

By: Senator(s) Seymour, DeBar, Younger

To: Wildlife, Fisheries and
Parks; Judiciary, Division B

SENATE BILL NO. 2490

1 AN ACT TO AMEND SECTIONS 49-1-43 AND 49-1-43.1, MISSISSIPPI
2 CODE OF 1972, TO CLARIFY THAT A CONSERVATION OFFICER MUST HAVE
3 PROBABLE CAUSE TO CONDUCT A SEARCH WITHOUT A WARRANT; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 49-1-43, Mississippi Code of 1972, is
7 amended as follows:

8 49-1-43. (1) The director shall have general supervision
9 and control of all conservation officers, and shall enforce all
10 the laws and regulations of the state relating to wild animals,
11 birds and fish, and shall exercise all necessary powers incident
12 thereto not specifically conferred on the department.

13 (2) The director, with the approval of the commission, shall
14 make to the Governor and the Legislature a report covering the
15 operation of the department for the preceding fiscal year.

16 (3) It shall be the duty of all conservation officers to
17 enforce, and to obey and carry out all instructions and directions
18 of the department with respect to the enforcement of the laws and
19 regulations relating to wild animals, birds and fish.



20 (4) The director and each conservation officer shall have
21 power, and it shall be the duty of the director and of each
22 conservation officer:

23 (a) To execute all warrants and search warrants for a
24 violation of the laws and regulations relating to wild animals,
25 birds and fish and to serve subpoenas issued for the examination
26 and investigation or trial of offenses against any of the laws or
27 regulations;

28 (b) To search where the conservation officer has
29 probable cause to believe * * * that animals, birds or fish, or
30 any parts thereof, or the nest or eggs of birds, or spawn or eggs
31 of fish are possessed in violation of law or regulation and in
32 such case to examine, without warrant, the contents of any boat,
33 car, automobile or other vehicle, box, locker, basket, creel,
34 crate, game bag or other package, to ascertain whether any law or
35 regulation for the protection of animals, birds or fish have been
36 or are being violated, and to use such force as may be necessary
37 for the purpose of such examination and inspection;

38 (c) With a search warrant to search and examine the
39 contents of any dwelling house, room, building or premises of any
40 person suspected of violating any law or regulation, to seize all
41 animals, birds or fish, or parts thereof, or nests or eggs of
42 birds taken in violation of law or regulation, or showing evidence
43 of illegal taking and to seize and confiscate all devices
44 illegally used in taking animals, birds or fish;



45 (d) To arrest, without warrant, any person committing
46 or attempting to commit a misdemeanor, felony or a breach of the
47 peace within his presence or view and to pursue and so arrest any
48 person committing an offense in any place in the state where the
49 person may go or be; to aid and assist any peace officer of this
50 state or any other state if requested, in manhunts or natural
51 disasters within the state; and

52 (e) To exercise other powers of peace officers in the
53 enforcement of game laws or regulations or of a judgment for the
54 violation thereof, as are not herein specifically provided.

55 (5) In all cases of arrest without warrant, the person
56 making such arrest must inform the accused of the object and cause
57 of the arrest, except when he is in the actual commission of the
58 offense or is arrested on pursuit.

59 (6) No conservation officer shall compromise or settle out
60 of court any violation of this chapter, or any law or regulation
61 for the protection of wild animals, birds or fish.

62 (7) Nothing in this section shall be construed as granting
63 conservation officers general police powers.

64 (8) Citations issued by a conservation officer for any
65 violation of the laws for the protection of wild animals, birds
66 and fish, the trespass laws, the litter laws, and the boating laws
67 shall be issued on a uniform citation form consisting of an
68 original and at least two (2) copies. Such citation shall show,
69 among other necessary information, the name of the issuing



70 officer, the name of the court in which the cause is to be heard,
71 and the date and time the person charged with a violation is to
72 appear to answer the charge. The uniform citation form shall make
73 a provision on it for information that will constitute a complaint
74 charging the offense for which the citation was issued and, when
75 duly sworn to and filed with a court of competent jurisdiction,
76 prosecution may proceed under that complaint.

77 **SECTION 2.** Section 49-1-43.1, Mississippi Code of 1972, is
78 amended as follows:

79 49-1-43.1. (1) A conservation officer may enter in or upon
80 public or private lands or waters where game or fish are known to
81 range in the performance of his duties to enforce the wildlife
82 laws of the state and the conservation officer shall not be
83 subject to criminal liability for trespass while performing such
84 duties.

85 (2) The provisions of subsection (1) of this section shall
86 not authorize a conservation officer to engage in any conduct in
87 violation of a person's constitutional right against unreasonable
88 searches and seizures nor expand or enlarge upon the powers and
89 duties of a conservation officer as specifically provided for
90 under Section 49-1-43. To enter in or upon private lands or
91 waters, a conservation officer must have probable cause to believe
92 that a violation of the wildlife laws of the state is occurring or
93 has occurred on such private lands or waters.



94 **SECTION 3.** This act shall take effect and be in force from
95 and after July 1, 2022.

