

## **Senate Amendments to House Bill No. 1637**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE 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:**

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

9       49-7-79. (1) It shall be unlawful for any person to  
10 knowingly enter the lands of another without the permission of, or  
11 without being accompanied by, the landowner or the lessee of the  
12 land, or the agent of such landowner or lessee, to hunt, fish,  
13 shoot, or trap on the lands or leases of another.

14       (2) Any person convicted of violating subsection (1) of this  
15 section shall be guilty of a misdemeanor, and upon conviction,  
16 shall be punished for the first offense by a fine of not less than  
17 Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars  
18 (\$1,000.00). Upon conviction of any person for a second or  
19 subsequent offense, with the offenses being committed within five  
20 (5) years of the last offense, such person shall be punished by a  
21 fine of not less than One Thousand Dollars (\$1,000.00), nor more  
22 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) 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 \* \* \* who unlawfully takes or possesses any fish caught from a private lake, private pond or other private waterbody shall make restitution to the landowner owning the private pond or other private waterbody in the amount of One Hundred Dollars (\$100.00) for each fish taken or possessed in violation of this section. The total amount of restitution authorized by this paragraph shall be paid to the landowner \* \* \*.

(6) (a) In addition to any other fine or penalty assessed due to a violation of this section, a person convicted of violating subsection (1) of this section who unlawfully takes or possesses any wild animal, wild bird or parts of a wild animal or wild bird shall be required to make restitution by paying an assessment of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), for each wild animal or

49 wild bird or parts of a wild animal or wild bird taken or  
50 possessed in violation of this section. The total amount of this  
51 assessment may not exceed an aggregate total of Two Thousand  
52 Dollars (\$2,000.00) regardless of the number of wild animals or  
53 wild birds or parts of wild animals or wild birds unlawfully taken  
54 or possessed in violation of this section.

55 (b) The clerk of the court shall collect and deposit  
56 the assessments collected pursuant to this subsection with the  
57 State Treasurer in the same manner and in accordance with the same  
58 procedures, as nearly as practicable, as required for the  
59 collection and deposit of other state assessments under Section  
60 99-19-73.

61 (c) The restitution assessment collected pursuant to  
62 this subsection must be credited to the Department of Wildlife,  
63 Fisheries and Parks and deposited in the Fisheries and Wildlife  
64 Fund created in Section 49-5-21 for the purposes of wildlife and  
65 sport fish restoration.

66 (d) Restitution assessment monies collected pursuant to  
67 this subsection may be expended by the department upon  
68 appropriation by the Legislature.

69 **SECTION 2.** This act shall take effect and be in force from  
70 and after its passage.

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

1 AN ACT TO AMEND SECTION 49-7-79, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE AMOUNT OF RESTITUTION PAYABLE TO A LANDOWNER BY A

3 PERSON CONVICTED OF FISHING ON ANOTHER'S LAND AND TO REQUIRE THE  
4 PAYMENT OF AN ASSESSMENT FOR THE TAKING OF WILD ANIMALS AND BIRDS  
5 ON ANOTHER'S LAND; AND FOR RELATED PURPOSES.

SS26\HB1637A.J

Amanda White  
Secretary of the Senate