

By: Senator(s) Posey

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2708
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-7-1, MISSISSIPPI CODE OF 1972, TO
2 CREATE A NUISANCE CLASS OF ANIMALS; TO AMEND SECTION 49-7-31.5,
3 MISSISSIPPI CODE OF 1972, TO CLARIFY THE TRAPPING OF SUCH ANIMALS;
4 TO AMEND SECTION 49-7-13, MISSISSIPPI CODE OF 1972, TO CONFORM;
5 AND FOR RELATED PURPOSES.

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

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

9 49-7-1. For the purposes of this chapter, the following
10 definitions and interpretations shall govern unless otherwise
11 provided:

12 (a) The following wild animals are classed as game:
13 bear, white-tailed deer, rabbits and squirrels.

14 (b) The following wild animals are classed as
15 fur-bearing animals: muskrats, opossums, otters, skunks, weasels,
16 minks, raccoons and bobcats * * *.

17 (c) The following wild animals are classed as nuisance
18 animals: wild hogs, nutria, beaver and coyote; all others shall
19 be deemed predatory animals.

20 (d) All freshwater fish in the following families are
21 classed as game fish: Sunfish family (Centrarchidae) - including
22 largemouth bass (Micropterus salmoides), smallmouth bass
23 (Micropterus dolomieu), spotted bass (Micropterus punctulatus),
24 white crappie (Pomoxis annularis), black crappie (Pomoxis
25 nigromaculatus), redear sunfish (Lepomis microlophus), bluegill
26 (Lepomis macrochiris), warmouth (Lepomis gulosus), green sunfish
27 (Lepomis cyanellus), longear sunfish (Lepomis megalotis),
28 redbreast sunfish (Lepomis auritus) and shadow bass (Ambloplites

29 ariommus); Perch family (Percidae) - including walleye
30 (Stizostedion vitreum), sauger (Stizostedion canadense) and yellow
31 perch (Perca flavescens); Pike family (Esocidae) - including
32 redfin pickerel (Esox americanus americanus), grass pickerel (Esox
33 americanus vermiculatus), chain pickerel (Esox niger); Temperate
34 bass family (Moronidae) including - white bass (Morone chrysops),
35 yellow bass (Morone mississippiensis), striped bass (Morone
36 saxatilis) and hybrid striped bass (Morone chrysops x Morone
37 saxatilis and/or Morone saxatilis x Morone chrysops).

38 The following fish are classed as nongame gross fish: in the
39 Herring family (Clupeidae) - gizzard shad (Dorosoma cepedianum),
40 threadfin shad (Dorosoma petenense); in the Catfish family
41 (Ictaluridae) - channel catfish (Ictalurus punctatus), blue
42 catfish (Ictalurus furcatus), flathead catfish (Pylodictus
43 olivaris), yellow bullhead (Ameiurus natalis), black bullhead
44 (Ameiurus melas), brown bullhead (Ameiurus nebulosus); in the Gar
45 family - spotted gar (Lepisosteus oculatus), longnose gar
46 (Lepisosteus osseus), shortnose gar (Lepisosteus platostomus),
47 alligator gar (Atractosteus spatula); in the Eel family
48 (Anguillidae) - American eel (Anguilla rostrata); in the Bowfin
49 family (Amiidae) - bowfin (Amia calva); in the Paddlefish family
50 (Polyodontidae) - paddlefish (Polyodon spathula); in the Minnow
51 family (Cyprinidae) - common carp (Cyprinus carpio); in the Sucker
52 family (Catostomidae) - river carpsucker (Carpoides carpio),
53 quillback (Carpoides cyprinus), highfin carpsucker (Carpoides
54 velifer), spotted sucker (Minytrema melanops), blacktail redhorse
55 (Moxostoma poecilurum), smallmouth buffalo (Ictiobus bubalus),
56 bigmouth buffalo (Ictiobus cyprinellus), black buffalo (Ictiobus
57 niger); in the Drum family (Sciaenidae) - freshwater drum
58 (Aplodinotus grunniens).

59 All fish native to Mississippi that are not classed as game
60 fish or nongame gross fish are classed as nongame fish.

61 All fish native to foreign countries and all fish native to
62 the United States but not native to Mississippi are classed as
63 nonnative fish.

64 (d) The following are classed as game birds: geese,
65 brant * * * ducks, rails, coots, * * * snipe, gallinules,
66 moorhens, woodcock, crow, mergansers, wild turkey, quail and
67 doves.

68 All other species of wild resident or migratory birds are
69 classed as nongame birds.

70 (e) Closed season: the time during which birds,
71 animals or fish may not be taken.

72 (f) Open season: the time during which birds, animals
73 or fish may be lawfully taken.

74 (g) "Commission" means the Mississippi Commission on
75 Wildlife, Fisheries and Parks.

76 (h) "Department" means the Mississippi Department of
77 Wildlife, Fisheries and Parks.

78 (i) "Executive director" means the Executive Director
79 of the Department of Wildlife, Fisheries and Parks.

80 **SECTION 2.** Section 49-7-13, Mississippi Code of 1972, is
81 amended as follows:

82 49-7-13. (1) Any resident of the state sixteen (16) years
83 of age or older, upon application, is entitled to receive a state
84 trapper's license with tag for the sum of Twenty-five Dollars
85 (\$25.00), plus the fee provided in Section 49-7-17. This license
86 shall be required of each helper or assistant sixteen (16) years
87 of age or older employed or used by a trapper.

88 (2) No person shall trap on the lands of another unless he
89 has the permission of the landowner.

90 (3) Each trap shall have an identification number
91 permanently inscribed on the trap or attached to the trap by a
92 metal tag. Every trapper shall visit his traps at least every

93 thirty-six (36) hours. The conservation officer may take up any
94 traps not properly marked.

95 (4) No person shall place or set a trap on or within one
96 hundred (100) feet of any street or public road. Public roads
97 shall not be construed to mean public waterways.

98 (5) This section shall not apply to a landowner trapping on
99 his own lands except subsection (4).

100 (6) A trapper shall be allowed to trap fur-bearing * * *
101 animals during trapping season, and sell the pelts of fur-bearing
102 and nuisance animals during the trapping season and for ten (10)
103 days after the close of the season. The meat of legally acquired
104 raccoons, opossums and muskrats may also be bought and sold during
105 trapping season, and for ten (10) days after the close of the
106 season.

107 **SECTION 3.** Section 49-7-31.5, Mississippi Code of 1972, is
108 amended as follows:

109 49-7-31.5. (1) (a) The hunting of predatory and nuisance
110 animals shall be regulated by the Mississippi Department of
111 Wildlife, Fisheries and Parks.

112 (b) Landowners, agricultural leaseholders or their
113 designated agents may take predatory and nuisance animals
114 year-round on lands owned or leased by them.

115 (2) The taking of any animal or animals other than beavers,
116 nutria, wild hogs or coyote by the use of a trap or traps is
117 unlawful except during the time the season is open for the taking
118 of fur-bearing animals.

119 (3) Fox and coyote may be run, chased or pursued with dogs
120 except as provided in Section 49-7-32 year-round by licensed
121 hunters.

122 (4) It is unlawful to trap fox after the closed season for
123 trapping of other fur-bearing animals, except on property owned or
124 leased by the person trapping.

125 **SECTION 4.** This act shall take effect and be in force from
126 and after its passage.