

By: Senator(s) Posey

To: Wildlife and Fisheries

SENATE BILL NO. 2593  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-5-7, MISSISSIPPI CODE OF 1972, TO  
2 CONFORM TO THE FEDERAL MIGRATORY BIRD TREATY ACT; AND FOR RELATED  
3 PURPOSES.

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

5 SECTION 1. Section 49-5-7, Mississippi Code of 1972, is  
6 amended as follows:

7 49-5-7. (1) No wild bird other than a game bird or  
8 introduced pheasants which are hereby classified as domestic fowl  
9 shall be pursued, taken, wounded, killed, captured, possessed or  
10 exported at any time, dead or alive. No part of the plumage, skin  
11 or body of any bird protected by this section or of any birds  
12 coming from without the state, the importation of which is  
13 prohibited into the United States, shall be sold or had in  
14 possession for sale in this state.

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

19 (2) This section shall not apply to game birds for which  
20 there is an open season under state law or introduced pheasants;  
21 birds, or parts thereof collected or possessed under the authority  
22 of a certificate duly issued for scientific purposes; or to the  
23 English sparrow (Passer domesticus), red-winged blackbird  
24 (Agelaius phoeniceus), rusty blackbird (Euphagus carolinus),  
25 Brewer's blackbird (Euphagus cyanocephalus), grackles (Quiscalus  
26 sp.), brown-headed cowbird (Molothrus ater), European starling  
27 (Sturnus vulgaris) or crows (Corvus sp.) or to the nests or eggs

28 of such unprotected birds. Nor shall anything contained in this  
29 section prohibit any person on his own land or land under his  
30 control from killing or controlling any English sparrow (Passer  
31 domesticus), red-winged blackbird (Agelaius phoeniceus), rusty  
32 blackbird (Euphagus carolinus), Brewer's blackbird (Euphagus  
33 cyanocephalus), grackles (Quiscalus sp.), brown-headed cowbird  
34 (Molothrus ater), European starling (Sturnus vulgaris) or crows  
35 (Corvus sp.) or any bird by nature destructive of gardens, crops  
36 or property of any kind when such birds are committing or about to  
37 commit depredation upon ornamental or shade trees, agricultural  
38 crops, livestock, or wildlife or when concentrated in such numbers  
39 and manner as to constitute a health hazard or other nuisance.  
40 This section does not authorize and shall not be construed to  
41 authorize the killing of any migratory birds protected by the  
42 Migratory Bird Treaty Act.

43 SECTION 2. This act shall take effect and be in force from  
44 and after its passage.