

By: Senator(s) Posey

To: Wildlife and
Fisheries

SENATE BILL NO. 2717
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-7-21, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT PERSONS CONVICTED OF HUNTING, TRAPPING OR FISHING
3 WITHOUT A VALID LICENSE, IN ADDITION TO ANY OTHER FINES OR
4 PENALTIES THAT MAY BE IMPOSED, SHALL BE ASSESSED AN ADMINISTRATIVE
5 FEE EQUAL IN AMOUNT TO THE LICENSE FEE THAT SUCH PERSON UNLAWFULLY
6 FAILED TO POSSESS AT THE TIME OF THE VIOLATION; TO PROVIDE THAT
7 SUCH ADMINISTRATIVE FEES SHALL BE COLLECTED BY THE CLERK OF THE
8 COURT IN WHICH THE PERSON IS CONVICTED AND PAID MONTHLY TO THE
9 STATE TREASURER AND CREDITED TO THE ACCOUNT OF THE DEPARTMENT OF
10 WILDLIFE, FISHERIES AND PARKS FOR EXPENDITURE BY THE DEPARTMENT
11 UPON APPROPRIATION BY THE LEGISLATURE; TO DELETE THE REQUIREMENT
12 FOR FORFEITURE OF THE HUNTING, TRAPPING AND FISHING PRIVILEGES OF
13 PERSONS CONVICTED OF HUNTING, TRAPPING OR FISHING WITHOUT A
14 LICENSE; AND FOR RELATED PURPOSES.

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

16 SECTION 1. Section 49-7-21, Mississippi Code of 1972, is
17 amended as follows:

18 49-7-21. (1) (a) The licenses for hunting, trapping or
19 fishing shall be issued on a form prepared by the executive
20 director and supplied to the bonded agents authorized to issue
21 licenses. The forms shall bear the name and Social Security
22 number or driver's license number of the applicant. All licenses
23 shall be valid from the date of its issuance to June 30 following
24 its date. The license shall be countersigned by the licensee in
25 the presence of the agent authorized to issue the same. The
26 licenses shall be issued in the name of the commission and be
27 countersigned by the bonded agent issuing same. The application
28 for a license under this chapter shall be subscribed and sworn to
29 by the applicant before an officer authorized to administer oaths
30 in this state, and for this purpose the members of the commission,
31 the executive director, sheriffs, conservation officers and bonded
32 agents are hereby authorized to administer oaths, but no charge

33 shall be made by any officer employed by the commission or sheriff
34 for the administration of the oath.

35 (b) A person may purchase a license from the office of
36 the department without appearing in person.

37 (2) Any person authorized to issue licenses for hunting,
38 trapping or fishing in this state who attempts to issue a license
39 on a form other than one as prescribed by this section, or
40 attempts to prepare a license certificate in any manner other than
41 on the form prescribed by this section, and furnished by the
42 executive director, is guilty of a Class II violation, and shall
43 be punished as provided in Section 49-7-143, Mississippi Code of
44 1972, and the person convicted shall be forever barred from
45 issuing licenses in the State of Mississippi.

46 (3) Any resident or nonresident who hunts, takes or traps
47 any wild animal, bird or fish must possess a valid license issued
48 by the commission, unless specifically exempted under this
49 chapter.

50 (4) Any nonresident, who hunts or traps without the required
51 license is guilty of a misdemeanor and upon conviction thereof
52 shall be fined in an amount not less than Five Hundred Dollars
53 (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for the
54 first offense. The nonresident shall also be assessed by the
55 court an administrative fee as prescribed under subsection (6) of
56 this section. For the second or any subsequent offense a
57 nonresident shall be fined in an amount of not less than One
58 Thousand Dollars (\$1,000.00) nor more than One Thousand Five
59 Hundred Dollars (\$1,500.00) or imprisoned in the county jail for
60 not more than thirty (30) days, or both such fine and
61 imprisonment. The nonresident shall also be assessed by the court
62 an administrative fee as prescribed under subsection (6) of this
63 section.

64 (5) Any nonresident who fishes without the required license
65 is guilty of a misdemeanor and upon conviction shall be fined in
66 an amount not less than One Hundred Dollars (\$100.00) nor more
67 than Two Hundred Fifty Dollars (\$250.00) for the first offense.
68 For the second or any subsequent offense a nonresident shall be
69 fined in an amount not less than Two Hundred Fifty Dollars

70 (\$250.00) nor more than Five Hundred Dollars (\$500.00) and that
71 nonresident shall also be assessed by the court an administrative
72 fee as prescribed under subsection (6) of this section.

73 (6) In addition to any other fines or penalties imposed
74 under subsection (4) or (5) of this section, any person convicted
75 for a violation of subsection (3) of this section shall be
76 assessed by the court an administrative fee equal in amount to the
77 cost of the hunting, trapping or fishing license fee that such
78 person unlawfully failed to possess at the time of the violation,
79 the amount of which license fee shall be entered upon the ticket
80 or citation by the charging officer at the time the ticket or
81 citation is issued. The clerk of the court in which conviction
82 for a violation of subsection (3) of this section takes place,
83 promptly shall collect all administrative fees imposed under this
84 subsection and deposit them monthly with the State Treasurer, in
85 the same manner and in accordance with the same procedure, as
86 nearly as practicable, as required for the collection, receipt and
87 deposit of state assessments under Section 99-19-73. However, all
88 administrative fees collected under the provisions of this
89 subsection shall be credited by the State Treasurer to the account
90 of the Department of Wildlife, Fisheries and Parks, and may be
91 expended by the department upon appropriation by the Legislature.

92 (7) Any person who obtains a license under an assumed name
93 or makes a materially false statement to obtain a license is
94 guilty of a felony and shall be subject to a fine of Two Thousand
95 Dollars (\$2,000.00) or may be imprisoned for a term not to exceed
96 one (1) year or both.

97 SECTION 2. This act shall take effect and be in force from
98 and after July 1, 1999.