

By: Representatives Gipson, Morgan,
 Mettetal, Beckett, Rogers (61st), Tullos,
 Oliver, Baker, Kinkade, Hale, Rushing,
 Formby, Chism, Miles, Bain, Mims, Criswell,
 Willis, Currie, Boyd, Bomgar, Hopkins,
 Weathersby, Moore, Shirley, Arnold, Staples, Monsour, Barnett,
 Crawford, Dixon, Ladner

To: Judiciary B

HOUSE BILL NO. 786
 (As Sent to Governor)

1 AN ACT TO CREATE THE "MISSISSIPPI CHURCH PROTECTION ACT"; TO
 2 AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO CONFORM; TO
 3 AMEND SECTION 97-37-9, MISSISSIPPI CODE OF 1972, TO REVISE THE
 4 LIST OF DEFENSES FOR A PERSON INDICTED OR CHARGED FOR A VIOLATION
 5 OF THE PROVISION OF LAW REGULATING THE USE OF FIREARMS; TO AMEND
 6 SECTION 97-3-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT KILLING
 7 A PERSON WHILE ACTING AS A PARTICIPANT OF A CHURCH OR PLACE OF
 8 WORSHIP SECURITY TEAM IS JUSTIFIABLE HOMICIDE; TO PROHIBIT
 9 ENFORCEMENT OF UNCONSTITUTIONAL FEDERAL RULES AND ORDERS; AND FOR
 10 RELATED PURPOSES.

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

12 **SECTION 1.** (1) This section shall be known and may be cited
 13 as the "Mississippi Church Protection Act."

14 (2) (a) The governing body of any church or place of
 15 worship may establish a security program by which designated
 16 members are authorized to carry firearms for the protection of the
 17 congregation of the church or place of worship, including
 18 resisting any unlawful attempt to commit a violent felony listed
 19 in Section 97-3-2(1) upon a member or other attendee in the church
 20 or place of worship or on the immediate premises thereof. A
 21 church or place of worship may establish a security program that
 22 meets the requirements of subsection (2)(b) of this section, and a



23 member of the security program shall be immune from civil
24 liability for any action taken by a member of the security program
25 if the action in question occurs during the reasonable exercise of
26 and within the course and scope of the member's official duties as
27 a member of the security program for the church or place of
28 worship. For purposes of this section, "church" or "place of
29 worship" means only a bona fide duly constituted religious
30 society, ecclesiastical body, or any congregation thereof.

31 (b) In order to be eligible for the immunity provided
32 in this section:

33 (i) The program at a minimum must require that
34 each participant of the program possesses a firearms permit issued
35 under Section 45-9-101 and has completed an instructional course
36 in the safe handling and use of firearms as described in Section
37 97-37-7. The program may also include one or more persons with
38 law enforcement or military background who may assist the church
39 or place of worship in training of the members of the program;

40 (ii) The names of the members designated by the
41 church or place of worship to serve in the security program must
42 be spread upon the minutes of the body or otherwise noted in
43 writing at the time of the member's designation if the body does
44 not maintain minutes, and this written record must be made
45 available to law enforcement upon request during the course of
46 investigation after an incident in which the member used a firearm
47 while acting as a member of the security program; and



48 (iii) The member of the program who is claiming
49 immunity under the provisions of this section must have met the
50 requirements of this paragraph (b).

51 (3) A person who is indicted or charged with a violation of
52 criminal law while acting as a member of a security program of a
53 church or place of worship may assert as a defense, in addition to
54 any other defense available, that at the time of the action in
55 question, the person was a member of a church body or place of
56 worship security program, was then actually engaged in the
57 performance of the person's duties as a member of the program, and
58 had met the requirements of this section at the time of the action
59 in question.

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

62 45-9-101. (1) (a) Except as otherwise provided, the
63 Department of Public Safety is authorized to issue licenses to
64 carry stun guns, concealed pistols or revolvers to persons
65 qualified as provided in this section. Such licenses shall be
66 valid throughout the state for a period of five (5) years from the
67 date of issuance. Any person possessing a valid license issued
68 pursuant to this section may carry a stun gun, concealed pistol or
69 concealed revolver.

70 (b) The licensee must carry the license, together with
71 valid identification, at all times in which the licensee is
72 carrying a stun gun, concealed pistol or revolver and must display



73 both the license and proper identification upon demand by a law
74 enforcement officer. A violation of the provisions of this
75 paragraph (b) shall constitute a noncriminal violation with a
76 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
77 by summons.

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

80 (a) Is a resident of the state * * *. However, this
81 residency requirement may be waived if the applicant possesses a
82 valid permit from another state, is active military personnel
83 stationed in Mississippi, or is a retired law enforcement officer
84 establishing residency in the state;

85 (b) (i) Is twenty-one (21) years of age or older; or
86 (ii) Is at least eighteen (18) years of age but
87 not yet twenty-one (21) years of age and the applicant:

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

90 2. Holds a valid Mississippi driver's license
91 or identification card issued by the Department of Public Safety;

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

94 (d) Is not ineligible to possess a firearm by virtue of
95 having been convicted of a felony in a court of this state, of any
96 other state, or of the United States without having been pardoned
97 for same;



98 (e) Does not chronically or habitually abuse controlled
99 substances to the extent that his normal faculties are impaired.
100 It shall be presumed that an applicant chronically and habitually
101 uses controlled substances to the extent that his faculties are
102 impaired if the applicant has been voluntarily or involuntarily
103 committed to a treatment facility for the abuse of a controlled
104 substance or been found guilty of a crime under the provisions of
105 the Uniform Controlled Substances Law or similar laws of any other
106 state or the United States relating to controlled substances
107 within a three-year period immediately preceding the date on which
108 the application is submitted;

109 (f) Does not chronically and habitually use alcoholic
110 beverages to the extent that his normal faculties are impaired.
111 It shall be presumed that an applicant chronically and habitually
112 uses alcoholic beverages to the extent that his normal faculties
113 are impaired if the applicant has been voluntarily or
114 involuntarily committed as an alcoholic to a treatment facility or
115 has been convicted of two (2) or more offenses related to the use
116 of alcohol under the laws of this state or similar laws of any
117 other state or the United States within the three-year period
118 immediately preceding the date on which the application is
119 submitted;

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



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

125 (i) Has not been voluntarily or involuntarily committed
126 to a mental institution or mental health treatment facility unless
127 he possesses a certificate from a psychiatrist licensed in this
128 state that he has not suffered from disability for a period of
129 five (5) years;

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

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

135 (l) Is not disqualified to possess a weapon based on
136 federal law.

137 (3) The Department of Public Safety may deny a license if
138 the applicant has been found guilty of one or more crimes of
139 violence constituting a misdemeanor unless three (3) years have
140 elapsed since probation or any other conditions set by the court
141 have been fulfilled or expunction has occurred prior to the date
142 on which the application is submitted, or may revoke a license if
143 the licensee has been found guilty of one or more crimes of
144 violence within the preceding three (3) years. The department
145 shall, upon notification by a law enforcement agency or a court
146 and subsequent written verification, suspend a license or the



147 processing of an application for a license if the licensee or
148 applicant is arrested or formally charged with a crime which would
149 disqualify such person from having a license under this section,
150 until final disposition of the case. The provisions of subsection
151 (7) of this section shall apply to any suspension or revocation of
152 a license pursuant to the provisions of this section.

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

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

158 (b) The driver's license number or social security
159 number of applicant;

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

162 (d) A statement that the applicant is in compliance
163 with criteria contained within subsections (2) and (3) of this
164 section;

165 (e) A statement that the applicant has been furnished a
166 copy of this section and is knowledgeable of its provisions;

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



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

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

176 (a) A completed application as described in subsection
177 (4) of this section;

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

183 (c) A nonrefundable license fee of Eighty Dollars
184 (\$80.00). Costs for processing the set of fingerprints as
185 required in paragraph (d) of this subsection shall be borne by the
186 applicant. Honorably retired law enforcement officers, disabled
187 veterans and active duty members of the Armed Forces of the United
188 States shall be exempt from the payment of the license fee;

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

191 (e) A waiver authorizing the Department of Public
192 Safety access to any records concerning commitments of the
193 applicant to any of the treatment facilities or institutions
194 referred to in subsection (2) and permitting access to all the
195 applicant's criminal records.



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

200 (b) The Department of Public Safety shall forward a
201 copy of the applicant's application to the sheriff of the
202 applicant's county of residence and, if applicable, the police
203 chief of the applicant's municipality of residence. The sheriff
204 of the applicant's county of residence and, if applicable, the
205 police chief of the applicant's municipality of residence may, at
206 his discretion, participate in the process by submitting a
207 voluntary report to the Department of Public Safety containing any
208 readily discoverable prior information that he feels may be
209 pertinent to the licensing of any applicant. The reporting shall
210 be made within thirty (30) days after the date he receives the
211 copy of the application. Upon receipt of a response from a
212 sheriff or police chief, such sheriff or police chief shall be
213 reimbursed at a rate set by the department.

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

217 (i) Issue the license;

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



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

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

230 (d) In the event a legible set of fingerprints, as
231 determined by the Department of Public Safety and the Federal
232 Bureau of Investigation, cannot be obtained after a minimum of two
233 (2) attempts, the Department of Public Safety shall determine
234 eligibility based upon a name check by the Mississippi Highway
235 Safety Patrol and a Federal Bureau of Investigation name check
236 conducted by the Mississippi Highway Safety Patrol at the request
237 of the Department of Public Safety.

238 (7) (a) If the Department of Public Safety denies the
239 issuance of a license, or suspends or revokes a license, the party
240 aggrieved may appeal such denial, suspension or revocation to the
241 Commissioner of Public Safety, or his authorized agent, within
242 thirty (30) days after the aggrieved party receives written notice
243 of such denial, suspension or revocation. The Commissioner of
244 Public Safety, or his duly authorized agent, shall rule upon such
245 appeal within thirty (30) days after the appeal is filed and



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

250 (b) If the revocation, suspension or denial of issuance
251 is sustained by the Commissioner of Public Safety, or his duly
252 authorized agent pursuant to paragraph (a) of this subsection, the
253 aggrieved party may file within ten (10) days after the rendition
254 of such decision a petition in the circuit or county court of his
255 residence for review of such decision. A hearing for review shall
256 be held and shall proceed before the court without a jury upon the
257 record made at the hearing before the Commissioner of Public
258 Safety or his duly authorized agent. No such party shall be
259 allowed to carry a stun gun, concealed pistol or revolver pursuant
260 to the provisions of this section while any such appeal is
261 pending.

262 (8) The Department of Public Safety shall maintain an
263 automated listing of license holders and such information shall be
264 available online, upon request, at all times, to all law
265 enforcement agencies through the Mississippi Crime Information
266 Center. However, the records of the department relating to
267 applications for licenses to carry stun guns, concealed pistols or
268 revolvers and records relating to license holders shall be exempt
269 from the provisions of the Mississippi Public Records Act of 1983,



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

272 (9) Within thirty (30) days after the changing of a
273 permanent address, or within thirty (30) days after having a
274 license lost or destroyed, the licensee shall notify the
275 Department of Public Safety in writing of such change or loss.
276 Failure to notify the Department of Public Safety pursuant to the
277 provisions of this subsection shall constitute a noncriminal
278 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
279 be enforceable by a summons.

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

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

290 (12) (a) No less than ninety (90) days prior to the
291 expiration date of the license, the Department of Public Safety
292 shall mail to each licensee a written notice of the expiration and
293 a renewal form prescribed by the department. The licensee must
294 renew his license on or before the expiration date by filing with



295 the department the renewal form, a notarized affidavit stating
296 that the licensee remains qualified pursuant to the criteria
297 specified in subsections (2) and (3) of this section, and a full
298 set of fingerprints administered by the Department of Public
299 Safety or the sheriff of the county of residence of the licensee.
300 The first renewal may be processed by mail and the subsequent
301 renewal must be made in person. Thereafter every other renewal
302 may be processed by mail to assure that the applicant must appear
303 in person every ten (10) years for the purpose of obtaining a new
304 photograph.

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

308 (ii) Honorably retired law enforcement officers,
309 disabled veterans and active duty members of the Armed Forces of
310 the United States shall be exempt from the renewal fee; and

311 (iii) The renewal fee for a Mississippi resident
312 aged sixty-five (65) years of age or older shall be Twenty Dollars
313 (\$20.00).

314 (b) The Department of Public Safety shall forward the
315 full set of fingerprints of the applicant to the appropriate
316 agencies for state and federal processing. The license shall be
317 renewed upon receipt of the completed renewal application and
318 appropriate payment of fees.



319 (c) A licensee who fails to file a renewal application
320 on or before its expiration date must renew his license by paying
321 a late fee of Fifteen Dollars (\$15.00). No license shall be
322 renewed six (6) months or more after its expiration date, and such
323 license shall be deemed to be permanently expired. A person whose
324 license has been permanently expired may reapply for licensure;
325 however, an application for licensure and fees pursuant to
326 subsection (5) of this section must be submitted, and a background
327 investigation shall be conducted pursuant to the provisions of
328 this section.

329 (13) No license issued pursuant to this section shall
330 authorize any person to carry a stun gun, concealed pistol or
331 revolver into any place of nuisance as defined in Section 95-3-1,
332 Mississippi Code of 1972; any police, sheriff or highway patrol
333 station; any detention facility, prison or jail; any courthouse;
334 any courtroom, except that nothing in this section shall preclude
335 a judge from carrying a concealed weapon or determining who will
336 carry a concealed weapon in his courtroom; any polling place; any
337 meeting place of the governing body of any governmental entity;
338 any meeting of the Legislature or a committee thereof; any school,
339 college or professional athletic event not related to firearms;
340 any portion of an establishment, licensed to dispense alcoholic
341 beverages for consumption on the premises, that is primarily
342 devoted to dispensing alcoholic beverages; any portion of an
343 establishment in which beer or light wine is consumed on the



344 premises, that is primarily devoted to such purpose; any
345 elementary or secondary school facility; any junior college,
346 community college, college or university facility unless for the
347 purpose of participating in any authorized firearms-related
348 activity; inside the passenger terminal of any airport, except
349 that no person shall be prohibited from carrying any legal firearm
350 into the terminal if the firearm is encased for shipment, for
351 purposes of checking such firearm as baggage to be lawfully
352 transported on any aircraft; any church or other place of worship,
353 except as provided in Section 1 of this act; or any place where
354 the carrying of firearms is prohibited by federal law. In
355 addition to the places enumerated in this subsection, the carrying
356 of a stun gun, concealed pistol or revolver may be disallowed in
357 any place in the discretion of the person or entity exercising
358 control over the physical location of such place by the placing of
359 a written notice clearly readable at a distance of not less than
360 ten (10) feet that the "carrying of a pistol or revolver is
361 prohibited." No license issued pursuant to this section shall
362 authorize the participants in a parade or demonstration for which
363 a permit is required to carry a stun gun, concealed pistol or
364 revolver.

365 (14) A law enforcement officer as defined in Section 45-6-3,
366 chiefs of police, sheriffs and persons licensed as professional
367 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
368 1972, shall be exempt from the licensing requirements of this



369 section. The licensing requirements of this section do not apply
370 to the carrying by any person of a stun gun, pistol or revolver,
371 knife, or other deadly weapon that is not concealed as defined in
372 Section 97-37-1.

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

379 (16) All fees collected by the Department of Public Safety
380 pursuant to this section shall be deposited into a special fund
381 hereby created in the State Treasury and shall be used for
382 implementation and administration of this section. After the
383 close of each fiscal year, the balance in this fund shall be
384 certified to the Legislature and then may be used by the
385 Department of Public Safety as directed by the Legislature.

386 (17) All funds received by a sheriff or police chief
387 pursuant to the provisions of this section shall be deposited into
388 the general fund of the county or municipality, as appropriate,
389 and shall be budgeted to the sheriff's office or police department
390 as appropriate.

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



394 (19) Any person holding a valid unrevoked and unexpired
395 license to carry stun guns, concealed pistols or revolvers issued
396 in another state shall have such license recognized by this state
397 to carry stun guns, concealed pistols or revolvers. The
398 Department of Public Safety is authorized to enter into a
399 reciprocal agreement with another state if that state requires a
400 written agreement in order to recognize licenses to carry stun
401 guns, concealed pistols or revolvers issued by this state.

402 (20) The provisions of this section shall be under the
403 supervision of the Commissioner of Public Safety. The
404 commissioner is authorized to promulgate reasonable rules and
405 regulations to carry out the provisions of this section.

406 (21) For the purposes of this section, the term "stun gun"
407 means a portable device or weapon from which an electric current,
408 impulse, wave or beam may be directed, which current, impulse,
409 wave or beam is designed to incapacitate temporarily, injure,
410 momentarily stun, knock out, cause mental disorientation or
411 paralyze.

412 (22) (a) From and after January 1, 2016, the Commissioner
413 of Public Safety shall promulgate rules and regulations which
414 provide that licenses authorized by this section for honorably
415 retired law enforcement officers and honorably retired
416 correctional officers from the Mississippi Department of
417 Corrections shall (i) include the words "retired law enforcement
418 officer" on the front of the license, and (ii) that the license



419 itself have a red background to distinguish it from other licenses
420 issued under this section.

421 (b) An honorably retired law enforcement officer and
422 honorably retired correctional officer shall provide the following
423 information to receive the license described in this section: (i)
424 a letter, with the official letterhead of the agency or department
425 from which such officer is retiring, which explains that such
426 officer is honorably retired, and (ii) a letter with the official
427 letterhead of the agency or department, which explains that such
428 officer has completed a certified law enforcement training
429 academy.

430 (23) A disabled veteran who seeks to qualify for an
431 exemption under this section shall be required to provide, as
432 proof of service-connected disability, verification from the
433 United States Department of Veterans Affairs.

434 (24) * * * A license * * * under this section is not
435 required for a loaded or unloaded pistol or revolver to be carried
436 upon the person in a sheath, belt holster or shoulder holster or
437 in a purse, handbag, satchel, other similar bag or briefcase or
438 fully enclosed case if the person is not engaged in criminal
439 activity other than a misdemeanor traffic offense, is not
440 otherwise prohibited from possessing a pistol or revolver under
441 state or federal law, and is not in a location prohibited under
442 subsection (13) of this section.



443 **SECTION 3.** Section 97-37-9, Mississippi Code of 1972, is
444 amended as follows:

445 97-37-9. Any person indicted or charged for a violation of
446 Section 97-37-1 may show as a defense:

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

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

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

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

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

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

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

463 (h) That he was lawfully engaged in legitimate
464 sports; * * *

465 (i) That at the time he was a company guard, bank
466 guard, watchman, or other person enumerated in Section 97-37-7,
467 and was then actually engaged in the performance of his duties as



468 such, and then held a valid permit from the sheriff, the
469 commissioner of public safety, or a valid permit issued by the
470 Secretary of State prior to May 1, 1974, to carry the weapon; and
471 the burden of proving either of said defenses shall be on the
472 accused * * *; or

473 (j) That at the time he or she was a member of a church
474 or place of worship security program, and was then actually
475 engaged in the performance of his or her duties as such and met
476 the requirements of Section 1 of this act.

477 **SECTION 4.** Section 97-3-15, Mississippi Code of 1972, is
478 amended as follows:

479 97-3-15. (1) The killing of a human being by the act,
480 procurement or omission of another shall be justifiable in the
481 following cases:

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

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

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



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

495 (e) When committed by any person in resisting any
496 attempt unlawfully to kill such person or to commit any felony
497 upon him, or upon or in any dwelling, in any occupied vehicle, in
498 any place of business, in any place of employment or in the
499 immediate premises thereof in which such person shall be;

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

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

507 (h) When necessarily committed in lawfully suppressing
508 any riot or in lawfully keeping and preserving the peace * * *;
509 and

510 (i) When necessarily committed in the performance of
511 duty as a member of a church or place of worship security program
512 as described in Section 1 of this act.

513 (2) (a) As used in subsection (1)(c) and (d) of this
514 section, the term "when necessarily committed" means that a public
515 officer or a person acting by or at the officer's command, aid or
516 assistance is authorized to use such force as necessary in



517 securing and detaining the felon offender, overcoming the
518 offender's resistance, preventing the offender's escape,
519 recapturing the offender if the offender escapes or in protecting
520 himself or others from bodily harm; but such officer or person
521 shall not be authorized to resort to deadly or dangerous means
522 when to do so would be unreasonable under the circumstances. The
523 public officer or person acting by or at the officer's command may
524 act upon a reasonable apprehension of the surrounding
525 circumstances; however, such officer or person shall not use
526 excessive force or force that is greater than reasonably necessary
527 in securing and detaining the offender, overcoming the offender's
528 resistance, preventing the offender's escape, recapturing the
529 offender if the offender escapes or in protecting himself or
530 others from bodily harm.

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

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



541 is designed to be occupied by people lodging therein at night,
542 including any attached porch * * *.

543 (3) A person who uses defensive force shall be presumed to
544 have reasonably feared imminent death or great bodily harm, or the
545 commission of a felony upon him or another or upon his dwelling,
546 or against a vehicle which he was occupying, or against his
547 business or place of employment or the immediate premises of such
548 business or place of employment, if the person against whom the
549 defensive force was used, was in the process of unlawfully and
550 forcibly entering, or had unlawfully and forcibly entered, a
551 dwelling, occupied vehicle, business, place of employment or the
552 immediate premises thereof or if that person had unlawfully
553 removed or was attempting to unlawfully remove another against the
554 other person's will from that dwelling, occupied vehicle,
555 business, place of employment or the immediate premises thereof
556 and the person who used defensive force knew or had reason to
557 believe that the forcible entry or unlawful and forcible act was
558 occurring or had occurred. This presumption shall not apply if
559 the person against whom defensive force was used has a right to be
560 in or is a lawful resident or owner of the dwelling, vehicle,
561 business, place of employment or the immediate premises thereof or
562 is the lawful resident or owner of the dwelling, vehicle,
563 business, place of employment or the immediate premises thereof or
564 if the person who uses defensive force is engaged in unlawful



565 activity or if the person is a law enforcement officer engaged in
566 the performance of his official duties * * *.

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

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

577 (b) The court shall award reasonable attorney's fees,
578 court costs, compensation for loss of income, and all expenses
579 incurred by the defendant in defense of any civil action brought
580 by a plaintiff if the court finds that the defendant acted in
581 accordance with subsection (1)(e) or (f) of this section. A
582 defendant who has previously been adjudicated "not guilty" of any
583 crime by reason of subsection (1)(e) or (f) of this section shall
584 be immune from any civil action for damages arising from the same
585 conduct.

586 **SECTION 5.** No federal executive order, agency order, law not
587 enrolled by the United States Congress and signed by the President
588 of the United States, rule, regulation or administrative
589 interpretation of a law or statute issued, enacted or promulgated



590 after July 1, 2016, that violates the United States Constitution
591 or the Mississippi Constitution of 1890 shall be enforced or
592 ordered to be enforced by any official, agent or employee of this
593 state or a political subdivision thereof.

594 **SECTION 6.** This act shall take effect and be in force from
595 and after its passage.

