

By: Senator(s) Posey

To: Wildlife and Fisheries

COMMITTEE SUBSTITUTE
FOR
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 HUNTING PRIVILEGES OF A PERSON WHO IS
4 APPEALING FROM A VIOLATION OF HEADLIGHTING DEER; TO AMEND SECTION
5 49-7-95, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
6 PURPOSES.

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

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

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

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

28 person any license for a period of one (1) year from the date of
29 forfeiture.

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

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

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

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

56 (7) (a) If a person does not comply with a summons or a
57 citation or does not pay a fine, fee or assessment for violating a
58 wildlife law or regulation, the commission shall revoke the
59 fishing, hunting, or trapping privileges of that person. When a
60 person does not comply or fails to pay, the clerk of the court

61 shall notify the person in writing by first class mail that if the
62 person does not comply or pay within ten (10) days from the date
63 of mailing, the court will notify the commission and the
64 commission will revoke the fishing, hunting or trapping privileges
65 of that person. The cost of notice may be added to other court
66 costs. If the person does not comply or pay as required, the
67 court clerk shall immediately mail a copy of the court record and
68 a copy of the notice to the commission. After receiving notice
69 from the court, the commission shall revoke the fishing, hunting
70 or trapping privileges of that person.

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

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

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

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

93 as provided in Section 97-41-15 in addition to the penalties
94 provided in this section.

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