MISSISSIPPI LEGISLATURE

REPUBLICAN SESSION 2020

By: Senator(s) Jackson (32nd)

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

SENATE BILL NO. 2002

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

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

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

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

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

(b) This section shall not apply:

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

(ii) When the activity is conducted for conservation purposes.

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

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

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

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

(vi) To the donation of a covered animal species part or product to a bona fide scientific or educational institution for scientific or educational purposes; or
(vii) To the possession of a covered animal species part or product by any enrolled member of a federally recognized Indian tribe.

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

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

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

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

(a) Elephant;

(b) Rhinoceros;
(c) Whale;  
(d) Tiger;  
(e) Lion;  
(f) Leopard;  
(g) Cheetah;  
(h) Jaguar; and  
(i) Pangolin.  

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

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