

By: Representative Robinson (84th)

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 359

1 AN ACT TO AMEND SECTION 49-7-31, MISSISSIPPI CODE OF 1972, TO
2 ALLOW THE USE OF DEER FEEDERS PERMITTED BY THE DEPARTMENT OF
3 WILDLIFE, FISHERIES AND PARKS; TO PROVIDE A FEE FOR DEER FEEDERS;
4 TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 49-7-31, Mississippi Code of 1972, is
8 amended as follows:

9 49-7-31. (1) The open season for game birds and game
10 animals shall be as follows:

11 (a) On bobwhite quail: The season shall open on
12 Thanksgiving day and run through the first Saturday in March next
13 following.

14 (b) On pheasant: There shall be no open season on
15 pheasant.

16 (c) On wild turkey: The commission shall fix the
17 spring season between the Saturday nearest March 20 and May 1 in
18 designated areas. In addition, the commission may fix special
19 fall either-sex seasons.

20 (d) On squirrel:

21 (i) Zone 1: For areas north of Highway 82 plus
22 those portions of Sunflower County and Washington County south of
23 Highway 82 the season shall open on the Saturday nearest October 1
24 and run through February 28.

25 (ii) Zone 2: For areas between Highway 82 and
26 Highway 84, plus such portions of the state south of Highway 84
27 and west of Interstate 55, the season shall open on the Saturday
28 nearest October 15 and run through February 28.

29 (iii) Zone 3: For areas south of Highway 84 and
30 east of Interstate 55 the season shall open on the last Saturday
31 in October and run through February 28.

32 (e) On deer:

33 (i) With bow and arrow: October 1 through the
34 Friday prior to Thanksgiving.

35 (ii) With guns and with dogs: From the Saturday
36 prior to Thanksgiving through December 1.

37 (iii) With primitive weapons and without dogs:
38 December 2 through December 15.

39 (iv) With guns and without dogs: December 16
40 through December 23. However, the commission may allow hunting
41 statewide or in specific areas with any legal weapon which it may
42 designate without dogs after the end of the last season for
43 hunting deer with guns and with dogs, but the season with legal
44 designated weapons and without dogs shall not extend beyond
45 January 31.

46 (v) With guns and with dogs: December 24 through
47 a date fixed by the commission that will provide a total of
48 thirty-nine (39) days of hunting deer with guns and with dogs when
49 added to the number of days provided for hunting deer with guns
50 and with dogs in paragraph (e)(ii).

51 (vi) When hunting deer during any gun season on
52 deer, a hunter must wear in full view five hundred (500) square
53 inches of solid unbroken fluorescent orange.

54 (vii) In order to set and regulate the deer
55 seasons, the commission may:

56 A. Set and regulate the deer seasons on
57 wildlife management areas which it administers;

58 B. Allow the harvesting of antlerless deer in
59 the districts or zones upon the recommendation of the executive
60 director based upon good and substantial quantitative data and
61 research evaluations that demonstrate that the harvesting is

62 necessary to properly manage the herd. The commission, only upon
63 the recommendation of the executive director, may allow the
64 harvesting of antlerless deer during the deer season with guns and
65 with dogs by a majority vote of the commission. Nothing in this
66 section prohibits the harvesting of either sex deer by landowners
67 or leaseholders on private lands under a deer management program
68 prescribed or approved by the executive director.

69 C. Provide a special permit for the
70 harvesting of deer when they are depredating and destroying crops.
71 The department shall supervise the harvesting and provide for the
72 salvaging of the meat of the animals. The commission may
73 authorize the department to assist any farmer in this state, who
74 sustains crop damage by wildlife, in eradication of the problem
75 wildlife.

76 (viii) The use of deer feeders is authorized in
77 any deer season. Any person desiring to use a deer feeder shall
78 pay a permit fee of Ten Dollars (\$10.00) to the Department of
79 Wildlife, Fisheries and Parks for each deer feeder. The unlawful
80 use of a deer feeder without a permit is a Class II violation and
81 any person convicted of the unlawful use of a deer feeder shall be
82 punished as provided in Section 49-7-143. For the purposes of
83 this subparagraph, "deer feeder" means any device which dispenses
84 grain for deer and which is constructed in such fashion to keep
85 such grain dry.

86 (ix) The commission shall establish a special
87 hunting season for youth under the age of sixteen (16) and for
88 handicapped persons in the Natchez State Park. The commission
89 shall also establish a primitive weapon season in the Natchez
90 State Park. The selection of participants in the primitive weapon
91 season shall be by public drawing from all qualified applications.
92 The commission shall set the number of permits to be issued and
93 the length of the special seasons. The commission may also
94 establish a special hunting season for youth and handicapped

95 persons or a primitive weapon season as provided in this
96 subparagraph in any other state park under the jurisdiction of the
97 department but shall only do so upon the recommendation of the
98 staff of the department as approved by the commission. The
99 commission shall select participants and set the number of permits
100 to be issued and the length of the special seasons in the manner
101 provided in this subparagraph.

102 (x) The commission may establish and regulate
103 special youth hunts for all nonmigratory game birds and animals
104 outside of the open season on wildlife management areas and on
105 private lands.

106 (f) On fur-bearing animals: The commission may fix the
107 open season on fur-bearing animals between November 1 and March 1
108 next following and fix the open season for hunting opossums,
109 raccoons and bobcats with dogs and guns by licensed hunters from
110 October 1 to February 28 next following; but raccoons and bobcats
111 may be run, hunted, chased or pursued throughout the year with
112 dogs by licensed hunters. The commission may establish an
113 additional open season on raccoon from July 1 through October 1,
114 and the bag limit on raccoon during the additional open season
115 shall be one (1) per party, per night.

116 (g) On rabbits: The season shall open on the Saturday
117 nearest October 15 and run through February 28 next following, and
118 when rabbits are depredating or destroying crops, the owner of the
119 crops or his tenants may shoot the rabbits with guns.

120 (h) On predatory animals: The hunting of predatory
121 animals shall be restricted to the open seasons for hunting any
122 game animal or game bird, using only the firearms, ammunition,
123 primitive weapons or archery equipment legal for use during that
124 open season. Landowners, agricultural leaseholders or their
125 designated agents may take predatory animals year-round on lands
126 owned or leased by them. The taking of any animal or animals
127 other than beavers or coyote by the use of a trap or traps is

128 unlawful except during the time the season is open for the taking
129 of fur-bearing animals. Fox and coyote may be run, chased or
130 pursued with dogs except as provided in Section 49-7-32 year-round
131 by licensed hunters.

132 (i) On migratory birds: The open season for migratory
133 birds shall be the season prescribed by the Federal Migratory Bird
134 Treaty regulations.

135 (j) It is unlawful to trap fox after the closed season
136 for trapping of other fur-bearing animals, except on property
137 owned or leased by the person trapping.

138 (2) It is the intent of the Legislature that the open season
139 for game birds and game animals shall be stabilized unless some
140 unforeseen calamity affecting the resource necessitates earlier
141 change.

142 **SECTION 2.** This act shall take effect and be in force from
143 and after July 1, 2004.