

By: Senator(s) Seymour

To: Ports and Marine
Resources; Judiciary,
Division A

SENATE BILL NO. 2153

1 AN ACT TO AMEND SECTION 49-15-415, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR CONTEMPT OF COURT AND LICENSE REVOCATION FOR
3 FAILURE TO COMPLY WITH A COURT ORDER TO PAY AN ADMINISTRATIVE
4 PENALTY IMPOSED BY THE MISSISSIPPI COMMISSION ON MARINE RESOURCES;
5 TO AMEND SECTION 49-15-401, MISSISSIPPI CODE OF 1972, TO CONFORM;
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 49-15-415, Mississippi Code of 1972, is
9 amended as follows:

10 49-15-415. (1) Any penalty assessed by the commission shall
11 be due and payable within forty-five (45) days of the notification
12 of the decision. All sums of money collected as a result of
13 criminal or civil penalties levied under this article shall be
14 paid into the Seafood Fund created and described in Section
15 49-15-17.

16 (2) If the judgment is not paid within the forty-five (45)
17 days, or within such additional time as the commission may allow,
18 the commission may file suit in the chancery court of the county
19 where the defendant resides or in the case of a nonresident
20 defendant in the Chancery Court of the Second Judicial District of



21 Harrison County or any other court with appropriate jurisdiction
22 to enforce the decision of the commission and recover reasonable
23 attorney's fees and all court costs. Failure to comply with an
24 order of the court to pay the penalty assessed by the commission
25 shall subject the debtor to contempt of court under Section 9-1-17
26 or license revocation by the commission without further
27 administrative hearing procedures, or both.

28 (3) A copy of the notification sent by the commission to the
29 violator shall be sufficient proof as to the judgment of the
30 commission.

31 **SECTION 2.** Section 49-15-401, Mississippi Code of 1972, is
32 amended as follows:

33 49-15-401. It is the purpose of this article to establish an
34 administrative hearing procedure for the Commission on Marine
35 Resources to enforce the rules and regulations of the commission
36 and Sections 49-15-1 through 49-15-321, 49-27-1 through 49-27-71,
37 59-21-111, and such other statutes within the jurisdiction of the
38 Commission on Marine Resources. Unless specifically authorized,
39 the commission shall not seek both administrative and criminal
40 penalties against violators of the statutes referred to herein for
41 the same offense, except as provided in Sections 49-15-63 and
42 49-15-415. The commission will notify the Department of Marine
43 Resources of violations to bring forward for administrative
44 penalty processing.



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

