HOUSE BILL NO. 791

AN ACT TO AMEND SECTION 49-7-31, MISSISSIPPI CODE OF 1972, TO ALLOW THE USE OF DEER FEEDERS PERMITTED BY THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS; TO PROVIDE A FEE FOR DEER FEEDERS; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 49-7-31, Mississippi Code of 1972, is amended as follows:

49-7-31. (1) The open season for game birds and game animals shall be as follows:

(a) On bobwhite quail: The season shall open on Thanksgiving day and run through the first Saturday in March next following.

(b) On pheasant: There shall be no open season on pheasant.

(c) On wild turkey: The commission shall fix the spring season between the Saturday nearest March 20 and May 1 in designated areas. In addition, the commission may fix special fall either-sex seasons.

(d) On squirrel:

(i) Zone 1: For areas north of Highway 82 plus those portions of Sunflower County and Washington County south of Highway 82 the season shall open on the Saturday nearest October 1 and run through February 28.

(ii) Zone 2: For areas between Highway 82 and Highway 84, plus such portions of the state south of Highway 84 and west of Interstate 55, the season shall open on the Saturday nearest October 15 and run through February 28.
(iii) Zone 3: For areas south of Highway 84 and
east of Interstate 55 the season shall open on the last Saturday
in October and run through February 28.

(e) On deer:

(i) With bow and arrow: October 1 through the
Friday prior to Thanksgiving.

(ii) With guns and with dogs: From the Saturday
prior to Thanksgiving through December 1.

(iii) With primitive weapons and without dogs:

December 2 through December 15.

(iv) With guns and without dogs: December 16
through December 23. However, the commission may allow hunting
statewide or in specific areas with any legal weapon which it may
designate without dogs after the end of the last season for
hunting deer with guns and with dogs, but the season with legal
designated weapons and without dogs shall not extend beyond
January 31.

(v) With guns and with dogs: December 24 through
a date fixed by the commission that will provide a total of
thirty-nine (39) days of hunting deer with guns and with dogs when
added to the number of days provided for hunting deer with guns
and with dogs in paragraph (e)(ii).

(vi) When hunting deer during any gun season on
deer, a hunter must wear in full view five hundred (500) square
inches of solid unbroken fluorescent orange.

(vii) In order to set and regulate the deer
seasons, the commission may:

A. Set and regulate the deer seasons on
wildlife management areas which it administers;

B. Allow the harvesting of antlerless deer in
the districts or zones upon the recommendation of the executive
director based upon good and substantial quantitative data and
research evaluations that demonstrate that the harvesting is
necessary to properly manage the herd. The commission, only upon
the recommendation of the executive director, may allow the
harvesting of antlerless deer during the deer season with guns and
with dogs by a majority vote of the commission. Nothing in this
section prohibits the harvesting of either sex deer by landowners
or leaseholders on private lands under a deer management program
prescribed or approved by the executive director.

C. Provide a special permit for the
harvesting of deer when they are depredating and destroying crops.
The department shall supervise the harvesting and provide for the
salvaging of the meat of the animals. The commission may
authorize the department to assist any farmer in this state, who
sustains crop damage by wildlife, in eradication of the problem
wildlife.

(viii) The use of deer feeders is authorized in
any deer season. Any person desiring to use a deer feeder shall
pay a permit fee of Ten Dollars ($10.00) to the Department of
Wildlife, Fisheries and Parks for each deer feeder. The unlawful
use of a deer feeder without a permit is a Class II violation and
any person convicted of the unlawful use of a deer feeder shall be
punished as provided in Section 49-7-143. For the purposes of
this subparagraph, "deer feeder" means any device which dispenses
grain for deer and which is constructed in such fashion to keep
such grain dry.

(ix) The commission shall establish a special
hunting season for youth under the age of sixteen (16) and for
handicapped persons in the Natchez State Park. The commission
shall also establish a primitive weapon season in the Natchez
State Park. The selection of participants in the primitive weapon
season shall be by public drawing from all qualified applications.
The commission shall set the number of permits to be issued and
the length of the special seasons. The commission may also
establish a special hunting season for youth and handicapped
persons or a primitive weapon season as provided in this
subparagraph in any other state park under the jurisdiction of the
department but shall only do so upon the recommendation of the
staff of the department as approved by the commission. The
commission shall select participants and set the number of permits
to be issued and the length of the special seasons in the manner
provided in this subparagraph.

\((x)\) The commission may establish and regulate
special youth hunts for all nonmigratory game birds and animals
outside of the open season on wildlife management areas and on
private lands.

\((f)\) On fur-bearing animals: The commission may fix the
open season on fur-bearing animals between November 1 and March 1
next following and fix the open season for hunting opossums,
raccoons and bobcats with dogs and guns by licensed hunters from
October 1 to February 28 next following; but raccoons and bobcats
may be run, hunted, chased or pursued throughout the year with
dogs by licensed hunters. The commission may establish an
additional open season on raccoon from July 1 through October 1,
and the bag limit on raccoon during the additional open season
shall be one (1) per party, per night.

\((g)\) On rabbits: The season shall open on the Saturday
nearest October 15 and run through February 28 next following, and
when rabbits are depredating or destroying crops, the owner of the
crops or his tenants may shoot the rabbits with guns.

\((h)\) On predatory animals: The hunting of predatory
animals shall be restricted to the open seasons for hunting any
game animal or game bird, using only the firearms, ammunition,
primitive weapons or archery equipment legal for use during that
open season. Landowners, agricultural leaseholders or their
designated agents may take predatory animals year-round on lands
owned or leased by them. The taking of any animal or animals
other than beavers or coyote by the use of a trap or traps is
unlawful except during the time the season is open for the taking
of fur-bearing animals. Fox and coyote may be run, chased or
pursued with dogs except as provided in Section 49-7-32 year-round
by licensed hunters.

(i) On migratory birds: The open season for migratory
birds shall be the season prescribed by the Federal Migratory Bird
Treaty regulations.

(j) It is unlawful to trap fox after the closed season
for trapping of other fur-bearing animals, except on property
owned or leased by the person trapping.

(2) It is the intent of the Legislature that the open season
for game birds and game animals shall be stabilized unless some
unforeseen calamity affecting the resource necessitates earlier
change.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2002.