

By: Rushing, Hudson, Moore (100th), Nettles, To: Conservation and
Pierce Water Resources

HOUSE BILL NO. 1150

1 AN ACT TO AMEND SECTION 49-15-3, MISSISSIPPI CODE OF 1972, TO
2 CLASSIFY REDFISH AS A GAME FISH; TO AMEND SECTION 49-15-71,
3 MISSISSIPPI CODE OF 1972, TO ESTABLISH THE MINIMUM LEGAL SIZE OF
4 REDFISH; TO AMEND SECTION 49-15-76, MISSISSIPPI CODE OF 1972, TO
5 PERMIT REDFISH TO BE SOLD IN THIS STATE IF OBTAINED FROM A STATE
6 WHICH IT MAY LAWFULLY BE CAUGHT AND SOLD; AND FOR RELATED
7 PURPOSES.

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

9 SECTION 1. Section 49-15-3, Mississippi Code of 1972, is
10 amended as follows:

11 49-15-3. As used in this chapter, the term:

12 (a) "Commission" means the Mississippi Commission on
13 Marine Resources.

14 (b) "Department" means the Department of Marine
15 Resources.

16 (c) "Domicile" means a person's principal or primary
17 place of abode in which a person's habitation is fixed and to
18 which the person, whenever absent, has the present intention of
19 returning after a departure of absence therefrom, regardless of
20 the duration of the absence. The burden of proving domicile in
21 the State of Mississippi shall be on the person claiming that
22 status. A person holding a current driver's license shall be
23 deemed to be domiciled within the state issuing the license. If a
24 person does not hold a current driver's license the following
25 evidence may be considered in establishing, but is not necessarily
26 determinative of domicile: residence for income or other tax
27 purposes, homestead exemption receipt or other means prescribed by
28 the commission. In the case of minors, domicile of the parents

29 shall be used as evidence of the minor's domicile.

30 (d) "Game fish" means:

31 (i) Cobia, also known as ling or lemonfish
32 (rachycentron canadum). The cobia is classified as game fish.

33 (ii) Redfish, also known as red drum (sciaenops
34 ocellatus). Redfish is classified as game fish.

35 (e) "Illegal oysters" means:

36 (i) All untagged shell stock;

37 (ii) Shell oysters obtained from uncertified shops
38 or dealers or from an unlicensed catcher;

39 (iii) Oysters obtained from waters not declared
40 safe and sanitary by the department, except those oysters caught
41 by the commission for re-laying or under private leases pursuant
42 to Section 49-15-27;

43 (iv) Shucked oysters obtained from uncertified
44 shops or repackers.

45 (f) "Inspector" means the chief inspector, the
46 assistant chief inspector, deputy inspector, bureau director and
47 certified enforcement officer employed by the department.

48 (g) "Natural reefs" means any bottom under the
49 jurisdiction of the commission of one or more acres on which
50 oysters grow naturally, or have grown naturally, in a quantity
51 sufficient to warrant commercial fishing as a means of livelihood,
52 or have been used in such a manner within a period of ten (10)
53 years next preceding the time the bottoms may come up for
54 determination by the commission.

55 (h) "Resident" means a person, firm or corporation that
56 is domiciled in this state.

57 (i) "Seafood" means all oysters, saltwater fish,
58 saltwater shrimp, diamondback terrapin, sea turtle, crabs and all
59 other species of marine or saltwater animal life existing or
60 living in the waters within the territorial jurisdiction of the
61 State of Mississippi.

62 (j) "Tonging reefs" means any bottom under the
63 jurisdiction of the commission designated by the commission as an
64 area in which oysters may only be taken by use of hand tongs.

65 SECTION 2. Section 49-15-71, Mississippi Code of 1972, is

66 amended as follows:

67 49-15-71. (1) It is unlawful for any boat or vessel
68 carrying or using a purse seine to have on board such boat or
69 vessel any quantity of redfish within the territorial jurisdiction
70 of the State of Mississippi.

71 (2) It is unlawful for any person, firm or corporation to
72 catch, take or land redfish below minimum legal size as
73 established by regulations promulgated by the commission and in
74 accordance with the Red Drum Fishery Management Plan. The
75 department shall develop a redfish management plan and the
76 commission shall promulgate regulations to implement the plan
77 after conducting a public hearing relating to the plan and
78 regulations. Beginning on July 1, 1998, and every four (4) years
79 thereafter, the commission shall review the plan and regulations
80 promulgated under the plan, and upon a determination that
81 revisions are appropriate, the commission shall amend the plan or
82 regulations, or both, in a manner to effectuate the desired
83 changes. However, the minimum legal size of redfish shall be
84 sixteen (16) inches.

85 (3) Any person who violates the provisions of this section
86 is guilty of a misdemeanor and shall be fined in the amount of One
87 Hundred Dollars (\$100.00) for each redfish possessed in violation
88 of this section. All nets used in violating this section are
89 hereby declared contraband and shall be subject to seizure and
90 forfeiture. If the person in possession of or using the nets in
91 the violation is not the owner or licensee of the nets, the
92 department shall notify the owner or licensee of the nets. The
93 nets shall be subject to forfeiture unless the nets were stolen
94 and prosecution for the theft is initiated. It shall be the duty
95 of the court to order the forfeiture of any nets used in violating
96 the provisions of this section. The fine imposed upon a person
97 convicted under this section shall not be suspended or reduced.
98 The master and owner of any vessel upon which redfish is possessed

99 in violation of this section shall be jointly and severally liable
100 for the penalty imposed herein.

101 (4) For the purposes of this section, the term "redfish"
102 means red drum or sciaenops ocellatus.

103 (5) Nothing in this section shall be construed as
104 prohibiting the catching of redfish, which is classified as a game
105 fish under Section 49-15-3, with a hook and line with one or more
106 hooks, or by use of a trotline or troll line as provided in
107 Section 49-7-81 for sportfishing purposes.

108 SECTION 3. Section 49-15-76, Mississippi Code of 1972, is
109 amended as follows:

110 49-15-76. (1) It is unlawful for any person to sell, barter
111 or trade or to offer for sale, barter or trade any game fish
112 enumerated in Chapter 15 of Title 49, Mississippi Code of 1972.

113 (2) Cobia and redfish may be sold in this state if the cobia
114 or redfish are purchased from a state in which it may lawfully be
115 caught and sold. Any individual, partnership, corporation or
116 other entity which sells cobia or redfish in this state shall
117 maintain documentation showing the state of purchase and date of
118 purchase of cobia or redfish for a period of sixty (60) days from
119 the date of purchase of the cobia or redfish. The Department of
120 Marine Resources or any other law enforcement agency with which
121 the department has a cooperating agreement may require any seller
122 of cobia or redfish to document the date and state of purchase.

123 (3) Any person who cultivates a game fish as permitted under
124 the Mississippi Aquaculture Act of 1988 may sell the game fish in
125 accordance with the marine aquaculture program.

126 (4) A person who violates this section shall be punished as
127 provided in Section 49-15-63.

128 SECTION 4. This act shall take effect and be in force from
129 and after its passage.