

## Senate Amendments to House Bill No. 816

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

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

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. An  
19 overt act includes, but shall not be limited to, another person  
20 witnessing the discharge of a weapon capable of killing a deer or  
21 hearing the report of a firearm being fired, the alleged violator  
22 has possession of a recently killed deer which could not have been  
23 killed during legal hunting hours, or observation of an alleged  
24 violator committing any of the circumstances set forth in this  
25 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 forfeiture. 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, except this section shall not apply: (a) to  
67 the normal use of headlights of a vehicle traveling on a public

68 road 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 leaseholders or their designated agents  
71 with written authorization from the landowner or agricultural  
72 leaseholder, and upon lands owned or leased by the landowner,  
73 leaseholder or agent; or (d) to persons lawfully hunting, fishing  
74 or trapping. Any person convicted under this provision shall be  
75 guilty of harassment of wildlife and shall be punished by a fine  
76 of not less than One Hundred Dollars (\$100.00) nor more than Five  
77 Hundred Dollars (\$500.00) or by imprisonment in the county jail  
78 for not less than sixty (60) days nor more than six (6) months, or  
79 by both such fine and imprisonment.

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

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

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.

SS26\HB816PS.J

John O. Gilbert  
Secretary of the Senate