SENATE BILL NO. 2478
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 49-1-39 AND 49-5-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE FEDERAL MIGRATORY BIRD TREATY ACT BY REMOVING THE PROVISION ALLOWING THE KILLING OF HAWKS AND OWLS; AND FOR RELATED PURPOSES.

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

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

49-1-39. The commission may issue permits to kill any species of animals or native, nonmigratory birds which may become injurious to agricultural or other interests in any particular community. All migratory birds, including hawks, owls, and eagles and their nests and eggs are protected by the Migratory Bird Treaty Act and federal regulations promulgated under this act. All species of blackbirds, cowbirds, starlings, crows, grackles, and English sparrows may be killed without a permit when such birds are committing or about to commit depredations on shade or ornamental trees or agricultural crops.

SECTION 2. Section 49-5-7, Mississippi Code of 1972, is amended as follows:

49-5-7. (1) No wild bird other than a game bird shall be pursued, taken, wounded, killed, captured, possessed or exported at any time, dead or alive. No part of the plumage, skin, or body of any bird protected by this section or of any birds coming from without the state, the importation of which is prohibited into the United States, shall be sold or had in possession for sale in this state.

No person shall molest, take or destroy or attempt to molest,
take or destroy the nests or eggs of any wild bird, or have such
nest or eggs in his possession, except under the authority of a
permit duly issued for scientific purposes.

(2) * * * This section shall not apply to game birds for
which there is an open season under state law; birds, or parts
thereof collected or possessed under the authority of a
certificate duly issued for scientific purposes; or to the * * *
English * * * sparrow, crow and starling or to the nests or eggs
of such unprotected birds. Nor shall anything contained in this
section prohibit any person on his own land or land under his
control from killing or destroying any English sparrow, * * *
crow, or crow blackbird, or any animal by nature destructive of
gardens, crops or property of any kind. * * * This section shall
not apply to introduced pheasants, which are hereby classified as
domestic fowls.

SECTION 3. This act shall take effect and be in force from
and after its passage.