

By: Posey

To: Wildlife and  
Fisheries

SENATE BILL NO. 2478  
(As Sent to Governor)

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

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

6 SECTION 1. Section 49-1-39, Mississippi Code of 1972, is  
7 amended as follows:[LTR1]

8 49-1-39. The commission may issue permits to kill any  
9 species of animals or native, nonmigratory birds which may become  
10 injurious to agricultural or other interests in any particular  
11 community. All migratory birds, including hawks, owls, and eagles  
12 and their nests and eggs are protected by the Migratory Bird  
13 Treaty Act and federal regulations promulgated under this act.  
14 All species of blackbirds, cowbirds, starlings, crows, grackles,  
15 and English sparrows may be killed without a permit when such  
16 birds are committing or about to commit depredations on shade or  
17 ornamental trees or agricultural crops.

18 SECTION 2. Section 49-5-7, Mississippi Code of 1972, is  
19 amended as follows:[LTR2]

20 49-5-7. (1) No wild bird other than a game bird shall be  
21 pursued, taken, wounded, killed, captured, possessed or exported  
22 at any time, dead or alive. No part of the plumage, skin, or body  
23 of any bird protected by this section or of any birds coming from  
24 without the state, the importation of which is prohibited into the  
25 United States, shall be sold or had in possession for sale in this  
26 state.

27 No person shall molest, take or destroy or attempt to molest,

28 take or destroy the nests or eggs of any wild bird, or have such  
29 nest or eggs in his possession, except under the authority of a  
30 permit duly issued for scientific purposes.

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

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