

By: Ellington

To: Conservation and
Water ResourcesHOUSE BILL NO. 1080
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-15-64, MISSISSIPPI CODE OF 1972,
2 TO INCREASE FINES FOR ENGAGING IN COMMERCIAL SHRIMPING DURING THE
3 CLOSED SEASON; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 49-15-64, Mississippi Code of 1972, is
6 amended as follows:

7 49-15-64. Any operator, firm or corporation engaged in
8 commercial shrimping during the closed season shall be guilty of a
9 misdemeanor and, upon conviction, shall be punished by a fine of
10 not less than Two Thousand Dollars (\$2,000.00) nor more than Five
11 Thousand Dollars (\$5,000.00).

12 Upon an arrest for a violation of this section, catch and
13 nets may be confiscated. Any catch may be sold by the law
14 enforcement agency making the arrest at the average wholesale
15 price being paid for shrimp. The monies derived from the sale
16 shall be held in escrow pending disposition of the charge. If a
17 conviction is obtained, the monies held in escrow shall be
18 forfeited. The monies so forfeited shall be paid to the
19 department, to be paid into the seafood fund. If the operator,
20 firm or corporation is acquitted of the charge or if the charge is
21 dismissed, then the monies obtained from the sale shall be paid to
22 the proper operator, firm or corporation. Forfeiture of
23 confiscated nets and paraphernalia shall be instituted under
24 Sections 49-7-251 through 49-7-257. If the person in possession
25 of or using the nets in the violation is not the owner or licensee
26 of the nets, the department shall notify the owner or licensee of

27 the nets. The nets shall be subject to forfeiture unless the nets
28 were stolen and prosecution for the theft is initiated.

29 The commission may issue special permits for the purpose of
30 catching shrimp prior to the official opening of shrimp season, to
31 those nonprofit organizations that are tax exempt under Section
32 501(c) of the United States Internal Revenue Code and which have
33 on file with the State Tax Commission a tax exemption letter
34 issued by the United States Internal Revenue Service. However,
35 until January 1, 1992, the requirement that a nonprofit
36 organization have on file with the State Tax Commission a tax
37 exemption letter issued by the United States Internal Revenue
38 Service shall be considered as having been met if the organization
39 has actually made application for such exemption and has on file
40 with the State Tax Commission a copy of its application.

41 The commission shall promulgate rules and regulations
42 governing the taking of shrimp by the nonprofit organization and
43 shall issue such regulations to all organizations upon request and
44 at the issuance of the special permit.

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