

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1095**

**BY: Committee**

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

27           **SECTION 1.** Section 49-4-31, Mississippi Code of 1972, is  
28 amended as follows:

29           49-4-31. (1) (a) Upon notification by a duly authorized  
30 law enforcement officer of a death or injury that occurred by use  
31 of a weapon by any person engaged in hunting, a hunter safety  
32 officer of the department shall immediately initiate an  
33 investigation of the incident and shall submit a report to the  
34 executive director of the department. The executive director  
35 shall submit the report to the commission. If the commission  
36 determines there is probable cause to believe that the incident



37 occurred as a result of culpable negligence on the part of the  
38 person causing the death or injury, the commission shall notify  
39 the district attorney of the circuit court district in which the  
40 incident occurred. Upon transmission of its recommendation to the  
41 appropriate district attorney, the commission shall suspend the  
42 hunting, trapping, and fishing rights of the individual who  
43 allegedly caused the injury or death, until the matter has been  
44 referred to the grand jury and during any subsequent prosecution,  
45 or until the district attorney informs the commission that he or  
46 she does not choose to prosecute, or if the grand jury did not  
47 return an indictment.

48 (b) If the district attorney does not choose to  
49 prosecute, or if the grand jury does not return an indictment, the  
50 recommendation and findings of the commission, including the  
51 department's investigative file or files, shall, upon written  
52 request, be provided to the victim, his or her heirs, estate,  
53 insurer, or other legal representative, for a possible civil  
54 action, and the rights of the individual who allegedly caused the  
55 injury or death to hunt, trap, and fish shall be restored pending  
56 further action.

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



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

65       (4) Any individual found to be liable for the wrongful death  
66 of another as a result of any civil action proceeding out of the  
67 findings of the commission shall forfeit his or her right to hunt,  
68 trap, and fish for a period of not less than ten (10) years nor  
69 more than twenty (20) years, as determined by the court hearing  
70 the action.

71       (5) Any individual found to be liable for negligent harm to  
72 another as a result of any civil action proceeding out of the  
73 findings of the commission shall forfeit his or her right to hunt,  
74 trap, and fish for a period of not less than five (5) years from  
75 the date of the verdict.

76       **SECTION 2.** This act shall take effect and be in force from  
77 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, TRAPPING, AND FISHING RIGHTS OF AN INDIVIDUAL  
4 WHO, BY USE OF A WEAPON WHILE ENGAGING IN HUNTING, CAUSES INJURY  
5 OR DEATH TO ANOTHER, UNTIL THE MATTER HAS BEEN REFERRED TO THE  
6 GRAND JURY AND DURING ANY SUBSEQUENT PROSECUTION, OR UNTIL THE  
7 DISTRICT ATTORNEY INFORMS THE COMMISSION THAT HE OR SHE DOES NOT  
8 CHOOSE TO PROSECUTE, OR IF THE GRAND JURY DID NOT RETURN AN  
9 INDICTMENT; TO PROVIDE THAT IF THE DISTRICT ATTORNEY DOES NOT  
10 CHOOSE TO PROSECUTE, OR IF THE GRAND JURY DOES NOT RETURN AN



11 INDICTMENT, THE RECOMMENDATION AND FINDINGS OF THE COMMISSION  
12 SHALL, UPON WRITTEN REQUEST, BE PROVIDED TO THE VICTIM, HIS OR HER  
13 HEIRS, ESTATE, INSURER, OR OTHER LEGAL REPRESENTATIVE; TO PROVIDE  
14 THAT ANY INDIVIDUAL WHO IS CONVICTED OF FELONIOUS AND CRIMINALLY  
15 NEGLIGENT HOMICIDE UNDER THIS SECTION SHALL, UPON CONVICTION,  
16 FORFEIT HIS OR HER RIGHT TO HUNT, TRAP, OR FISH; TO PROVIDE THAT  
17 ANY INDIVIDUAL FOUND TO BE LIABLE FOR THE WRONGFUL DEATH OF  
18 ANOTHER AS A RESULT OF ANY CIVIL ACTION PROCEEDING FROM FINDINGS  
19 OF THE COMMISSION SHALL FORFEIT HIS OR HER RIGHT TO HUNT, TRAP,  
20 AND FISH FOR A PERIOD OF NOT LESS THAN TEN YEARS NOR MORE THAN 20  
21 YEARS; TO PROVIDE THAT ANY INDIVIDUAL FOUND TO BE LIABLE FOR  
22 NEGLIGENT HARM TO ANOTHER AS A RESULT OF ANY CIVIL ACTION  
23 PROCEEDING SHALL FORFEIT HIS OR HER RIGHT TO HUNT, TRAP, AND FISH  
24 FOR A PERIOD OF NOT LESS THAN FIVE YEARS FROM THE DATE OF THE  
25 VERDICT; AND FOR RELATED PURPOSES.

