

By: Representatives Horne, Snowden

To: Wildlife, Fisheries and Parks

HOUSE BILL NO. 1440

1 AN ACT TO REQUIRE THE COMMISSION ON WILDLIFE, FISHERIES AND  
 2 PARKS AND THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS TO  
 3 REGULATE WHITE-TAILED DEER BREEDING FACILITIES; TO PROVIDE  
 4 PENALTIES FOR VIOLATIONS OF RULES AND REGULATIONS ADOPTED BY THE  
 5 COMMISSION AND DEPARTMENT; TO AMEND SECTION 49-7-1, MISSISSIPPI  
 6 CODE OF 1972, TO CLARIFY THE DEFINITION OF THE TERM DEER; TO AMEND  
 7 SECTION 49-7-51, MISSISSIPPI CODE OF 1972, TO PERMIT THE PURCHASE,  
 8 SELL OR TRANSFER OF FARM-RAISED WHITE-TAILED DEER BETWEEN LICENSED  
 9 DEER BREEDING FARMS AND PERMITTED HIGH FENCE HUNTING ENCLOSURES;  
 10 TO AMEND SECTION 49-7-54, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
 11 COMMISSION TO APPROVE THE IMPORTATION OR TRANSLOCATION OF LIVE  
 12 WHITE-TAILED DEER INTO THE STATE; TO AMEND SECTIONS 49-7-58.3,  
 13 49-7-58.4 AND 49-11-3, MISSISSIPPI CODE OF 1972, TO DELETE THE  
 14 DATE OF REPEAL; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) The Commission on Wildlife, Fisheries and  
 17 Parks and the Department of Wildlife, Fisheries and Parks shall  
 18 have plenary authority to adopt regulations to regulate all  
 19 white-tailed deer breeding facilities in order to conserve and  
 20 protect native wildlife for all citizens to enjoy and to protect  
 21 our recreational economy dependent on native wildlife resources.

22 (2) A person who violates any rules or regulations  
 23 promulgated by the commission under this section is guilty of a  
 24 Class I violation and shall be punished as provided in Section  
 25 49-7-141.

26 **SECTION 2.** Section 49-7-1, Mississippi Code of 1972, is  
 27 amended as follows:

28 49-7-1. For the purposes of this chapter, the following  
 29 definitions and interpretations shall govern unless otherwise  
 30 provided:

31 (a) The following wild animals are classed as game:  
 32 bear, white-tailed deer, rabbits and squirrels.



33 (b) The following wild animals are classed as  
34 fur-bearing animals: muskrats, opossums, otters, weasels, minks,  
35 raccoons and bobcats.

36 (c) The following wild animals are classed as nuisance  
37 animals: wild hogs, nutria, beaver, fox, skunks and coyote.

38 (d) All freshwater fish in the following families are  
39 classed as game fish: Sunfish family (Centrarchidae) - including  
40 largemouth bass (*Micropterus salmoides*), smallmouth bass  
41 (*Micropterus dolomieu*), spotted bass (*Micropterus punctulatus*),  
42 white crappie (*Pomoxis annularis*), black crappie (*Pomoxis*  
43 *nigromaculatus*), redear sunfish (*Lepomis microlophus*), bluegill  
44 (*Lepomis macrochirus*), warmouth (*Lepomis gulosus*), green sunfish  
45 (*Lepomis cyanellus*), longear sunfish (*Lepomis megalotis*),  
46 redbreast sunfish (*Lepomis auritus*) and shadow bass (*Ambloplites*  
47 *arionomus*); Perch family (Percidae) - including walleye  
48 (*Stizostedion vitreum*), sauger (*Stizostedion canadense*) and yellow  
49 perch (*Perca flavescens*); Pike family (Esocidae) - including  
50 redbfin pickerel (*Esox americanus americanus*), grass pickerel (*Esox*  
51 *americanus vermiculatus*), chain pickerel (*Esox niger*); Temperate  
52 bass family (Moronidae) including - white bass (*Morone chrysops*),  
53 yellow bass (*Morone mississippiensis*), striped bass (*Morone*  
54 *saxatilis*) and hybrid striped bass (*Morone chrysops* x *Morone*  
55 *saxatilis* and/or *Morone saxatilis* x *Morone chrysops*).

56 The following fish are classed as nongame gross fish: in the  
57 Herring family (Clupeidae) - gizzard shad (*Dorosoma cepedianum*),  
58 threadfin shad (*Dorosoma petenense*); in the Catfish family  
59 (Ictaluridae) - channel catfish (*Ictalurus punctatus*), blue  
60 catfish (*Ictalurus furcatus*), flathead catfish (*Pylodictus*  
61 *olivaris*), yellow bullhead (*Ameiurus natalis*), black bullhead  
62 (*Ameiurus melas*), brown bullhead (*Ameiurus nebulosus*); in the Gar  
63 family - spotted gar (*Lepisosteus oculatus*), longnose gar  
64 (*Lepisosteus osseus*), shortnose gar (*Lepisosteus platostomus*),  
65 alligator gar (*Atractosteus spatula*); in the Eel family



66 (Anguillidae) - American eel (*Anguilla rostrata*); in the Bowfin  
67 family (Amiidae) - bowfin (*Amia calva*); in the Paddlefish family  
68 (Polyodontidae) - paddlefish (*Polyodon spathula*); in the Minnow  
69 family (Cyprinidae) - common carp (*Cyprinus carpio*); in the Sucker  
70 family (Catostomidae) - river carpsucker (*Carpoides carpio*),  
71 quillback (*Carpoides cyprinus*), highfin carpsucker (*Carpoides*  
72 *velifer*), spotted sucker (*Minytrema melanops*), blacktail redhorse  
73 (*Moxostoma poecilurum*), smallmouth buffalo (*Ictiobus bubalus*),  
74 bigmouth buffalo (*Ictiobus cyprinellus*), black buffalo (*Ictiobus*  
75 *niger*); in the Drum family (Sciaenidae) - freshwater drum  
76 (*Aplodinotus grunniens*).

77 All fish native to Mississippi that are not classed as game  
78 fish or nongame gross fish are classed as nongame fish.

79 All fish native to foreign countries and all fish native to  
80 the United States but not native to Mississippi are classed as  
81 nonnative fish.

82 (e) The following are classed as game birds: geese,  
83 brant ducks, rails, coots, snipe, gallinules, moorhens, woodcock,  
84 crow, mergansers, wild turkey, quail and doves.

85 All other species of wild resident or migratory birds are  
86 classed as nongame birds.

87 (f) Closed season: the time during which birds,  
88 animals or fish may not be taken.

89 (g) Open season: the time during which birds, animals  
90 or fish may be lawfully taken.

91 (h) "Commission" means the Mississippi Commission on  
92 Wildlife, Fisheries and Parks.

93 (i) "Department" means the Mississippi Department of  
94 Wildlife, Fisheries and Parks.

95 (j) "Executive director" means the Executive Director  
96 of the Department of Wildlife, Fisheries and Parks.

97 (k) "Deer" means white-tailed deer which are not  
98 contained within any commercial enclosure or housed inside



99 permitted white-tailed deer breeding facilities as defined by the  
100 commission.

101 **SECTION 3.** Section 49-7-51, Mississippi Code of 1972, is  
102 amended as follows:

103 49-7-51. (1) (a) It is unlawful for any person to buy or  
104 sell or to offer for sale, exchange for merchandise, or other  
105 consideration, within this state, any game birds, game animals, or  
106 game fish, or parts thereof, named in this chapter, whether taken  
107 within or coming from without the state, except as specifically  
108 permitted by law or regulation.

109 (b) It is lawful for the following items to be bought  
110 and sold in accordance with the rules and regulations promulgated  
111 by the commission:

112 (i) The skins and sinew of deer and products  
113 crafted, fashioned or made from deer bones or antlers not in  
114 velvet;

115 (ii) Any part of a wild turkey, except the  
116 meat; \* \* \*

117 (iii) Any parts of nuisance animals; and

118 (iv) The licensee of a white-tailed deer breeding  
119 facility may purchase, sell or transfer farm-raised white-tailed  
120 deer to other licensed breeding frames and permitted high fence  
121 wildlife hunting enclosures.

122 (c) Mounted game animals, birds and fish may not be  
123 sold, purchased or leased.

124 (d) A violation of this subsection is a Class I  
125 violation and is punishable as provided in Section 49-7-141.

126 (2) Any person who buys, sells, offers for sale, exchange  
127 for merchandise, or other consideration, any wild bird, wild  
128 animal or fish that has been taken illegally is guilty of a Class  
129 I violation and punished as provided in Section 49-7-141.

130 **SECTION 4.** Section 49-7-54, Mississippi Code of 1972, is  
131 amended as follows:



132 49-7-54. (1) It is unlawful to import and translocate live  
133 white-tailed deer into this state, except \* \* \* upon prior  
134 approval of the commission. The commission shall establish  
135 regulations governing the importation of white-tailed deer with  
136 emphasis on preventing the introduction of diseases.

137 (2) A person who violates this section is guilty of a Class  
138 I violation and shall be punished as provided in Section 49-7-141.

139 **SECTION 5.** Section 49-7-58.3, Mississippi Code of 1972, is  
140 amended as follows:

141 49-7-58.3. \* \* \* The Commission on Wildlife, Fisheries and  
142 Parks may regulate the hunting of nonnative cervids in  
143 noncommercial wildlife enclosures, and the Department of Wildlife,  
144 Fisheries and Parks may enforce such regulations and laws in the  
145 same manner as commercial wildlife enclosures as provided in  
146 Section 49-11-25.

147 \* \* \*

148 **SECTION 6.** Section 49-7-58.4, Mississippi Code of 1972, is  
149 amended as follows:

150 49-7-58.4. (1) The Commission on Wildlife, Fisheries and  
151 Parks and the Department of Wildlife, Fisheries and Parks shall  
152 have plenary power to regulate all commercial and noncommercial  
153 wild animal enclosures in order to conserve and protect native  
154 wildlife for all citizens to enjoy and to protect our recreational  
155 economy dependent on native wildlife resources.

156 (2) The Commission on Wildlife, Fisheries and Parks shall  
157 regulate any facility that prevents the free ingress and egress of  
158 native or nonnative cervids as the same are defined by the  
159 commission. The commission may promulgate rules and regulations  
160 requiring the issuance of permits and the payment of a reasonable  
161 fee therefor. Regulations promulgated under this authority must  
162 have a majority vote of the commission to be adopted.

163 (3) A person who violates any rules or regulations  
164 promulgated by the commission under this section is guilty of a



165 Class I violation and shall be punished as provided in Section  
166 49-7-141.

167 **SECTION 7.** Section 49-11-3, Mississippi Code of 1972, is  
168 amended as follows:

169 49-11-3. (1) The department may issue operating licenses to  
170 any person, partnership, association or corporation for the  
171 operation of shooting preserves or commercial wildlife enclosures  
172 that meet the following requirements and any applicable  
173 regulations:

174 (a) Each shooting preserve shall contain a minimum of  
175 one hundred (100) acres in one (1) tract of leased or owned land  
176 (including water area, if any) and shall be restricted to not more  
177 than six hundred forty (640) contiguous acres (including water  
178 area, if any), except that preserves confined to the releasing of  
179 ducks only may be authorized to operate with a minimum of fifty  
180 (50) contiguous acres (including water area).

181 (b) The boundaries of each shooting preserve shall be  
182 clearly defined and posted with signs erected at intervals of  
183 three hundred (300) feet or less.

184 (c) Each commercial wildlife enclosure shall contain a  
185 minimum of three hundred (300) acres in one (1) tract of leased or  
186 owned land (including water area, if any). No commercial wildlife  
187 enclosure shall be constructed in such a manner as to allow  
188 ingress of native wild animals without providing means of egress.

189 (d) The preserve or enclosure must be privately owned  
190 and operated.

191 (2) The commission may issue any rules or regulations  
192 necessary to regulate shooting preserves and commercial wildlife  
193 enclosures and to enforce this chapter.

194 (3) \* \* \* The commission may regulate the hunting of  
195 nonnative cervids within a commercial wildlife enclosure, and the  
196 department may enter such enclosure as provided under Section  
197 49-11-25 and enforce such regulations.



198 \* \* \*

199           **SECTION 8.** This act shall take effect and be in force from  
200 and after July 1, 2012.

