

By: Senator(s) Posey

To: Wildlife, Fisheries and
ParksSENATE BILL NO. 2898
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-7-41, MISSISSIPPI CODE OF 1972, TO
2 ALLOW PERSONS LESS THAN 16 YEARS OLD TO TAKE BUCKS WITH LESS THAN
3 4 POINTS ON PRIVATE LANDS DURING SPECIAL YOUTH HUNTS; TO ALLOW
4 SUCH BUCKS TO BE TAKEN ON DMAP LANDS WHEN NECESSARY TO MANAGE
5 DEER; TO AMEND SECTION 49-7-95, MISSISSIPPI CODE OF 1972, TO
6 REVISE THE PENALTIES FOR HEADLIGHTING DEER BY PERSONS UNDER THE
7 AGE OF 21; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 49-7-41, Mississippi Code of 1972, is
10 amended as follows:

11 49-7-41. (1) The commission may set the bag limits for game
12 animals, birds and fish, unless the bag limits are established by
13 the Legislature by statute.

14 (2) (a) The bag limit on antlered deer is one (1) per day,
15 not to exceed three (3) per license year. An antlered deer must
16 have antlers of four (4) points or greater to be taken except as
17 provided in paragraphs (b) and (c) of this subsection.

18 (b) Any antlered deer * * * may be taken by permit when
19 it is necessary to manage deer on lands under the deer management
20 assistance program or wildlife management areas. A written
21 management justification issued by the Department of Wildlife,
22 Fisheries and Parks must accompany any request for such a permit.
23 Any antlered deer * * * harvested under this permit must be
24 identified with a tag immediately upon possession. Antlered deer
25 taken by permit shall not be subject to the daily bag limit
26 or * * * the annual bag limit on antlered deer. The department
27 shall include a report on permits issued, to whom issued and deer
28 harvested in the department's annual deer program report.

29 (c) One (1) antlered deer with less than four (4)
30 points may be taken per license year on private lands by a person
31 less than sixteen (16) years old.

32 (3) (a) The bag limit on antlerless deer is one (1) per
33 day, not to exceed three (3) per license year; except that two (2)
34 additional antlerless deer per license year may be taken with a
35 bow and arrow. Antlerless deer may be taken only in the areas
36 prescribed by order of the commission. It is illegal to take a
37 spotted fawn in any season.

38 (b) It is unlawful for a nonresident to kill an
39 antlerless deer except: (i) a nonresident may take antlerless
40 deer on lands that the title is vested in the nonresident or on
41 lands that the nonresident has leased the hunting and fishing
42 rights; or (ii) a nonresident who has a native son or daughter
43 nonresident lifetime sportsman license or a resident lifetime
44 sportsman license may take antlerless deer on private lands,
45 wildlife management areas or national wildlife refuges.

46 (4) The bag limit on antlerless deer set by this section
47 shall not apply to private lands under the deer management
48 assistance program or the fee-based antlerless program as approved
49 by the department.

50 * * *

51 **SECTION 2.** Section 49-7-95, Mississippi Code of 1972, is
52 amended as follows:

53 49-7-95. (1) Any person who hunts or takes or kills any
54 deer at night by headlighting, by any lighting device or light
55 amplifying device shall, upon conviction thereof, be guilty of a
56 Class I violation and shall be punished as provided in Section
57 49-7-141.

58 (2) (a) Violators of this section, twenty-one (21) years
59 old or older, upon conviction, shall also forfeit all hunting,
60 trapping and fishing privileges for a period of not less than
61 three (3) consecutive years from the date of conviction and shall

62 attend such courses prescribed by the commission. A violator
63 shall pay a reinstatement fee of Five Hundred Dollars (\$500.00) to
64 have his privileges restored.

65 (b) A violator of this section under the age of
66 twenty-one (21), upon conviction, shall forfeit all hunting,
67 trapping and fishing privileges for one (1) year from the date of
68 conviction, and shall attend courses prescribed by the commission.
69 A violator under the age of twenty-one (21) may petition the
70 commission to have his privileges restored after he has paid his
71 penalty. The violator shall pay a reinstatement fee of Two
72 Hundred Fifty Dollars (\$250.00) to have his privileges restored.

73 (c) A person under the age of twenty-one (21) convicted
74 of a second or subsequent violation of this section shall forfeit
75 all hunting, trapping and fishing privileges for a period of not
76 less than three (3) consecutive years from the date of conviction
77 and shall attend courses prescribed by the commission. The person
78 shall pay a reinstatement fee of Five Hundred Dollars (\$500.00) to
79 have his privileges restored.

80 (d) A person who is appealing from a violation of this
81 section shall have his hunting privileges suspended or revoked as
82 provided in Section 49-7-27.

83 (3) This section shall not apply to any deer killed in an
84 accident with any motor vehicle.

85 (4) Anyone found guilty of violating this section who shoots
86 or kills any livestock shall be punished as provided in Section
87 97-41-15, in addition to the penalties provided in this section.

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