

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2079

BY: Committee

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

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

72 (a) The program, at a minimum, shall require that each
73 designated member of the program who is not a law enforcement
74 officer, as defined in Section 45-6-3, possess a firearms license
75 issued under Section 45-9-101 and the endorsement authorized in
76 Section 97-37-7; has completed instructional training through a
77 law enforcement training academy approved department not less than



78 once every twelve (12) months; and has been CPR and First Aid
79 certified; and

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

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

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

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

90 (ii) A criminal background check;

91 (iii) A psychological screening;

92 (iv) A shooting proficiency test; and

93 (v) An annual recertification training.

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

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

99 (ii) Has an endorsement authorized by Section
100 97-37-7; and

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



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

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

113 (e) The department shall adopt rules and regulations
114 that require review of the firearms training policies and
115 procedures of school districts that authorized its employees to
116 carry concealed firearms before the effective date of this act.
117 Upon review of such rules and regulations, if the department
118 determines that such district's policies and procedures conform to
119 the department's training standards under the authority of this
120 act, the department shall approve such district's policies and
121 procedures and all employees of such school district shall receive
122 all authority and protections provided by this act to carry
123 concealed firearms. However, if the department determines that
124 such district's policies and procedures fail to conform to the
125 department's training standards under the authority of this act,
126 the employees of the district shall be required to comply with the
127 requirements under this act to carry concealed firearms.



128 (9) A person who is indicted or charged with a violation of
129 criminal law while acting as a School Safety Guardian may assert
130 as a defense, in addition to any other defense available, that, at
131 the time of the action in question, the person was a certified
132 School Safety Guardian, was then actually engaged in the
133 performance of the person's duties as a School Safety Guardian,
134 and had met the requirements of this section at the time of the
135 action in question.

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

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

142 45-1-2. (1) The Executive Director of the Department of
143 Public Safety shall be the Commissioner of Public Safety.

144 (2) The Commissioner of Public Safety shall establish the
145 organizational structure of the Department of Public Safety, which
146 shall include the creation of any units necessary to implement the
147 duties assigned to the department and consistent with specific
148 requirements of law including, but not limited to:

149 (a) Office of Public Safety Planning;

150 (b) Office of Mississippi Highway Safety Patrol;



151 (c) Office of Mississippi Bureau of Investigation (to
152 be directed by a Lieutenant Colonel of the Mississippi Highway
153 Safety Patrol);

154 (d) Office of Forensic Laboratories, which includes the
155 Mississippi Forensics Laboratory and the Office of the State
156 Medical Examiner;

157 (e) Office of Law Enforcement Officers' Training
158 Academy;

159 (f) Office of Support Services;

160 (g) Office of Narcotics, which shall be known as the
161 Bureau of Narcotics;

162 (h) Office of Homeland Security;

163 (i) Office of Capitol Police;

164 (j) Office of Driver Service Bureau; and

165 (k) Office of Commercial Transportation Enforcement
166 Division.

167 (3) The department shall be headed by a commissioner, who
168 shall be appointed by and serve at the pleasure of the Governor.
169 The appointment of the commissioner shall be made with the advice
170 and consent of the Senate. The commissioner shall have, at a
171 minimum, a bachelor's degree from an accredited college or
172 university.

173 (4) Notwithstanding any provision of law to the contrary,
174 the commissioner shall appoint heads of offices, who shall serve
175 at the pleasure of the commissioner. The commissioner shall have



176 the authority to organize the offices established by subsection
177 (2) of this section as deemed appropriate to carry out the
178 responsibilities of the department. The commissioner may assign
179 to the appropriate offices such powers and duties as deemed
180 appropriate to carry out the department's lawful functions. The
181 organization charts of the department shall be presented annually
182 with the budget request of the Governor for review by the
183 Legislature.

184 (5) The commissioner shall appoint, from within the
185 Department of Public Safety, a statewide safety training officer
186 who shall serve at the pleasure of the commissioner and whose duty
187 it shall be to perform public training for both law enforcement
188 and private persons throughout the state concerning proper
189 emergency response to the mentally ill, terroristic threats or
190 acts, domestic conflict, other conflict resolution, and such other
191 matters as the commissioner may direct.

192 (6) The commissioner, after consultation with the
193 Mississippi Association of Chiefs of Police and the Mississippi
194 Sheriffs' Association, shall be responsible for establishing
195 guidelines for response to active shooter situations and any
196 related jurisdictional issues.

197 (* * *7) The commissioner shall establish within the
198 department the Mississippi Office of Homeland Security for the
199 purpose of seeing that the laws are faithfully executed and for
200 the purpose of investigating cyber-related crimes and suppressing



201 crimes of violence and acts of intimidation and terror. The
202 commissioner is hereby authorized to employ within the Office of
203 Homeland Security a director, investigators and other qualified
204 personnel as he may deem necessary to make investigation of
205 cyber-related crimes, crimes of violence and acts of terrorism or
206 intimidation, to aid in the arrest and prosecution of persons
207 charged with such cyber-related crimes, crimes of violence, acts
208 of terrorism or intimidation, or threats of violence and to
209 perform other duties as necessary to accomplish these purposes.
210 Investigators and other law enforcement personnel employed by the
211 commissioner shall have full power to investigate, apprehend, and
212 arrest persons committing cyber-related crimes, acts of violence,
213 intimidation, or terrorism anywhere in the state, and shall be
214 vested with the power of police officers in the performance of
215 such duties as provided herein. Such investigators and other
216 personnel shall perform their duties under the direction of the
217 commissioner, or his designee. The commissioner shall be
218 authorized to offer and pay suitable rewards to other persons for
219 aiding in such investigation and in the apprehension and
220 conviction of persons charged with cyber-related crimes, acts of
221 violence, or threats of violence, or intimidation, or acts of
222 terrorism.

223 (* * *8) The commissioner shall establish within the Office
224 of Homeland Security a Mississippi Analysis and Information Center
225 (MSAIC Fusion Center) which shall be the highest priority for the



226 allocation of available federal resources for statewide
227 information sharing, including the deployment of personnel and
228 connectivity with federal data systems. Subject to appropriation
229 therefor, the Mississippi Fusion Center shall employ three (3)
230 regional analysts dedicated to analyzing and resolving potential
231 threats identified by the agency's statewide social media
232 intelligence platform and the dissemination of school safety
233 information.

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

236 97-3-15. (1) The killing of a human being by the act,
237 procurement or omission of another shall be justifiable in the
238 following cases:

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

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

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



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

252 (e) When committed by any person in resisting any
253 attempt unlawfully to kill such person or to commit any felony
254 upon him, or upon or in any dwelling, in any occupied vehicle, in
255 any place of business, in any place of employment or in the
256 immediate premises thereof in which such person shall be;

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

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

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

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

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

272 (2) (a) As used in subsection (1)(c) and (d) of this
273 section, the term "when necessarily committed" means that a public



274 officer or a person acting by or at the officer's command, aid or
275 assistance is authorized to use such force as necessary in
276 securing and detaining the felon offender, overcoming the
277 offender's resistance, preventing the offender's escape,
278 recapturing the offender if the offender escapes or in protecting
279 himself or others from bodily harm; but such officer or person
280 shall not be authorized to resort to deadly or dangerous means
281 when to do so would be unreasonable under the circumstances. The
282 public officer or person acting by or at the officer's command may
283 act upon a reasonable apprehension of the surrounding
284 circumstances; however, such officer or person shall not use
285 excessive force or force that is greater than reasonably necessary
286 in securing and detaining the offender, overcoming the offender's
287 resistance, preventing the offender's escape, recapturing the
288 offender if the offender escapes or in protecting himself or
289 others from bodily harm.

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

296 (c) As used in subsections (1)(e) and (3) of this
297 section, "dwelling" means a building or conveyance of any kind
298 that has a roof over it, whether the building or conveyance is



299 temporary or permanent, mobile or immobile, including a tent, that
300 is designed to be occupied by people lodging therein at night,
301 including any attached porch.

302 (3) A person who uses defensive force shall be presumed to
303 have reasonably feared imminent death or great bodily harm, or the
304 commission of a felony upon him or another or upon his dwelling,
305 or against a vehicle which he was occupying, or against his
306 business or place of employment or the immediate premises of such
307 business or place of employment, if the person against whom the
308 defensive force was used, was in the process of unlawfully and
309 forcibly entering, or had unlawfully and forcibly entered, a
310 dwelling, occupied vehicle, business, place of employment or the
311 immediate premises thereof or if that person had unlawfully
312 removed or was attempting to unlawfully remove another against the
313 other person's will from that dwelling, occupied vehicle,
314 business, place of employment or the immediate premises thereof
315 and the person who used defensive force knew or had reason to
316 believe that the forcible entry or unlawful and forcible act was
317 occurring or had occurred. This presumption shall not apply if
318 the person against whom defensive force was used has a right to be
319 in or is a lawful resident or owner of the dwelling, vehicle,
320 business, place of employment or the immediate premises thereof or
321 is the lawful resident or owner of the dwelling, vehicle,
322 business, place of employment or the immediate premises thereof or
323 if the person who uses defensive force is engaged in unlawful



324 activity or if the person is a law enforcement officer engaged in
325 the performance of his official duties.

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

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

336 (b) The court shall award reasonable attorney's fees,
337 court costs, compensation for loss of income, and all expenses
338 incurred by the defendant in defense of any civil action brought
339 by a plaintiff if the court finds that the defendant acted in
340 accordance with subsection (1)(e) or (f) of this section. A
341 defendant who has previously been adjudicated "not guilty" of any
342 crime by reason of subsection (1)(e) or (f) of this section shall
343 be immune from any civil action for damages arising from the same
344 conduct.

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

347 97-37-9. Any person indicted or charged for a violation of
348 Section 97-37-1 may show as a defense:



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

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

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

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

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

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

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

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

366 or

367 (i) That at the time he was a company guard, bank
368 guard, watchman, or other person enumerated in Section 97-37-7,
369 and was then actually engaged in the performance of his duties as
370 such, and then held a valid permit from the sheriff, the
371 commissioner of public safety, or a valid permit issued by the
372 Secretary of State prior to May 1, 1974, to carry the weapon; and



373 the burden of proving either of said defenses shall be on the
374 accused; or

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

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

383 **SECTION 5.** This act shall take effect and be in force from
384 and after July 1, 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.

