

By: Representative Moak (By Request)

To: Wildlife, Fisheries and
Parks

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 816

1 AN ACT TO AMEND SECTION 49-7-95, MISSISSIPPI CODE OF 1972, TO
2 DEFINE OVERT ACTS OF HEADLIGHTING DEER FOR PURPOSES OF HUNTING OR
3 HARASSING WILDLIFE; TO PROVIDE EXCEPTIONS TO CERTAIN ENTITIES AND
4 PROVIDE PENALTIES FOR VIOLATIONS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 49-7-95, Mississippi Code of 1972, is
7 amended as follows:

8 49-7-95. (1) (a) Any person who hunts or takes or kills
9 any deer at night by headlighting, by any lighting device or light
10 amplifying device shall, upon conviction thereof, be guilty of a
11 Class I violation and shall be punished as provided in Section
12 49-7-141.

13 (b) For any person to be charged with a violation of
14 this subsection, that person must have been observed committing an
15 overt act consistent with the hunting of deer at night with the
16 aid of a light, lighting device or light amplifying device. Such
17 observation of an overt act may include, but shall not be limited
18 to, witnessing the discharge of a firearm, hearing the report of a
19 firearm being fired, observation of the alleged violator in
20 possession of a recently killed game animal which could not have
21 been killed during legal hunting hours, or observation of an
22 alleged violator upon the lands of another under the circumstances
23 set forth in subsection (1)(a).

24 (2) (a) Violators of this section, twenty-one (21) years
25 old or older, upon conviction, shall also forfeit all hunting,
26 trapping and fishing privileges for a period of not less than
27 three (3) consecutive years from the date of conviction and shall
28 attend such courses prescribed by the commission. A violator

29 shall pay a reinstatement fee of Five Hundred Dollars (\$500.00) to
30 have his privileges restored.

31 (b) A violator of this section under the age of
32 twenty-one (21), upon conviction, shall forfeit all hunting,
33 trapping and fishing privileges for one (1) year from the date of
34 conviction, and shall attend courses prescribed by the commission.
35 A violator under the age of twenty-one (21) may petition the
36 commission to have his privileges restored after he has paid his
37 penalty. The violator shall pay a reinstatement fee of Two
38 Hundred Fifty Dollars (\$250.00) to have his privileges restored.

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

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

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

51 (4) Anyone found guilty of violating this section who shoots
52 or kills any livestock shall be punished as provided in Section
53 97-41-15, in addition to the penalties provided in this section.

54 (5) It shall be unlawful for a person to shine a light from
55 a public road or right-of-way, or on the property of another, at
56 night, from one-half (1/2) hour after sunset to one-half (1/2)
57 hour before sunrise, except this section shall not apply: (a) to
58 the normal use of headlights of a vehicle traveling on a public
59 road or right-of-way; (b) to law enforcement, emergency or utility
60 personnel in the performance of their official duties; (c) to
61 landowners, agricultural leaseholders or their designated agents

62 with written authorization from the landowner or agricultural
63 leaseholder, and upon lands owned or leased by the landowner,
64 leaseholder or agent; or (d) to persons lawfully hunting, fishing
65 or trapping. Any person convicted under this provision shall be
66 guilty of harassment of wildlife and shall be punished by a fine
67 of not less than One Hundred Dollars (\$100.00) nor more than Five
68 Hundred Dollars (\$500.00) or by imprisonment in the county jail
69 for not less than sixty (60) days nor more than six (6) months, or
70 by both such fine and imprisonment.

71 **SECTION 2.** This act shall take effect and be in force from
72 and after July 1, 2007.