

By: Representative Kinkade

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 979

1 AN ACT TO AMEND SECTION 49-7-95, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT A PERSON WHO HUNTS, TAKES OR KILLS ANY ANIMAL DURING
3 LEGAL HUNTING HOURS, AND SUBSEQUENTLY SEARCHES FOR AND/OR RECOVERS
4 SUCH MORTALLY WOUNDED ANIMAL WITH THE AID OF A LIGHT OR LIGHTING
5 DEVICE, IS NOT IN VIOLATION OF THIS SECTION; TO BRING FORWARD
6 SECTIONS 49-7-27 AND 49-7-141, MISSISSIPPI CODE OF 1972, FOR
7 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 49-7-95, Mississippi Code of 1972, is
10 amended as follows:

11 49-7-95. (1) (a) Except as otherwise provided in this
12 section, any person who hunts or takes or kills any deer at night
13 by headlighting, by any lighting device or light amplifying device
14 shall, upon conviction thereof, be guilty of a Class I violation
15 and shall be punished as provided in Section 49-7-141.

16 (b) For any person to be charged with a violation of
17 this subsection, that person must have been observed committing an
18 overt act consistent with the hunting of deer at night with the
19 aid of a light, lighting device or light amplifying device. Such
20 observation of an overt act may include, but shall not be limited



21 to, witnessing the discharge of a weapon capable of killing a
22 deer, hearing the report of a firearm being fired, seeing the
23 person in possession of a recently killed deer which could not
24 have been killed during legal hunting hours, or witnessing the
25 person committing any acts consistent with headlighting deer in
26 violation of this subsection.

27 (c) A person who hunts, takes or kills any animal
28 during legal hunting hours, and subsequently searches for and/or
29 recovers such mortally wounded animal with the aid of a light or
30 lighting device, is not in violation of this section.

31 (2) (a) Violators of subsection (1), twenty-one (21) years
32 old or older, upon conviction, shall also forfeit all hunting,
33 trapping and fishing privileges for a period of not less than
34 three (3) consecutive years from the date of conviction and shall
35 attend such courses prescribed by the commission. A violator
36 shall pay a reinstatement fee of Five Hundred Dollars (\$500.00) to
37 have his privileges restored.

38 (b) A person twenty-one (21) years old, or older,
39 convicted of a first violation of subsection (1) may petition the
40 commission to have his privileges restored after one (1) year from
41 the date of his conviction. The commission may prescribe
42 conditions on the restoration of privileges for a first-time
43 offender, and the first-time offender shall pay a reinstatement
44 fee of Five Hundred Dollars (\$500.00).



45 (c) A violator of subsection (1) under the age of
46 twenty-one (21), upon conviction, shall forfeit all hunting,
47 trapping and fishing privileges for one (1) year from the date of
48 conviction, and shall attend courses prescribed by the commission.
49 A violator under the age of twenty-one (21) may petition the
50 commission to have his privileges restored after he has paid his
51 penalty. The violator shall pay a reinstatement fee of Two
52 Hundred Fifty Dollars (\$250.00) to have his privileges restored.

53 (d) A person under the age of twenty-one (21) convicted
54 of a second or subsequent violation of subsection (1) shall
55 forfeit all hunting, trapping and fishing privileges for a period
56 of not less than three (3) consecutive years from the date of
57 conviction and shall attend courses prescribed by the commission.
58 The person shall pay a reinstatement fee of Five Hundred Dollars
59 (\$500.00) to have his privileges restored.

60 (e) A person who is appealing from a violation of
61 subsection (1) shall have his hunting privileges suspended or
62 revoked as provided in Section 49-7-27.

63 (3) This section shall not apply to any deer killed in an
64 accident with any motor vehicle.

65 (4) Anyone found guilty of violating this section who shoots
66 or kills any livestock shall be punished as provided in Section
67 97-41-15, in addition to the penalties provided in this section.

68 (5) It shall be unlawful for a person to shine a light from
69 a public road or right-of-way, or on the property of another, at



70 night, from one-half (1/2) hour after sunset to one-half (1/2)
71 hour before sunrise. This section shall not apply: (a) to the
72 normal use of headlights of a vehicle traveling on a public road
73 or right-of-way; (b) to law enforcement, emergency or utility
74 personnel in the performance of their official duties; (c) to
75 landowners, agricultural or hunting leaseholders or their
76 designated agents with written authorization from the landowner or
77 agricultural leaseholder, and upon lands owned or leased by the
78 landowner, leaseholder or agent; (d) to persons lawfully hunting,
79 fishing or trapping; or (e) a landowner, agricultural leaseholder
80 or a designated agent in the act of searching for or retrieving
81 escaped livestock or pets. Any person convicted under this
82 provision shall be guilty of harassment of wildlife and shall be
83 punished by a fine of not less than One Hundred Dollars (\$100.00)
84 nor more than Five Hundred Dollars (\$500.00) or by imprisonment in
85 the county jail for not less than sixty (60) days nor more than
86 six (6) months, or by both such fine and imprisonment.

87 **SECTION 2.** Section 49-7-27, Mississippi Code of 1972, is
88 brought forward as follows:

89 49-7-27. (1) The commission may revoke any hunting,
90 trapping, or fishing privileges, license or deny any person the
91 right to secure such license if the person has been convicted of
92 the violation of any of the provisions of this chapter or any
93 regulation thereunder. The revocation of the privilege, license
94 or refusal to grant license shall be for a period of one (1) year.



95 However, before the revocation of the privilege or license shall
96 become effective, the executive director shall send by registered
97 mail notice to the person or licensee, who shall have the right to
98 a hearing or representation before the commission at the next
99 regular meeting or a special meeting. The notice shall set out
100 fully the ground or complaint upon which revocation of, or refusal
101 to grant, the privilege or license is sought.

102 (2) Any person who is convicted for a second time during any
103 period of twelve (12) consecutive months for violation of any of
104 the laws with respect to game, fish or nongame fish or animals
105 shall forfeit his privilege and any license or licenses issued to
106 him by the commission and the commission shall not issue the
107 person any license for a period of one (1) year from the date of
108 forfeiture.

109 (3) Failure of any person to surrender his license or
110 licenses upon demand made by the commission or by its
111 representatives at the direction of the commission shall be a
112 misdemeanor and shall be punishable as such.

113 (4) Any violator whose privilege or license has been
114 revoked, who shall, during the period of revocation, be
115 apprehended for hunting or fishing, shall have imposed upon him a
116 mandatory jail term of not less than thirty (30) days nor more
117 than six (6) months.

118 (5) The commission is authorized to suspend any license
119 issued to any person under this chapter for being out of



120 compliance with an order for support, as defined in Section
121 93-11-153. The procedure for suspension of a license for being
122 out of compliance with an order for support, and the procedure for
123 the reissuance or reinstatement of a license suspended for that
124 purpose, and the payment of any fees for the reissuance or
125 reinstatement of a license suspended for that purpose, shall be
126 governed by Section 93-11-157 or 93-11-163, as the case may be.
127 If there is any conflict between any provision of Section
128 93-11-157 or 93-11-163 and any provision of this chapter, the
129 provisions of Section 93-11-157 or 93-11-163, as the case may be,
130 shall control.

131 (6) If a person is found guilty or pleads guilty or nolo
132 contendere to a violation of Section 49-7-95, and then appeals,
133 the commission shall suspend or revoke the hunting privileges of
134 that person pending the determination of his appeal.

135 (7) (a) If a person does not comply with a summons or a
136 citation or does not pay a fine, fee or assessment for violating a
137 wildlife law or regulation, the commission shall revoke the
138 fishing, hunting, or trapping privileges of that person. When a
139 person does not comply or fails to pay, the clerk of the court
140 shall notify the person in writing by first class mail that if the
141 person does not comply or pay within ten (10) days from the date
142 of mailing, the court will notify the commission and the
143 commission will revoke the fishing, hunting or trapping privileges
144 of that person. The cost of notice may be added to other court



145 costs. If the person does not comply or pay as required, the
146 court clerk shall immediately mail a copy of the court record and
147 a copy of the notice to the commission. After receiving notice
148 from the court, the commission shall revoke the fishing, hunting
149 or trapping privileges of that person.

150 (b) A person whose fishing, hunting or trapping
151 privileges have been revoked under this subsection shall remain
152 revoked until the person can show proof that all obligations of
153 the court have been met.

154 (c) A person shall pay a Twenty-five Dollar (\$25.00)
155 fee to have his privileges reinstated. The fee shall be paid to
156 the department.

157 **SECTION 3.** Section 49-7-141, Mississippi Code of 1972, is
158 brought forward as follows:

159 49-7-141. (1) Any person who has been convicted of a Class
160 I violation shall be fined not less than Two Thousand Dollars
161 (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00) and
162 shall be imprisoned in the county jail for five (5) days. The
163 person shall also forfeit all hunting, trapping and fishing
164 privileges for a period of not less than twelve (12) consecutive
165 months from the date of conviction.

166 (2) In addition to the penalty provided in subsection (1) of
167 this section, any person convicted of a violation of Section
168 49-7-51 or 49-7-53, Mississippi Code of 1972, may, in the
169 discretion of the court, be fined One Hundred Dollars (\$100.00)



170 for each game animal, game bird or game fish, or part thereof,
171 bought, sold, offered for sale, exchanged for merchandise or other
172 consideration, received for shipment, shipped, transported,
173 carried or possessed with the intent to ship, transport or carry.

174 **SECTION 4.** This act shall take effect and be in force from
175 and after July 1, 2023.

