

By: Representatives Eure, Bennett

To: Marine Resources

HOUSE BILL NO. 1123

1 AN ACT TO AMEND SECTION 49-15-39, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE COMMISSION ON MARINE RESOURCES TO REVOKE THE  
3 LICENSE OF AN OYSTER HARVESTER CONVICTED OF A THIRD OYSTER  
4 VIOLATION WITHIN THREE YEARS OF THE FIRST OFFENSE; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 49-15-39, Mississippi Code of 1972, is  
8 amended as follows:

9 49-15-39. (1) It is unlawful for any person to catch or  
10 take oysters by means of dredging in any of the waters designated  
11 as tonging reefs by the commission.

12 (2) The commission shall designate certain areas as tonging  
13 reefs. The commission shall mark the boundaries of the areas  
14 designated by appropriate poles, stakes or buoys of material that  
15 will not injure watercraft. The commission may authorize the  
16 taking of oysters on reefs designated as tonging reefs by dredge,  
17 drag or scoop if the commission finds that the dredging, dragging  
18 or scooping is necessary to manage the resource properly. Any



19 dredging, dragging or scooping authorized under this section shall  
20 be for a specific time period as provided by the commission.

21 (3) Unless otherwise authorized under this section, any boat  
22 or vessel which catches or takes oysters by means of dredges,  
23 drags or scoops, other than hand tongs, from any of the areas  
24 described in this section, or with a dredge or dredges in the  
25 water, shall have all oysters on board the boat or vessel declared  
26 to be contraband. The oysters shall be taken and confiscated by  
27 the department or any marine law enforcement officer without court  
28 procedure. The captain and crew of the boat or vessel, promptly  
29 upon being ordered so to do, shall transport the oysters to a  
30 point on the public reefs of the state where the boat or vessel is  
31 found and there scatter the oysters according to the instructions  
32 of the enforcement officers.

33 (4) A violation of this section is punishable by a fine of  
34 Five Hundred Dollars (\$500.00). For a second offense when the  
35 offense is committed within a period of three (3) years from the  
36 first offense, the violation is punishable by a fine of One  
37 Thousand Dollars (\$1,000.00). For a third or subsequent offense  
38 when the offense is committed within a period of three (3) years  
39 from the first offense, the violation is punishable by a fine of  
40 Two Thousand Dollars (\$2,000.00).

41 (5) In addition, upon conviction of a third or subsequent  
42 offense within three (3) years of the first offense, it shall be  
43 the duty of the court or the commission to revoke the license of



44 the convicted party and of the vessel used in the offense, and no  
45 license shall be issued to that person or for the vessel to engage  
46 in the catching or taking of any seafood from the waters of this  
47 state for a period of one (1) year following the conviction.

48 (6) The fine imposed under this section shall not be  
49 suspended or reduced.

50 **SECTION 2.** This act shall take effect and be in force from  
51 and after July 1, 2016.

