

By: Senator(s) Posey

To: Wildlife and Fisheries

SENATE BILL NO. 2762

1 AN ACT TO AMEND SECTION 49-7-27, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO  
3 SUSPEND OR REVOKE THE LICENSE OF A PERSON WHO IS APPEALING FROM A  
4 VIOLATION OF HEADLIGHTING DEER; TO AMEND SECTION 49-7-95,  
5 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 49-7-27, Mississippi Code of 1972, is  
8 amended as follows:

9 49-7-27. (1) The commission may revoke any hunting,  
10 trapping, or fishing privileges, license or deny any person the  
11 right to secure such license if the person has been convicted of  
12 the violation of any of the provisions of this chapter or any  
13 regulation thereunder. The revocation of the privilege, license  
14 or refusal to grant license shall be for a period of one (1) year.  
15 However, before the revocation of the privilege or license shall  
16 become effective, the executive director shall send by registered  
17 mail notice to the person or licensee, who shall have the right to  
18 a hearing or representation before the commission at the next  
19 regular meeting or a special meeting. The notice shall set out  
20 fully the ground or complaint upon which revocation of, or refusal  
21 to grant, the privilege or license is sought.

22 (2) Any person who is convicted for a second time during any  
23 period of twelve (12) consecutive months for violation of any of  
24 the laws with respect to game, fish or nongame fish or animals  
25 shall forfeit his privilege and any license or licenses issued to  
26 him by the commission and the commission shall not issue the  
27 person any license for a period of one (1) year from the date of  
28 forfeiture.

29           (3) Failure of any person to surrender his license or  
30 licenses upon demand made by the commission or by its  
31 representatives at the direction of the commission shall be a  
32 misdemeanor and shall be punishable as such.

33           (4) Any violator whose privilege or license has been  
34 revoked, who shall, during the period of revocation, be  
35 apprehended for hunting or fishing, shall have imposed upon him a  
36 mandatory jail term of not less than thirty (30) days nor more  
37 than six (6) months.

38           (5) The commission is authorized to suspend any license  
39 issued to any person under this chapter for being out of  
40 compliance with an order for support, as defined in Section  
41 93-11-153. The procedure for suspension of a license for being  
42 out of compliance with an order for support, and the procedure for  
43 the reissuance or reinstatement of a license suspended for that  
44 purpose, and the payment of any fees for the reissuance or  
45 reinstatement of a license suspended for that purpose, shall be  
46 governed by Section 93-11-157 or 93-11-163, as the case may be.  
47 If there is any conflict between any provision of Section  
48 93-11-157 or 93-11-163 and any provision of this chapter, the  
49 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
50 shall control.

51           (6) If a person is found guilty or pleads guilty or nolo  
52 contendere to a violation of Section 49-7-95, and then appeals,  
53 the commission may suspend or revoke the license of that person  
54 pending the determination of his appeal.

55           (7) (a) If a person does not comply with a summons or a  
56 citation or does not pay a fine, fee or assessment for violating a  
57 wildlife law or regulation, the commission shall revoke the  
58 fishing, hunting, or trapping privileges of that person. When a  
59 person does not comply or fails to pay, the clerk of the court  
60 shall notify the person in writing by first class mail that if the  
61 person does not comply or pay within ten (10) days from the date

62 of mailing, the court will notify the commission and the  
63 commission will revoke the fishing, hunting or trapping privileges  
64 of that person. The cost of notice may be added to other court  
65 costs. If the person does not comply or pay as required, the  
66 court clerk shall immediately mail a copy of the court record and  
67 a copy of the notice to the commission. After receiving notice  
68 from the court, the commission shall revoke the fishing, hunting  
69 or trapping privileges of that person.

70 (b) A person whose fishing, hunting or trapping  
71 privileges have been revoked under this subsection shall remain  
72 revoked until the person can show proof that all obligations of  
73 the court have been met.

74 (c) A person shall pay a Twenty-five Dollar (\$25.00)  
75 fee to have his privileges reinstated. The fee shall be paid to  
76 the department.

77 SECTION 2. Section 49-7-95, Mississippi Code of 1972, is  
78 amended as follows:

79 49-7-95. Any person who hunts or takes or kills any deer at  
80 night by headlighting, by any lighting device or light amplifying  
81 device shall, upon conviction thereof, be guilty of a Class I  
82 violation and shall be punished as provided in Section 49-7-141.  
83 Violators of this section, upon conviction, shall also forfeit all  
84 hunting, trapping and fishing privileges for a period of not less  
85 than three (3) consecutive years from the date of conviction and  
86 shall attend such courses prescribed by the commission. A person  
87 who is appealing from a violation of this section may have his  
88 license suspended or revoked as provided in Section 49-7-27. This  
89 section shall not apply to any deer killed in an accident with any  
90 motor vehicle. Anyone found guilty of violating this section who  
91 shoots or kills any livestock shall be punished as provided in  
92 Section 97-41-15 in addition to the penalties provided in this  
93 section.

94 SECTION 3. This act shall take effect and be in force from  
95 and after July 1, 2001.