

By: Representative Banks

To: Wildlife, Fisheries and
Parks; Municipalities

HOUSE BILL NO. 1354

1 AN ACT TO PROHIBIT HUNTING WITHIN THE INCORPORATED LIMITS OF
2 ANY MUNICIPALITY HAVING A POPULATION IN EXCESS OF 170,000; TO
3 AMEND SECTION 97-15-13, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
4 THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTION 49-7-27,
5 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENTS; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** It shall be unlawful for any person to hunt
9 within the incorporated limits of any municipality having a
10 population in excess of one hundred seventy thousand (170,000)
11 according to the 2010 decennial census. Any person found to be in
12 violation of this section shall be punished in the same manner as
13 provided by Section 97-15-13(3), for hunting or shooting firearms
14 on public streets or highways. Additionally, the person shall
15 have his hunting license revoked by the Commission on Wildlife,
16 Fisheries and Parks, as authorized under Section 49-7-27(1).

17 **SECTION 2.** Section 1 of this act shall be codified in
18 Chapter 7, Title 49, Mississippi Code of 1972.

19 **SECTION 3.** Section 97-15-13, Mississippi Code of 1972, is
20 amended as follows:

21 97-15-13. (1) (a) The provisions of this subsection shall
22 only be applicable during the calendar days included in the open
23 seasons on deer and turkey.

24 (b) It shall be prima facie evidence that a person is
25 hunting if such person is in the possession of a firearm that is
26 not unloaded on any street, public road, public highway, levee, or
27 any railroad which is maintained by any railroad corporation,
28 city, county, levee board, state or federal entity or the



29 right-of-way of any such street, road, highway, levee or railroad,
30 or within the incorporated limits of any municipality having a
31 population in excess of one hundred seventy thousand (170,000)
32 according to the 2010 decennial census, in an area in which wild
33 game is or may be present, regardless of whether or not such
34 firearm is within or without the confines of a motorized vehicle.

35 (c) The provisions of this subsection shall not apply
36 to any person engaged in a lawful action to protect his property
37 or livestock.

38 (2) For purposes of this section, the following terms shall
39 have the meanings ascribed to them herein:

40 (a) "Right-of-way" means that part of a street, public
41 road, public highway, levee or railroad maintained by a city,
42 county, levee board, state or federal entity or railroad
43 corporation and including that portion up to the adjacent property
44 line or fence line.

45 (b) "Motorized vehicle" means any vehicle powered by
46 any type of motor, including automobiles, farm vehicles, trucks,
47 construction vehicles and all-terrain vehicles.

48 (c) "Firearm" means any firearm other than a handgun.

49 (d) "Hunt" or "hunting" means to hunt or chase or to
50 shoot at or kill or to pursue with the intent to take, kill or
51 wound any wild animal or wild bird with a firearm as defined in
52 this subsection.

53 (e) "Unloaded" means that a cartridge or shell is not
54 positioned in the barrel or magazine of the firearm or in a clip,
55 magazine or retainer attached to the firearm and all ammunition is
56 located in an enclosed compartment, container, box or garment; or
57 in the case of a caplock muzzle-loading firearm, "unloaded" means
58 that the cap has been removed; or in the case of a flintlock
59 muzzle-loading firearm, "unloaded" means that all powder has been
60 removed from the flashpan.



61 (3) If any person hunts or discharges any firearm in, on or
62 across any street, public road, public highway, levee, railroad or
63 the right-of-way thereof, or within the incorporated limits of any
64 municipality having a population in excess of one hundred seventy
65 thousand (170,000) according to the 2010 decennial census, such
66 person is guilty of a misdemeanor and, upon conviction, shall be
67 punished by a fine not less than One Hundred Dollars (\$100.00) nor
68 more than Five Hundred Dollars (\$500.00) or by imprisonment in the
69 county jail for not less than sixty (60) days nor more than six
70 (6) months, or by both such fine and imprisonment. This
71 subsection shall not apply to any law enforcement officer while in
72 the performance of his official duty or to any person engaged in a
73 lawful action of self-defense.

74 (4) If any person shall willfully shoot any firearms or hurl
75 any missile at any street, highway or railroad traffic light;
76 street, highway or railroad marker or other sign for the
77 regulation or designation of street, highway or railroad travel
78 such person, upon conviction, shall be fined not less than One
79 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
80 (\$500.00), or be imprisoned not longer than thirty (30) days in
81 the county jail, or both.

82 (5) It shall be the duty of all sheriffs, deputy sheriffs,
83 constables, conservation officers and peace officers of this state
84 to enforce the provisions of this section.

85 (6) If any subsection, paragraph, sentence, clause, phrase
86 or any part of this section is hereafter declared to be
87 unconstitutional or void, or if for any reason is declared to be
88 invalid or of no effect, the remaining subsections, paragraphs,
89 sentences, clauses, phrases or parts thereof shall be in no manner
90 affected thereby but shall remain in full force and effect.

91 **SECTION 4.** Section 49-7-27, Mississippi Code of 1972, is
92 brought forward as follows:



93 49-7-27. (1) The commission may revoke any hunting,
94 trapping, or fishing privileges, license or deny any person the
95 right to secure such license if the person has been convicted of
96 the violation of any of the provisions of this chapter or any
97 regulation thereunder. The revocation of the privilege, license
98 or refusal to grant license shall be for a period of one (1) year.
99 However, before the revocation of the privilege or license shall
100 become effective, the executive director shall send by registered
101 mail notice to the person or licensee, who shall have the right to
102 a hearing or representation before the commission at the next
103 regular meeting or a special meeting. The notice shall set out
104 fully the ground or complaint upon which revocation of, or refusal
105 to grant, the privilege or license is sought.

106 (2) Any person who is convicted for a second time during any
107 period of twelve (12) consecutive months for violation of any of
108 the laws with respect to game, fish or nongame fish or animals
109 shall forfeit his privilege and any license or licenses issued to
110 him by the commission and the commission shall not issue the
111 person any license for a period of one (1) year from the date of
112 forfeiture.

113 (3) Failure of any person to surrender his license or
114 licenses upon demand made by the commission or by its
115 representatives at the direction of the commission shall be a
116 misdemeanor and shall be punishable as such.

117 (4) Any violator whose privilege or license has been
118 revoked, who shall, during the period of revocation, be
119 apprehended for hunting or fishing, shall have imposed upon him a
120 mandatory jail term of not less than thirty (30) days nor more
121 than six (6) months.

122 (5) The commission is authorized to suspend any license
123 issued to any person under this chapter for being out of
124 compliance with an order for support, as defined in Section
125 93-11-153. The procedure for suspension of a license for being



126 out of compliance with an order for support, and the procedure for
127 the reissuance or reinstatement of a license suspended for that
128 purpose, and the payment of any fees for the reissuance or
129 reinstatement of a license suspended for that purpose, shall be
130 governed by Section 93-11-157 or 93-11-163, as the case may be.
131 If there is any conflict between any provision of Section
132 93-11-157 or 93-11-163 and any provision of this chapter, the
133 provisions of Section 93-11-157 or 93-11-163, as the case may be,
134 shall control.

135 (6) If a person is found guilty or pleads guilty or nolo
136 contendere to a violation of Section 49-7-95, and then appeals,
137 the commission shall suspend or revoke the hunting privileges of
138 that person pending the determination of his appeal.

139 (7) (a) If a person does not comply with a summons or a
140 citation or does not pay a fine, fee or assessment for violating a
141 wildlife law or regulation, the commission shall revoke the
142 fishing, hunting, or trapping privileges of that person. When a
143 person does not comply or fails to pay, the clerk of the court
144 shall notify the person in writing by first class mail that if the
145 person does not comply or pay within ten (10) days from the date
146 of mailing, the court will notify the commission and the
147 commission will revoke the fishing, hunting or trapping privileges
148 of that person. The cost of notice may be added to other court
149 costs. If the person does not comply or pay as required, the
150 court clerk shall immediately mail a copy of the court record and
151 a copy of the notice to the commission. After receiving notice
152 from the court, the commission shall revoke the fishing, hunting
153 or trapping privileges of that person.

154 (b) A person whose fishing, hunting or trapping
155 privileges have been revoked under this subsection shall remain
156 revoked until the person can show proof that all obligations of
157 the court have been met.



158 (c) A person shall pay a Twenty-five Dollar (\$25.00)
159 fee to have his privileges reinstated. The fee shall be paid to
160 the department.

161 **SECTION 5.** This act shall take effect and be in force from
162 and after July 1, 2012.

