

By: Representative Moak (By Request)

To: Wildlife, Fisheries and Parks

HOUSE BILL NO. 816

1 AN ACT TO AMEND SECTION 49-7-95, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE USE OF LIGHT AMPLIFYING DEVICES ON LAND IN WHICH
3 RECORD TITLE IS VESTED IN THE HUNTER OR UPON LAND OF ANOTHER WHICH
4 SUCH PERSON HAS PERMISSION OR THE LEGAL RIGHT TO HUNT; AND FOR
5 RELATED PURPOSES.

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

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

9 49-7-95. (1) (a) Any person who hunts or takes or kills
10 any deer at night by headlighting, by any lighting device or light
11 amplifying device shall, upon conviction thereof, be guilty of a
12 Class I violation and shall be punished as provided in Section
13 49-7-141.

14 (b) It shall not be unlawful for a person to use light
15 amplifying devices on land in which the record title is vested in
16 the person, or on land of another upon which the person has
17 permission or the legal right to hunt; however, such person shall
18 not take or kill game by doing same, and upon conviction thereof,
19 shall be guilty of a violation of Section 49-7-95(a).

20 (2) (a) Violators of this section, twenty-one (21) years
21 old or older, upon conviction, shall also forfeit all hunting,
22 trapping and fishing privileges for a period of not less than
23 three (3) consecutive years from the date of conviction and shall
24 attend such courses prescribed by the commission. A violator
25 shall pay a reinstatement fee of Five Hundred Dollars (\$500.00) to
26 have his privileges restored.

27 (b) A violator of this section under the age of
28 twenty-one (21), upon conviction, shall forfeit all hunting,

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

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

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

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

47 (4) Anyone found guilty of violating this section who shoots
48 or kills any livestock shall be punished as provided in Section
49 97-41-15, in addition to the penalties provided in this section.

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