

By: Representatives Bentz, Robinson (84th),
Stringer, Frierson, Nicholson, Staples

To: Wildlife, Fisheries and
Parks

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1215

1 AN ACT TO AMEND SECTION 49-7-31, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE HUNTING OF DEER OVER GRAIN OR OTHER SUPPLEMENTAL
3 FOOD SHALL BE LAWFUL FROM AND AFTER THE DATE THAT THE COMMISSION
4 ON WILDLIFE, FISHERIES AND PARKS ADOPTS SUCH RULES AND REGULATIONS
5 THAT IT DEEMS NECESSARY TO INSURE THE PROTECTION AND PROPER
6 MANAGEMENT OF THE DEER POPULATION; TO AUTHORIZE THE COMMISSION TO
7 REQUIRE PERMITS FOR SUCH PURPOSES; TO PRESCRIBE PENALTIES FOR
8 VIOLATIONS; TO AMEND SECTION 49-7-33, MISSISSIPPI CODE OF 1972, IN
9 CONFORMITY WITH THE PROVISIONS OF THIS ACT; AND FOR RELATED
10 PURPOSES.

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

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

14 49-7-31. (1) The open season for game birds and game
15 animals shall be as follows:

16 (a) On bobwhite quail: The season shall open on
17 Thanksgiving Day and run through the first Saturday in March next
18 following.

19 (b) On pheasant: There shall be no open season on
20 pheasant.

21 (c) On wild turkey: The commission may fix the spring
22 season between March 1 and May 15. In addition, the commission
23 may fix special fall either-sex seasons.

24 (d) On squirrel:

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

29 (ii) Zone 2: For areas between Highway 82 and
30 Highway 84, plus such portions of the state south of Highway 84

31 and west of Interstate 55, the season shall open on the Saturday
32 nearest October 15 and run through February 28.

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

36 (e) On deer:

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

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

41 (iii) With primitive weapons and without dogs:
42 December 2 through December 15.

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

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

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

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

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

62 B. Allow the harvesting of antlerless deer in
63 the districts or zones upon the recommendation of the executive

64 director based upon good and substantial quantitative data and
65 research evaluations that demonstrate that the harvesting is
66 necessary to properly manage the herd. The commission, only upon
67 the recommendation of the executive director, may allow the
68 harvesting of antlerless deer during the deer season with guns and
69 with dogs by a majority vote of the commission. Nothing in this
70 section prohibits the harvesting of either-sex deer by landowners
71 or leaseholders on private lands under a deer management program
72 prescribed or approved by the executive director.

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

80 (viii) The hunting of deer over grain or other
81 supplemental food shall be lawful from and after the date that the
82 Commission on Wildlife, Fisheries and Parks adopts such rules and
83 regulations as it deems necessary to insure the protection and
84 proper management of the deer population. The commission may
85 require permits for such purposes but may not charge or collect
86 any fee for such permits. A violation of any rule or regulation
87 promulgated by the commission under the provisions of this
88 paragraph (e)(viii) relating to the hunting of deer over grain or
89 other supplemental food shall be a Class II violation punishable,
90 upon conviction, as provided under Section 49-7-143. This
91 paragraph (e)(viii) shall stand repealed from and after July 1,
92 2008.

93 (ix) The commission shall establish a special
94 hunting season for youth under the age of sixteen (16) and for
95 handicapped persons in the Natchez State Park. The commission
96 shall also establish a primitive weapon season in the Natchez

97 State Park. The selection of participants in the primitive weapon
98 season shall be by public drawing from all qualified applications.
99 The commission shall set the number of permits to be issued and
100 the length of the special seasons. The commission may also
101 establish a special hunting season for youth and handicapped
102 persons or a primitive weapon season as provided in this
103 subparagraph in any other state park under the jurisdiction of the
104 department but shall only do so upon the recommendation of the
105 staff of the department as approved by the commission. The
106 commission shall select participants and set the number of permits
107 to be issued and the length of the special seasons in the manner
108 provided in this subparagraph.

109 (x) The commission may establish and regulate
110 special youth hunts for all nonmigratory game birds and animals
111 outside of the open season on wildlife management areas and on
112 private lands.

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

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

127 (h) On predatory animals: The hunting of predatory
128 animals shall be restricted to the open seasons for hunting any
129 game animal or game bird, using only the firearms, ammunition,

130 primitive weapons or archery equipment legal for use during that
131 open season. Landowners, agricultural leaseholders or their
132 designated agents may take predatory animals year-round on lands
133 owned or leased by them. The taking of any animal or animals
134 other than beavers or coyote by the use of a trap or traps is
135 unlawful except during the time the season is open for the taking
136 of fur-bearing animals. Fox and coyote may be run, chased or
137 pursued with dogs except as provided in Section 49-7-32 year-round
138 by licensed hunters.

139 (i) On migratory birds: The open season for migratory
140 birds shall be the season prescribed by the Federal Migratory Bird
141 Treaty regulations.

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

145 (2) It is the intent of the Legislature that the open season
146 for game birds and game animals shall be stabilized unless some
147 unforeseen calamity affecting the resource necessitates earlier
148 change.

149 **SECTION 2.** Section 49-7-33, Mississippi Code of 1972, is
150 amended as follows:

151 49-7-33. Except as otherwise authorized under Section
152 49-7-31(1)(e)(viii), it is unlawful to hunt, trap or kill any wild
153 bird or wild animal of any kind with the aid of bait, recordings
154 of bird or animal calls, or electrically amplified imitations of
155 calls of any kind, except a person may use electrically amplified
156 sound devices for hunting coyote and crow. The commission, in its
157 discretion, may relax the restrictions regarding the use of lures
158 or sound devices if a condition arises or exists, as decided by
159 the State Board of Health or county board of health, that may
160 endanger persons or livestock in a certain community, county or
161 area.

162 A person may use liquid scents for any animal or bird.

163 **SECTION 3.** This act shall take effect and be in force from
164 and after July 1, 2005.