

By: Senator(s) Posey

To: Judiciary, Division B

SENATE BILL NO. 2899

1 AN ACT TO AMEND SECTIONS 49-7-34, 49-7-58, 49-7-58.1 AND
2 49-11-27, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTIES FOR
3 HUNTING ENCLOSURE VIOLATIONS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 49-7-34, Mississippi Code of 1972, is
6 amended as follows:

7 49-7-34. (1) The Commission on Wildlife, Fisheries and
8 Parks shall not prohibit the operation of a hunting enclosure for
9 hunting or pursuing rabbit, fox or coyote, but the commission may
10 prescribe regulations and require a permit for the operation of
11 such hunting enclosures. Application for the permit shall be
12 submitted to the Department of Wildlife, Fisheries and Parks. The
13 department shall inspect and approve such hunting enclosure before
14 issuing a permit. The permit fee shall be a reasonable amount, to
15 be determined by the commission.

16 (2) Such hunting enclosure shall consist of an area fully
17 enclosed by a fence. Such fence shall be constructed in such a
18 manner as may be prescribed by the commission.

19 (3) A person who violates this section or any regulation
20 pertaining to hunting enclosures is guilty of a Class II violation
21 and is punishable as provided in Section 49-7-143, Mississippi
22 Code of 1972, and may, at the discretion of the commission, have
23 his permit revoked for a period of twelve (12) months. A second
24 or subsequent violation shall be punished by the maximum allowable
25 fine as provided in Section 49-7-143.

26 **SECTION 2.** Section 49-7-58, Mississippi Code of 1972, is
27 amended as follows:

28 49-7-58. (1) (a) In addition to the ban on importing
29 white-tailed deer under Section 49-7-54, there is hereby imposed a
30 temporary moratorium on the importation of elk, red deer, mule
31 deer, black-tailed deer and other cervids designated as
32 susceptible to chronic wasting disease by the State Veterinarian
33 and crosses of any such animals into the State of Mississippi.
34 The moratorium on importing such animals shall end upon the
35 adoption of chronic wasting disease regulations by the United
36 States Department of Agriculture.

37 (b) Any person who possesses, buys, imports or
38 transports any cervid that has been imported in the state in
39 violation of the moratorium shall be subject to a Class I penalty
40 under Section 49-7-141. Any person that imports any exotic animal
41 into the state in violation of entry requirements or regulations
42 of the Board of Animal Health or the Department of Wildlife shall
43 be subject to a Class I penalty under Section 49-7-141. A second
44 or subsequent violation under this section shall be punished by
45 the maximum fine under Section 49-7-141. The agency issuing a
46 permit for cervids or exotic animals within an enclosure shall
47 revoke the permit of any person found in violation of the
48 moratorium. If any cervid in an enclosure tests positive for
49 chronic wasting disease or if any cervids within the enclosure
50 have been imported from an area diagnosed with chronic wasting
51 disease, then all cervids in the enclosure shall be deemed a
52 threat to native wildlife and to public health and may be killed
53 and disposed of by the state.

54 (2) It shall be the duty of the Commissioner of Agriculture
55 and Commerce, the Board of Animal Health, the State Veterinarian,
56 the Commission on Wildlife, Fisheries and Parks, and the
57 Department of Wildlife, Fisheries and Parks to consult and
58 coordinate efforts on matters related to chronic wasting disease,
59 the prevention of the introduction of chronic wasting disease in

60 the state and to ensure the health and safety of the public and
61 wildlife.

62 (3) The Commission on Wildlife, Fisheries and Parks and the
63 Department of Wildlife, Fisheries and Parks shall have plenary
64 authority in matters related to the importation of white-tailed
65 deer, white-tailed deer in enclosures, and prevention of the
66 introduction of chronic wasting disease into the native wildlife
67 population.

68 **SECTION 3.** Section 49-7-58.1, Mississippi Code of 1972, is
69 amended as follows:

70 49-7-58.1. (1) The owner of any enclosure containing
71 white-tailed deer that prevents the free egress of white-tailed
72 deer from the enclosed area shall notify and register with the
73 Department of Wildlife, Fisheries and Parks. The person shall
74 give his name, the location of the enclosure, the acreage within
75 the enclosure, and whether any deer have been imported into the
76 state and placed in the enclosure, and any other information
77 required by the Commissioner on Wildlife, Fisheries and Parks.

78 (2) Persons who constructed an enclosure prior to July 1,
79 2003, shall have until January 1, 2004, to notify and provide the
80 information required under this section. The person shall use
81 acceptable hunting and wildlife management practices as may be
82 determined by the department.

83 (3) The owner of such an enclosure shall comply with any
84 testing of white-tailed deer harvested within the enclosure as may
85 be required by the department. If chronic wasting disease is
86 diagnosed within five (5) miles of the enclosure, the owner of
87 such enclosure shall allow department personnel to enter the
88 enclosure to utilize lethal collection methods to obtain tissue
89 samples for testing. If chronic wasting disease is diagnosed
90 within the enclosure, the owner shall allow department personnel
91 to enter the enclosure and depopulate the white-tailed deer within
92 the enclosure.

93 (4) A violation of this section is a * * * Class I violation
94 and is punishable as provided in Section 49-7-141.

95 **SECTION 4.** Section 49-11-27, Mississippi Code of 1972, is
96 amended as follows:

97 49-11-27. Any person, firm or corporation violating any
98 provision of this chapter is guilty of a Class II violation, and
99 upon conviction thereof shall be punished as provided in Section
100 49-7-143. A multiple violator of this chapter shall be assessed
101 double the maximum allowable fine, and may, at the discretion of
102 the commission, have his operator's license suspended by operation
103 of law for a period of one (1) year.

104 **SECTION 5.** This act shall take effect and be in force from
105 and after July 1, 2007.