

By: Representatives Cameron, Bailey, Capps, To: Judiciary B
Straughter, Thornton

HOUSE BILL NO. 1070
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 97-15-21, 97-15-23 AND 97-15-27,
2 MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES RELATED TO
3 VIOLATIONS ON LEVEE PROPERTY; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 97-15-21, Mississippi Code of 1972, is
6 amended as follows:

7 97-15-21. If any person shall willfully cut, break down,
8 remove, destroy or damage any cattle gap or any fence or part
9 thereof erected by any board of levee commissioners or the agents
10 or employees of said board of levee commissioners for the purpose
11 of enclosing the public levee right-of-way under the control of
12 said board of levee commissioners or who shall break down, remove
13 or destroy any gate in any such fence, or shall willfully leave
14 unclosed and open any such gate after having opened same, or make
15 said levee or said levee right-of-way a place of deposit or
16 storage for any woodpiles or refuse, garbage or dead animals or
17 any cotton, lumber, bricks or any other commodities, or who shall
18 willfully do any material damage injurious to said levee, such
19 person or persons shall be guilty of a misdemeanor and, on
20 conviction, shall be fined not less than One Hundred Dollars
21 (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each
22 offense. In addition to the penalties herein provided for, if any
23 levee board is required to remove any such forbidden objects
24 herein described, the owner or owners of such forbidden objects
25 shall be liable in damages to the levee board for the cost of
26 removing such objects, which damages may be recovered in a court

27 action brought for that purpose; and the said levee board shall
28 have a right of action against any person for any other damage
29 sustained to the levees by reason of a violation of this section.

30 SECTION 2. Section 97-15-23, Mississippi Code of 1972, is
31 amended as follows:

32 97-15-23. If any person or persons shall wilfully cut into,
33 mutilate or disfigure any public levee or excavate dirt or sand
34 from the right-of-way owned by any board of levee commissioners or
35 any part thereof, or trespass upon said levee in violation of
36 posted regulations, without being authorized to do so by the said
37 board of levee commissioners, such person or persons shall be
38 guilty of a misdemeanor, and on conviction shall be fined not less
39 than One Hundred Dollars (\$100.00) nor more than One Thousand
40 Dollars (\$1,000.00) for each offense, or shall be confined in the
41 county jail for a term not exceeding thirty (30) days, or by both
42 such fine and imprisonment in the discretion of the court.

43 SECTION 3. Section 97-15-27, Mississippi Code of 1972, is
44 amended as follows:

45 97-15-27. If any person shall hunt or engage in target
46 practice upon the mainline levee structure erected by any board of
47 levee commissioners, the entire landside right-of-way of said
48 levee structure or the riverside right-of-way of said levee
49 structure within a distance of two hundred (200) feet from the toe
50 of said levee structure, such person or persons shall be guilty of
51 a misdemeanor and, on conviction, shall be fined not less than One
52 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
53 (\$500.00) for each offense.

54 SECTION 4. This act shall take effect and be in force from
55 and after July 1, 1999.