To: Wildlife and Fisheries

MISSISSIPPI LEGISLATURE REGULAR SESSION 2002
By: Senator(s) Posey

SENATE BILL NO. 2891
(As Sent to Governor)

AN ACT TO AMEND 49-5-115, MISSISSIPPI CODE OF 1972, TO CONFORM THE PENALTIES FOR VIOLATING STATE ENDANGERED SPECIES LAWS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 49-5-115, Mississippi Code of 1972, is amended as follows:

49-5-115. (a) Any person who violates the provisions of subsection (c) of Section 49-5-107, or any regulations issued under Section 49-5-107 or whoever fails to procure or violates the terms of any permit issued thereunder shall be guilty of a Class I violation and punished as provided in Section 49-7-141.

(b) Any person who violates the provisions of subsection (c) of Section 49-5-109, or any regulations issued pursuant thereto or who fails to procure or violates the terms of any permit issued under subsections (d) and (e) of Section 49-5-111 is guilty of a Class I violation and is punishable as provided under Section 49-7-141.

(c) All law enforcement and management officers of the commission and other law enforcement officers authorized to enforce the laws of the State of Mississippi are authorized to carry out the provisions of Sections 49-5-101 through 49-5-119. Any officer or agent may, without warrant, arrest any person who the officer or agent has probable cause to believe is violating, in his presence or view, any section, regulation or permit provided for by Sections 49-5-101 through 49-5-119. An officer or agent who has made an arrest of a person for any such violation may search the person or business records at the time of arrest.
and seize any wildlife, records, or property taken, or used in
connection with the violation.

(d) Equipment, merchandise, wildlife, or records seized
under subsection (c) of this section shall be held by an officer
or agent of the commission pending disposition of court
proceedings, and may be forfeited to the state for destruction or
disposition as the commission may deem appropriate. Prior to
forfeiture, the commission may direct the transfer of wildlife so
seized to a qualified zoological, educational, or scientific
institution for safekeeping, costs thereof to be assessable to the
defendant. The commission is authorized to issue regulations to
implement this subsection.

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