

By: Representative Hudson

To: Game and Fish

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1284

1 AN ACT TO AMEND SECTION 49-1-43, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT CONSERVATION OFFICERS FROM LEASING OR NEGOTIATING THE
3 LEASE OF LAND, OR HUNTING OR FISHING RIGHTS TO LAND, TO HUNTING
4 CLUBS OR INDIVIDUALS WHILE SERVING IN THE OFFICIAL CAPACITY OF A
5 CONSERVATION OFFICER UNLESS THE OFFICER OR THE OFFICER'S CLOSE
6 RELATIVES HOLD A FEE SIMPLE INTEREST IN THE LAND; AND FOR RELATED
7 PURPOSES.

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

9 SECTION 1. Section 49-1-43, Mississippi Code of 1972, is
10 amended as follows:

11 49-1-43. (1) The director shall have general supervision
12 and control of all conservation officers, and shall enforce all
13 the laws and regulations of the state relating to wild animals,
14 birds and fish, and shall exercise all necessary powers incident
15 thereto not specifically conferred on the department.

16 (2) The director, with the approval of the commission, shall
17 make to the Governor and the Legislature a report covering the
18 operation of the department for the preceding fiscal year.

19 (3) It shall be the duty of all conservation officers to
20 enforce, and to obey and carry out all instructions and directions
21 of the department with respect to the enforcement of the laws and
22 regulations relating to wild animals, birds and fish.

23 (4) The director and each conservation officer shall have
24 power, and it shall be the duty of the director and of each
25 conservation officer:

26 (a) To execute all warrants and search warrants for a
27 violation of the laws and regulations relating to wild animals,
28 birds and fish and to serve subpoenas issued for the examination



29 and investigation or trial of offenses against any of the laws or
30 regulations;

31 (b) To search where the conservation officer has cause
32 to believe and does believe that animals, birds or fish, or any
33 parts thereof, or the nest or eggs of birds, or spawn or eggs of
34 fish are possessed in violation of law or regulation and in such
35 case to examine, without warrant, the contents of any boat, car,
36 automobile or other vehicle, box, locker, basket, creel, crate,
37 game bag or other package, to ascertain whether any law or
38 regulation for the protection of animals, birds or fish have been
39 or are being violated, and to use such force as may be necessary
40 for the purpose of such examination and inspection;

41 (c) With a search warrant to search and examine the
42 contents of any dwelling house, room, building or premises of any
43 person suspected of violating any law or regulation, to seize all
44 animals, birds or fish, or parts thereof, or nests or eggs of
45 birds taken in violation of law or regulation, or showing evidence
46 of illegal taking and to seize and confiscate all devices
47 illegally used in taking animals, birds or fish;

48 (d) To arrest, without warrant, any person committing
49 or attempting to commit a misdemeanor, felony or a breach of the
50 peace within his presence or view and to pursue and so arrest any
51 person committing an offense in any place in the state where the
52 person may go or be; to aid and assist any peace officer of this
53 state or any other state if requested, in manhunts or natural
54 disasters within the state; and

55 (e) To exercise other powers of peace officers in the
56 enforcement of game laws or regulations or of a judgment for the
57 violation thereof, as are not herein specifically provided.

58 (5) In all cases of arrest without warrant, the person
59 making such arrest must inform the accused of the object and cause
60 of the arrest, except when he is in the actual commission of the
61 offense or is arrested on pursuit.



62 (6) No conservation officer shall compromise or settle out
63 of court any violation of this chapter, or any law or regulation
64 for the protection of wild animals, birds or fish.

65 (7) Nothing in this section shall be construed as granting
66 conservation officers general police powers.

67 (8) Citations issued by a conservation officer for any
68 violation of the laws for the protection of wild animals, birds
69 and fish, the trespass laws, the litter laws, and the boating laws
70 shall be issued on a uniform citation form consisting of an
71 original and at least two (2) copies. Such citation shall show,
72 among other necessary information, the name of the issuing
73 officer, the name of the court in which the cause is to be heard,
74 and the date and time the person charged with a violation is to
75 appear to answer the charge. The uniform citation form shall make
76 a provision on it for information that will constitute a complaint
77 charging the offense for which the citation was issued and, when
78 duly sworn to and filed with a court of competent jurisdiction,
79 prosecution may proceed under that complaint.

80 A conservation officer may not lease or negotiate the lease
81 of land, or hunting or fishing rights to land, to hunting clubs or
82 individuals for the purpose of hunting or fishing unless the
83 officer, the officer's spouse or any person related by
84 consanguinity or affinity within the third degree to the officer
85 or the officer's spouse, computed by the rule of the civil law,
86 holds a fee simple or freehold interest in the land. The director
87 shall remove a person from the position of conservation officer if
88 the person violates this provision, and such person may not again
89 be employed by the department in any capacity.

90 SECTION 2. This act shall take effect and be in force from
91 and after July 1, 2001.

