

By: Representative Moak (By Request)

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 816
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-7-95, MISSISSIPPI CODE OF 1972, TO
2 PRESCRIBE CERTAIN ELEMENTS THAT CONSTITUTE HEADLIGHTING; TO
3 PROVIDE FOR AN APPEAL OF A THREE-YEAR FORFEITURE OF HUNTING,
4 FISHING AND TRAPPING LICENSES AFTER A ONE-YEAR SUSPENSION; TO
5 CREATE A LESSER OFFENSE OF HARASSING WILDLIFE AT NIGHT AND TO
6 PROVIDE A PENALTY FOR VIOLATIONS; AND FOR RELATED PURPOSES.

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

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

10 49-7-95. (1) (a) Any person who hunts or takes or kills
11 any deer at night by headlighting, by any lighting device or light
12 amplifying device shall, upon conviction thereof, be guilty of a
13 Class I violation and shall be punished as provided in Section
14 49-7-141.

15 (b) For any person to be charged with a violation of
16 this subsection, that person must have been observed committing an
17 overt act consistent with the hunting of deer at night with the
18 aid of a light, lighting device or light amplifying device. Such
19 observation of an overt act may include, but shall not be limited
20 to, witnessing the discharge of a weapon capable of killing a
21 deer, hearing the report of a firearm being fired, seeing the
22 person in possession of a recently killed deer which could not
23 have been killed during legal hunting hours, or witnessing the
24 person committing any acts consistent with headlighting deer in
25 violation of this subsection.

26 (2) (a) Violators of * * * subsection (1), twenty-one (21)
27 years old or older, upon conviction, shall also forfeit all
28 hunting, trapping and fishing privileges for a period of not less
29 than three (3) consecutive years from the date of conviction and

30 shall attend such courses prescribed by the commission. A
31 violator shall pay a reinstatement fee of Five Hundred Dollars
32 (\$500.00) to have his privileges restored.

33 (b) A person twenty-one (21) years old, or older,
34 convicted of a first violation of subsection (1) may petition the
35 commission to have his privileges restored after one (1) year from
36 the date of his conviction. The commission may prescribe
37 conditions on the restoration of privileges for a first-time
38 offender, and the first-time offender shall pay a reinstatement
39 fee of Five Hundred Dollars (\$500.00).

40 (c) A violator of * * * subsection (1) under the age of
41 twenty-one (21), upon conviction, shall forfeit all hunting,
42 trapping and fishing privileges for one (1) year from the date of
43 conviction, and shall attend courses prescribed by the commission.
44 A violator under the age of twenty-one (21) may petition the
45 commission to have his privileges restored after he has paid his
46 penalty. The violator shall pay a reinstatement fee of Two
47 Hundred Fifty Dollars (\$250.00) to have his privileges restored.

48 (d) A person under the age of twenty-one (21) convicted
49 of a second or subsequent violation of * * * subsection (1) shall
50 forfeit all hunting, trapping and fishing privileges for a period
51 of not less than three (3) consecutive years from the date of
52 conviction and shall attend courses prescribed by the commission.
53 The person shall pay a reinstatement fee of Five Hundred Dollars
54 (\$500.00) to have his privileges restored.

55 (e) A person who is appealing from a violation of * * *
56 subsection (1) shall have his hunting privileges suspended or
57 revoked as provided in Section 49-7-27.

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

60 (4) Anyone found guilty of violating this section who shoots
61 or kills any livestock shall be punished as provided in Section
62 97-41-15, in addition to the penalties provided in this section.

63 (5) It shall be unlawful for a person to shine a light from
64 a public road or right-of-way, or on the property of another, at
65 night, from one-half (1/2) hour after sunset to one-half (1/2)
66 hour before sunrise. This section shall not apply: (a) to the
67 normal use of headlights of a vehicle traveling on a public road
68 or right-of-way; (b) to law enforcement, emergency or utility
69 personnel in the performance of their official duties; (c) to
70 landowners, agricultural or hunting leaseholders or their
71 designated agents with written authorization from the landowner or
72 agricultural leaseholder, and upon lands owned or leased by the
73 landowner, leaseholder or agent; (d) to persons lawfully hunting,
74 fishing or trapping; or (e) a landowner, agricultural leaseholder
75 or a designated agent in the act of searching for or retrieving
76 escaped livestock or pets. Any person convicted under this
77 provision shall be guilty of harassment of wildlife and shall be
78 punished by a fine of not less than One Hundred Dollars (\$100.00)
79 nor more than Five Hundred Dollars (\$500.00) or by imprisonment in
80 the county jail for not less than sixty (60) days nor more than
81 six (6) months, or by both such fine and imprisonment.

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