

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.