

## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 929: Wildlife conservation officers; authorize to perform alcohol and drug tests in hunting accidents.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

15           **SECTION 1.** Section 49-4-31, Mississippi Code of 1972, is  
16 amended as follows:

17           49-4-31. (1) Upon notification by a duly authorized law  
18 enforcement officer of a death or injury that occurred by use of a  
19 weapon by any person engaged in hunting, a hunter safety officer  
20 of the department shall immediately initiate an investigation of  
21 the incident and shall submit a report to the executive director  
22 of the department. The executive director shall submit the report  
23 to the commission. If the commission determines there is probable  
24 cause to believe that the incident occurred as a result of  
25 culpable negligence on the part of the person causing the death or  
26 injury, the commission shall notify the district attorney of the  
27 circuit court district in which the incident occurred.

28           (2) A law enforcement officer may request that the person  
29 who causes serious bodily injury or death to another person by use  
30 of a weapon submit to a chemical test for determining the presence  
31 of alcohol or other drugs.

32           **SECTION 2.** (1) Any person who exercises the privilege of  
33 hunting in this state shall be deemed to have given implied  
34 consent to a chemical test of his blood, breath, urine or other  
35 bodily substance for the purpose of determining the presence of

36 alcohol or any other drug if the person is involved in a hunting  
37 incident in which his use of a weapon caused an injury or death to  
38 a person.

39 (2) For the chemical analysis of the person's blood, breath,  
40 urine or other bodily substance to be considered valid under this  
41 section, the analysis must have been performed according to the  
42 requirements established in Section 63-11-19.

43 (3) When a person undergoes a chemical test at the request  
44 of a law enforcement officer, only a physician, registered nurse,  
45 laboratory technician, emergency medical technician, or other  
46 qualified person may draw blood for the purpose of determining the  
47 alcohol or drug content therein. This limitation shall not apply  
48 to the taking of breath or urine specimens. No physician,  
49 registered nurse, laboratory technician, emergency medical  
50 technician or other qualified person shall incur any civil  
51 liability as a result of the medically proper taking of the blood  
52 specimens when requested by a law enforcement officer.

53 **SECTION 3.** (1) A person involved in a hunting incident in  
54 which his use of a weapon caused a serious bodily injury or death  
55 to another person and who has an alcohol concentration of eight  
56 one-hundredths percent (.08%) or more based on specified levels in  
57 Section 63-11-30, or is under the influence of any drug or  
58 controlled substance, shall have his hunting privileges revoked or  
59 suspended for two (2) years, in addition to any other punishment  
60 imposed. The chemical test must have been administered within  
61 three (3) hours after the hunting incident.

62 (2) If a person refuses to submit to the test at the request  
63 of a law enforcement officer, then none shall be given. The  
64 hunting privileges of a person who refuses the test shall be  
65 suspended for four (4) years. The law enforcement officer shall  
66 inform the person that his refusal to submit to a test is

67 admissible in court and that his hunting privileges will be  
68 revoked or suspended for four (4) years.

69 (3) The results of such tests and the refusal to submit to a  
70 test shall be admissible in any civil or criminal action arising  
71 out of the hunting incident in which the person was involved.

72 (4) Any person whose hunting privileges are revoked or  
73 suspended under this section shall be required to complete an  
74 approved hunter education course before hunting privileges may be  
75 restored.

76 **SECTION 4.** (1) Hunting incident reports shall be exempt  
77 from disclosure or dissemination under the Mississippi Public  
78 Records Act of 1983 in accordance with the provisions of Section  
79 45-29-1.

80 (2) Upon written request of any person involved in the  
81 hunting incident, the representative of his estate, the surviving  
82 spouse or surviving next of kin, the commission may disclose to  
83 the requesting party or the requestor's legal counsel or insurance  
84 representative any information contained in the report.

85 (3) The commission shall charge a minimum reproduction fee  
86 of Ten Dollars (\$10.00) plus any other costs associated with the  
87 request for the report.

88 **SECTION 5.** Section 63-11-19, Mississippi Code of 1972, is  
89 amended as follows:

90 63-11-19. A chemical analysis of the person's breath, blood  
91 or urine, to be considered valid under the provisions of this  
92 section, shall have been performed according to methods approved  
93 by the State Crime Laboratory created pursuant to Section 45-1-17  
94 and the Commissioner of Public Safety and performed by an  
95 individual possessing a valid permit issued by the State Crime  
96 Laboratory for making such analysis. The State Crime Laboratory  
97 and the Commissioner of Public Safety are authorized to approve  
98 satisfactory techniques or methods, to ascertain the

99 qualifications and competence of individuals to conduct such  
100 analyses, and to issue permits which shall be subject to  
101 termination or revocation at the discretion of the State Crime  
102 Laboratory. The State Crime Laboratory shall not approve the  
103 permit required herein for any law enforcement officer other than  
104 a member of the State Highway Patrol, a sheriff or his deputies, a  
105 city policeman, an officer of a state-supported institution of  
106 higher learning campus police force, a security officer appointed  
107 and commissioned pursuant to the Pearl River Valley Water Supply  
108 District Security Officer Law of 1978, a national park ranger, a  
109 national park ranger technician, a military policeman stationed at  
110 a United States military base located within this state other than  
111 a military policeman of the Army or Air National Guard or of  
112 Reserve Units of the Army, Air Force, Navy or Marine Corps, a  
113 marine law enforcement officer employed by the Department of  
114 Marine Resources, or a conservation officer employed by the  
115 Mississippi Department of Wildlife, Fisheries and Parks. The  
116 permit given \* \* \* a marine law enforcement officer shall  
117 authorize such officer to administer tests only for violations of  
118 Sections 59-23-1 through 59-23-7. The permit given a conservation  
119 officer shall authorize such officer to administer tests only for  
120 violations of Sections 59-23-1 through 59-23-7 and for hunting  
121 related incidents resulting in injury or death to any person by  
122 discharge of a weapon as provided under Section 49-4-31.

123 The State Crime Laboratory shall make periodic, but not less  
124 frequently than quarterly, tests of the methods, machines or  
125 devices used in making chemical analysis of a person's breath as  
126 shall be necessary to ensure the accuracy thereof, and shall issue  
127 its certificate to verify the accuracy of the same.

128 **SECTION 6.** This act shall take effect and be in force from  
129 and after July 1, 2006.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

1 AN ACT TO AMEND SECTION 49-4-31, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE A LAW ENFORCEMENT OFFICER TO REQUEST THAT A PERSON  
3 INVOLVED IN A HUNTING ACCIDENT IN WHICH HIS USE OF A WEAPON  
4 RESULTS IN INJURY OR DEATH TO SUBMIT TO A CHEMICAL TEST FOR  
5 DETERMINING THE PRESENCE OF ALCOHOL; TO PROVIDE THAT A PERSON WHO  
6 HUNTS IN THIS STATE IS DEEMED TO GIVE IMPLIED CONSENT TO SUCH  
7 TESTS IF THE PERSON IS INVOLVED IN A HUNTING ACCIDENT IN WHICH THE  
8 USE OF A WEAPON RESULTS IN SERIOUS INJURY OR DEATH TO ANOTHER  
9 PERSON; TO REQUIRE SUCH TESTS TO MEET THE REQUIREMENTS UNDER THE  
10 IMPLIED CONSENT LAW; TO PROVIDE FOR SUSPENSION OF THE HUNTING  
11 LICENSE IF THE PERSON IS INTOXICATED; TO AMEND SECTION 63-11-19,  
12 MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF  
13 THIS ACT; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)  
Robinson (84th)

X (SIGNED)  
Hudson

X (SIGNED)  
Vince

CONFEREES FOR THE SENATE

X (SIGNED)  
Tollison

X (SIGNED)  
Posey

X (SIGNED)  
Turner