

By: Senator(s) Walls, Carlton

To: Judiciary

SENATE BILL NO. 3051

1 AN ACT TO AMEND SECTION 97-15-21, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PENALTY FOR INTERFERING WITH A LEVEE CATTLE GAP; TO
3 AMEND SECTION 97-15-23, MISSISSIPPI CODE OF 1972, TO REVISE THE
4 OFFENSE OF AND PENALTY FOR DISFIGURING A LEVEE; TO REVISE THE
5 PENALTY FOR DISCHARGING A WEAPON ON A LEVEE; AND FOR RELATED
6 PURPOSES.

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

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

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

removing such objects, which damages may be recovered in a court action brought for that purpose; and the said levee board shall have a right of action against any person for any other damage sustained to the levees by reason of a violation of this section.

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

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

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

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

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