

By: Senator(s) Burton

To: Wildlife, Fisheries and  
Parks

SENATE BILL NO. 2913

1 AN ACT TO AMEND SECTION 97-15-13, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT IT IS UNLAWFUL FOR A HUNTER TO FIRE HIS WEAPON  
3 WITHIN ONE HUNDRED FEET OF A PUBLIC HIGHWAY, ROAD OR STREET; AND  
4 FOR RELATED PURPOSES.

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

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

8 97-15-13. (1) (a) The provisions of this subsection shall  
9 only be applicable during the calendar days included in the open  
10 seasons on deer and turkey.

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

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

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

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

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

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

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

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

44           (3) If any person hunts or discharges any firearm in, on or  
45 across any street, public road, public highway, railroad or the  
46 right-of-way thereof, such person is guilty of a misdemeanor and,  
47 upon conviction, shall be punished by a fine not less than One  
48 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars  
49 (\$500.00) or by imprisonment in the county jail for not less than  
50 sixty (60) days nor more than six (6) months, or by both such fine  
51 and imprisonment. This subsection shall not apply to any law  
52 enforcement officer while in the performance of his official duty  
53 or to any person engaged in a lawful action of self-defense.

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

60 (\$500.00), or be imprisoned not longer than thirty (30) days in  
61 the county jail, or both.

62 (5) It is unlawful for any person who is hunting to fire his  
63 weapon, including a handgun, within one hundred (100) feet of any  
64 public highway, road, or street. A violation of this section is a  
65 misdemeanor and is punishable as provided in subsection (3).

66 (6) It shall be the duty of all sheriffs, deputy sheriffs,  
67 constables, conservation officers and peace officers of this state  
68 to enforce the provisions of this section.

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

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