

- VEST FIRST RESPONDER -

## HELP FOR HEROES

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# MISSISSIPPI

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## Self-Defense Law Reference Guide

*Stand Your Ground | Castle Doctrine (Dwelling, Vehicle, Business, Place of Employment) | Criminal and Civil Immunity | First Responder Protections*

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### CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

*Intended exclusively for VEST Certified Trainers. Not a substitute for legal counsel.*

Mississippi has one of the most comprehensive Stand Your Ground and Castle Doctrine frameworks in the country, codified in Miss. Code Ann. S. 97-3-15. Mississippi's Castle Doctrine presumption covers five locations - dwelling, occupied vehicle, business, place of employment, and their immediate premises - making it the broadest Castle Doctrine coverage in this series. Combined with a full Stand Your Ground no-duty-to-retreat rule and explicit criminal and civil immunity provisions, Mississippi provides exceptional legal protection for first responders across their entire operational environment.

| STATUTE                       | SUBJECT MATTER                                                                 |
|-------------------------------|--------------------------------------------------------------------------------|
| Miss. Code Ann. S. 97-3-15(1) | Justifiable Homicide - Core Self-Defense Standard                              |
| Miss. Code Ann. S. 97-3-15(3) | Castle Doctrine Presumption - Dwelling, Vehicle, Business, Place of Employment |
| Miss. Code Ann. S. 97-3-15(4) | Stand Your Ground - No Duty to Retreat in Any Lawful Location                  |
| Miss. Code Ann. S. 97-3-15(5) | Criminal and Civil Immunity for Justified Force                                |
| Miss. Code Ann. S. 97-3-7     | Assault/Aggravated Assault - Enhanced When Victim Is Law Enforcement/EMS       |
| Miss. Code Ann. S. 97-3-19    | Murder - Capital When Victim Is Officer/First Responder                        |

## PART I: THE MISSISSIPPI SELF-DEFENSE STATUTORY FRAMEWORK

### Miss. Code Ann. S. 97-3-15(1) - Justifiable Homicide (Core Standard)

Mississippi's justifiable homicide statute (S. 97-3-15) is the comprehensive source of self-defense law. A homicide is justifiable when committed by a person: in resisting any attempt to murder them or commit any felony upon them; in the act of preventing any felony upon themselves or in a place where they have a right to be; or under the other enumerated circumstances including resisting unlawful entry into their dwelling, business, or vehicle.

### Miss. Code Ann. S. 97-3-15(3) - Castle Doctrine Presumption (Five Locations)

*"A person who uses defensive force shall be presumed to have reasonably feared imminent death or great bodily harm, or the commission of a felony upon him or another, if the person against whom defensive force was used was in the process of unlawfully and forcibly entering, or had unlawfully and forcibly entered, a dwelling, occupied vehicle, business, place of employment or the immediate premises thereof..." - Miss. Code Ann. S. 97-3-15(3)*

Mississippi's Castle Doctrine presumption covers FIVE distinct locations: (1) dwelling, (2) occupied vehicle, (3) business, (4) place of employment, (5) the immediate premises of any of those locations. This is the most comprehensive Castle Doctrine framework in this entire state series. The 'immediate premises' extension adds an outdoor buffer zone around these protected locations.

#### THE FIVE PROTECTED LOCATIONS:

- Dwelling - home, apartment, or temporary residence including tents and mobile structures designed for overnight occupation.
- Occupied Vehicle - ambulance, fire apparatus, or any occupied motor vehicle.

- Business - any commercial establishment, retail store, office, or service business.
- Place of Employment - fire station, EMS base, hospital, or any designated workplace.
- Immediate Premises - the area immediately surrounding any of the four above locations.

#### MISSISSIPPI'S FIVE-LOCATION CASTLE DOCTRINE - THE BROADEST IN THIS SERIES:

Miss. Code Ann. S. 97-3-15(3)'s five-location Castle Doctrine is the most comprehensive in any state covered in this series. Every environment where a Mississippi first responder operates - ambulance, fire station, EMS base, hospital, or any business or workplace - is covered by the Castle Doctrine presumption. Additionally, the 'immediate premises' extension provides an outdoor buffer zone around these protected locations. An EMS crew attacked outside their station, within its immediate premises, benefits from the same presumption as if attacked inside.

#### Miss. Code Ann. S. 97-3-15(4) - Stand Your Ground (No Duty to Retreat)

*"A person who is not the initial aggressor and is not engaged in unlawful activity shall have no duty to retreat before using deadly force... if the person is in a place where the person has a right to be, and no finder of fact shall be permitted to consider the person's failure to retreat as evidence that the person's use of force was unnecessary, excessive or unreasonable." - Miss. Code Ann. S. 97-3-15(4)*

Mississippi's Stand Your Ground provision contains an important additional protection: not only is there no duty to retreat, but NO JURY OR FINDER OF FACT MAY CONSIDER THE PERSON'S FAILURE TO RETREAT as evidence that force was unnecessary, excessive, or unreasonable. This jury-instruction protection is stronger than most states' mere no-duty-to-retreat provisions - it actively prevents retreat failure from being used against a defender.

#### JURY INSTRUCTION PROTECTION - UNIQUE TO MISSISSIPPI IN THIS SERIES:

Miss. Code Ann. S. 97-3-15(4)'s prohibition on juries considering failure to retreat as evidence against the defender is an exceptionally strong legal protection. In many states, prosecutors can hint that the defender 'could have run' even if there is no legal duty to retreat. Mississippi's statute eliminates this argument entirely. Trainers should communicate this protection to participants: in Mississippi, a jury cannot be told 'they should have left' as evidence of fault.

#### Miss. Code Ann. S. 97-3-15(5) - Criminal and Civil Immunity

Mississippi provides both criminal and civil immunity for persons who use defensive force that is justified under S. 97-3-15. The immunity is available at a pre-trial hearing. The statute also provides for an award of attorney's fees, court costs, and damages if the person claiming immunity prevails. The burden at the immunity hearing is on the prosecution to overcome the claim.

## PART II: DUTY TO RETREAT - MISSISSIPPI'S POSITION

Mississippi has NO duty to retreat. S. 97-3-15(4) not only removes the retreat obligation but prohibits juries from considering failure to retreat as evidence against the defender.

- No retreat required anywhere a person has a right to be.
- Castle Doctrine presumption covers five locations with an immediate premises buffer.
- Jury instruction protection: failure to retreat cannot be used as evidence of unjustified force.

- Criminal and civil immunity for justified force.
- Exception: Initial aggressors and persons engaged in unlawful activity lose these protections.
- Special note: The Castle Doctrine presumption does NOT apply when the person against whom force was used had a legal right to be in the location, or when the defender was engaged in unlawful activity, or when the person against whom force was used was a law enforcement officer in performance of official duties.

## PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

### Miss. Code Ann. S. 97-3-7 - Aggravated Assault of Law Enforcement/EMS

Mississippi elevates assault when committed against a law enforcement officer, firefighter, emergency medical personnel, or other public safety official engaged in their official duties. Aggravated assault of a public safety officer is a felony with enhanced penalty provisions above the standard aggravated assault statute.

### Miss. Code Ann. S. 97-3-19 - Capital Murder

Mississippi's capital murder statute includes the killing of a peace officer or firefighter engaged in official duties as a capital offense - the highest criminal consequence under Mississippi law. This reflects Mississippi's legislative commitment to the strongest possible protection for first responders.

#### TRAINER EMPHASIS:

Mississippi's combination of enhanced aggravated assault penalties and capital murder designation for killing on-duty law enforcement officers and firefighters creates the most serious criminal exposure available under Mississippi law for attacks on first responders. VEST trainers should communicate this legal landscape to participants as a deterrence reality.

## PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

Mississippi does NOT have a statewide statutory chokehold ban. Police neck restraint policy in Mississippi is governed by the Board on Law Enforcement Officer Standards and Training (BLEOST) and individual agency use-of-force policies.

- NO statewide statutory chokehold or carotid restraint ban as of 2024-2025.
- BLEOST training standards classify neck restraints as high-risk techniques subject to the deadly force justification standard.
- Individual agency policies may restrict further; some Mississippi departments have adopted administrative chokehold bans following national reforms.

#### FIRST RESPONDERS VS. LAW ENFORCEMENT:

Mississippi's law enforcement use-of-force standards do not apply to civilian first responders in personal self-defense. A Mississippi paramedic or firefighter defending their life is evaluated under Miss. Code Ann. S. 97-3-15 only. There is no statutory restriction on civilian Mississippi first responders using any defensive technique in genuine life-safety self-defense.

## PART V: APPLYING VEST PRINCIPLES UNDER MISSISSIPPI LAW

### 1. Five-Location Castle Doctrine Covers Your Entire Operational Environment

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Miss. Code Ann. S. 97-3-15(3)'s Castle Doctrine presumption covers every major environment where Mississippi EMS and fire responders operate. VEST station security, ambulance security, and workplace safety protocols all support the factual record for these presumptions.

### 2. No Retreat, and No One Can Say You Should Have

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Mississippi's jury instruction protection (S. 97-3-15(4)) actively prevents prosecutors from arguing 'why didn't you leave?' VEST training still emphasizes de-escalation as professional best practice, but providers should understand that retreat failure CANNOT be held against them in any Mississippi legal proceeding.

### 3. Immunity With Attorney's Fees Protection

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Mississippi's civil and criminal immunity includes potential attorney's fee recovery for successful immunity claims. A provider who uses justified force and is sued or prosecuted may recover their legal costs. Documentation is essential to sustaining the immunity claim.

### 4. Immediate Premises Protection - Know Your Extended Zone

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The 'immediate premises' extension in S. 97-3-15(3) means Castle Doctrine presumption extends to the area immediately surrounding protected locations. VEST station security protocols covering the area outside the station entrance and the ambulance bay area are legally significant in Mississippi.

### 5. Partner Defense Is Covered - Same Presumption Applies

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Miss. Code Ann. S. 97-3-15(3) explicitly states the Castle Doctrine presumption applies when force is used against 'the commission of a felony upon him OR ANOTHER' - covering defense of partners as well as self-defense within Castle Doctrine locations.

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## LEGAL DISCLAIMER

*This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Mississippi Code Annotated S. 97-3-15 are subject to legislative amendment, and individual incidents are always fact-specific. VEST Certified Trainers and their agencies should consult with a licensed attorney, their medical director, and agency legal counsel before developing or delivering formal use-of-force or defensive tactics policies.*

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