

By: Representative Kinkade

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 979
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-7-95, MISSISSIPPI CODE OF 1972, TO
2 ADD FORWARD-LOOKING INFRARED (FLIR) AND THERMAL IMAGING DEVICES TO
3 THE PROHIBITED MEANS OF TAKING GAME AT NIGHT; TO PROVIDE THAT A
4 PERSON WHO HUNTS, TAKES OR KILLS ANY ANIMAL DURING LEGAL HUNTING
5 HOURS, AND SUBSEQUENTLY SEARCHES FOR AND/OR RECOVERS SUCH MORTALLY
6 WOUNDED ANIMAL WITH THE AID OF A LIGHT OR LIGHTING DEVICE, IS NOT
7 IN VIOLATION OF THIS SECTION; TO CLARIFY THE REQUIREMENTS FOR THE
8 USE OF TRACKING DOGS FOR THE RETRIEVAL OF WHITE-TAILED DEER SHOT
9 AND WOUNDED DURING LEGAL HUNTING HOURS; AND FOR RELATED PURPOSES.

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

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

13 49-7-95. (1) (a) Except as otherwise provided in this
14 section, any person who hunts or takes or kills any deer at night
15 by headlighting, by any lighting device * * *, light amplifying
16 device, "forward-looking infrared (FLIR)" or thermal imaging
17 device, shall, upon conviction thereof, be guilty of a Class I
18 violation and shall be punished as provided in Section 49-7-141.

19 (b) For any person to be charged with a violation of
20 this subsection, that person must have been observed committing an
21 overt act consistent with the hunting of deer at night with the



22 aid of a light, lighting device * * *, light amplifying device,
23 "forward-looking infrared (FLIR)" or thermal imaging device. Such
24 observation of an overt act may include, but shall not be limited
25 to, witnessing the discharge of a weapon capable of killing a
26 deer, hearing the report of a firearm being fired, seeing the
27 person in possession of a recently killed deer which could not
28 have been killed during legal hunting hours, or witnessing the
29 person committing any acts consistent with headlighting deer in
30 violation of this subsection.

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

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

42 (b) A person twenty-one (21) years old, or older,
43 convicted of a first violation of subsection (1) may petition the
44 commission to have his privileges restored after one (1) year from
45 the date of his conviction. The commission may prescribe
46 conditions on the restoration of privileges for a first-time



47 offender, and the first-time offender shall pay a reinstatement
48 fee of Five Hundred Dollars (\$500.00).

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

57 (d) A person under the age of twenty-one (21) convicted
58 of a second or subsequent violation of subsection (1) shall
59 forfeit all hunting, trapping and fishing privileges for a period
60 of not less than three (3) consecutive years from the date of
61 conviction and shall attend courses prescribed by the commission.
62 The person shall pay a reinstatement fee of Five Hundred Dollars
63 (\$500.00) to have his privileges restored.

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

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

69 (4) Anyone found guilty of violating this section who shoots
70 or kills any livestock shall be punished as provided in Section
71 97-41-15, in addition to the penalties provided in this section.



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

91 (6) It shall not be unlawful for any licensed or exempt
92 hunter or tracker to track or pursue a deer that was lawfully shot
93 and wounded during legal hunting hours, into the night after legal
94 hunting hours, and to dispatch the deer if the deer is found and
95 is still alive. A licensed or exempt hunter or tracker tracking
96 or pursuing a wounded white-tailed deer into the nighttime hours



97 may use reasonable means to assist the pursuit, including, but not
98 limited to, lights and blood-trailing/tracking dogs. If
99 tracking/blood-trailing dogs are used, no more than two (2) dogs
100 may be used. If the animal being tracked is discovered to still
101 be alive, but wounded, the hunter or tracker may dispatch the
102 animal by using a handgun with a barrel no longer than six (6)
103 inches and chambered in a caliber no larger than .45 caliber. For
104 the purposes of this section, a "licensed hunter" or "licensed
105 tracker" shall mean a hunter or tracker with the proper license
106 for hunting white-tailed deer.

107 Nothing in this subsection shall be construed as allowing any
108 individual to trespass upon the lands of another while in pursuit
109 of an injured or wounded white-tailed deer animal.

110 **SECTION 2.** This act shall take effect and be in force from
111 and after July 1, 2023.

