

By: Senator(s) Gollott

To: Ports and Marine
Resources; Judiciary,
Division B

SENATE BILL NO. 2820

1 AN ACT TO AMEND SECTION 49-15-39, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE INCREASED PENALTIES FOR DREDGING TONGING REEFS; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 49-15-39, Mississippi Code of 1972, is
6 amended as follows:

7 49-15-39. (1) It is unlawful for any person to catch or
8 take oysters by means of dredging in any of the waters designated
9 as tonging reefs by the commission.

10 (2) The commission shall designate certain areas as tonging
11 reefs. The commission shall mark the boundaries of the areas
12 designated by appropriate poles, stakes or buoys of material that
13 will not injure watercraft. The commission may authorize the
14 taking of oysters on reefs designated as tonging reefs by dredge,
15 drag or scoop if the commission finds that the dredging, dragging
16 or scooping is necessary to manage the resource properly. Any
17 dredging, dragging or scooping authorized under this section shall
18 be for a specific time period as provided by the commission.

19 (3) Unless otherwise authorized under this section, any boat
20 or vessel which catches or takes oysters by means of dredges,
21 drags or scoops, other than hand tongs, from any of the areas
22 described in this section, or with a dredge or dredges in the
23 water, shall have all oysters on board the boat or vessel declared
24 to be contraband. The oysters shall be taken and confiscated by
25 the department or any marine law enforcement officer without court
26 procedure. The captain and crew of the boat or vessel, promptly
27 upon being ordered so to do, shall transport the oysters to a

28 point on the public reefs of the state where the boat or vessel is
29 found and there scatter the oysters according to the instructions
30 of the enforcement officers. * * *

31 (4) A violation of this section is punishable by a fine of
32 not less than One Thousand Dollars (\$1,000.00), nor more than Two
33 Thousand Dollars (\$2,000.00) or imprisonment for not more than one
34 (1) year, or both. For a second offense when the offense is
35 committed within a period of three (3) years from the first
36 offense, the violation is punishable by a fine of not less than
37 Two Thousand Dollars (\$2,000.00)nor more than Four Thousand
38 Dollars (\$4,000.00)or imprisonment for not more than one (1) year,
39 or both. For a third or subsequent offense when the offense is
40 committed within a period of three (3) years from the first
41 offense, the violation is punishable by a fine of not less than
42 Three Thousand Dollars (\$3,000.00) nor more than Five Thousand
43 Dollars (\$5,000.00) or imprisonment for not more than one (1)
44 year, or both.

45 (5) In addition, upon conviction of a third or subsequent
46 offense within three (3) years of the first offense, it shall be
47 the duty of the court to revoke the license of the convicted party
48 and of the vessel used in the offense, and no license shall be
49 issued to that person or for the vessel to engage in the catching
50 or taking of any seafood from the waters of this state for a
51 period of one (1) year following the conviction.

52 (6) The fine imposed under this section shall not be
53 suspended or reduced.

54 **SECTION 2.** This act shall take effect and be in force from
55 and after July 1, 2005.