

By: Representatives Bounds, Morgan, Kinkade

To: Wildlife, Fisheries and Parks

HOUSE BILL NO. 758

1 AN ACT TO AMEND SECTION 49-7-95, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT THE USE OF ANY THERMAL IMAGING OR HEAT AMPLIFYING DEVICE
3 WHEN HUNTING, TAKING OR KILLING DEER AT NIGHT; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 49-7-95, Mississippi Code of 1972, is
7 amended as follows:

8 49-7-95. (1) (a) Any person who hunts * * *, takes or
9 kills any deer at night by headlighting, by any lighting device or
10 light amplifying device or by any thermal imaging or heat
11 amplifying device shall, upon conviction * * *, be guilty of a
12 Class I violation and shall be punished as provided in Section
13 49-7-141.

14 (b) For any person to be charged with a violation of
15 this subsection, that person must have been observed committing an
16 overt act consistent with the hunting of deer at night with the
17 aid of a light, lighting device or light amplifying device, or
18 thermal imaging or heat amplifying device. Such observation of an
19 overt act may include, but shall not be limited to, witnessing the



20 discharge of a weapon capable of killing a deer, hearing the
21 report of a firearm being fired, seeing the person in possession
22 of a recently killed deer which could not have been killed during
23 legal hunting hours, or witnessing the person committing any acts
24 consistent with headlighting deer using any lighting device or
25 light amplifying device, or using any thermal imaging or heat
26 amplifying device in violation of this subsection.

27 (2) (a) Violators of subsection (1), twenty-one (21) years
28 old or older, upon conviction, shall also forfeit all hunting,
29 trapping and fishing privileges for a period of not less than
30 three (3) consecutive years from the date of conviction and shall
31 attend such courses prescribed by the commission. A violator
32 shall pay a reinstatement fee of Five Hundred Dollars (\$500.00) to
33 have his privileges restored.

34 (b) A person twenty-one (21) years old, or older,
35 convicted of a first violation of subsection (1) may petition the
36 commission to have his privileges restored after one (1) year from
37 the date of his conviction. The commission may prescribe
38 conditions on the restoration of privileges for a first-time
39 offender, and the first-time offender shall pay a reinstatement
40 fee of Five Hundred Dollars (\$500.00).

41 (c) A violator of subsection (1) under the age of
42 twenty-one (21), upon conviction, shall forfeit all hunting,
43 trapping and fishing privileges for one (1) year from the date of
44 conviction, and shall attend courses prescribed by the commission.



45 A violator under the age of twenty-one (21) may petition the
46 commission to have his privileges restored after he has paid his
47 penalty. The violator shall pay a reinstatement fee of Two
48 Hundred Fifty Dollars (\$250.00) to have his privileges restored.

49 (d) A person under the age of twenty-one (21) convicted
50 of a second or subsequent violation of subsection (1) shall
51 forfeit all hunting, trapping and fishing privileges for a period
52 of not less than three (3) consecutive years from the date of
53 conviction and shall attend courses prescribed by the commission.
54 The person shall pay a reinstatement fee of Five Hundred Dollars
55 (\$500.00) to have his privileges restored.

56 (e) A person who is appealing from a violation of
57 subsection (1) shall have his hunting privileges suspended or
58 revoked as provided in Section 49-7-27.

59 (3) This section shall not apply to any deer killed in an
60 accident with any motor vehicle.

61 (4) Anyone found guilty of violating this section who shoots
62 or kills any livestock shall be punished as provided in Section
63 97-41-15, in addition to the penalties provided in this section.

64 (5) It shall be unlawful for a person to shine a light from
65 a public road or right-of-way, or on the property of another, at
66 night, from one-half (1/2) hour after sunset to one-half (1/2)
67 hour before sunrise. This section shall not apply: (a) to the
68 normal use of headlights of a vehicle traveling on a public road
69 or right-of-way; (b) to law enforcement, emergency or utility



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

83 **SECTION 2.** This act shall take effect and be in force from
84 and after July 1, 2018.

