

Senate Amendments to House Bill No. 1095

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

21 **SECTION 1.** Section 49-4-31, Mississippi Code of 1972, is
22 amended as follows:
23 49-4-31. (1) Upon notification by a duly authorized law
24 enforcement officer of a death or injury that occurred by use of a
25 weapon by any person engaged in hunting, a hunter safety officer
26 of the department shall immediately initiate an investigation of
27 the incident and shall submit a report to the executive director
28 of the department. The executive director shall submit the report
29 to the commission. If the commission determines there is probable
30 cause to believe that the incident occurred as a result of
31 culpable negligence on the part of the person causing the death or
32 injury, the commission shall notify the district attorney of the
33 circuit court district in which the incident occurred. Upon
34 transmission of its recommendation to the appropriate district
35 attorney, the commission shall suspend the hunting and trapping
36 rights of the individual who allegedly caused the injury or death,
37 until the matter has been referred to the grand jury and during

38 any subsequent prosecution, or until the district attorney informs
39 the commission that he or she does not choose to prosecute, or if
40 the grand jury did not return an indictment.

41 (2) A law enforcement officer may request that the person
42 who causes serious bodily injury or death to another person by use
43 of a weapon submit to a chemical test for determining the presence
44 of alcohol or other drugs.

45 (3) Any individual who is convicted of felonious and
46 criminally negligent homicide shall, upon conviction, forfeit his
47 or her right to hunt and trap in the same manner as he or she
48 loses other constitutional rights.

49 (4) Any individual found to be liable for the wrongful death
50 of another as a result of any civil action proceeding out of the
51 findings of the commission shall forfeit his or her right to hunt
52 and trap for a period of ten (10) years from the date of the
53 offense.

54 (5) Any individual found to be liable for negligent harm to
55 another as a result of any civil action proceeding out of the
56 findings of the commission shall forfeit his or her right to hunt
57 and trap for a period of five (5) years from the date of the
58 offense.

59 **SECTION 2.** This act shall take effect and be in force from
60 and after July 1, 2020, and shall stand repealed on June 30, 2020.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 49-4-31, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS SHALL
3 SUSPEND THE HUNTING AND TRAPPING RIGHTS OF AN INDIVIDUAL WHO, BY
4 USE OF A WEAPON WHILE ENGAGING IN HUNTING, CAUSES INJURY OR DEATH
5 TO ANOTHER, UNTIL THE MATTER HAS BEEN REFERRED TO THE GRAND JURY
6 AND DURING ANY SUBSEQUENT PROSECUTION, OR UNTIL THE DISTRICT
7 ATTORNEY INFORMS THE COMMISSION THAT HE OR SHE DOES NOT CHOOSE TO
8 PROSECUTE, OR IF THE GRAND JURY DID NOT RETURN AN INDICTMENT; TO
9 PROVIDE THAT ANY INDIVIDUAL WHO IS CONVICTED OF FELONIOUS AND
10 CRIMINALLY NEGLIGENT HOMICIDE UNDER THIS SECTION SHALL, UPON
11 CONVICTION, FORFEIT HIS OR HER RIGHT TO HUNT AND TRAP; TO PROVIDE
12 THAT ANY INDIVIDUAL FOUND TO BE LIABLE FOR THE WRONGFUL DEATH OF
13 ANOTHER AS A RESULT OF ANY CIVIL ACTION PROCEEDING FROM FINDINGS
14 OF THE COMMISSION SHALL FORFEIT HIS OR HER RIGHT TO HUNT AND TRAP
15 FOR A PERIOD OF TEN YEARS FROM THE DATE OF THE OFFENSE; TO PROVIDE
16 THAT ANY INDIVIDUAL FOUND TO BE LIABLE FOR NEGLIGENT HARM TO
17 ANOTHER AS A RESULT OF ANY CIVIL ACTION PROCEEDING SHALL FORFEIT
18 HIS OR HER RIGHT TO HUNT AND TRAP FOR A PERIOD OF FIVE YEARS FROM
19 THE DATE OF THE OFFENSE; AND FOR RELATED PURPOSES.

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Eugene S. Clarke
Secretary of the Senate