3/21/19 2:11 P.M.

Chapter No. 365
19/HR31/R1115SG
LL 1CB

HOUSE BILL NO. 390

Originated in House _____ Clerk

HOUSE BILL NO. 390

AN ACT TO AMEND SECTION 45-9-171, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN ACTIVE AND RETIRED LAW ENFORCEMENT OFFICERS TO SERVE AS MEMBERS OF A CHURCH SECURITY PROGRAM AND BE ELIGIBLE FOR IMMUNITY UNDER THE MISSISSIPPI CHURCH PROTECTION ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 45-9-171, Mississippi Code of 1972, is amended as follows:

45-9-171. (1) This section shall be known and may be cited as the "Mississippi Church Protection Act."

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

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

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

(i) The program at a minimum must require that each * * * member of the program possesses a firearms permit issued under Section 45-9-101 and has completed an instructional course in the safe handling and use of firearms as described in Section 97-37-7, is a law enforcement officer as defined in Section 45-6-3, or is a qualified retired law enforcement officer as defined in 18 U.S.C. Section 926C(c). The program may also include one or more persons with law enforcement or military background who may assist the church or place of worship in training of the members of the program;

(ii) The names of the members designated by the church or place of worship to serve in the security program must be spread upon the minutes of the body or otherwise noted in writing at the time of the member's designation if the body does not maintain minutes, and this written record must be made

available to law enforcement upon request during the course of investigation after an incident in which the member used a firearm while acting as a member of the security program; and

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

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 13, 2019

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 12, 2019

Tate Reeves

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

3/21/2019
2:16pm