

By: Senator(s) Posey

To: Wildlife and Fisheries;
Judiciary

SENATE BILL NO. 2727

1 AN ACT TO AMEND SECTION 49-1-43, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY DUTIES AND POWERS OF EXECUTIVE DIRECTOR OF WILDLIFE; AND
3 FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 49-1-43, Mississippi Code of 1972, is
6 amended as follows:

7 49-1-43. (1) The director shall have general supervision
8 and control of all conservation officers, and shall enforce all
9 the laws and regulations of the state relating to wild animals,
10 birds and fish, go upon any property, outside of buildings, in the
11 performance of his duties and shall exercise all necessary powers
12 incident thereto not specifically conferred on the department.

13 (2) The director, with the approval of the commission, shall
14 make to the Governor and the Legislature a report covering the
15 operation of the department for the preceding fiscal year.

16 (3) The executive director shall appoint conservation
17 officers and it shall be the duty of all conservation officers to
18 enforce, and to obey and carry out all instructions and directions
19 of the department with respect to the enforcement of the laws and
20 regulations relating to wild animals, birds and fish as prescribed
21 in this section.

22 (4) The director and each conservation officer shall have
23 power, and it shall be the duty of the director and of each
24 conservation officer:

25 (a) To execute all warrants and search warrants for a
26 violation of the laws and regulations relating to wild animals,
27 birds and fish and to serve subpoenas issued for the examination



28 and investigation or trial of offenses against any of the laws or
29 regulations;

30 (b) To search where the conservation officer has cause
31 to believe and does believe that animals, birds or fish, or any
32 parts thereof, or the nest or eggs of birds, or spawn or eggs of
33 fish are possessed in violation of law or regulation and in such
34 case to examine, without warrant, the contents of any boat, car,
35 automobile or other vehicle, box, locker, basket, creel, crate,
36 game bag or other package, to ascertain whether any law or
37 regulation for the protection of animals, birds or fish have been
38 or are being violated, and to use such force as may be necessary
39 for the purpose of such examination and inspection;

40 (c) With a search warrant to search and examine the
41 contents of any dwelling house, room, building or premises of any
42 person suspected of violating any law or regulation, to seize all
43 animals, birds or fish, or parts thereof, or nests or eggs of
44 birds taken in violation of law or regulation, or showing evidence
45 of illegal taking and to seize and confiscate all devices
46 illegally used in taking animals, birds or fish;

47 (d) To arrest, without warrant, any person committing
48 or attempting to commit a misdemeanor, felony or a breach of the
49 peace within his presence or view and to pursue and so arrest any
50 person committing an offense in any place in the state where the
51 person may go or be; to aid and assist any peace officer of this
52 state or any other state if requested, in manhunts or natural
53 disasters within the state; and

54 (e) To exercise other powers of peace officers in the
55 enforcement of game laws or regulations or of a judgment for the
56 violation thereof, as are not herein specifically provided.

57 (5) In all cases of arrest without warrant, the person
58 making such arrest must inform the accused of the object and cause
59 of the arrest, except when he is in the actual commission of the
60 offense or is arrested on pursuit.



61 (6) No conservation officer shall compromise or settle out
62 of court any violation of this chapter, or any law or regulation
63 for the protection of wild animals, birds or fish.

64 (7) Nothing in this section shall be construed as granting
65 conservation officers general police powers.

66 (8) Citations issued by a conservation officer for any
67 violation of the laws for the protection of wild animals, birds
68 and fish, the trespass laws, the litter laws, and the boating laws
69 shall be issued on a uniform citation form consisting of an
70 original and at least two (2) copies. Such citation shall show,
71 among other necessary information, the name of the issuing
72 officer, the name of the court in which the cause is to be heard,
73 and the date and time the person charged with a violation is to
74 appear to answer the charge. The uniform citation form shall make
75 a provision on it for information that will constitute a complaint
76 charging the offense for which the citation was issued and, when
77 duly sworn to and filed with a court of competent jurisdiction,
78 prosecution may proceed under that complaint.

79 **SECTION 2.** This act shall take effect and be in force from
80 and after its passage.

