By: Senator(s) Posey

To: Wildlife and Fisheries

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2762

1 2 3 4 5 6	AN ACT TO AMEND SECTION 49-7-27, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO SUSPEND OR REVOKE THE HUNTING PRIVILEGES OF A PERSON WHO IS APPEALING FROM A VIOLATION OF HEADLIGHTING DEER; TO AMEND SECTION 49-7-95, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED 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

to grant, the privilege or license is sought.

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- person any license for a period of one (1) year from the date of 28
- 29 forfeiture.
- (3) Failure of any person to surrender his license or 30
- 31 licenses upon demand made by the commission or by its
- 32 representatives at the direction of the commission shall be a
- misdemeanor and shall be punishable as such. 33
- 34 (4) Any violator whose privilege or license has been
- 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
- 38 than six (6) months.
- 39 The commission is authorized to suspend any license
- 40 issued to any person under this chapter for being out of
- compliance with an order for support, as defined in Section 41
- 42 93-11-153. The procedure for suspension of a license for being
- out of compliance with an order for support, and the procedure for 43
- the reissuance or reinstatement of a license suspended for that 44
- 45 purpose, and the payment of any fees for the reissuance or
- reinstatement of a license suspended for that purpose, shall be 46
- 47 governed by Section 93-11-157 or 93-11-163, as the case may be.
- If there is any conflict between any provision of Section 48
- 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,
- shall control. 51
- 52 If a person is found guilty or pleads guilty or nolo
- contendere to a violation of Section 49-7-95, and then appeals, 53
- 54 the commission shall suspend or revoke the hunting privileges of
- that person pending the determination of his appeal. 55
- 56 If a person does not comply with a summons or a (7) (a)
- 57 citation or does not pay a fine, fee or assessment for violating a
- wildlife law or regulation, the commission shall revoke the 58
- 59 fishing, hunting, or trapping privileges of that person.
- person does not comply or fails to pay, the clerk of the court 60

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- 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
- of mailing, the court will notify the commission and the
- 64 commission will revoke the fishing, hunting or trapping privileges
- 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:
- 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
- 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.