

By: Representative Busby

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 1319

1 AN ACT TO REQUIRE THE COMMISSION ON WILDLIFE, FISHERIES AND
2 PARKS, ACTING THROUGH THE DEPARTMENT OF WILDLIFE, FISHERIES AND
3 PARKS, TO PROMULGATE RULES AND REGULATIONS NEEDED TO PROTECT
4 MISSISSIPPIANS' RIGHT TO HUNT IN THE STATE OF MISSISSIPPI,
5 INCLUDING STILL HUNTING AND HUNTING DEER WITH DOGS; TO PROVIDE
6 THAT THERE SHALL BE NO EXEMPTION FROM THE REQUIREMENT TO ADHERE TO
7 SUCH RULES AND REGULATIONS FOR ANYONE OTHERWISE NOT REQUIRED TO
8 POSSESS A HUNTING LICENSE; TO BRING FORWARD SECTIONS 49-7-1.1 AND
9 49-5-75, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE POWERS AND
10 DUTIES OF THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS, FOR
11 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

12 WHEREAS, Section 49-7-1.1, Mississippi Code of 1972, declares
13 that it is the public policy of the State of Mississippi to
14 protect and preserve hunting, trapping and fishing. It further
15 charges the Commission on Wildlife, Fisheries and Parks, acting
16 through the Department of Wildlife, Fisheries and Parks to
17 regulate those activities accordingly.

18 WHEREAS, Section 12A, Mississippi Constitution of 1890,
19 enshrines the people's right to hunt, fish and harvest wildlife,
20 including by the use of traditional methods.

21 WHEREAS, where those methods come into conflict so as to be
22 mutually exclusive, it shall be incumbent upon the commission,



23 acting through the department, to enact and enforce regulations
24 that protect the rights of all Mississippians under Section 12A,
25 Mississippi Constitution of 1890; NOW THEREFORE,

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

27 **SECTION 1.** (1) The Commission on Wildlife, Fisheries and
28 Parks, acting through the Department of Wildlife, Fisheries and
29 Park, shall promulgate rules and regulations needed to protect
30 Mississippians' right to hunt in the State of Mississippi,
31 including still hunting and hunting deer with dogs, consistent
32 with its powers and duties under the law.

33 (2) There shall be no exemption from the requirement to
34 adhere to these regulations for anyone otherwise not required to
35 possess a hunting license, such as people over the age of
36 sixty-five (65), or under the age of sixteen (16), or landowners
37 hunting on their own land.

38 (3) Any person who violates the provisions of this section
39 is guilty, upon conviction, of a Class II offense, as provided in
40 Section 49-7-143.

41 **SECTION 2.** Section 49-7-1.1, Mississippi Code of 1972, is
42 brought forward as follows:

43 49-7-1.1. Hunting, trapping and fishing are vital parts of
44 the heritage of the State of Mississippi. It shall be the public
45 policy of the State of Mississippi to protect and preserve these
46 activities. The Mississippi Commission on Wildlife, Fisheries and
47 Parks, acting by and through the Mississippi Department of



Wildlife, Fisheries and Parks, may regulate hunting, trapping and fishing activities in the State of Mississippi, consistent with its powers and duties under the law. No court of this state may enjoin, suspend, curtail or abrogate any hunting, trapping or fishing activity which is otherwise lawful under the laws of this state or the regulations of the commission, except upon a showing, by clear and convincing evidence, of an immediate threat to the public health, safety and welfare, or other imminent peril. It is, and shall be, the public policy of this state to promote hunting, trapping and fishing and other outdoor recreational opportunities and to preserve these activities for all generations to come.

SECTION 3. Section 49-5-75, Mississippi Code of 1972, is brought forward as follows:

49-5-75. The commission may make such rules and regulations, inaugurate such studies and surveys and establish such programs as it may deem necessary to carry out the provisions and purposes of Sections 49-5-61 through 49-5-85.

SECTION 4. This act shall take effect and be in force from and after July 1, 2022.

