AN ACT TO CREATE CODE SECTION 49-15-92, MISSISSIPPI CODE OF 1972, TO PROVIDE PENALTIES FOR THE THEFT OF CRAB TRAPS; TO REPEAL SECTION 97-17-58, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES PENALTIES FOR THEFT OF CRAB POTS; AND FOR RELATED PURPOSES.

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

SECTION 1. The following section shall be codified as

Section 49-15-92, Mississippi Code of 1972:

49-15-92. (1) Any person who steals, takes and carries away crab traps or the property of another used to catch saltwater crabs, upon conviction, shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) or imprisoned for not more than ninety (90) days, or both, for the first offense; for the second offense, when the offense is committed within three (3) years of the first offense, shall be fined not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00); for the third and subsequent offenses when committed within three (3) years of the first offense, shall be fined not less than Two Thousand Dollars ($2,000.00) nor more than Four Thousand Dollars ($4,000.00) or imprisoned for not more than six (6) months.

(2) Any person, firm or corporation convicted and sentenced under this section for a second or subsequent offense shall not be considered for a reduction of the fine.

(3) In addition to the penalties in subsection (1), any person who steals, removes, takes or carries away the crabs from another person's crab traps shall also pay restitution to the owner of the traps for the crabs taken.
(4) This section shall not apply to any person who removes crab traps that are illegally placed or in an illegal location. This section shall not apply to any person who catches abandoned crab traps in a shrimp trawl, keeps the crab traps aboard the vessel and properly disposes of the crab traps.

SECTION 2. Section 97-17-58, Mississippi Code of 1972, which establishes penalties for theft of crab pots, is repealed.

SECTION 3. This act shall take effect and be in force from and after July 1, 2003.