

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

HOUSE BILL NO. 1070  
(As Sent to Governor)

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.