

By: Representative Gunn

To: Judiciary A

HOUSE BILL NO. 1490

1 AN ACT TO AMEND SECTION 49-7-27, MISSISSIPPI CODE OF 1972, TO  
 2 REQUIRE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO SUSPEND  
 3 THE LICENSE OF ANY PERSON WHO HAS NOT PAID CHILD SUPPORT; TO AMEND  
 4 SECTION 93-11-155, MISSISSIPPI CODE OF 1972, TO ALLOW ANY PARTY TO  
 5 SUBMIT PROOF OF ARREARAGE FOR CHILD SUPPORT; TO BRING FORWARD  
 6 SECTIONS 93-11-157 AND 93-11-163, MISSISSIPPI CODE OF 1972, WHICH  
 7 PROVIDE THE PROCEDURE FOR NOTIFICATION OF LICENSEES WHO HAVE NOT  
 8 PAID CHILD SUPPORT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 49-7-27, Mississippi Code of 1972, is  
 11 amended as follows:

12 49-7-27. (1) The commission may revoke any hunting,  
 13 trapping, or fishing privileges, license or deny any person the  
 14 right to secure such license if the person has been convicted of  
 15 the violation of any of the provisions of this chapter or any  
 16 regulation thereunder. The revocation of the privilege, license  
 17 or refusal to grant license shall be for a period of one (1) year.  
 18 However, before the revocation of the privilege or license shall  
 19 become effective, the executive director shall send by registered  
 20 mail notice to the person or licensee, who shall have the right to  
 21 a hearing or representation before the commission at the next



22 regular meeting or a special meeting. The notice shall set out  
23 fully the ground or complaint upon which revocation of, or refusal  
24 to grant, the privilege or license is sought.

25 (2) Any person who is convicted for a second time during any  
26 period of twelve (12) consecutive months for violation of any of  
27 the laws with respect to game, fish or nongame fish or animals  
28 shall forfeit his privilege and any license or licenses issued to  
29 him by the commission and the commission shall not issue the  
30 person any license for a period of one (1) year from the date of  
31 forfeiture.

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

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

41 (5) The commission \* \* \* shall suspend any license issued to  
42 any person under this chapter for being out of compliance with an  
43 order for support, as defined in Section 93-11-153. The procedure  
44 for suspension of a license for being out of compliance with an  
45 order for support, and the procedure for the reissuance or  
46 reinstatement of a license suspended for that purpose, and the



47 payment of any fees for the reissuance or reinstatement of a  
48 license suspended for that purpose, shall be governed by Section  
49 93-11-157 or 93-11-163, as the case may be. If there is any  
50 conflict between any provision of Section 93-11-157 or 93-11-163  
51 and any provision of this chapter, the provisions of Section  
52 93-11-157 or 93-11-163, as the case may be, shall control.

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

57 (7) (a) If a person does not comply with a summons or a  
58 citation or does not pay a fine, fee or assessment for violating a  
59 wildlife law or regulation, the commission shall revoke the  
60 fishing, hunting, or trapping privileges of that person. When a  
61 person does not comply or fails to pay, the clerk of the court  
62 shall notify the person in writing by first class mail that if the  
63 person does not comply or pay within ten (10) days from the date  
64 of mailing, the court will notify the commission and the  
65 commission will revoke the fishing, hunting or trapping privileges  
66 of that person. The cost of notice may be added to other court  
67 costs. If the person does not comply or pay as required, the  
68 court clerk shall immediately mail a copy of the court record and  
69 a copy of the notice to the commission. After receiving notice  
70 from the court, the commission shall revoke the fishing, hunting  
71 or trapping privileges of that person.



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

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

79 **SECTION 2.** Section 93-11-155, Mississippi Code of 1972, is  
80 amended as follows:

81 93-11-155. (1) In the manner and form prescribed by the  
82 division, all licensing entities shall provide to the division, on  
83 at least a quarterly basis, information on licensees for use in  
84 the establishment, enforcement and collection of child support  
85 obligations including, but not limited to: name, address, social  
86 security number, sex, date of birth, employer's name and address,  
87 type of license, effective date of the license, expiration date of  
88 the license, and active or inactive license status. Whenever  
89 technologically feasible, the department and licensing entities  
90 shall seek to reach agreements to provide the information required  
91 by this section by way of electronic data media, including, but  
92 not limited to, on-line access and records on magnetic/optical  
93 disk or tape. In lieu of providing the licensing information to  
94 the division as outlined above and in the discretion of the  
95 licensing entity, the division shall provide the identity of the  
96 individual who is delinquent in support payments to the licensing



97 entity who will then match that information with their records and  
98 provide the division with all necessary information for those  
99 individuals licensed by that entity.

100 (2) Any \* \* \* party to whom support is due either with or  
101 without the assistance of a licensed attorney, may submit to the  
102 division the name and record of accounting showing an arrearage of  
103 an individual who is out of compliance with an order for support  
104 which is not being enforced by the division under Title IV-D, and  
105 the division shall submit the name of such individual to the  
106 licensing entities who will match the name with their records in  
107 the same manner as provided in subsection (1) to provide the party  
108 or his or her attorney with necessary information regarding  
109 licensees. The party or attorney applying for such information  
110 shall pay a fee not to exceed Twenty-five Dollars (\$25.00) for  
111 such service.

112 **SECTION 3.** Section 93-11-157, Mississippi Code of 1972, is  
113 brought forward as follows:

114 93-11-157. (1) The division shall review the information  
115 received under Section 93-11-155 and any other information  
116 available to the division, and shall determine if a licensee is  
117 out of compliance with an order for support. If a licensee is out  
118 of compliance with the order for support, the division shall  
119 notify the licensee by first class mail that ninety (90) days  
120 after the licensee receives the notice of being out of compliance  
121 with the order, the licensing entity will be notified to



122 immediately suspend the licensee's license unless the licensee  
123 pays the arrearage owing, according to the accounting records of  
124 the Mississippi Department of Human Services or the attorney  
125 representing the party to whom support is due, as the case may be,  
126 or enters into a stipulated agreement and agreed judgment  
127 establishing a schedule for the payment of the arrearage. The  
128 licensee shall be presumed to have received the notice five (5)  
129 days after it is deposited in the mail.

130 (2) Upon receiving the notice provided in subsection (1) of  
131 this section the licensee may:

132 (a) Request a review with the division; however, the  
133 issues the licensee may raise at the review are limited to whether  
134 the licensee is the person required to pay under the order for  
135 support and whether the licensee is out of compliance with the  
136 order for support; or

137 (b) Request to participate in negotiations with the  
138 division for the purpose of establishing a payment schedule for  
139 the arrearage.

140 (3) The division director or the designees of the division  
141 director may and, upon request of a licensee, shall negotiate with  
142 a licensee to establish a payment schedule for the arrearage.  
143 Payments made under the payment schedule shall be in addition to  
144 the licensee's ongoing obligation under the latest entered  
145 periodic order for support.



146           (4) Should the division and the licensee reach an agreement  
147 on a payment schedule for the arrearage, the division director may  
148 submit to the court a stipulated agreement and agreed judgment  
149 containing the payment schedule which, upon the court's approval,  
150 is enforceable as any order of the court. If the court does not  
151 approve the stipulated agreement and agreed judgment, the court  
152 may require a hearing on a case-by-case basis for the judicial  
153 review of the payment schedule agreement.

154           (5) If the licensee and the division do not reach an  
155 agreement on a payment schedule for the arrearage, the licensee  
156 may move the court to establish a payment schedule. However, this  
157 action does not stay the license suspension.

158           (6) The notice given to a licensee that the licensee's  
159 license will be suspended in ninety (90) days must clearly state  
160 the remedies and procedures that are available to a licensee under  
161 this section.

162           (7) If at the end of the ninety (90) days the licensee has  
163 an arrearage according to the accounting records of the  
164 Mississippi Department of Human Services or the attorney  
165 representing the party to whom support is due, as the case may be,  
166 and the licensee has not entered into a stipulated agreement and  
167 agreed judgment establishing a payment schedule for the arrearage,  
168 the division shall immediately notify all applicable licensing  
169 entities in writing to suspend the licensee's license, and the  
170 licensing entities shall immediately suspend the license and shall



171 within three (3) business days notify the licensee and the  
172 licensee's employer, where known, of the license suspension and  
173 the date of such suspension by certified mail return receipt  
174 requested. Within forty-eight (48) hours of receipt of a request  
175 in writing delivered personally, by mail or by electronic means,  
176 the department shall furnish to the licensee, licensee's attorney  
177 or other authorized representative a copy of the department's  
178 accounting records of the licensee's payment history. A licensing  
179 entity shall immediately reinstate the suspended license upon the  
180 division's notification of the licensing entities in writing that  
181 the licensee no longer has an arrearage or that the licensee has  
182 entered into a stipulated agreement and agreed judgment.

183 (8) Within thirty (30) days after a licensing entity  
184 suspends the licensee's license at the direction of the division  
185 under subsection (7) of this section, the licensee may appeal the  
186 license suspension to the chancery court of the county in which  
187 the licensee resides or to the Chancery Court of the First  
188 Judicial District of Hinds County, Mississippi, upon giving bond  
189 with sufficient sureties in the amount of Two Hundred Dollars  
190 (\$200.00), approved by the clerk of the chancery court and  
191 conditioned to pay any costs that may be adjudged against the  
192 licensee. Notice of appeal shall be filed in the office of the  
193 clerk of the chancery court. If there is an appeal, the appeal  
194 may, in the discretion of and on motion to the chancery court, act  
195 as a supersedeas of the license suspension. The department shall





196 be the appellee in the appeal, and the licensing entity shall not  
197 be a party in the appeal. The chancery court shall dispose of the  
198 appeal and enter its decision within thirty (30) days of the  
199 filing of the appeal. The hearing on the appeal may, in the  
200 discretion of the chancellor, be tried in vacation. The decision  
201 of the chancery court may be appealed to the Supreme Court in the  
202 manner provided by the rules of the Supreme Court. In the  
203 discretion of and on motion to the chancery court, no person shall  
204 be allowed to practice any business, occupation or profession or  
205 take any other action under the authority of any license the  
206 suspension of which has been affirmed by the chancery court while  
207 an appeal to the Supreme Court from the decision of the chancery  
208 court is pending.

209 (9) If a licensee who has entered a stipulated agreement and  
210 agreed judgment for the payment of an arrearage under this section  
211 subsequently is out of compliance with an order for support, the  
212 division shall immediately notify the licensing entity to suspend  
213 the licensee's license, and the licensing entity shall immediately  
214 suspend the license without a hearing and shall within three (3)  
215 business days notify the licensee in writing of the license  
216 suspension. In the case of a license suspension under the  
217 provisions of this subsection, the procedures provided for under  
218 subsections (1) and (2) of this section are not required; however,  
219 the appeal provisions of subsection (8) of this section still  
220 apply. After suspension of the license, if the licensee



221 subsequently enters into a stipulated agreement and agreed  
222 judgment or the licensee otherwise informs the division of  
223 compliance with the order for support, the division shall within  
224 seven (7) days notify in writing the licensing entity that the  
225 licensee is in compliance. Upon receipt of that notice from the  
226 division, a licensing entity shall immediately reinstate the  
227 license of the licensee and shall within three (3) business days  
228 notify the licensee of the reinstatement.

229 (10) Nothing in this section prohibits a licensee from  
230 filing a motion for the modification of an order for support or  
231 for any other applicable relief. However, no such action shall  
232 stay the license suspension procedure, except as may be allowed  
233 under subsection (8) of this section.

234 (11) If a license is suspended under the provisions of this  
235 section, the licensing entity is not required to refund any fees  
236 paid by a licensee in connection with obtaining or renewing a  
237 license.

238 (12) The requirement of a licensing entity to suspend a  
239 license under this section does not affect the power of the  
240 licensing entity to deny, suspend, revoke or terminate a license  
241 for any other reason.

242 (13) The procedure for suspension of a license for being out  
243 of compliance with an order for support, and the procedure for the  
244 reissuance or reinstatement of a license suspended for that  
245 purpose, shall be governed by this section and not by the general



246 licensing and disciplinary provisions applicable to a licensing  
247 entity. Actions taken by a licensing entity in suspending a  
248 license when required by this section are not actions from which  
249 an appeal may be taken under the general licensing and  
250 disciplinary provisions applicable to the licensing entity. Any  
251 appeal of a license suspension that is required by this section  
252 shall be taken in accordance with the appeal procedure specified  
253 in subsection (8) of this section rather than any procedure  
254 specified in the general licensing and disciplinary provisions  
255 applicable to the licensing entity. If there is any conflict  
256 between any provision of this section and any provision of the  
257 general licensing and disciplinary provisions applicable to a  
258 licensing entity, the provisions of this section shall control.

259 (14) No license shall be suspended under this section until  
260 ninety (90) days after July 1, 1996. This ninety-day period shall  
261 be a one-time amnesty period in which any person who may be  
262 subject to license suspension under this article may comply with  
263 an order of support in order to avoid the suspension of any  
264 license.

265 (15) Any individual who fails to comply with a subpoena or  
266 warrant relating to paternity or child support proceedings after  
267 receiving appropriate notice may be subject to suspension or  
268 withholding of issuance of a license under this section.

269 **SECTION 4.** Section 93-11-163, Mississippi Code of 1972, is  
270 brought forward as follows:



271 93-11-163. In addition to the procedures in Section  
272 93-11-157, the court may, upon a finding that a defendant is  
273 delinquent for being out of compliance with an order for support,  
274 order the licensing entity as defined in Section 93-11-153(a) to  
275 suspend the license of the defendant. In its discretion, the  
276 court may stay such an order for a reasonable time to allow the  
277 defendant to purge himself of the delinquency. If a license is  
278 suspended under this section, the court may also order the  
279 licensing entity to reinstate the license when it is satisfied  
280 that the defendant has purged himself of the delinquency.  
281 Licensing entities shall treat a suspension under this section the  
282 same as a suspension under Section 93-11-157. Defendants whose  
283 license is suspended under this section shall be subject to any  
284 administrative fees established for reinstatement under Section  
285 93-11-159.

286 **SECTION 5.** This act shall take effect and be in force from  
287 and after July 1, 2023.

