

By: Representative Calvert

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1208

1 AN ACT TO AMEND SECTION 49-7-79, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE LAW PROHIBITING HUNTING ON LANDS OF OTHERS; TO PROVIDE
3 PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTION 97-17-85,
4 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
5 ACT; TO BRING FORWARD SECTIONS 49-5-19, 97-17-87, 97-17-93,
6 97-17-97, MISSISSIPPI CODE OF 1972, WHICH RELATE TO WARNING
7 NOTICES, WILLFUL OR MALICIOUS TRESPASS, ENTRY WITHOUT PERMISSION
8 AND TRESPASS AFTER WARNING, FOR PURPOSES OF POSSIBLE AMENDMENT;
9 AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 49-7-79, Mississippi Code of 1972, is
12 amended as follows:

13 49-7-79. (a) It shall be unlawful for any person to
14 knowingly enter the lands of another without the permission of, or
15 without being accompanied by, the landowner or the lessee of the
16 land, or the agent of such landowner or lessee, to hunt, fish,
17 shoot, or trap * * * on the lands or leases of another * * *.

18 (b) Any person convicted of subsection (a) of this
19 section shall be guilty of a misdemeanor, and upon conviction,
20 shall be punished for the first offense by a fine of not less than
21 Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars



22 (\$1,000.00). Upon conviction of any person for a second or
23 subsequent offense, with the offenses being committed within five
24 (5) years of the last offense, such person shall be punished by a
25 fine of not less than One Thousand Dollars (\$1,000.00), nor more
26 than One Thousand Five Hundred Dollars (\$1,500.00).

27 (c) Any person convicted of a second or subsequent
28 offense of subsection (a) of this section, the offenses being
29 committed within a five (5) year period, shall also forfeit all
30 hunting, trapping, and fishing privileges for a period of one (1)
31 year. Such person shall pay a reinstatement fee of Five Hundred
32 Dollars (\$500.00) to have his or her privileges restored.

33 (d) Any animal, bird, fish, or parts thereof, that have
34 been unlawfully taken or possessed in violation of subsection
35 (1)(a) of this section shall be seized by a law enforcement
36 officer and disposed of by the department, or under its direction.

37 (e) In addition to any other fine or penalty, a person
38 convicted of subsection (a) of this section shall be assessed an
39 administrative fee of not less than One Hundred Dollars (\$100.00),
40 nor more than Two Hundred Fifty Dollars (\$250.00), for each
41 animal, bird, fish, or parts thereof, taken or possessed in
42 violation of this section.

43 (f) The clerk of the court shall collect and deposit
44 the administrative fees with the State Treasurer, in the same
45 manner and in accordance with the same procedure, as nearly as



46 practicable, as required for the collection and deposit of state
47 assessments under Section 99-19-73.

48 (g) The administrative fee shall be credited to the
49 Department of Wildlife, Fisheries and Parks, and may be expended
50 by the department upon appropriation by the Legislature.

51 **SECTION 2.** Section 97-17-85, Mississippi Code of 1972, is
52 amended as follows:

53 97-17-85. Except as otherwise provided in Sections 73-13-103
54 and 49-7-79, if any person shall go upon the enclosed land of
55 another without his consent, after having been notified by such
56 person or his agent not to do so, either personally or by
57 published or posted notice, or shall remain on such land after a
58 request by such person or his agent to depart, he shall, upon
59 conviction, be fined not more than Fifty Dollars (\$50.00) for such
60 offense. The provisions of this section shall apply to land not
61 enclosed where the stock law is in force.

62 **SECTION 3.** Section 49-5-19, Mississippi Code of 1972, is
63 brought forward as follows:

64 49-5-19. Notices or sign boards not less than one (1) foot
65 square, warning all persons against hunting, trapping, or fishing,
66 or trespassing thereon for that purpose, shall be conspicuously
67 posted by the executive director, or under his direction, close to
68 and along the entire boundary of any refuge, sanctuary, rest
69 ground, lake or stream, or portion thereof, closed to hunting or



70 fishing by order of the commission, in such number as the
71 executive director may deem necessary.

72 No order of the commission closing any area to hunting,
73 trapping or fishing shall become effective until such order has
74 been published in the manner required by Section 49-1-45 and copy
75 of the order, certified by the secretary of the commission, shall
76 be filed in the office of the sheriff of the county or counties in
77 which such closed area is located.

78 No person shall take or destroy any animal, bird, or fish, or
79 bird's nest or egg, or eggs or spawn of fish in any refuge,
80 sanctuary, rest ground, or other area closed to hunting, trapping
81 or fishing by order of the commission, but it shall be lawful for
82 a duly accredited employee of the state or of the federal
83 government to take predatory animals or birds on any such closed
84 area.

85 **SECTION 4.** Section 97-17-87, Mississippi Code of 1972, is
86 brought forward as follows:

87 97-17-87. (1) Any person who shall be guilty of a willful
88 or malicious trespass upon the real or personal property of
89 another, for which no other penalty is prescribed, shall, upon
90 conviction, be fined not exceeding Five Hundred Dollars (\$500.00),
91 or imprisoned not longer than six (6) months in the county jail,
92 or both.

93 (2) (a) Any person who shall willfully trespass upon any
94 air operations area or sterile area of an airport serving the



95 general public shall be guilty of a misdemeanor and, upon
96 conviction, shall be fined not more than One Thousand Dollars
97 (\$1,000.00) or imprisoned in the county jail for up to one (1)
98 year, or both.

99 (b) For the purposes of this subsection (2), "air
100 operations area" means a portion of an airport designed and used
101 for landing, taking off, or surface maneuvering of airplanes;
102 "sterile area" means an area to which access is controlled by the
103 inspection of persons and property in accordance with an approved
104 security program.

105 **SECTION 5.** Section 97-17-93, Mississippi Code of 1972, is
106 brought forward as follows:

107 97-17-93. (1) Any person who knowingly enters the lands of
108 another without the permission of or without being accompanied by
109 the landowner or the lessee of the land, or the agent of such
110 landowner or lessee, shall be guilty of a misdemeanor and, upon
111 conviction, shall be punished for the first offense by a fine of
112 Two Hundred Fifty Dollars (\$250.00). Upon conviction of any
113 person for a second or subsequent offense, the offenses being
114 committed within five (5) years of the last offense, such person
115 shall be punished by a fine of Five Hundred Dollars (\$500.00), and
116 may be imprisoned in the county jail for a period of not less than
117 ten (10) nor more than thirty (30) days, or by both such fine and
118 imprisonment. This section shall not apply to the landowner's or
119 lessee's family, guests, or agents, to a surveyor as provided in



120 Section 73-13-103, or to persons entering upon such lands for
121 lawful business purposes.

122 (2) (a) It shall be the duty of sheriffs, deputy sheriffs,
123 constables and conservation officers to enforce this section.

124 (b) Such officers shall enforce this section by issuing
125 a citation to those charged with trespassing under this section.

126 (3) The provisions of this section are supplementary to the
127 provisions of any other statute of this state.

128 (4) A prosecution under the provisions of this section shall
129 be dismissed upon the request of the landowner, lessee of the land
130 or agent of such landowner or lessee, as the case may be.

131 **SECTION 6.** Section 97-17-97, Mississippi Code of 1972, is
132 brought forward as follows:

133 97-17-97. (1) Except as otherwise provided in Section
134 73-13-103, if any person or persons shall without authority of law
135 go into or upon or remain in or upon any building, premises or
136 land of another, including the premises of any public housing
137 authority after having been banned from returning to the premises
138 of the housing authority, whether an individual, a corporation,
139 partnership, or association, or any part, portion or area thereof,
140 after having been forbidden to do so, either orally or in writing
141 including any sign hereinafter mentioned, by any owner, or lessee,
142 or custodian, or other authorized person, or by the administrators
143 of a public housing authority regardless of whether or not having
144 been invited onto the premises of the housing authority by a



145 tenant, or after having been forbidden to do so by such sign or
146 signs posted on, or in such building, premises or land, or part,
147 or portion, or area thereof, at a place or places where such sign
148 or signs may be reasonably seen, such person or persons shall be
149 guilty of a misdemeanor, and upon conviction thereof shall be
150 punished by a fine of not more than Five Hundred Dollars (\$500.00)
151 or by confinement in the county jail not exceeding six (6) months,
152 or by both such fine and imprisonment.

153 (2) The provisions of this section are supplementary to the
154 provisions of any other statute of this state.

155 **SECTION 7.** This act shall take effect and be in force from
156 and after July 1, 2024.

