

By: Senator(s) Seymour, Younger, McCaughn

To: Agriculture; Judiciary,
Division B

SENATE BILL NO. 2071

1 AN ACT TO AMEND SECTIONS 69-33-1 AND 69-33-9, MISSISSIPPI
2 CODE OF 1972, AND TO BRING FORWARD SECTIONS 69-33-3, 69-33-5 AND
3 69-33-7, MISSISSIPPI CODE OF 1972, TO REVISE THE CRIMINAL AND
4 CIVIL PENALTIES FOR VIOLATING THE PROVISIONS OF THE PECAN
5 HARVESTING LAW; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 69-33-1, Mississippi Code of 1972, is
8 amended as follows:

9 69-33-1. For the purpose of this chapter, the following
10 words shall have the following meanings unless the context shall
11 prescribe otherwise:

12 (a) "Owner" means the person, firm or corporation
13 owning the land on which pecan trees are growing or the person,
14 firm or corporation having legal possession of such land.

15 (b) "Harvesting season" means that portion of each
16 calendar year beginning on * * * September 1 and ending * * *
17 January 31.

18 **SECTION 2.** Section 69-33-3, Mississippi Code of 1972, is
19 brought forward as follows:



20 69-33-3. When pecan trees are grown on private property and
21 the branches of such trees extend over a public road, street or
22 highway right-of-way, any pecans falling from any such pecan trees
23 onto such public right-of-way shall be deemed the property of the
24 owner of such pecan trees until the end of the harvesting season,
25 and it shall be unlawful for any person, without the permission of
26 the owner of such trees, to remove such pecans from any such
27 public right-of-way during the harvesting season. It shall be
28 unlawful for any person, without the permission of the owner of
29 such trees, to pick or otherwise remove any pecans from the limbs
30 or branches of pecan trees or to cause pecans to fall from such
31 trees.

32 **SECTION 3.** Section 69-33-5, Mississippi Code of 1972, is
33 brought forward as follows:

34 69-33-5. Any pecans remaining on a public road, street or
35 highway right-of-way during that portion of each calendar year
36 except the harvesting season shall be deemed to be abandoned by
37 the owner of such pecans, and it shall not be unlawful for any
38 person to remove such pecans from such public right-of-way, except
39 during the harvesting season.

40 **SECTION 4.** Section 69-33-7, Mississippi Code of 1972, is
41 brought forward as follows:

42 69-33-7. The provisions of this chapter shall not be
43 construed to prohibit employees of the State Highway Department or
44 the employees of a county or municipality from engaging in normal



45 activities of maintenance on the rights-of-way of public roads,
46 streets or highways. Nor shall the provisions of this chapter be
47 construed to grant the owner of any pecan trees the right to
48 harvest pecans from the rights-of-way of any interstate or other
49 limited access highway.

50 **SECTION 5.** Section 69-33-9, Mississippi Code of 1972, is
51 amended as follows:

52 69-33-9. (1) Any person who shall be found guilty of
53 violating the provisions of this chapter shall be guilty of * * *
54 larceny and subject to the penalties of petty larceny (Section
55 97-17-43, Mississippi Code of 1972), or grand larceny (Section
56 97-17-41, Mississippi Code of 1972).

57 (2) In addition to any such fine or imprisonment that may be
58 imposed for violating the provisions of this chapter, the court
59 shall order restitution to be made to the owner of the severed
60 pecans in United States currency at the current replacement value
61 of the damage or loss.

62 **SECTION 6.** This act shall take effect and be in force from
63 and after July 1, 2022.

