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

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

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

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

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

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

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

(a) To execute all warrants and search warrants for a violation of the laws and regulations relating to wild animals, birds and fish and to serve subpoenas issued for the examination
and investigation or trial of offenses against any of the laws or regulations;

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

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

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

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

(5) In all cases of arrest without warrant, the person making such arrest must inform the accused of the object and cause of the arrest, except when he is in the actual commission of the offense or is arrested on pursuit.
(6) No conservation officer shall compromise or settle out of court any violation of this chapter, or any law or regulation for the protection of wild animals, birds or fish.

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

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

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

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