

By: Representatives Nettles, Hudson, Moore
(100th), Rushing

To: Game and Fish

HOUSE BILL NO. 703

1 AN ACT TO AMEND SECTIONS 49-7-51 AND 49-7-53, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE THE SALE, PURCHASE, POSSESSION AND
3 TRANSPORTATION OF DEER ANTLERS AND PRODUCTS OF DEER ANTLERS IN
4 ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE
5 COMMISSION ON WILDLIFE, FISHERIES AND PARKS; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 49-7-51, Mississippi Code of 1972, is
9 amended as follows:

10 49-7-51. (1) It is unlawful for any person to buy or sell
11 or to offer for sale, exchange for merchandise, or other
12 consideration, within this state, any game birds, game animals, or
13 game fish, or parts thereof, named in this chapter, whether taken
14 within or coming from without the state, except as specifically
15 permitted by law or regulation. However, (a) the skins and sinew
16 of deer may be bought and sold at any time; and (b) deer antlers,
17 not in velvet, and knives, pins, ornaments and other products
18 crafted, fashioned or made from deer antlers not in velvet, may be
19 bought and sold at any time in accordance with rules and
20 regulations promulgated by the Commission on Wildlife, Fisheries
21 and Parks. A violation of this subsection is a Class I violation
22 and is punishable as provided in Section 49-7-141.

23 (2) Any person who buys, sells, offers for sale, exchange
24 for merchandise, or other consideration, any wild bird, wild
25 animal or fish that has been taken illegally is guilty of a Class
26 I violation and punished as provided in Section 49-7-141.

27 **SECTION 2.** Section 49-7-53, Mississippi Code of 1972, is
28 amended as follows:



29 49-7-53. (1) It is unlawful for any railroad, express
30 company or common carrier to knowingly receive for shipment or to
31 ship any game animals, birds, or fish named in this chapter;
32 except that a railroad, express company or common carrier may
33 receive and carry game animals, birds or fish when accompanied by
34 the hunter killing same and as provided otherwise in this chapter.

35 (2) No person or corporation may ship, transport or carry,
36 cause to be shipped, transported or carried, or receive for
37 shipment, transportation or carriage, or have in his possession
38 with intent to ship, transport or carry, or secure the shipment,
39 transportation or carriage beyond the limits of this state, any
40 game animal, bird or fish, except for the following:

41 (a) Rabbits;

42 (b) The furs or pelts of beaver, opossum, otter,
43 raccoon or other fur-bearing animals during the open season and
44 ten (10) days thereafter;

45 (c) Skins and sinew of deer;

46 (d) Deer antlers, not in velvet, and knives, pins,
47 ornaments and other products crafted, fashioned or made from deer
48 antlers not in velvet, in accordance with rules and regulations
49 promulgated by the commission on Wildlife, Fisheries and Parks;
50 and

51 (e) Game fish produced in a legally permitted
52 aquaculture facility pursuant to Section 79-22-9.

53 (3) The offering or reception by any person or corporation
54 within this state of any such birds, animals or fish for shipment
55 from this state shall be prima facie evidence that such birds,
56 animals or game fish were killed, captured or taken within the
57 state. Each game animal, bird or fish in possession, received for
58 shipment or transportation, or shipped or transported in violation
59 of this section is a separate offense.

60 (4) A nonresident licensee during the open season may ship,
61 transport or carry from this state any game animal, bird or fish



62 lawfully taken but not in excess of the bag and possession limits
63 prescribed in Section 49-7-41.

64 Such nonresident licensee shall accompany the shipment or
65 shall attach to such animals, birds or fish, or any package
66 containing them, an affidavit in a form to be prescribed by the
67 executive director that such animals, birds or fish were lawfully
68 killed or taken by him and are being shipped or transported to his
69 home and are not for sale. A duplicate of such affidavit shall be
70 filed with the transportation company or agent thereof, whose duty
71 it shall be to transmit the same to the executive director within
72 ten (10) days after its receipt. Such affidavit shall be sworn to
73 within ten (10) days after its receipt, and shall be sworn to
74 before a person authorized to administer oaths in the state. For
75 such purpose, conservation officers and agents of the
76 transportation companies are hereby authorized to administer such
77 oaths.

78 (5) A violation of this section is a Class I violation and
79 is punishable as provided in Section 49-7-141.

80 **SECTION 3.** This act shall take effect and be in force from
81 and after July 1, 2002.

