

By: Senator(s) Whaley, Jackson (11th),
England, Hill, Moran, Seymour

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2505

1 AN ACT TO AMEND SECTION 49-7-21, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT AT THE TIME A PERSON IS APPLYING FOR OR RENEWING A
3 HUNTING OR FISHING LICENSE, THE DEPARTMENT OF WILDLIFE, FISHERIES,
4 AND PARKS SHALL ASK THE PERSON IF HE OR SHE WOULD LIKE TO BE A
5 DONOR OF AN ANATOMICAL GIFT; TO REQUIRE THE DEPARTMENT TO COMPLY
6 WITH CERTAIN PROVISIONS; TO REQUIRE THE DONOR REGISTRY TO SEND
7 INFORMATION ABOUT THE PROSPECTIVE DONOR'S DECISION TO THE
8 DESIGNATED PERSON AS REQUESTED; TO AMEND SECTION 41-39-139,
9 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
10 ACT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 49-7-21, Mississippi Code of 1972, is
13 amended as follows:

14 49-7-21. (1) (a) The licenses for hunting, trapping or
15 fishing shall be issued on a form prepared by the executive
16 director and supplied to the bonded agents authorized to issue
17 licenses. The forms shall bear the name and social security
18 number or driver's license number of the applicant. All annual
19 licenses shall be valid for one (1) year after the date of its
20 issuance. The licenses shall be issued in the name of the
21 commission and be countersigned by the bonded agent issuing same.



22 (b) A person may purchase a license from the office of
23 the department without appearing in person.

24 (c) The commission may design, establish, and
25 administer a program to provide for the purchase, by electronic
26 means, of any license, permit, registration or reservation issued
27 by the commission or department.

28 (2) Any person authorized to issue licenses for hunting,
29 trapping or fishing in this state who attempts to issue a license
30 on a form other than one as prescribed by this section, or
31 attempts to prepare a license certificate in any manner other than
32 on the form prescribed by this section, and furnished by the
33 executive director, is guilty of a Class II violation, and shall
34 be punished as provided in Section 49-7-143, Mississippi Code of
35 1972, and the person convicted shall be forever barred from
36 issuing licenses in the State of Mississippi.

37 (3) (a) Any resident or nonresident who hunts, takes or
38 traps any wild animal, bird or fish must possess a valid license
39 issued by the commission, unless specifically exempted under this
40 chapter.

41 (b) A resident who violates this subsection shall be
42 fined Five Hundred Dollars (\$500.00). If at the hearing date or
43 the date of payment of the fine the resident shows proof of the
44 required Mississippi license, the fine shall be reduced to One
45 Hundred Dollars (\$100.00). If the resident shows proof that the
46 required license was purchased before the date of the violation,



47 the case shall be dismissed and all court costs shall be waived
48 against the defendant.

49 (c) In addition to the penalty imposed in paragraph
50 (b), any resident who is not able to show proof of the required
51 Mississippi license, shall be assessed by the court an
52 administrative fee as prescribed under subsection (6) of this
53 section.

54 (4) (a) Any nonresident, who hunts or traps without the
55 required license is guilty of a misdemeanor and, upon conviction
56 thereof, shall be fined in an amount not less than Five Hundred
57 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00)
58 for the first offense and shall forfeit hunting and trapping
59 privileges for a period of one (1) year. For the second offense a
60 nonresident shall be fined in an amount of not less than One
61 Thousand Dollars (\$1,000.00) nor more than One Thousand Five
62 Hundred Dollars (\$1,500.00) or imprisoned in the county jail for
63 not more than thirty (30) days, or both such fine and imprisonment
64 and shall forfeit hunting and trapping privileges for a period of
65 two (2) years. For any third or subsequent offense, a nonresident
66 is guilty of a Class I violation and shall be punished as provided
67 in Section 49-7-141, Mississippi Code of 1972.

68 (b) The nonresident shall also be assessed by the court
69 an administrative fee as prescribed under subsection (6) of this
70 section.



71 (c) Forfeiture of hunting, trapping and fishing
72 privileges may be waived if, at the hearing date or the date of
73 payment of the fine, the nonresident shows proof of the required
74 nonresident hunting or trapping license.

75 (5) Any nonresident who fishes without the required license
76 is guilty of a misdemeanor and, upon conviction, shall be fined in
77 an amount not less than One Hundred Dollars (\$100.00) nor more
78 than Two Hundred Fifty Dollars (\$250.00) for the first offense.
79 For the second or any subsequent offense a nonresident shall be
80 fined in an amount not less than Two Hundred Fifty Dollars
81 (\$250.00) nor more than Five Hundred Dollars (\$500.00) and that
82 nonresident shall also be assessed by the court an administrative
83 fee as prescribed under subsection (6) of this section.

84 (6) In addition to any other fines or penalties imposed
85 under subsection (4) or (5) of this section, the person convicted
86 shall be assessed by the court an administrative fee equal in
87 amount to the cost of the hunting, trapping or fishing license fee
88 that such person unlawfully failed to possess at the time of the
89 violation, the amount of which license fee shall be entered upon
90 the ticket or citation by the charging officer at the time the
91 ticket or citation is issued. The clerk of the court in which the
92 conviction takes place, promptly shall collect all administrative
93 fees imposed under this subsection and deposit them monthly with
94 the State Treasurer, in the same manner and in accordance with the
95 same procedure, as nearly as practicable, as required for the



96 collection, receipt and deposit of state assessments under Section
97 99-19-73. However, all administrative fees collected under the
98 provisions of this subsection shall be credited by the State
99 Treasurer to the account of the Department of Wildlife, Fisheries
100 and Parks, and may be expended by the department upon
101 appropriation by the Legislature.

102 (7) Any person who obtains a license under an assumed name
103 or makes a materially false statement to obtain a license is
104 guilty of a felony and shall be subject to a fine of Two Thousand
105 Dollars (\$2,000.00) or may be imprisoned for a term not to exceed
106 one (1) year, or both.

107 (8) At the time that a person is applying for or renewing
108 his or her license, the department shall ask the person if he or
109 she would like to register as a donor to make an anatomical gift
110 in accordance with Section 41-39-139. If the answer is yes, the
111 department shall inform the prospective donor that his or her
112 decision to be a donor cannot be revoked, changed or contested
113 after his or her death by the donor's next of kin or by any other
114 person, and shall ask the person if he or she desires information
115 about the person's decision to be a donor to be sent to another
116 person or persons. If the answer is yes, the department shall
117 obtain the name and mailing address of the person or persons
118 designated by the prospective donor, and the donor registry shall
119 send the information about the prospective donor's decision to the
120 designated person or persons as requested.



121 **SECTION 2.** Section 41-39-139, Mississippi Code of 1972, is
122 amended as follows:

123 41-39-139. (a) The Mississippi Department of Public Safety
124 may establish or contract for the establishment of a donor
125 registry.

126 (b) The Mississippi Department of Public Safety shall
127 cooperate with a person that administers any donor registry that
128 this state establishes, contracts for, or recognizes for the
129 purpose of transferring to the donor registry all relevant
130 information regarding a donor's making, amendment to, or
131 revocation of an anatomical gift.

132 (c) A donor registry must:

133 (1) Allow a donor or other person authorized under
134 Section 41-39-107 to include on the donor registry a statement or
135 symbol that the donor has made, amended, or revoked an anatomical
136 gift;

137 (2) Be accessible to a procurement organization to
138 allow it to obtain relevant information on the donor registry to
139 determine, at or near death of the donor or a prospective donor,
140 whether the donor or prospective donor has made, amended, or
141 revoked an anatomical gift; and

142 (3) Be accessible for purposes of paragraphs (1) and
143 (2) seven (7) days a week on a twenty-four-hour basis.

144 (d) Except as otherwise provided in subsection (f),
145 personally identifiable information on a donor registry about a



146 donor or prospective donor may not be used or disclosed without
147 the express consent of the donor, prospective donor, or person
148 that made the anatomical gift for any purpose other than to
149 determine, at or near death of the donor or prospective donor,
150 whether the donor or prospective donor has made, amended, or
151 revoked an anatomical gift.

152 (e) This section does not prohibit any person from creating
153 or maintaining a donor registry that is not established by or
154 under contract with the state. Any such registry must comply with
155 subsections (c) and (d).

156 (f) At the time that a person is renewing his or her
157 driver's license, the Department of Public Safety shall ask the
158 person if he or she would like to be a donor. If the answer is
159 yes, the department shall inform the prospective donor that his or
160 her decision to be a donor cannot be revoked, changed or contested
161 after his or her death by the donor's next of kin or by any other
162 person, and shall ask the person if he or she desires information
163 about the person's decision to be a donor to be sent to another
164 person or persons. If the answer is yes, the department shall
165 obtain the name and mailing address of the person or persons
166 designated by the prospective donor, and the donor registry shall
167 send the information about the prospective donor's decision to the
168 designated person or persons as requested.



169 (g) The Department of Wildlife, Fisheries and Parks may also
170 participate in the donor registry in accordance with this section
171 and Section 49-7-21.

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

