

By: Senator(s) Harvey

To: Forestry

SENATE BILL NO. 2330

1 AN ACT TO AMEND SECTION 49-19-3, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE FORESTRY COMMISSION WOODS ARSON LAW ENFORCEMENT OFFICERS  
3 TO ISSUE CERTAIN CITATIONS; TO AMEND SECTION 97-17-13, MISSISSIPPI  
4 CODE OF 1972, TO PROVIDE STANDARD FOR PRIMA FACIE EVIDENCE OF  
5 RECKLESS WOODS ARSON AND TO REQUIRE RESTITUTION OF FIRE  
6 SUPPRESSION COSTS FROM VIOLATOR; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 49-19-3, Mississippi Code of 1972, is  
9 amended as follows:

10 49-19-3. The duties and powers of the commission shall be:

11 (a) To appoint a State Forester, who shall serve at the  
12 will and pleasure of the commission and who is qualified to  
13 perform the duties as set forth herein; and to pay him such salary  
14 as is provided by the Legislature, and allow him such office  
15 expenses incidental to the performance of his official duties as  
16 the commission, in its discretion, may deem necessary; and to  
17 charge him with the immediate direction and control, subject to  
18 the supervision and approval of the commission, of all matters  
19 relating to forestry as authorized herein. Any person appointed  
20 by the commission as State Forester shall have received a  
21 bachelor's degree in forestry from an accredited school or college  
22 of forestry and shall be licensed and registered under the  
23 provisions of the Mississippi Foresters Registration Law (Section  
24 73-36-1 et seq.) and in addition shall have had at least five (5)  
25 years' administrative experience in a forestry-related field.

26 (b) To take such action and provide and maintain such  
27 organized means as may seem necessary and expedient to prevent,  
28 control and extinguish forest fires, including the enforcement of

29 any and all laws pertaining to the protection of forests and  
30 woodland.

31           (c) To encourage forest and tree planting for the  
32 production of a wood crop, for the protection of water supply, for  
33 windbreak and shade, or for any other beneficial purposes  
34 contributing to the general welfare, public hygiene and comfort of  
35 the people.

36           (d) To cause to be made such technical investigations  
37 and studies concerning forest conditions, the propagation, care  
38 and protection of forest and shade trees, the care and management  
39 of forests, their growth, yield and the products and by-products  
40 thereof, and any other competent subject, including forest  
41 taxation, bearing on the timber supply and needs of the state,  
42 which the commission, in its discretion, may deem proper.

43           (e) To assist and cooperate with any federal or state  
44 department or institution, county, town, corporation or  
45 individual, under such terms as in the judgment of the commission  
46 will best serve the public interest, in the preparation and  
47 execution of plans for the protection, management, replacement, or  
48 extension of the forest, woodland and roadside or other ornamental  
49 tree growth in the state.

50           (f) To encourage public interest in forestry by means  
51 of correspondence, the public press, periodicals, the publication  
52 of bulletins and leaflets for general distribution, the delivery  
53 of lectures in the schools and other suitable means, and to  
54 cooperate to the fullest extent with the extension department  
55 services of the state colleges in promoting reforestation. It  
56 shall be the duty of the State Forester to cooperate with private  
57 timber owners in laying plans for the protection, management and  
58 replacement of forests and in aiding them to form protection  
59 associations. It shall be his duty to examine all timbered lands  
60 belonging to the state and its institutions and report to the  
61 commission upon their timber conditions and actual value, and also

62 whether some of these lands may not be held as state forests. He  
63 shall be responsible for the protection and management of lands  
64 donated, purchased or belonging to the state or state  
65 institutions, and all other lands reserved by the state as state  
66 forests.

67 (g) To control the expenditure of any and all funds  
68 appropriated or otherwise made available for the several purposes  
69 set forth herein under suitable regulations and restrictions by  
70 the commission and to specifically authorize any officer or  
71 employee of the commission to incur necessary and stipulated  
72 expenses in connection with the work in which such person may be  
73 engaged.

74 (h) To submit annually to the Legislature a report of  
75 the expenditures, proceedings and results achieved, together with  
76 such other matters including recommendations concerning  
77 legislation as are germane to the aims and purposes of this  
78 chapter.

79 (i) To create, establish and organize the State of  
80 Mississippi into forestry districts for the most effective and  
81 efficient administration of the commission.

82 (j) To appoint, upon the State Forester's  
83 recommendation, six (6) individuals who shall be designated  
84 Mississippi Forestry Commission Law Enforcement Officers with  
85 authority to bear arms, investigate and make arrests; however, the  
86 law enforcement duties and authority of the officers shall be  
87 limited to woods arson. The officers shall comply with applicable  
88 minimum educational and training standards for law enforcement  
89 officers. The officers may issue citations for any violation of  
90 the laws for recklessly or with gross negligence causing fire to  
91 burn the lands of another. Citations issued by an officer shall  
92 be issued on a uniform citation form consisting of an original and  
93 at least two (2) copies. The citation shall show, among other  
94 necessary information, the name of the issuing officer, the name

95 of the court in which the cause is to be heard, and the date and  
96 time the person charged with a violation is to appear to answer  
97 the charge. The uniform citation form shall make a provision on  
98 it for information that will constitute a complaint charging the  
99 offense for which the citation was issued and, when duly sworn to  
100 and filed with a court of competent jurisdiction, prosecution may  
101 proceed under that complaint. This subsection shall stand  
102 repealed on June 30, 2006.

103 **SECTION 2.** Section 97-17-13, Mississippi Code of 1972, is  
104 amended as follows:

105 97-17-13. (1) If any person willfully, maliciously and  
106 feloniously sets on fire any woods, meadow, marsh, field or  
107 prairie, not his own, he is guilty of a felony and shall, upon  
108 conviction, be sentenced to the state penitentiary for not more  
109 than two (2) years nor less than one (1) year, or fined not less  
110 than Two Hundred Dollars (\$200.00) nor more than One Thousand  
111 Dollars (\$1,000.00), or both, in the discretion of the court.

112 (2) (a) \* \* \* If any person recklessly or with gross  
113 negligence causes fire to burn any woods, meadow, marsh, field or  
114 prairie, not his own, he is guilty of a misdemeanor and shall, on  
115 conviction, be fined not less than Twenty Dollars (\$20.00) nor  
116 more than Five Hundred Dollars (\$500.00), or imprisoned in the  
117 county jail not more than three (3) months, or both, in the  
118 discretion of the court.

119 (b) If a person has a brush or debris pile or other  
120 material which is or was being burned and from which fire burns  
121 the lands of another, it shall be prima facie evidence that the  
122 person recklessly or with gross negligence caused the fire to burn  
123 the lands of another.

124 (3) In addition to the penalties provided in this section, a  
125 person shall, upon conviction, be ordered to reimburse and pay  
126 restitution directly to any organized fire suppression agency  
127 recognized by the Mississippi Forestry Commission for all of the

128 cost the agency incurred related to the suppression and abatement  
129 of the fire.

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