

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.

