

House Amendments to Senate Bill No. 2523

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

8 **SECTION 1.** Section 69-33-1, Mississippi Code of 1972, is
9 amended as follows:

10 69-33-1. For the purpose of this chapter, the following
11 words shall have the following meanings unless the context shall
12 prescribe otherwise:

13 (a) "Owner" means the person, firm or corporation
14 owning the land on which pecan trees are growing or the person,
15 firm or corporation having legal possession of such land.

16 (b) "Harvesting season" means that portion of each
17 calendar year beginning on * * * September 1 and ending * * *
18 January 31.

19 **SECTION 2.** Section 69-33-3, Mississippi Code of 1972, is
20 amended as follows:

21 69-33-3. When pecan trees are grown on private property and
22 the branches of such trees extend over a public road, street or
23 highway right-of-way, any pecans falling from any such pecan trees
24 onto such public right-of-way shall be deemed the property of the

25 owner of such pecan trees until the end of the harvesting season,
26 and it shall be unlawful for any person, without the permission of
27 the owner of such trees, to remove such pecans from any such
28 public right-of-way during the harvesting season. It shall be
29 unlawful for any person, without the permission of the owner of
30 such trees, to pick or otherwise remove any pecans from the limbs
31 or branches of pecan trees or to cause pecans to fall from such
32 trees. Any person found to be in violation of this section shall
33 be guilty of a misdemeanor, and upon conviction shall be fined an
34 amount not exceeding One Hundred Dollars (\$100.00) or be
35 imprisoned for a period not to exceed thirty (30) days in jail, or
36 both such fine and imprisonment.

37 **SECTION 3.** Section 69-33-5, Mississippi Code of 1972, is
38 brought forward as follows:

39 69-33-5. Any pecans remaining on a public road, street or
40 highway right-of-way during that portion of each calendar year
41 except the harvesting season shall be deemed to be abandoned by
42 the owner of such pecans, and it shall not be unlawful for any
43 person to remove such pecans from such public right-of-way, except
44 during the harvesting season.

45 **SECTION 4.** Section 69-33-7, Mississippi Code of 1972, is
46 brought forward as follows:

47 69-33-7. The provisions of this chapter shall not be
48 construed to prohibit employees of the State Highway Department or
49 the employees of a county or municipality from engaging in normal
50 activities of maintenance on the rights-of-way of public roads,

51 streets or highways. Nor shall the provisions of this chapter be
52 construed to grant the owner of any pecan trees the right to
53 harvest pecans from the rights-of-way of any interstate or other
54 limited access highway.

55 **SECTION 5.** Section 69-33-9, Mississippi Code of 1972, is
56 amended as follows:

57 69-33-9. (1) Any person who ,without the owner's
58 permission, enters upon the private property of an owner of lands
59 upon which pecan trees are growing for the purpose of removing
60 pecans from the premises thereof, whether from the grounds or
61 within any facility thereon where the pecans are stored, for his
62 or her own financial benefit which causes financial detriment and
63 other damages or hardships to the owner of the pecan trees, shall
64 be found guilty of violating the provisions of this chapter shall
65 be guilty of * * * larceny and subject to the penalties of petit
66 larceny as prescribed in Section 97-17-43, or grand larceny, as
67 prescribed in Section 97-17-41.

68 (2) In addition to any such fine or imprisonment that may be
69 imposed for violating the provisions of this chapter, the court
70 shall order restitution to be made to the owner of the severed
71 pecans in United States currency at the current replacement value
72 of the damage or loss. Whether the felonious crime is prosecuted
73 as petit larceny or grand larceny shall be determined by the
74 amount of the pecan's fair market value at the time the theft of
75 the pecans occurred.

76 **SECTION 6.** This act shall take effect and be in force from
77 and after July 1, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 69-33-1, 639-33-3 AND 69-33-9,
2 MISSISSIPPI CODE OF 1972, TO REVISE THE CRIMINAL AND CIVIL
3 PENALTIES FOR VIOLATING THE PROVISIONS OF THE PECAN HARVESTING
4 LAW; TO BRING FORWARD SECTIONS 69-33-5 AND 69-33-7, MISSISSIPPI
5 CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR
6 RELATED PURPOSES.

HR31\SB2523PH.J

Andrew Ketchings
Clerk of the House of Representatives