

## House Amendments to Senate Bill No. 2079

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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) (a) Except as otherwise provided in this subsection,  
68 School Safety Guardians shall be paid a monthly stipend in an  
69 amount not less than One Hundred Dollars (\$100.00), but not more  
70 than Five Hundred Dollars (\$500.00) by the school district,  
71 however no funds received by school districts under the Elementary  
72 and Secondary Education Act (ESEA) shall be used to pay the  
73 stipends authorized under this subsection in accordance with the  
74 prohibition on the use of such funds as prescribed in Section  
75 13401 of the Bipartisan Safer Communities Act, Public Law 117-159,  
76 117th Congress of the United States, which amends the ESEA (20  
77 USCS Section 7906 (Supp. 2022)).

78 (b) The stipend described in paragraph (a) of this  
79 subsection shall not be construed to apply to personnel hired by a  
80 third-party vendor in subsection (11).

81 (7) To be eligible for the immunity provided in this  
82 section:

83 (a) The program, at a minimum, shall require that each  
84 designated member of the program who is not a law enforcement  
85 officer, as defined in Section 45-6-3, possess a firearms license

86 issued under Section 45-9-101 and the endorsement authorized in  
87 Section 97-37-7; has completed instructional training through a  
88 law enforcement training academy approved department not less than  
89 once every twelve (12) months; and has been CPR and First Aid  
90 certified; and

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

95 (8) The department may authorize Mississippi law enforcement  
96 training academies to offer the training program to the governing  
97 body of a school.

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

99 (i) An instructional course developed by the  
100 department;

101 (ii) A criminal background check;

102 (iii) A psychological screening;

103 (iv) A shooting proficiency test; and

104 (v) An annual recertification training.

105 (b) A law enforcement training academy may provide  
106 School Safety Guardian training to any employee of a school or  
107 school district who:

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

110 (ii) Has an endorsement authorized by Section  
111 97-37-7; and

112                   (iii) Has current certification in CPR and First  
113 Aid.

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

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

124                   (e) The department shall adopt rules and regulations  
125 that require review of the firearms training policies and  
126 procedures of school districts that authorized its employees to  
127 carry concealed firearms before the effective date of this act.  
128 Upon review of such rules and regulations, if the department  
129 determines that such district's policies and procedures conform to  
130 the department's training standards under the authority of this  
131 act, the department shall approve such district's policies and  
132 procedures and all employees of such school district shall receive  
133 all authority and protections provided by this act to carry  
134 concealed firearms. However, if the department determines that  
135 such district's policies and procedures fail to conform to the  
136 department's training standards under the authority of this act,

137 the employees of the district shall be required to comply with the  
138 requirements under this act to carry concealed firearms.

139 (9) A person who is indicted or charged with a violation of  
140 criminal law while acting as a School Safety Guardian may assert  
141 as a defense, in addition to any other defense available, that, at  
142 the time of the action in question, the person was a certified  
143 School Safety Guardian, was then actually engaged in the  
144 performance of the person's duties as a School Safety Guardian,  
145 and had met the requirements of this section at the time of the  
146 action in question.

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

151 (11) The governing body of a school may contract with a  
152 third-party vendor to authorize such vendor to provide personnel  
153 who will participate in the School Safety Guardian Program,  
154 provided that each participant shall meet all requirements  
155 adopted/created by the department to act as a School Safety  
156 Guardian.

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

159 45-1-2. (1) The Executive Director of the Department of  
160 Public Safety shall be the Commissioner of Public Safety.

161 (2) The Commissioner of Public Safety shall establish the  
162 organizational structure of the Department of Public Safety, which

163 shall include the creation of any units necessary to implement the  
164 duties assigned to the department and consistent with specific  
165 requirements of law including, but not limited to:

166 (a) Office of Public Safety Planning;

167 (b) Office of Mississippi Highway Safety Patrol;

168 (c) Office of Mississippi Bureau of Investigation (to  
169 be directed by a Lieutenant Colonel of the Mississippi Highway  
170 Safety Patrol);

171 (d) Office of Forensic Laboratories, which includes the  
172 Mississippi Forensics Laboratory and the Office of the State  
173 Medical Examiner;

174 (e) Office of Law Enforcement Officers' Training  
175 Academy;

176 (f) Office of Support Services;

177 (g) Office of Narcotics, which shall be known as the  
178 Bureau of Narcotics;

179 (h) Office of Homeland Security;

180 (i) Office of Capitol Police;

181 (j) Office of Driver Service Bureau; and

182 (k) Office of Commercial Transportation Enforcement  
183 Division.

184 (3) The department shall be headed by a commissioner, who  
185 shall be appointed by and serve at the pleasure of the Governor.  
186 The appointment of the commissioner shall be made with the advice  
187 and consent of the Senate. The commissioner shall have, at a

188 minimum, a bachelor's degree from an accredited college or  
189 university.

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

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

209 (6) The commissioner, after consultation with the  
210 Mississippi Association of Chiefs of Police and the Mississippi  
211 Sheriffs' Association, shall be responsible for establishing  
212 guidelines for response to active shooter situations and any  
213 related jurisdictional issues.



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

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

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

253 97-3-15. (1) The killing of a human being by the act,  
254 procurement or omission of another shall be justifiable in the  
255 following cases:

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

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

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

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

269 (e) When committed by any person in resisting any  
270 attempt unlawfully to kill such person or to commit any felony  
271 upon him, or upon or in any dwelling, in any occupied vehicle, in  
272 any place of business, in any place of employment or in the  
273 immediate premises thereof in which such person shall be;

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

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

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

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

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

289 (2) (a) As used in subsection (1)(c) and (d) of this  
290 section, the term "when necessarily committed" means that a public  
291 officer or a person acting by or at the officer's command, aid or

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

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

313 (c) As used in subsections (1)(e) and (3) of this  
314 section, "dwelling" means a building or conveyance of any kind  
315 that has a roof over it, whether the building or conveyance is  
316 temporary or permanent, mobile or immobile, including a tent, that

317 is designed to be occupied by people lodging therein at night,  
318 including any attached porch.

319 (3) A person who uses defensive force shall be presumed to  
320 have reasonably feared imminent death or great bodily harm, or the  
321 commission of a felony upon him or another or upon his dwelling,  
322 or against a vehicle which he was occupying, or against his  
323 business or place of employment or the immediate premises of such  
324 business or place of employment, if the person against whom the  
325 defensive force was used, was in the process of unlawfully and  
326 forcibly entering, or had unlawfully and forcibly entered, a  
327 dwelling, occupied vehicle, business, place of employment or the  
328 immediate premises thereof or if that person had unlawfully  
329 removed or was attempting to unlawfully remove another against the  
330 other person's will from that dwelling, occupied vehicle,  
331 business, place of employment or the immediate premises thereof  
332 and the person who used defensive force knew or had reason to  
333 believe that the forcible entry or unlawful and forcible act was  
334 occurring or had occurred. This presumption shall not apply if  
335 the person against whom defensive force was used has a right to be  
336 in or is a lawful resident or owner of the dwelling, vehicle,  
337 business, place of employment or the immediate premises thereof or  
338 is the lawful resident or owner of the dwelling, vehicle,  
339 business, place of employment or the immediate premises thereof or  
340 if the person who uses defensive force is engaged in unlawful  
341 activity or if the person is a law enforcement officer engaged in  
342 the performance of his official duties.

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

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

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

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

364 97-37-9. Any person indicted or charged for a violation of  
365 Section 97-37-1 may show as a defense:

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

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

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

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

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

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

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

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

383 or

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

392 (j) That at the time he or she was a member of a church  
393 or place of worship security program, and was then actually

394 engaged in the performance of his or her duties as such and met  
395 the requirements of Section 45-9-171 \* \* \* or;

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

400 **SECTION 5.** This act shall take effect and be in force from  
401 and after July 1, 2023, and shall stand repealed on June 30,2023.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

HR26\SB2079PH.J

Andrew Ketchings  
Clerk of the House of Representatives