

By: Senator(s) Hill

To: Education; Judiciary,
Division A

SENATE BILL NO. 2079

1 AN ACT TO CREATE NEW SECTION 45-9-181, MISSISSIPPI CODE OF
 2 1972, TO CREATE THE MISSISSIPPI SCHOOL PROTECTION ACT; TO ENACT
 3 DEFINITIONS; TO PROVIDE CIVIL IMMUNITY UNDER CERTAIN CIRCUMSTANCES
 4 FOR SCHOOL-PROTECTION TEAM MEMBERS WHO COMPLY WITH THE ACT; TO
 5 EXEMPT THE IDENTITY OF SCHOOL-PROTECTION TEAM MEMBERS FROM PUBLIC
 6 DISCLOSURE; TO PROVIDE A TRAINING AND CERTIFICATION PROCESS AND TO
 7 ENACT STANDARDS; TO AUTHORIZE A CERTIFICATION FEE NOT TO EXCEED
 8 \$350.00; TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO
 9 CONFORM THE PROVISIONS OF LAW REGARDING ISSUANCE OF CERTAIN
 10 CONCEALED-CARRY LICENSES AND TO MAKE TECHNICAL AMENDMENTS; TO
 11 AMEND SECTION 97-3-15, MISSISSIPPI CODE OF 1972, TO CONFORM THE
 12 INSTANCES OF JUSTIFIABLE HOMICIDE; TO AMEND SECTION 97-37-9,
 13 MISSISSIPPI CODE OF 1972, TO CONFORM THE DEFENSES TO A CHARGE OF
 14 UNLAWFULLY CARRYING OF A CONCEALED WEAPON; AND FOR RELATED
 15 PURPOSES.

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

17 **SECTION 1.** The following shall be codified as Section
 18 45-9-181, Mississippi Code of 1972:

19 45-9-181. (1) This section shall be known and may be cited
 20 as the "Mississippi School Protection Act."

21 (2) For purposes of this section:

22 (a) "School" means any public or private educational
 23 institution within the State of Mississippi and includes any



24 elementary or secondary school and any junior college, community
25 college, college or university.

26 (b) "Governing body" means with respect to any public
27 school district or public charter school, the local school board
28 or charter school board, as applicable; with respect to any
29 private school, the board or other governing body of the private
30 school as provided in the charter, bylaws or other governing
31 documents of the school; with respect to any junior college or
32 community college, the board of trustees of each community or
33 junior college; with respect to any public college or university,
34 the Board of Trustees of State Institutions of Higher Learning.

35 (3) The governing body of a school, in consultation with
36 school administrators and local law enforcement, may establish a
37 school-protection program by which designated and trained school
38 employees are authorized to carry concealed firearms for the
39 protection of the students, employees and others on the campus of
40 the school. The scope and purpose of a school-protection program
41 include resisting any unlawful attempt to commit a violent felony
42 listed in Section 97-3-2(1) upon students, employees or visitors
43 on the school campus or in the immediate vicinity of the school
44 campus and can require that the member's weapon remain under his
45 or her immediate physical control at all times on campus. A
46 designated member of the school-protection program is immune from
47 civil liability for any action taken by the member of the
48 school-protection program if the action in question occurs during



49 the reasonable exercise of and within the course and scope of the
50 designated member's official duties as a member of the
51 school-protection program.

52 (4) To be eligible for the immunity provided in this
53 section:

54 (a) The school-protection program at a minimum must
55 require that each designated member of the program who is not a
56 law enforcement officer, as defined in Section 45-6-3, possesses a
57 firearms license issued under Section 45-9-101 and has completed
58 an instructional course in the safe handling and use of firearms
59 as described in Section 97-37-7; has completed instructional
60 training through a law enforcement training academy approved by
61 the Mississippi Department of Public Safety ("department") as
62 described in subsection (5) of this section not less than once
63 every thirty-six (36) months; and has been CPR and First Aid
64 certified; and

65 (b) The identities of any person designated by the
66 school's governing body to serve as a member of the
67 school-protection program must be documented at the time of the
68 designation, and shall be communicated to school administrators
69 and local law enforcement, but program members' identities shall
70 otherwise be kept confidential and not subject to public
71 disclosure.

72 (5) The department shall establish a process to enable
73 Mississippi law enforcement training academies that are approved



74 by the department to offer an instructional course in the safe
75 handling and use of firearms under Section 97-37-7(2) to offer
76 additional school-protection training certification.

77 (a) The school-protection training certification
78 process must include an instructional course that provides
79 training in each of the following subjects:

80 (i) The protection of students on a school campus;

81 (ii) Interaction of program members with first
82 responders;

83 (iii) Tactics for denying an intruder entry into a
84 classroom or school facility and other defensive tactics,
85 including disarming techniques and de-escalation techniques;

86 (iv) Methods for increasing a program member's
87 accuracy in use of a handgun while under duress, including actual
88 firearms practice;

89 (v) Civil liability;

90 (vi) Use of force;

91 (vii) Authority and jurisdiction;

92 (viii) Active shooter response; and

93 (ix) Tactical medic training.

94 (b) A school-protection training certification course
95 authorized under this subsection (5) must include not less than
96 thirty-six (36) hours of instruction, a psychological screening
97 and an annual shooting proficiency test; the trainee must achieve



98 at least eighty-five percent (85%) proficiency to be certified or
99 recertified under this section.

100 (c) A law enforcement training academy may provide
101 school-protection training to any employee of a school or school
102 district who holds a license to carry a concealed handgun issued
103 under Section 45-9-101 who has completed an instructional course
104 in the safe handling and use of firearms as described in Section
105 97-37-7 and who has current certification in CPR and First Aid.

106 (d) The department may establish a fee in an amount
107 that is sufficient to cover the costs of the school-protection
108 training certification under this section, but not to exceed Three
109 Hundred Fifty Dollars (\$350.00) including ammunition, to be paid
110 to the training academy by the governing body of the school.

111 (e) The department may adopt rules to administer this
112 section, including a method to identify license holders who have
113 completed a school-protection training certification course, and
114 setting a fee to be charged by the department for the issuance or
115 reissuance of identification of the license holder as being
116 school-protection certified.

117 (6) A person who is indicted or charged with a violation of
118 criminal law while acting as a member of a school-protection
119 program may assert as a defense, in addition to any other defense
120 available, that at the time of the action in question, the person
121 was a member of an approved school-protection program, was then
122 actually engaged in the performance of the person's duties as a



123 member of the program, and had met the requirements of this
124 section at the time of the action in question.

125 **SECTION 2.** Section 45-9-101, Mississippi Code of 1972, is
126 amended as follows:

127 45-9-101. (1) (a) Except as otherwise provided, the
128 Department of Public Safety is authorized to issue licenses to
129 carry stun guns, concealed pistols or revolvers to persons
130 qualified as provided in this section. Such licenses shall be
131 valid throughout the state for a period of five (5) years from the
132 date of issuance, except as provided in subsection (25) of this
133 section. Any person possessing a valid license issued pursuant to
134 this section may carry a stun gun, concealed pistol or concealed
135 revolver.

136 (b) The licensee must carry the license, together with
137 valid identification, at all times in which the licensee is
138 carrying a stun gun, concealed pistol or revolver and must display
139 both the license and proper identification upon demand by a law
140 enforcement officer. A violation of the provisions of this
141 paragraph (b) shall constitute a noncriminal violation with a
142 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
143 by summons.

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

146 (a) Is a resident of the state. However, this
147 residency requirement may be waived if the applicant possesses a



148 valid permit from another state, is a member of any active or
149 reserve component branch of the United States of America Armed
150 Forces stationed in Mississippi, is the spouse of a member of any
151 active or reserve component branch of the United States of America
152 Armed Forces stationed in Mississippi, * * * is a retired law
153 enforcement officer establishing residency in the state, or is
154 employed by a school located in this state;

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

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

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

160 2. Holds a valid Mississippi driver's license
161 or identification card issued by the Department of Public Safety
162 or a valid and current tribal identification card issued by a
163 federally recognized Indian tribe containing a photograph of the
164 holder;

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

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

171 (e) Does not chronically or habitually abuse controlled
172 substances to the extent that his normal faculties are impaired.



173 It shall be presumed that an applicant chronically and habitually
174 uses controlled substances to the extent that his faculties are
175 impaired if the applicant has been voluntarily or involuntarily
176 committed to a treatment facility for the abuse of a controlled
177 substance or been found guilty of a crime under the provisions of
178 the Uniform Controlled Substances Law or similar laws of any other
179 state or the United States relating to controlled substances
180 within a three-year period immediately preceding the date on which
181 the application is submitted;

182 (f) Does not chronically and habitually use alcoholic
183 beverages to the extent that his normal faculties are impaired.
184 It shall be presumed that an applicant chronically and habitually
185 uses alcoholic beverages to the extent that his normal faculties
186 are impaired if the applicant has been voluntarily or
187 involuntarily committed as an alcoholic to a treatment facility or
188 has been convicted of two (2) or more offenses related to the use
189 of alcohol under the laws of this state or similar laws of any
190 other state or the United States within the three-year period
191 immediately preceding the date on which the application is
192 submitted;

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

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



198 (i) Has not been voluntarily or involuntarily committed
199 to a mental institution or mental health treatment facility unless
200 he possesses a certificate from a psychiatrist licensed in this
201 state that he has not suffered from disability for a period of
202 five (5) years;

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

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

208 (l) Is not disqualified to possess a weapon based on
209 federal law.

210 (3) The Department of Public Safety may deny a license if
211 the applicant has been found guilty of one or more crimes of
212 violence constituting a misdemeanor unless three (3) years have
213 elapsed since probation or any other conditions set by the court
214 have been fulfilled or expunction has occurred prior to the date
215 on which the application is submitted, or may revoke a license if
216 the licensee has been found guilty of one or more crimes of
217 violence within the preceding three (3) years. The department
218 shall, upon notification by a law enforcement agency or a court
219 and subsequent written verification, suspend a license or the
220 processing of an application for a license if the licensee or
221 applicant is arrested or formally charged with a crime which would
222 disqualify such person from having a license under this section,



223 until final disposition of the case. The provisions of subsection
224 (7) of this section shall apply to any suspension or revocation of
225 a license pursuant to the provisions of this section.

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

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

231 (b) The driver's license number or social security
232 number of applicant;

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

235 (d) A statement that the applicant is in compliance
236 with criteria contained within subsections (2) and (3) of this
237 section;

238 (e) A statement that the applicant has * * * read or
239 reread this section and is knowledgeable of its provisions;

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

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



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

249 (a) A completed application as described in subsection
250 (4) of this section;

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

256 (c) A nonrefundable license fee of Eighty Dollars
257 (\$80.00). Costs for processing the set of fingerprints as
258 required in paragraph (d) of this subsection shall be borne by the
259 applicant. Honorably retired law enforcement officers, disabled
260 veterans and active duty members of the Armed Forces of the United
261 States, and law enforcement officers employed with a law
262 enforcement agency of a municipality, county or state at the time
263 of application for the license, shall be exempt from the payment
264 of the license fee;

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

267 (e) A waiver authorizing the Department of Public
268 Safety access to any records concerning commitments of the
269 applicant to any of the treatment facilities or institutions
270 referred to in subsection (2) of this section and permitting
271 access to all the applicant's criminal records.



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

276 (b) The Department of Public Safety shall forward a
277 copy of the applicant's application to the sheriff of the
278 applicant's county of residence and, if applicable, the police
279 chief of the applicant's municipality of residence. The sheriff
280 of the applicant's county of residence, and, if applicable, the
281 police chief of the applicant's municipality of residence may, at
282 his discretion, participate in the process by submitting a
283 voluntary report to the Department of Public Safety containing any
284 readily discoverable prior information that he feels may be
285 pertinent to the licensing of any applicant. The reporting shall
286 be made within thirty (30) days after the date he receives the
287 copy of the application. Upon receipt of a response from a
288 sheriff or police chief, such sheriff or police chief shall be
289 reimbursed at a rate set by the department.

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

293 (i) Issue the license;

294 (ii) Deny the application based solely on the
295 ground that the applicant fails to qualify under the criteria
296 listed in subsections (2) and (3) of this section. If the



297 Department of Public Safety denies the application, it shall
298 notify the applicant in writing, stating the ground for denial,
299 and the denial shall be subject to the appeal process set forth in
300 subsection (7); or

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

306 (d) * * * If a legible set of fingerprints, as
307 determined by the Department of Public Safety and the Federal
308 Bureau of Investigation, cannot be obtained after a minimum of two
309 (2) attempts, the Department of Public Safety shall determine
310 eligibility based upon a name check by the Mississippi Highway
311 Safety Patrol and a Federal Bureau of Investigation name check
312 conducted by the Mississippi Highway Safety Patrol at the request
313 of the Department of Public Safety.

314 (7) (a) If the Department of Public Safety denies the
315 issuance of a license, or suspends or revokes a license, the party
316 aggrieved may appeal such denial, suspension or revocation to the
317 Commissioner of Public Safety, or his authorized agent, within
318 thirty (30) days after the aggrieved party receives written notice
319 of such denial, suspension or revocation. The Commissioner of
320 Public Safety, or his duly authorized agent, shall rule upon such
321 appeal within thirty (30) days after the appeal is filed and



322 failure to rule within this thirty-day period shall constitute
323 sustaining such denial, suspension or revocation. Such review
324 shall be conducted pursuant to such reasonable rules and
325 regulations as the Commissioner of Public Safety may adopt.

326 (b) If the revocation, suspension or denial of issuance
327 is sustained by the Commissioner of Public Safety, or his duly
328 authorized agent pursuant to paragraph (a) of this subsection, the
329 aggrieved party may file within ten (10) days after the rendition
330 of such decision a petition in the circuit or county court of his
331 residence for review of such decision. A hearing for review shall
332 be held and shall proceed before the court without a jury upon the
333 record made at the hearing before the Commissioner of Public
334 Safety or his duly authorized agent. No such party shall be
335 allowed to carry a stun gun, concealed pistol or revolver pursuant
336 to the provisions of this section while any such appeal is
337 pending.

338 (8) The Department of Public Safety shall maintain an
339 automated listing of license holders and such information shall be
340 available online, upon request, at all times, to all law
341 enforcement agencies through the Mississippi Crime Information
342 Center. However, the records of the department relating to
343 applications for licenses to carry stun guns, concealed pistols or
344 revolvers and records relating to license holders shall be exempt
345 from the provisions of the Mississippi Public Records Act of 1983,



346 and shall be released only upon order of a court having proper
347 jurisdiction over a petition for release of the record or records.

348 (9) Within thirty (30) days after the changing of a
349 permanent address, or within thirty (30) days after having a
350 license lost or destroyed, the licensee shall notify the
351 Department of Public Safety in writing of such change or loss.
352 Failure to notify the Department of Public Safety pursuant to the
353 provisions of this subsection shall constitute a noncriminal
354 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
355 be enforceable by a summons.

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

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

366 (12) (a) Except as provided in subsection (25) of this
367 section, no less than ninety (90) days prior to the expiration
368 date of the license, the Department of Public Safety shall mail to
369 each licensee a written notice of the expiration and a renewal
370 form prescribed by the department. The licensee must renew his



371 license on or before the expiration date by filing with the
372 department the renewal form, a notarized affidavit stating that
373 the licensee remains qualified pursuant to the criteria specified
374 in subsections (2) and (3) of this section, and a full set of
375 fingerprints administered by the Department of Public Safety or
376 the sheriff of the county of residence of the licensee. The first
377 renewal may be processed by mail and the subsequent renewal must
378 be made in person. Thereafter every other renewal may be
379 processed by mail to assure that the applicant must appear in
380 person every ten (10) years for the purpose of obtaining a new
381 photograph.

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

385 (ii) Honorably retired law enforcement officers,
386 disabled veterans, active duty members of the Armed Forces of the
387 United States and law enforcement officers employed with a law
388 enforcement agency of a municipality, county or state at the time
389 of renewal, shall be exempt from the renewal fee; and

390 (iii) The renewal fee for a Mississippi resident
391 aged sixty-five (65) years of age or older shall be Twenty Dollars
392 (\$20.00).

393 (b) The Department of Public Safety shall forward the
394 full set of fingerprints of the applicant to the appropriate
395 agencies for state and federal processing. The license shall be



396 renewed upon receipt of the completed renewal application and
397 appropriate payment of fees.

398 (c) A licensee who fails to file a renewal application
399 on or before its expiration date must renew his license by paying
400 a late fee of Fifteen Dollars (\$15.00). No license shall be
401 renewed six (6) months or more after its expiration date, and such
402 license shall be deemed to be permanently expired. A person whose
403 license has been permanently expired may reapply for licensure;
404 however, an application for licensure and fees pursuant to
405 subsection (5) of this section must be submitted, and a background
406 investigation shall be conducted pursuant to the provisions of
407 this section.

408 (13) No license issued pursuant to this section shall
409 authorize any person, except a law enforcement officer as defined
410 in Section 45-6-3 with a distinct license authorized by the
411 Department of Public Safety, to carry a stun gun, concealed pistol
412 or revolver into any place of nuisance as defined in Section
413 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
414 patrol station; any detention facility, prison or jail; any
415 courthouse; any courtroom, except that nothing in this section
416 shall preclude a judge from carrying a concealed weapon or
417 determining who will carry a concealed weapon in his courtroom;
418 any polling place; any meeting place of the governing body of any
419 governmental entity; any meeting of the Legislature or a committee
420 thereof; any school, college or professional athletic event not



421 related to firearms, except as provided in Section 45-9-181; any
422 portion of an establishment, licensed to dispense alcoholic
423 beverages for consumption on the premises, that is primarily
424 devoted to dispensing alcoholic beverages; any portion of an
425 establishment in which beer, light spirit product or light wine is
426 consumed on the premises, that is primarily devoted to such
427 purpose; any elementary or secondary school facility, except as
428 provided in Section 45-9-181; any junior college, community
429 college, college or university facility unless for the purpose of
430 participating in any authorized firearms-related activity, except
431 as provided in Section 45-9-181; inside the passenger terminal of
432 any airport, except that no person shall be prohibited from
433 carrying any legal firearm into the terminal if the firearm is
434 encased for shipment, for purposes of checking such firearm as
435 baggage to be lawfully transported on any aircraft; any church or
436 other place of worship, except as provided in Section 45-9-171; or
437 any place where the carrying of firearms is prohibited by federal
438 law. In addition to the places enumerated in this subsection, the
439 carrying of a stun gun, concealed pistol or revolver may be
440 disallowed in any place in the discretion of the person or entity
441 exercising control over the physical location of such place by the
442 placing of a written notice clearly readable at a distance of not
443 less than ten (10) feet that the "carrying of a pistol or revolver
444 is prohibited." No license issued pursuant to this section shall
445 authorize the participants in a parade or demonstration for which



446 a permit is required to carry a stun gun, concealed pistol or
447 revolver.

448 (14) A law enforcement officer as defined in Section 45-6-3,
449 chiefs of police, sheriffs and persons licensed as professional
450 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
451 1972, shall be exempt from the licensing requirements of this
452 section.

453 (a) The Commissioner of Public Safety shall promulgate
454 rules and regulations to provide licenses to law enforcement
455 officers as defined in Section 45-6-3 who choose to obtain a
456 license under the provisions of this section, which shall include
457 a distinction that the officer is an "active duty" law enforcement
458 officer and an endorsement that such officer is authorized to
459 carry in the locations listed in subsection (13). A law
460 enforcement officer shall provide the following information to
461 receive the license described in this subsection: (i) a letter,
462 with the official letterhead of the agency or department for which
463 the officer is employed at the time of application and (ii) a
464 letter with the official letterhead of the agency or department,
465 which explains that such officer has completed a certified law
466 enforcement training academy.

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



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

477 (16) All fees collected by the Department of Public Safety
478 pursuant to this section shall be deposited into a special fund
479 hereby created in the State Treasury and shall be used for
480 implementation and administration of this section. After the
481 close of each fiscal year, the balance in this fund shall be
482 certified to the Legislature and then may be used by the
483 Department of Public Safety as directed by the Legislature.

484 (17) All funds received by a sheriff or police chief
485 pursuant to the provisions of this section shall be deposited into
486 the general fund of the county or municipality, as appropriate,
487 and shall be budgeted to the sheriff's office or police department
488 as appropriate.

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

492 (19) Any person holding a valid unrevoked and unexpired
493 license to carry stun guns, concealed pistols or revolvers issued
494 in another state shall have such license recognized by this state
495 to carry stun guns, concealed pistols or revolvers. The



496 Department of Public Safety is authorized to enter into a
497 reciprocal agreement with another state if that state requires a
498 written agreement in order to recognize licenses to carry stun
499 guns, concealed pistols or revolvers issued by this state.

500 (20) The provisions of this section shall be under the
501 supervision of the Commissioner of Public Safety. The
502 commissioner is authorized to promulgate reasonable rules and
503 regulations to carry out the provisions of this section.

504 (21) For the purposes of this section, the term "stun gun"
505 means a portable device or weapon from which an electric current,
506 impulse, wave or beam may be directed, which current, impulse,
507 wave or beam is designed to incapacitate temporarily, injure,
508 momentarily stun, knock out, cause mental disorientation or
509 paralyze.

510 (22) (a) From and after January 1, 2016, the Commissioner
511 of Public Safety shall promulgate rules and regulations which
512 provide that licenses authorized by this section for honorably
513 retired law enforcement officers and honorably retired
514 correctional officers from the Mississippi Department of
515 Corrections shall (i) include the words "retired law enforcement
516 officer" on the front of the license, and (ii) unless the licensee
517 chooses to have this license combined with a driver's license or
518 identification card under subsection (25) of this section, that
519 the license itself have a red background to distinguish it from
520 other licenses issued under this section.



521 (b) An honorably retired law enforcement officer and
522 honorably retired correctional officer shall provide the following
523 information to receive the license described in this section: (i)
524 a letter, with the official letterhead of the agency or department
525 from which such officer is retiring, which explains that such
526 officer is honorably retired, and (ii) a letter with the official
527 letterhead of the agency or department, which explains that such
528 officer has completed a certified law enforcement training
529 academy.

530 (23) A disabled veteran who seeks to qualify for an
531 exemption under this section shall be required to provide a
532 veterans health services identification card issued by the United
533 States Department of Veterans Affairs indicating a
534 service-connected disability, which shall be sufficient proof of
535 such service-connected disability.

536 (24) A license under this section is not required for a
537 loaded or unloaded pistol or revolver to be carried upon the
538 person in a sheath, belt holster or shoulder holster or in a
539 purse, handbag, satchel, other similar bag or briefcase or fully
540 enclosed case if the person is not engaged in criminal activity
541 other than a misdemeanor traffic offense, is not otherwise
542 prohibited from possessing a pistol or revolver under state or
543 federal law, and is not in a location prohibited under subsection
544 (13) of this section. However, the medical use of medical
545 cannabis by a cardholder who is a registered qualifying patient



546 which is lawful under the provisions of the Mississippi Medical
547 Cannabis Act and in compliance with rules and regulations adopted
548 thereunder shall not disqualify a person under this subsection
549 (24) solely because the person is prohibited from possessing a
550 firearm under 18 USCS Section 922(g) (3) due to such medical use of
551 medical cannabis.

552 (25) An applicant for a license under this section shall
553 have the option of, instead of being issued a separate card for
554 the license, having the license appear as a notation on the
555 individual's driver's license or identification card. If the
556 applicant chooses this option, the license issued under this
557 section shall have the same expiration date as the driver's
558 license or identification card, and renewal shall take place at
559 the same time and place as renewal of the driver's license or
560 identification card. The Commissioner of Public Safety shall have
561 the authority to promulgate rules and regulations which may be
562 necessary to ensure the effectiveness of the concurrent
563 application and renewal processes.

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

566 97-3-15. (1) The killing of a human being by the act,
567 procurement or omission of another shall be justifiable in the
568 following cases:



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

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

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

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

582 (e) When committed by any person in resisting any
583 attempt unlawfully to kill such person or to commit any felony
584 upon him, or upon or in any dwelling, in any occupied vehicle, in
585 any place of business, in any place of employment or in the
586 immediate premises thereof in which such person shall be;

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

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



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

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

599 (j) When necessarily committed in the performance of
600 duty as a member of a school-protection program as described in
601 Section 45-9-181.

602 (2) (a) As used in subsection (1)(c) and (d) of this
603 section, the term "when necessarily committed" means that a public
604 officer or a person acting by or at the officer's command, aid or
605 assistance is authorized to use such force as necessary in
606 securing and detaining the felon offender, overcoming the
607 offender's resistance, preventing the offender's escape,
608 recapturing the offender if the offender escapes or in protecting
609 himself or others from bodily harm; but such officer or person
610 shall not be authorized to resort to deadly or dangerous means
611 when to do so would be unreasonable under the circumstances. The
612 public officer or person acting by or at the officer's command may
613 act upon a reasonable apprehension of the surrounding
614 circumstances; however, such officer or person shall not use
615 excessive force or force that is greater than reasonably necessary
616 in securing and detaining the offender, overcoming the offender's
617 resistance, preventing the offender's escape, recapturing the



618 offender if the offender escapes or in protecting himself or
619 others from bodily harm.

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

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

632 (3) A person who uses defensive force shall be presumed to
633 have reasonably feared imminent death or great bodily harm, or the
634 commission of a felony upon him or another or upon his dwelling,
635 or against a vehicle which he was occupying, or against his
636 business or place of employment or the immediate premises of such
637 business or place of employment, if the person against whom the
638 defensive force was used, was in the process of unlawfully and
639 forcibly entering, or had unlawfully and forcibly entered, a
640 dwelling, occupied vehicle, business, place of employment or the
641 immediate premises thereof or if that person had unlawfully
642 removed or was attempting to unlawfully remove another against the



643 other person's will from that dwelling, occupied vehicle,
644 business, place of employment or the immediate premises thereof
645 and the person who used defensive force knew or had reason to
646 believe that the forcible entry or unlawful and forcible act was
647 occurring or had occurred. This presumption shall not apply if
648 the person against whom defensive force was used has a right to be
649 in or is a lawful resident or owner of the dwelling, vehicle,
650 business, place of employment or the immediate premises thereof or
651 is the lawful resident or owner of the dwelling, vehicle,
652 business, place of employment or the immediate premises thereof or
653 if the person who uses defensive force is engaged in unlawful
654 activity or if the person is a law enforcement officer engaged in
655 the performance of his official duties.

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

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

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



668 incurred by the defendant in defense of any civil action brought
669 by a plaintiff if the court finds that the defendant acted in
670 accordance with subsection (1)(e) or (f) of this section. A
671 defendant who has previously been adjudicated "not guilty" of any
672 crime by reason of subsection (1)(e) or (f) of this section shall
673 be immune from any civil action for damages arising from the same
674 conduct.

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

677 97-37-9. Any person indicted or charged for a violation of
678 Section 97-37-1 may show as a defense:

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

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

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

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

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

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



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

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

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

696 or

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

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

709 (k) That at the time he or she was a member of a
710 school-protection program, and was then actually engaged in the
711 performance of his or her duties as such and met the requirements
712 of Section 45-9-181.

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

