

By: Representatives Kinkade, Hale

To: Wildlife, Fisheries and
Parks; Judiciary A

HOUSE BILL NO. 1462

1 AN ACT TO AMEND SECTION 49-7-79, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE REQUIREMENT FOR THE PAYMENT OF RESTITUTION FOR
3 THE TAKING OF ANIMALS BY MEANS OF HUNTING, FISHING, SHOOTING OR
4 TRAPPING UPON THE LAND OF ANOTHER WITHOUT PERMISSION OF THE
5 LANDOWNER SHALL NOT APPLY TO WHITETAIL DEER TAKEN UPON SUCH LANDS;
6 TO PROVIDE PRIVATE LANDOWNERS WITH A CAUSE FOR CIVIL REMEDY FOR
7 DAMAGES INFLICTED UPON HIS OR HER PROPERTY AS A RESULT OF THE
8 UNLAWFUL ENTRY; AND FOR RELATED PURPOSES.

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

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

12 49-7-79. (1) It shall be unlawful for any person to
13 knowingly enter the lands of another without the permission of, or
14 without being accompanied by, the landowner or the lessee of the
15 land, or the agent of such landowner or lessee, to hunt, fish,
16 shoot * * * or trap on the lands or leases of another.

17 (2) Any person convicted of violating subsection (1) of this
18 section shall be guilty of a misdemeanor, and upon conviction,
19 shall be punished for the first offense by a fine of not less than
20 Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars
21 (\$1,000.00). Upon conviction of any person for a second or



subsequent offense, with the offenses being committed within five (5) years of the last offense, such person shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00), nor more than One Thousand Five Hundred Dollars (\$1,500.00).

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

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

(5) (a) In addition to any fine or penalty assessed due to a violation of this section, a person convicted of violating subsection (1) of this section shall also pay restitution to the landowner of not less than One Hundred Dollars (\$100.00), nor more than Two Hundred Fifty Dollars (\$250.00), for each animal, bird, fish, or parts thereof, taken or possessed in violation of this section. The total amount of restitution authorized by this paragraph shall be paid to the landowner; and shall not exceed an aggregate total of One Thousand Five Hundred Dollars (\$1,500.00) regardless of the number of animals unlawfully taken or possessed in violation of this section.



47 (b) The provisions of this subsection requiring the
48 payment of restitution to private landowner shall not apply to any
49 whitetail deer taken upon the land of another. Such landowner
50 shall have a cause for civil remedies for any damages inflicted
51 upon the his or her property as a result of the unlawful entry,
52 which shall be considered a criminal trespass.

53 **SECTION 2.** This act shall take effect and be in force from
54 and after July 1, 2025.

