

By: Compretta

To: Conservation and  
Water Resources

HOUSE BILL NO. 1033

1 AN ACT TO AMEND SECTION 49-15-39, MISSISSIPPI CODE OF 1972,  
2 TO SET A LIMIT ON THE ALLOWABLE CATCH OF OYSTERS BY A LICENSED  
3 OYSTER BOAT AT FORTY SACKS PER DAY; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 49-15-39, Mississippi Code of 1972, is  
6 amended as follows:

7 49-15-39. (1) It is unlawful for any person to catch or  
8 take oysters by means of dredging in any of the waters designated  
9 as tonging reefs by the commission.

10 (2) The commission shall designate certain areas as tonging  
11 reefs. The commission shall mark the boundaries of the areas  
12 designated by appropriate poles, stakes or buoys of material that  
13 will not injure watercraft, and the boundaries, when designated by  
14 the commission, shall be final unless shown to be incorrect by a  
15 proceeding which may be brought by any person interested in the  
16 chancery court of the county adjacent to the area.

17 (3) If any boat or vessel catches or takes oysters by means  
18 of dredges, drags or scoops, other than hand tongs, from any of  
19 the areas described in this section, or with a dredge or dredges  
20 in the water, then all oysters on board the boat or vessel are  
21 hereby declared to be contraband and shall be taken and  
22 confiscated by the department or any marine law enforcement  
23 officer without court procedure. The captain and crew of the boat  
24 or vessel, promptly upon being ordered so to do, shall transport  
25 the oysters to a point on the public reefs of the state where the  
26 boat or vessel is found and there scatter the oysters according to

27 the instructions of the enforcement officers. Any person who  
28 violates this section shall be punished as provided in Section  
29 49-15-63.

30 (4) The limits on the allowable catch of oysters by any boat  
31 or vessel that is licensed to catch, take, carry or transport  
32 oysters from state reefs is forty (40) sacks per day. In  
33 calculating the allowable catch, oysters found on any skiffs or  
34 boats being towed behind the licensed boat or vessel shall be  
35 counted. If the limits on the allowable catch are exceeded, then  
36 all oysters on board the licensed boat or vessel and on any skiff  
37 or boat being towed behind such boat or vessel are declared to be  
38 contraband and shall be taken and confiscated by the department or  
39 any marine law enforcement officer without court procedure.  
40 The captain and crew of any licensed boat or vessel found in  
41 violation of this subsection, promptly upon being ordered to do  
42 so, shall transport the oysters to a point on the public reefs of  
43 the state and scatter the oysters according to the instructions of  
44 the enforcement officers. Any person who violates this subsection  
45 shall be punished as provided in Section 49-15-63.

46 SECTION 2. This act shall take effect and be in force from  
47 and after July 1, 2000.