

By: Representative Ellington

To: Conservation and Water Resources

HOUSE BILL NO. 938

1 AN ACT TO AMEND SECTION 49-15-63, MISSISSIPPI CODE OF 1972,
2 TO ALLOW THE COMMISSION ON MARINE RESOURCES TO SUSPEND THE LICENSE
3 OF PERSONS CONVICTED OF A MARINE VIOLATION AND TO SUSPEND THE
4 LICENSE OF VESSELS USED IN THE VIOLATION; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 49-15-63, Mississippi Code of 1972, is
8 amended as follows:

9 49-15-63. (1) (a) Any person, firm or corporation
10 violating any of the provisions of this chapter or any ordinance
11 duly adopted by the commission, unless otherwise specifically
12 provided for herein, shall, on conviction, be fined not less than
13 One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars
14 (\$500.00), for the first offense, unless the first offense is
15 committed during a closed season, in which case the fine shall be
16 not less than Five Hundred Dollars (\$500.00), nor more than One
17 Thousand Dollars (\$1,000.00); and not less than Five Hundred
18 Dollars (\$500.00), nor more than One Thousand Dollars (\$1,000.00),
19 for the second offense when such offense is committed within a
20 period of three (3) years from the first offense; and not less
21 than Two Thousand Dollars (\$2,000.00) nor more than Four Thousand
22 Dollars (\$4,000.00), or imprisonment in the county jail for a
23 period not exceeding thirty (30) days for any third or subsequent
24 offense when such offense is committed within a period of three
25 (3) years from the first offense.

26 (b) In addition, upon conviction of such third or
27 subsequent offense, it shall be the duty of the court to revoke
28 the license of the convicted party and of the boat or vessel used



29 in such offense, and no further license shall be issued to such
30 person and for said boat to engage in catching or taking of any
31 seafoods from the waters of the State of Mississippi for a period
32 of one (1) year following such conviction. Forfeiture of any
33 equipment or nets used in a second or subsequent offense may be
34 instituted pursuant to Sections 49-15-201 through 49-15-207. If
35 the person in possession of or using the nets in the violation is
36 not the owner or licensee of the nets, the department shall notify
37 the owner or licensee of the nets. The nets shall be subject to
38 forfeiture unless the nets were stolen and prosecution for the
39 theft is initiated. Equipment as used in this section shall not
40 mean boats or vessels.

41 (c) Any person convicted and sentenced under this
42 section for a second or subsequent offense shall not be considered
43 for * * * reduction of sentence.

44 (d) Except as provided under subsection (5) of Section
45 49-15-45, any fines collected under this section shall be paid
46 into the Seafood Fund.

47 (e) In addition to any other penalties, the commission
48 may suspend the license of any person convicted of a violation of
49 this chapter and may suspend the license of any vessel used in the
50 violation for a period not to exceed five (5) days for the first
51 offense. For a second offense, the commission may suspend the
52 license of such person and vessel for a period not to exceed
53 thirty (30) days.

54 (2) For any violation of this chapter, the individual
55 registered as the captain of a freight boat, ice boat or catching
56 boat used in catching or transporting of saltwater shrimp shall be
57 subject to the penalties provided in this chapter, if that
58 individual is aboard the vessel. If that individual is not aboard
59 the vessel, the individual designated as the substitute captain in
60 accordance with Section 49-15-64.5 shall be subject to the
61 penalties provided in this chapter. If no individual is



62 designated under Section 49-15-64.5, the person, firm or
63 corporation owning the vessel shall be subject to the penalties
64 provided for boat captains.

65 (3) All citations issued to boat operators for not
66 possessing the boat's registration card shall be dismissed, along
67 with all related court costs, upon the presentment of the boat's
68 proper registration card to the court or magistrate holding the
69 trial or hearing.

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

