

By: Representative Rotenberry

To: Game and Fish

HOUSE BILL NO. 907

1 AN ACT TO AMEND SECTIONS 49-7-20 AND 49-7-251, MISSISSIPPI
2 CODE OF 1972, TO REMOVE THE REQUIREMENT FOR HUNTING LICENSE
3 APPLICANTS UNDER SEVENTEEN YEARS OF AGE TO COMPLETE AN APPROVED
4 COURSE OF HUNTER EDUCATION IF SUCH PERSON IS ACCOMPANIED WHILE
5 HUNTING BY A PERSON TWENTY-ONE YEARS OF AGE OR OLDER; TO PROVIDE
6 THAT ANY PERSON THAT VIOLATES THE PROVISIONS OF THIS ACT SHALL
7 HAVE HIS WEAPON SEIZED; TO PROVIDE THAT A HUNTING CLUB SHALL LOSE
8 ITS LICENSE IF IT ALLOWS A HUNTER UNDER THE AGE OF SEVENTEEN TO
9 HUNT WITHOUT EITHER AN ADULT ACCOMPANIMENT OR HUNTER EDUCATION
10 COURSE CERTIFICATION; AND FOR RELATED PURPOSES. BE IT ENACTED BY
11 THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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13 SECTION 1. Section 49-7-20, Mississippi Code of 1972, is
14 amended as follows:

15 49-7-20. (1) Except as provided under subsection (5) of
16 this section, it is unlawful for any person born on or after
17 January 1, 1972, to procure any hunting license provided by the
18 department unless the person has been issued certification of
19 satisfactory completion of a hunter education course approved by
20 the department.

21 (2) Except as provided under subsection (5) of this section,
22 it is unlawful for any person to issue any license provided by the
23 department to any person born on or after January 1, 1972, unless
24 the purchaser has provided valid certification of satisfactory
25 completion of a hunter education course approved by the
26 department.

27 (3) It is unlawful for any person to fraudulently obtain a
28 hunter education certification.

29 (4) The department may revoke any hunting license or hunter
30 education certification upon determination that the holder was not
31 entitled to issuance or obtained the license or certification by

32 any fraudulent means.

33 (5) Any person under seventeen (17) years of age is not
34 required to satisfactory complete an approved hunter education
35 course if he is accompanied while hunting by an adult twenty-one
36 (21) years of age or older and such adult is no less than one
37 hundred (100) feet from the minor while the minor is hunting. Any
38 person who violates the provisions of this subsection (5), upon
39 conviction, is guilty of a misdemeanor and the weapon of the
40 violator is subject to seizure as provided under Section 49-7-250.
41 Any hunting club that allows a person to violate the provisions of
42 this subsection (5) shall have its license revoked for three (3)
43 years.

44 SECTION 2. Section 49-7-251, Mississippi Code of 1972, is
45 amended as follows:

46 49-7-251. (1) Except as otherwise provided in Section
47 49-7-257, when any property is seized pursuant to Sections
48 49-7-20, 49-7-103, 49-15-21(2) or 59-21-33, proceedings under this
49 section shall be instituted promptly. * * * However, * * * the
50 seizing law enforcement agency * * *, in the sound exercise of
51 discretion, may decide not to bring a forfeiture action if the
52 interests of bona fide lienholders or secured creditors equal or
53 exceed the value of the seized property, or if other factors would
54 produce a negative economic result. * * * No property shall be
55 subject to forfeiture which has been stolen from its owner if the
56 owner can be identified and prosecution for the theft has been
57 initiated.

58 (2) A petition for forfeiture shall be filed promptly in the
59 name of the State of Mississippi, the county or the municipality
60 and may be filed in the county in which the seizure is made, the
61 county in which the criminal prosecution is brought or the county
62 in which the owner of the seized property is found. Forfeiture
63 proceedings may be brought in the circuit court or the county
64 court if a county court exists in the county and the value of the
65 seized property is within the jurisdictional limits of the county
66 court as set forth in Section 9-9-21, Mississippi Code of 1972. A
67 copy of such petition shall be served upon the following persons
68 by service of process in the same manner as in civil cases:

69 (a) The owner of the property, if address is known;

70 (b) Any secured party who has registered his lien or
71 filed a financing statement as provided by law, if the identity of
72 such secured party can be ascertained by the Department of
73 Wildlife Conservation or the local law enforcement agency by
74 making a good faith effort to ascertain the identity of such
75 secured party as described in subsections (3), (4), (5), (6) and
76 (7) of this section;

77 (c) Any other bona fide lienholder or secured party or
78 other person holding an interest in the property in the nature of
79 a security interest of whom the Department of Wildlife
80 Conservation or the local law enforcement agency has actual
81 knowledge; and

82 (d) Any person in possession of property subject to
83 forfeiture at the time that it was seized.

84 (3) If the property is a motor vehicle susceptible of
85 titling under the Mississippi Motor Vehicle Title Law and if there
86 is any reasonable cause to believe that the vehicle has been
87 titled, the Department of Wildlife Conservation or the local law
88 enforcement agency shall make inquiry of the State Tax Commission
89 as to what the records of the State Tax Commission show as to who
90 is the record owner of the vehicle and who, if anyone, holds any
91 lien or security interest which affects the vehicle.

92 (4) If the property is a motor vehicle and is not titled in
93 the State of Mississippi, then the Department of Wildlife
94 Conservation or the local law enforcement agency shall attempt to
95 ascertain the name and address of the person in whose name the
96 vehicle is licensed, and if the vehicle is licensed in a state
97 which has in effect a certificate of title law, the Department of
98 Wildlife Conservation or the local law enforcement agency shall
99 make inquiry of the appropriate agency of that state as to what
100 the records of the agency show as to who is the record owner of
101 the vehicle and who, if anyone, holds any lien, security interest

102 or other instrument in the nature of a security device which
103 affects the vehicle.

104 (5) If the property is of a nature that a financing
105 statement is required by the laws of this state to be filed to
106 perfect a security interest affecting the property and if there is
107 any reasonable cause to believe that a financing statement
108 covering the security interest has been filed under the laws of
109 this state, the Department of Wildlife Conservation or the local
110 law enforcement agency shall make inquiry of the appropriate
111 office designated in Section 75-9-401, Mississippi Code of 1972,
112 as to what the records show as to who is the record owner of the
113 property and who, if anyone, has filed a financing statement
114 affecting the property.

115 (6) If the property is an aircraft or part thereof and if
116 there is any reasonable cause to believe that an instrument in the
117 nature of a security device affects the property, then the
118 Department of Wildlife Conservation or the local law enforcement
119 agency shall make inquiry of the Administrator of the Mississippi
120 Aeronautics Commission as to what the records of the Federal
121 Aviation Administration show as to who is the record owner of the
122 property and who, if anyone, holds an instrument in the nature of
123 a security device which affects the property.

124 (7) In the case of all other personal property subject to
125 forfeiture, if there is any reasonable cause to believe that an
126 instrument in the nature of a security device affects the
127 property, then the Department of Wildlife Conservation or the
128 local law enforcement agency shall make a good faith inquiry to
129 identify the holder of any such instrument.

130 (8) In the event the answer to an inquiry states that the
131 record owner of the property is any person other than the person
132 who was in possession of it when it was seized, or states that any
133 person holds any lien, encumbrance, security interest, other
134 interest in the nature of a security interest, mortgage or deed of

135 trust which affects the property, the Department of Wildlife
136 Conservation or the local law enforcement agency shall cause any
137 record owner and also any lienholder, secured party, other person
138 who holds an interest in the property in the nature of a security
139 interest which affects the property to be named in the petition of
140 forfeiture and to be served with process in the same manner as in
141 civil cases.

142 (9) If the owner of the property cannot be found and served
143 with a copy of the petition of forfeiture, or if no person was in
144 possession of the property subject to forfeiture at the time that
145 it was seized and the owner of the property is unknown, the
146 Department of Wildlife Conservation or the local law enforcement
147 agency shall file with the clerk of the court in which the
148 proceeding is pending an affidavit to such effect, whereupon the
149 clerk of the court shall publish notice of the hearing addressed
150 to "the Unknown Owner of", filling in the blank space with a
151 reasonably detailed description of the property subject to
152 forfeiture. Service by publication shall contain the other
153 requisites prescribed in Section 11-33-41, Mississippi Code of
154 1972, and shall be served as provided in Section 11-33-37,
155 Mississippi Code of 1972, for publication of notice for
156 attachments at law.

157 (10) No proceedings instituted pursuant to the provisions of
158 this section shall proceed to hearing unless the judge conducting
159 the hearing is satisfied that this section has been complied with.
160 Any answer received from an inquiry required by subsections (3)
161 through (7) of this section shall be introduced into evidence at
162 the hearing.

163 SECTION 3. This act shall take effect and be in force from
164 and after July 1, 1999.