:

331         97-37-9. Any person indicted or charged for a violation of  
332 Section 97-37-1 may show as a defense:

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

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

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

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

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

344             (f) That he was a member of the Armed Forces of the  
345 United States, National Guard, State Militia, Emergency Management



346 Corps, guard or patrolman in a state or municipal institution  
347 while in the performance of his official duties; or

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

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

350 or

351 (i) That at the time he was a company guard, bank  
352 guard, watchman, or other person enumerated in Section 97-37-7,  
353 and was then actually engaged in the performance of his duties as  
354 such, and then held a valid permit from the sheriff, the  
355 commissioner of public safety, or a valid permit issued by the  
356 Secretary of State prior to May 1, 1974, to carry the weapon; and  
357 the burden of proving either of said defenses shall be on the  
358 accused; or

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

363 (k) That at the time he or she was certified under a  
364 School Safety Guardian Program, and was then actually engaged in  
365 the performance of his or her duties under the program and met the  
366 requirements of Section 45-9-181.

367 **SECTION 5.** This act shall take effect and be in force from  
368 and after July 1, 2023.

