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To: Education; Judiciary, Division A

SENATE BILL NO. 2079  
(As Sent to Governor)

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  
11 PROVIDE THAT SUBJECT TO APPROPRIATION AND ANY OTHER REQUIREMENTS  
12 PROVIDED BY LAW, THE OFFICE OF HOMELAND SECURITY MAY CONTRACT WITH  
13 A THIRD-PARTY VENDOR FOR MOBILE PHONE APPLICATIONS AND/OR COMPUTER  
14 EQUIPMENT OR SERVICES TO ACCOMPLISH THE PURPOSES OF THIS ACT; TO  
15 AMEND SECTION 45-1-2, MISSISSIPPI CODE OF 1972, TO DIRECT THE  
16 COMMISSIONER TO ESTABLISH GUIDELINES FOR ACTIVE SHOOTER  
17 SITUATIONS; TO AMEND SECTION 97-3-15, MISSISSIPPI CODE OF 1972, TO  
18 CONFORM THE INSTANCES OF JUSTIFIABLE HOMICIDE; TO AMEND SECTION  
19 97-37-9, MISSISSIPPI CODE OF 1972, TO CONFORM THE DEFENSES TO A  
20 CHARGE OF UNLAWFULLY CARRYING OF A CONCEALED WEAPON; AND FOR  
21 RELATED PURPOSES.

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

23 **SECTION 1.** The following shall be codified as Section  
24 45-9-181, Mississippi Code of 1972:

25 45-9-181. (1) This section shall be known and may be cited  
26 as the "Mississippi School Safety Guardian Act."

27 (2) For purposes of this section:



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

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

35 (c) "Program" means a school safety guardian program  
36 established by the governing body of a school in accordance with  
37 this act.

38 (d) "School" means any public or private educational  
39 institution within the State of Mississippi and includes any  
40 elementary or secondary school.

41 (e) "Training program" means the School Safety Guardian  
42 Training Program established in subsection (3) of this section.

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

50 (4) The governing body of a school, in consultation with  
51 school administrators and the department, may establish a program  
52 under this act. The department or the governing body of a school



53 may discontinue a school's participation in the program at  
54 anytime. If the governing body of a school establishes a program  
55 under this act, the governing body of a school shall designate  
56 employees to participate in the training program developed by the  
57 department by which designated and trained school employees are  
58 authorized to carry concealed firearms for the protection of the  
59 students, employees and others on the campus of the school. The  
60 scope and purpose of each program shall include responding to an  
61 active shooter situation or other situation that would cause death  
62 or serious bodily harm on the school campus or in the immediate  
63 vicinity of the school campus. The school safety guardian's  
64 weapon shall always remain under his or her physical control on  
65 campus.

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

75 (6) School Safety Guardians shall be paid a monthly stipend  
76 in an amount not less than One Hundred Dollars (\$100.00), but not  
77 more than Five Hundred Dollars (\$500.00) by the school district,



78 however, no funds received by school districts under the  
79 Elementary and Secondary Education Act (ESEA) shall be used to pay  
80 the stipends authorized under this subsection in accordance with  
81 the prohibition on the use of such funds as prescribed in Section  
82 13401 of the Bipartisan Safer Communities Act, Public Law 117-159,  
83 117th Congress of the United States, which amends the ESEA (20  
84 USCS Section 7906 (Supp. 2022).

85 (7) To be eligible for the immunity provided in this  
86 section:

87 (a) The program, at a minimum, shall require that each  
88 designated member of the program who is not a law enforcement  
89 officer, as defined in Section 45-6-3, possess a firearms license  
90 issued under Section 45-9-101 and the endorsement authorized in  
91 Section 97-37-7; has completed instructional training through a  
92 law enforcement training academy approved department not less than  
93 once every twelve (12) months; and has been CPR and First Aid  
94 certified; and

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

99 (8) The department may authorize and certify Mississippi law  
100 enforcement training academies to offer the training program to  
101 the governing body of a school.

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



103 (i) An instructional course developed by the  
104 department;

105 (ii) A criminal background check;

106 (iii) A psychological screening;

107 (iv) A shooting proficiency test; and

108 (v) An annual recertification training.

109 (b) A law enforcement training academy may provide  
110 School Safety Guardian training to any employee of a school or  
111 school district who:

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

114 (ii) Has an endorsement authorized by Section  
115 97-37-7; and

116 (iii) Has current certification in CPR and First  
117 Aid.

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

122 (d) The department shall adopt rules to administer this  
123 section, including a method to identify license holders who have  
124 completed a School Safety Guardian training certification course  
125 and setting a fee to be charged by the department for the issuance  
126 or reissuance of identification of the license holder as being  
127 certified.



128           (e) The department shall adopt rules and regulations  
129 that require review of the firearms training policies and  
130 procedures of school districts that authorized its employees to  
131 carry concealed firearms as part of a school safety program before  
132 the effective date of this act. Upon review of such rules and  
133 regulations, if the department determines that such district's  
134 policies and procedures conform to the department's training  
135 standards under the authority of this act, the department shall  
136 approve such district's policies and procedures and all employees  
137 of such school district that have completed the approved training  
138 shall receive all authority and protections provided by this act  
139 to carry concealed firearms as part of an approved school safety  
140 guardian program. However, if the department determines that such  
141 district's policies and procedures fail to conform to the  
142 department's training standards under the authority of this act,  
143 the employees of the district shall be required to comply with the  
144 requirements under this act to carry concealed firearms as part of  
145 an approved school safety guardian program.

146           (9) A person who is indicted or charged with a violation of  
147 criminal law while acting as a School Safety Guardian may assert  
148 as a defense, in addition to any other defense available, that, at  
149 the time of the action in question, the person was a certified  
150 School Safety Guardian, was then actually engaged in the  
151 performance of the person's duties as a School Safety Guardian,



152 and had met the requirements of this section at the time of the  
153 action in question.

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

158 (11) Subject to appropriation and any other requirements  
159 provided by law, the Office of Homeland Security may contract with  
160 a third-party vendor for mobile phone applications and/or computer  
161 equipment or services to accomplish the purposes of this act.

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

164 45-1-2. (1) The Executive Director of the Department of  
165 Public Safety shall be the Commissioner of Public Safety.

166 (2) The Commissioner of Public Safety shall establish the  
167 organizational structure of the Department of Public Safety, which  
168 shall include the creation of any units necessary to implement the  
169 duties assigned to the department and consistent with specific  
170 requirements of law including, but not limited to:

- 171 (a) Office of Public Safety Planning;
- 172 (b) Office of Mississippi Highway Safety Patrol;
- 173 (c) Office of Mississippi Bureau of Investigation (to  
174 be directed by a Lieutenant Colonel of the Mississippi Highway  
175 Safety Patrol);



176 (d) Office of Forensic Laboratories, which includes the  
177 Mississippi Forensics Laboratory and the Office of the State  
178 Medical Examiner;

179 (e) Office of Law Enforcement Officers' Training  
180 Academy;

181 (f) Office of Support Services;

182 (g) Office of Narcotics, which shall be known as the  
183 Bureau of Narcotics;

184 (h) Office of Homeland Security;

185 (i) Office of Capitol Police;

186 (j) Office of Driver Service Bureau; and

187 (k) Office of Commercial Transportation Enforcement  
188 Division.

189 (3) The department shall be headed by a commissioner, who  
190 shall be appointed by and serve at the pleasure of the Governor.  
191 The appointment of the commissioner shall be made with the advice  
192 and consent of the Senate. The commissioner shall have, at a  
193 minimum, a bachelor's degree from an accredited college or  
194 university.

195 (4) Notwithstanding any provision of law to the contrary,  
196 the commissioner shall appoint heads of offices, who shall serve  
197 at the pleasure of the commissioner. The commissioner shall have  
198 the authority to organize the offices established by subsection  
199 (2) of this section as deemed appropriate to carry out the  
200 responsibilities of the department. The commissioner may assign





201 to the appropriate offices such powers and duties as deemed  
202 appropriate to carry out the department's lawful functions. The  
203 organization charts of the department shall be presented annually  
204 with the budget request of the Governor for review by the  
205 Legislature.

206 (5) The commissioner shall appoint, from within the  
207 Department of Public Safety, a statewide safety training officer  
208 who shall serve at the pleasure of the commissioner and whose duty  
209 it shall be to perform public training for both law enforcement  
210 and private persons throughout the state concerning proper  
211 emergency response to the mentally ill, terroristic threats or  
212 acts, domestic conflict, other conflict resolution, and such other  
213 matters as the commissioner may direct.

214 (6) The commissioner, after consultation with the  
215 Mississippi Association of Chiefs of Police and the Mississippi  
216 Sheriffs' Association, shall be responsible for establishing  
217 guidelines for response to active shooter situations and any  
218 related jurisdictional issues.

219 ( \* \* \*7) The commissioner shall establish within the  
220 department the Mississippi Office of Homeland Security for the  
221 purpose of seeing that the laws are faithfully executed and for  
222 the purpose of investigating cyber-related crimes and suppressing  
223 crimes of violence and acts of intimidation and terror. The  
224 commissioner is hereby authorized to employ within the Office of  
225 Homeland Security a director, investigators and other qualified



226 personnel as he may deem necessary to make investigation of  
227 cyber-related crimes, crimes of violence and acts of terrorism or  
228 intimidation, to aid in the arrest and prosecution of persons  
229 charged with such cyber-related crimes, crimes of violence, acts  
230 of terrorism or intimidation, or threats of violence and to  
231 perform other duties as necessary to accomplish these purposes.  
232 Investigators and other law enforcement personnel employed by the  
233 commissioner shall have full power to investigate, apprehend, and  
234 arrest persons committing cyber-related crimes, acts of violence,  
235 intimidation, or terrorism anywhere in the state, and shall be  
236 vested with the power of police officers in the performance of  
237 such duties as provided herein. Such investigators and other  
238 personnel shall perform their duties under the direction of the  
239 commissioner, or his designee. The commissioner shall be  
240 authorized to offer and pay suitable rewards to other persons for  
241 aiding in such investigation and in the apprehension and  
242 conviction of persons charged with cyber-related crimes, acts of  
243 violence, or threats of violence, or intimidation, or acts of  
244 terrorism.

245 ( \* \* \*8) The commissioner shall establish within the Office  
246 of Homeland Security a Mississippi Analysis and Information Center  
247 (MSAIC Fusion Center) which shall be the highest priority for the  
248 allocation of available federal resources for statewide  
249 information sharing, including the deployment of personnel and  
250 connectivity with federal data systems. Subject to appropriation



251 therefor, the Mississippi Fusion Center shall employ three (3)  
252 regional analysts dedicated to analyzing and resolving potential  
253 threats identified by the agency's statewide social media  
254 intelligence platform and the dissemination of school safety  
255 information.

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

258 97-3-15. (1) The killing of a human being by the act,  
259 procurement or omission of another shall be justifiable in the  
260 following cases:

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

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

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

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

274 (e) When committed by any person in resisting any  
275 attempt unlawfully to kill such person or to commit any felony



276 upon him, or upon or in any dwelling, in any occupied vehicle, in  
277 any place of business, in any place of employment or in the  
278 immediate premises thereof in which such person shall be;

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

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

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

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

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

294 (2) (a) As used in subsection (1)(c) and (d) of this  
295 section, the term "when necessarily committed" means that a public  
296 officer or a person acting by or at the officer's command, aid or  
297 assistance is authorized to use such force as necessary in  
298 securing and detaining the felon offender, overcoming the  
299 offender's resistance, preventing the offender's escape,  
300 recapturing the offender if the offender escapes or in protecting



301 himself or others from bodily harm; but such officer or person  
302 shall not be authorized to resort to deadly or dangerous means  
303 when to do so would be unreasonable under the circumstances. The  
304 public officer or person acting by or at the officer's command may  
305 act upon a reasonable apprehension of the surrounding  
306 circumstances; however, such officer or person shall not use  
307 excessive force or force that is greater than reasonably necessary  
308 in securing and detaining the offender, overcoming the offender's  
309 resistance, preventing the offender's escape, recapturing the  
310 offender if the offender escapes or in protecting himself or  
311 others from bodily harm.

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

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

324 (3) A person who uses defensive force shall be presumed to  
325 have reasonably feared imminent death or great bodily harm, or the



326 commission of a felony upon him or another or upon his dwelling,  
327 or against a vehicle which he was occupying, or against his  
328 business or place of employment or the immediate premises of such  
329 business or place of employment, if the person against whom the  
330 defensive force was used, was in the process of unlawfully and  
331 forcibly entering, or had unlawfully and forcibly entered, a  
332 dwelling, occupied vehicle, business, place of employment or the  
333 immediate premises thereof or if that person had unlawfully  
334 removed or was attempting to unlawfully remove another against the  
335 other person's will from that dwelling, occupied vehicle,  
336 business, place of employment or the immediate premises thereof  
337 and the person who used defensive force knew or had reason to  
338 believe that the forcible entry or unlawful and forcible act was  
339 occurring or had occurred. This presumption shall not apply if  
340 the person against whom defensive force was used has a right to be  
341 in or is a lawful resident or owner of the dwelling, vehicle,  
342 business, place of employment or the immediate premises thereof or  
343 is the lawful resident or owner of the dwelling, vehicle,  
344 business, place of employment or the immediate premises thereof or  
345 if the person who uses defensive force is engaged in unlawful  
346 activity or if the person is a law enforcement officer engaged in  
347 the performance of his official duties.

348 (4) A person who is not the initial aggressor and is not  
349 engaged in unlawful activity shall have no duty to retreat before  
350 using deadly force under subsection (1) (e) or (f) of this section



351 if the person is in a place where the person has a right to be,  
352 and no finder of fact shall be permitted to consider the person's  
353 failure to retreat as evidence that the person's use of force was  
354 unnecessary, excessive or unreasonable.

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

358 (b) The court shall award reasonable attorney's fees,  
359 court costs, compensation for loss of income, and all expenses  
360 incurred by the defendant in defense of any civil action brought  
361 by a plaintiff if the court finds that the defendant acted in  
362 accordance with subsection (1)(e) or (f) of this section. A  
363 defendant who has previously been adjudicated "not guilty" of any  
364 crime by reason of subsection (1)(e) or (f) of this section shall  
365 be immune from any civil action for damages arising from the same  
366 conduct.

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

369 97-37-9. Any person indicted or charged for a violation of  
370 Section 97-37-1 may show as a defense:

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

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



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

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

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

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

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

387 (h) That he was lawfully engaged in legitimate sports;  
388 or

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

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





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

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

