

By: Senator(s) Seymour

To: Wildlife, Fisheries and
Parks; Judiciary, Division A

SENATE BILL NO. 2651

1 AN ACT TO AMEND SECTION 49-1-43, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT A CONSERVATION OFFICER MUST HAVE PROBABLE CAUSE TO
3 CONDUCT A SEARCH WITHOUT WARRANT; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 49-1-43, Mississippi Code of 1972, is
6 amended as follows:

7 49-1-43. (1) The director shall have general supervision
8 and control of all conservation officers, and shall enforce all
9 the laws and regulations of the state relating to wild animals,
10 birds and fish, and shall exercise all necessary powers incident
11 thereto not specifically conferred on the department.

12 (2) The director, with the approval of the commission, shall
13 make to the Governor and the Legislature a report covering the
14 operation of the department for the preceding fiscal year.

15 (3) It shall be the duty of all conservation officers to
16 enforce, and to obey and carry out all instructions and directions
17 of the department with respect to the enforcement of the laws and
18 regulations relating to wild animals, birds and fish.



19 (4) The director and each conservation officer shall have
20 power, and it shall be the duty of the director and of each
21 conservation officer:

22 (a) To execute all warrants and search warrants for a
23 violation of the laws and regulations relating to wild animals,
24 birds and fish and to serve subpoenas issued for the examination
25 and investigation or trial of offenses against any of the laws or
26 regulations;

27 (b) To search where the conservation officer has
28 probable cause * * * that animals, birds or fish, or any parts
29 thereof, or the nest or eggs of birds, or spawn or eggs of fish
30 are possessed in violation of law or regulation and in such case
31 to examine, without warrant, the contents of any boat, car,
32 automobile or other vehicle, box, locker, basket, creel, crate,
33 game bag or other package, to ascertain whether any law or
34 regulation for the protection of animals, birds or fish have been
35 or are being violated, and to use such force as may be necessary
36 for the purpose of such examination and inspection;

37 (c) With a search warrant to search and examine the
38 contents of any dwelling house, room, building or premises of any
39 person suspected of violating any law or regulation, to seize all
40 animals, birds or fish, or parts thereof, or nests or eggs of
41 birds taken in violation of law or regulation, or showing evidence
42 of illegal taking and to seize and confiscate all devices
43 illegally used in taking animals, birds or fish;



44 (d) To arrest, without warrant, any person committing
45 or attempting to commit a misdemeanor, felony or a breach of the
46 peace within his presence or view and to pursue and so arrest any
47 person committing an offense in any place in the state where the
48 person may go or be; to aid and assist any peace officer of this
49 state or any other state if requested, in manhunts or natural
50 disasters within the state; and

51 (e) To exercise other powers of peace officers in the
52 enforcement of game laws or regulations or of a judgment for the
53 violation thereof, as are not herein specifically provided.

54 (5) In all cases of arrest without warrant, the person
55 making such arrest must inform the accused of the object and cause
56 of the arrest, except when he is in the actual commission of the
57 offense or is arrested on pursuit.

58 (6) No conservation officer shall compromise or settle out
59 of court any violation of this chapter, or any law or regulation
60 for the protection of wild animals, birds or fish.

61 (7) Nothing in this section shall be construed as granting
62 conservation officers general police powers.

63 (8) Citations issued by a conservation officer for any
64 violation of the laws for the protection of wild animals, birds
65 and fish, the trespass laws, the litter laws, and the boating laws
66 shall be issued on a uniform citation form consisting of an
67 original and at least two (2) copies. Such citation shall show,
68 among other necessary information, the name of the issuing



69 officer, the name of the court in which the cause is to be heard,
70 and the date and time the person charged with a violation is to
71 appear to answer the charge. The uniform citation form shall make
72 a provision on it for information that will constitute a complaint
73 charging the offense for which the citation was issued and, when
74 duly sworn to and filed with a court of competent jurisdiction,
75 prosecution may proceed under that complaint.

76 **SECTION 2.** This act shall take effect and be in force from
77 and after July 1, 2017.

