

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 3018

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

13 **SECTION 1.** Section 49-4-31, Mississippi Code of 1972, is
14 amended as follows:
15 49-4-31. (1) Upon notification by a duly authorized law
16 enforcement officer of a death or injury that occurred by use of a
17 weapon by any person engaged in hunting, a hunter safety officer
18 of the department shall immediately initiate an investigation of
19 the incident and shall submit a report to the executive director
20 of the department. The executive director shall submit the report
21 to the commission. If the commission determines there is probable
22 cause to believe that the accident occurred as a result of
23 culpable negligence on the part of the person causing the death or
24 injury, the commission shall notify the district attorney of the
25 circuit court district in which the incident occurred.
26 (2) If a law enforcement officer has reasonable grounds and
27 probable cause to believe that a person who has caused serious
28 bodily injury or death to another person is under the influence of
29 intoxicating liquor or controlled substances, the officer shall
30 require that the person who causes serious bodily injury or death
31 to another person by use of a weapon submit to a chemical test for

32 determining the presence of alcohol or any other substance that
33 impairs the ability to operate a weapon.

34 **SECTION 2.** (1) Any person who exercises the privilege of
35 hunting in this state shall be deemed to have given implied
36 consent to a chemical test of his blood, breath, urine or other
37 bodily substance for the purpose of determining the presence of
38 alcohol or any other drug, if the person is involved in a hunting
39 accident in which his use of a weapon caused an injury or death to
40 a person.

41 (2) For the chemical analysis of the person's blood, breath,
42 urine or other bodily substance to be considered valid under this
43 section, the analysis must have been performed according to the
44 requirements established in Section 63-11-19.

45 (3) When a person undergoes a chemical test at the request
46 of a law enforcement officer, only a physician, registered nurse,
47 laboratory technician, emergency medical technician, or other
48 qualified person may draw blood for the purpose of determining the
49 alcohol or drug content therein. This limitation shall not apply
50 to the taking of breath or urine specimens. No physician,
51 registered nurse, laboratory technician, emergency medical
52 technician or other qualified person shall incur any civil
53 liability as a result of the medically proper taking of the blood
54 specimens, when requested by a law enforcement officer.

55 **SECTION 3.** (1) A person involved in a hunting accident in
56 which his use of a weapon caused a serious bodily injury or death
57 to another person and who has an alcohol concentration of eight
58 one-hundredths percent (.08%) or more based on specified levels in
59 Section 63-11-30 or is under the influence of any drug or
60 controlled substance shall have his hunting privileges revoked or
61 suspended for two (2) years, in addition to any other punishment
62 imposed. The chemical test must have been administered within
63 three (3) hours after the hunting accident.

64 (2) If a person refuses to submit to such test at the
65 request of a law enforcement officer, then none shall be given.
66 The hunting privileges of a person who refuses such test shall be
67 suspended for four (4) years. The law enforcement officer shall
68 inform the person that his refusal to submit to a test is
69 admissible in court and that his hunting privileges will be
70 revoked or suspended for four (4) years.

71 (3) The results of such tests shall be admissible in any
72 civil or criminal action arising out of the hunting accident in
73 which the person was involved.

74 (4) Any person whose hunting privileges are revoked or
75 suspended under this section shall be required to complete an
76 approved hunter education course before such hunting privileges
77 may be restored.

78 **SECTION 4.** (1) Hunting accident reports shall not be a
79 public record nor made available for public distribution, except
80 as otherwise provided by law.

81 (2) Upon written request of any person involved in the
82 hunting accident, the representative of his estate, the surviving
83 spouse or surviving next of kin, the commission may disclose to
84 the requesting party any information contained in the report.

85 (3) The commission shall charge a minimum reproduction fee
86 of Ten Dollars (\$10.00) plus any other costs associated with the
87 request for the report.

88 **SECTION 5.** This act shall take effect and be in force from
89 and after July 1, 2004.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 49-4-31, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE A LAW ENFORCEMENT OFFICER WITH PROBABLE CAUSE TO REQUIRE
3 THAT A PERSON INVOLVED IN A HUNTING ACCIDENT IN WHICH HIS USE OF A
4 WEAPON RESULTS IN INJURY OR DEATH TO SUBMIT TO A CHEMICAL TEST FOR
5 DETERMINING THE PRESENCE OF ALCOHOL; TO PROVIDE THAT A PERSON WHO
6 HUNTS IN THIS STATE IS DEEMED TO GIVE IMPLIED CONSENT TO SUCH
7 TESTS IF THE PERSON IS INVOLVED IN A HUNTING ACCIDENT IN WHICH THE

8 USE OF A WEAPON RESULTS IN SERIOUS INJURY OR DEATH TO ANOTHER
9 PERSON; TO REQUIRE SUCH TESTS TO MEET THE REQUIREMENTS UNDER THE
10 IMPLIED CONSENT LAW; TO PROVIDE FOR SUSPENSION OF THE HUNTING
11 LICENSE IF THE PERSON IS INTOXICATED; AND FOR RELATED PURPOSES.