

By: Representative Weathersby

To: Game and Fish

HOUSE BILL NO. 366

1 AN ACT TO AMEND SECTION 97-15-13, MISSISSIPPI CODE OF 1972,
2 TO DOUBLE THE FINE THAT MAY BE IMPOSED FOR HUNTING OR DISCHARGING
3 ANY FIREARM IN, ON OR ACROSS ANY STREET, PUBLIC ROAD, PUBLIC
4 HIGHWAY OR RAILROAD, OR THE RIGHT-OF-WAY THEREOF; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 97-15-13, Mississippi Code of 1972, is
8 amended as follows:

9 97-15-13. (1) (a) The provisions of this subsection shall
10 only be applicable during the calendar days included in the open
11 seasons on deer and turkey.

12 (b) It shall be prima facie evidence that a person is
13 hunting if such person is in the possession of a firearm that is
14 not unloaded on any street, public road, public highway, or any
15 railroad which is maintained by any railroad corporation, city,
16 county, state or federal entity or the right-of-way of any such
17 street, road, highway or railroad, in an area in which wild game
18 is or may be present, regardless of whether or not such firearm is
19 within or without the confines of a motorized vehicle.

20 (c) The provisions of this subsection shall not apply
21 to any person engaged in a lawful action to protect his property
22 or livestock.

23 (2) For purposes of this section, the following terms shall
24 have the meanings ascribed to them herein:

25 (a) "Right-of-way" means that part of a street, public
26 road, public highway or railroad maintained by a city, county,
27 state or federal entity or railroad corporation and including that
28 portion up to the adjacent property line or fence line.



29 (b) "Motorized vehicle" means any vehicle powered by
30 any type of motor, including automobiles, farm vehicles, trucks,
31 construction vehicles and all-terrain vehicles.

32 (c) "Firearm" means any firearm other than a handgun.

33 (d) "Hunt" or "hunting" means to hunt or chase or to
34 shoot at or kill or to pursue with the intent to take, kill or
35 wound any wild animal or wild bird with a firearm as defined in
36 this subsection.

37 (e) "Unloaded" means that a cartridge or shell is not
38 positioned in the barrel or magazine of the firearm or in a clip,
39 magazine or retainer attached to the firearm and all ammunition is
40 located in an enclosed compartment, container, box or garment; or
41 in the case of a caplock muzzle-loading firearm, "unloaded" means
42 that the cap has been removed; or in the case of a flintlock
43 muzzle-loading firearm, "unloaded" means that all powder has been
44 removed from the flashpan.

45 (3) If any person hunts or discharges any firearm in, on or
46 across any street, public road, public highway, railroad or the
47 right-of-way thereof, such person is guilty of a misdemeanor and,
48 upon conviction, shall be punished by a fine not less than Two
49 Hundred Dollars (\$200.00) nor more than One Thousand Dollars
50 (\$1,000.00) or by imprisonment in the county jail for not less
51 than sixty (60) days nor more than six (6) months, or by both such
52 fine and imprisonment. This subsection shall not apply to any law
53 enforcement officer while in the performance of his official duty
54 or to any person engaged in a lawful action of self-defense.

55 (4) If any person shall willfully shoot any firearms or hurl
56 any missile at any street, highway or railroad traffic light;
57 street, highway or railroad marker or other sign for the
58 regulation or designation of street, highway or railroad travel
59 such person, upon conviction, shall be fined not less than One
60 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars



61 (\$500.00), or be imprisoned not longer than thirty (30) days in
62 the county jail, or both.

63 (5) It shall be the duty of all sheriffs, deputy sheriffs,
64 constables, conservation officers and peace officers of this state
65 to enforce the provisions of this section.

66 (6) If any subsection, paragraph, sentence, clause, phrase
67 or any part of this section is hereafter declared to be
68 unconstitutional or void, or if for any reason is declared to be
69 invalid or of no effect, the remaining subsections, paragraphs,
70 sentences, clauses, phrases or parts thereof shall be in no manner
71 affected thereby but shall remain in full force and effect.

72 **SECTION 2.** This act shall take effect and be in force from
73 and after July 1, 2003.

