

By: Representative Hudson

To: Game and Fish

## HOUSE BILL NO. 1286

1 AN ACT TO PROHIBIT CONSERVATION OFFICERS FROM LEASING LAND TO  
2 HUNTING CLUBS WHILE SERVING IN THE OFFICIAL CAPACITY OF A  
3 CONSERVATION OFFICER; TO AMEND SECTIONS 49-1-13 AND 49-1-43,  
4 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
5 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF  
6 MISSISSIPPI:

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8 SECTION 1. Conservation officers of the Department of  
9 Wildlife, Fisheries and Parks are prohibited from leasing or  
10 negotiating the leasing of privately owned land to hunting clubs  
11 at any time while they are serving in their capacity as  
12 conservation officers.

13 SECTION 2. Section 49-1-13, Mississippi Code of 1972, is  
14 amended as follows:

15 49-1-13. The director is hereby authorized and directed to  
16 appoint as many conservation officers as may be required to  
17 efficiently enforce the laws for the protection of wild animals,  
18 birds and fish, and the laws relating to theft of cattle, trespass  
19 prohibitions and litter. These officers shall be located in  
20 different sections of the state where their services are most  
21 needed. Conservation officers shall police the state lands in  
22 their respective districts and prohibit the unlawful cutting of  
23 timber. The salary of the conservation officers shall be as  
24 determined by the State Personnel Board, or its successor.

25 Each conservation officer and supervisor shall be furnished  
26 an allowance for uniforms not to exceed the amount specified in  
27 the appropriation bill.

28 Conservation officers are prohibited from leasing or

29 negotiating the leasing of privately held land as provided in  
30 Section 1 of this act.

31 SECTION 3 Section 49-1-43, Mississippi Code of 1972, is  
32 amended as follows:

33 49-1-43. (1) The director shall have general supervision  
34 and control of all conservation officers, and shall enforce all  
35 the laws and regulations of the state relating to wild animals,  
36 birds and fish, and shall exercise all necessary powers incident  
37 thereto not specifically conferred on the department.

38 (2) The director, with the approval of the commission, shall  
39 make to the Governor and the Legislature a report covering the  
40 operation of the department for the preceding fiscal year.

41 (3) It shall be the duty of all conservation officers to  
42 enforce, and to obey and carry out all instructions and directions  
43 of the department with respect to the enforcement of the laws and  
44 regulations relating to wild animals, birds and fish.

45 (4) The director and each conservation officer shall have  
46 power, and it shall be the duty of the director and of each  
47 conservation officer:

48 (a) To execute all warrants and search warrants for a  
49 violation of the laws and regulations relating to wild animals,  
50 birds and fish and to serve subpoenas issued for the examination  
51 and investigation or trial of offenses against any of the laws or  
52 regulations;

53 (b) To search where the conservation officer has cause  
54 to believe and does believe that animals, birds or fish, or any  
55 parts thereof, or the nest or eggs of birds, or spawn or eggs of  
56 fish are possessed in violation of law or regulation and in such  
57 case to examine, without warrant, the contents of any boat, car,  
58 automobile or other vehicle, box, locker, basket, creel, crate,  
59 game bag or other package, to ascertain whether any law or  
60 regulation for the protection of animals, birds or fish have been  
61 or are being violated, and to use such force as may be necessary

62 for the purpose of such examination and inspection;

63 (c) With a search warrant to search and examine the  
64 contents of any dwelling house, room, building or premises of any  
65 person suspected of violating any law or regulation, to seize all  
66 animals, birds or fish, or parts thereof, or nests or eggs of  
67 birds taken in violation of law or regulation, or showing evidence  
68 of illegal taking and to seize and confiscate all devices  
69 illegally used in taking animals, birds or fish;

70 (d) To arrest, without warrant, any person committing  
71 or attempting to commit a misdemeanor, felony or a breach of the  
72 peace within his presence or view and to pursue and so arrest any  
73 person committing an offense in any place in the state where the  
74 person may go or be; to aid and assist any peace officer of this  
75 state or any other state if requested, in manhunts or natural  
76 disasters within the state; and

77 (e) To exercise other powers of peace officers in the  
78 enforcement of game laws or regulations or of a judgment for the  
79 violation thereof, as are not herein specifically provided.

80 (5) In all cases of arrest without warrant, the person  
81 making such arrest must inform the accused of the object and cause  
82 of the arrest, except when he is in the actual commission of the  
83 offense or is arrested on pursuit.

84 (6) No conservation officer shall compromise or settle out  
85 of court any violation of this chapter, or any law or regulation  
86 for the protection of wild animals, birds or fish.

87 (7) Nothing in this section shall be construed as granting  
88 conservation officers general police powers.

89 (8) Citations issued by a conservation officer for any  
90 violation of the laws for the protection of wild animals, birds  
91 and fish, the trespass laws, the litter laws, and the boating laws  
92 shall be issued on a uniform citation form consisting of an  
93 original and at least two (2) copies. Such citation shall show,  
94 among other necessary information, the name of the issuing

95 officer, the name of the court in which the cause is to be heard,  
96 and the date and time the person charged with a violation is to  
97 appear to answer the charge. The uniform citation form shall make  
98 a provision on it for information that will constitute a complaint  
99 charging the offense for which the citation was issued and, when  
100 duly sworn to and filed with a court of competent jurisdiction,  
101 prosecution may proceed under that complaint.

102 Conservation officers are prohibited from leasing or  
103 negotiating the lease of privately owned land to hunting clubs as  
104 provided in Section 1 of this act. The director shall remove from  
105 office any conservation officer found to have violated the  
106 provisions of Section 1 of this act, and any such officer may not  
107 again be a candidate for service as an employee of the Department  
108 of Wildlife, Fisheries and Parks in any capacity.

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