

By: Senator(s) Jackson (32nd)

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

SENATE BILL NO. 2002

1 AN ACT TO ENACT THE "WILDLIFE TRAFFICKING PREVENTION ACT"; TO
2 PROHIBIT THE PURCHASE, SELL OR EXCHANGE OF CERTAIN WILDLIFE
3 SPECIES; TO PROVIDE A CIVIL PENALTY FOR VIOLATIONS; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** This act shall be known and cited as the
7 "Wildlife Trafficking Prevention Act."

8 **SECTION 2.** (1) No person shall purchase, sell or exchange,
9 or offer to purchase, sell or exchange any wildlife, or any part
10 thereof.

11 (2) (a) Except as provided in paragraph (b) of this
12 subsection, and notwithstanding any other provision of law or rule
13 enacted pursuant to subsection (1) of this section, a person shall
14 not purchase, sell, offer for sale, or possess with intent to
15 sell, any item that the person knows or should know is a covered
16 animal species part or product.

17 (b) This section shall not apply:

18 (i) When the activity is expressly authorized by
19 federal law;



20 (ii) When the activity involves a species that is
21 subject to a federal management plan under Title III of Public Law
22 94-265 (16 USC Sections 1851-1869), as amended;

23 (iii) When the covered animal species part or
24 product is a fixed component of an antique that is not made wholly
25 or primarily of the covered animal species part or product,
26 provided that the antique status is established by the owner or
27 seller thereof with documentation evidencing provenance and
28 showing the covered animal species part or product to be not less
29 than one hundred (100) years old, and provided that the total
30 weight of the covered animal species part or product is less than
31 two hundred (200) grams;

32 (iv) When the covered animal species part or
33 product is a fixed component of a musical instrument, including,
34 but not limited to, string instruments and bows, wind and
35 percussion instruments, and pianos, provided that the covered
36 animal species part or product was legally acquired and provided
37 that the total weight of the covered animal species part or
38 product is less than two hundred (200) grams;

39 (v) To the noncommercial transfer of ownership of
40 a covered animal species part or product to a legal beneficiary of
41 an estate, trust or other inheritance;

42 (vi) To the donation of a covered animal species
43 part or product to a bona fide scientific or educational
44 institution for scientific or educational purposes; or



45 (vii) To the possession of a covered animal
46 species part or product by any enrolled member of a federally
47 recognized Indian tribe.

48 (3) There is a presumption of possession with intent to sell
49 a covered animal species part or product when the part or product
50 is possessed by a retail or wholesale establishment or other forum
51 engaged in the business of buying or selling of similar items.
52 This rebuttable presumption shall not preclude a finding of intent
53 to sell based on any other evidence which may serve to
54 independently establish such intent.

55 (4) Any covered animal species part or product subject to
56 seizure by or forfeiture to the Department of Wildlife, Fisheries
57 and Parks shall not be sold by the department.

58 (5) The Commission on Wildlife, Fisheries and Parks may
59 adopt rules necessary for the implementation of subsection (2) of
60 this section, including rules restricting the purchase, sale,
61 offer for sale, or possession with intent to sell, of parts or
62 products of any animal species that so closely resemble in
63 appearance parts or products of a covered animal species that law
64 enforcement personnel would have substantial difficulty in
65 attempting to differentiate between the species.

66 (6) As used in this section, "covered animal species" means
67 any species of:

- 68 (a) Elephant;
- 69 (b) Rhinoceros;



- 70 (c) Whale;
- 71 (d) Tiger;
- 72 (e) Lion;
- 73 (f) Leopard;
- 74 (g) Cheetah;
- 75 (h) Jaguar; and
- 76 (i) Pangolin.

77 (7) Each violation of this section shall be punishable by a
78 civil penalty not to exceed Six Thousand Five Hundred Dollars
79 (\$6,500.00) or an amount equal to two (2) times the total value of
80 the covered animal species part or product that is the subject of
81 the violation, whichever is higher.

82 **SECTION 3.** This act shall take effect and be in force from
83 and after July 1, 2020.

