

By: Senator(s) Posey

To: Wildlife and
Fisheries

SENATE BILL NO. 2717

1 AN ACT TO AMEND SECTION 49-7-21, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT PERSONS CONVICTED OF HUNTING, TRAPPING OR FISHING
3 WITHOUT A VALID LICENSE, IN ADDITION TO ANY OTHER FINES OR
4 PENALTIES THAT MAY BE IMPOSED, SHALL BE ASSESSED AN ADMINISTRATIVE
5 FEE EQUAL IN AMOUNT TO THE LICENSE FEE THAT SUCH PERSON UNLAWFULLY
6 FAILED TO POSSESS AT THE TIME OF THE VIOLATION; TO PROVIDE THAT
7 SUCH ADMINISTRATIVE FEES SHALL BE COLLECTED BY THE CLERK OF THE
8 COURT IN WHICH THE PERSON IS CONVICTED AND PAID MONTHLY TO THE
9 STATE TREASURER AND CREDITED TO THE ACCOUNT OF THE DEPARTMENT OF
10 WILDLIFE, FISHERIES AND PARKS FOR EXPENDITURE BY THE DEPARTMENT
11 UPON APPROPRIATION BY THE LEGISLATURE; TO DELETE THE REQUIREMENT
12 FOR FORFEITURE OF THE HUNTING, TRAPPING AND FISHING PRIVILEGES OF
13 PERSONS CONVICTED OF HUNTING, TRAPPING OR FISHING WITHOUT A
14 LICENSE; TO BRING FORWARD SECTION 49-7-27, MISSISSIPPI CODE OF
15 1972, FOR THE PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

17 SECTION 1. Section 49-7-21, Mississippi Code of 1972, is
18 amended as follows:

19 49-7-21. (1) (a) The licenses for hunting, trapping or
20 fishing shall be issued on a form prepared by the executive
21 director and supplied to the bonded agents authorized to issue
22 licenses. The forms shall bear the name and Social Security
23 number or driver's license number of the applicant. All licenses
24 shall be valid from the date of its issuance to June 30 following
25 its date. The license shall be countersigned by the licensee in
26 the presence of the agent authorized to issue the same. The
27 licenses shall be issued in the name of the commission and be
28 countersigned by the bonded agent issuing same. The application
29 for a license under this chapter shall be subscribed and sworn to
30 by the applicant before an officer authorized to administer oaths
31 in this state, and for this purpose the members of the commission,
32 the executive director, sheriffs, conservation officers and bonded

agents are hereby authorized to administer oaths, but no charge shall be made by any officer employed by the commission or sheriff for the administration of the oath.

(b) A person may purchase a license from the office of the department without appearing in person.

(2) Any person authorized to issue licenses for hunting, trapping or fishing in this state who attempts to issue a license on a form other than one as prescribed by this section, or attempts to prepare a license certificate in any manner other than on the form prescribed by this section, and furnished by the executive director, is guilty of a Class II violation, and shall be punished as provided in Section 49-7-143, Mississippi Code of 1972, and the person convicted shall be forever barred from issuing licenses in the State of Mississippi.

(3) Any resident or nonresident who hunts, takes or traps any wild animal, bird or fish must possess a valid license issued by the commission, unless specifically exempted under this chapter.

(4) Any nonresident, who hunts or traps without the required license is guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for the first offense. The nonresident shall also be assessed by the court an administrative fee as prescribed under subsection (6) of this section. For the second or any subsequent offense a nonresident shall be fined in an amount of not less than One Thousand Dollars (\$1,000.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00) or imprisoned in the county jail for not more than thirty (30) days, or both such fine and imprisonment. The nonresident shall also be assessed by the court an administrative fee as prescribed under subsection (6) of this section.

(5) Any nonresident who fishes without the required license is guilty of a misdemeanor and upon conviction shall be fined in an amount not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for the first offense. For the second or any subsequent offense a nonresident shall be

70 fined in an amount not less than Two Hundred Fifty Dollars
71 (\$250.00) nor more than Five Hundred Dollars (\$500.00) and that
72 nonresident shall also be assessed by the court an administrative
73 fee as prescribed under subsection (6) of this section.

74 (6) In addition to any other fines or penalties imposed
75 under subsection (4) or (5) of this section, any person convicted
76 for a violation of subsection (3) of this section shall be
77 assessed by the court an administrative fee equal in amount to the
78 cost of the hunting, trapping or fishing license fee that such
79 person unlawfully failed to possess at the time of the violation,
80 the amount of which license fee shall be entered upon the ticket
81 or citation by the charging officer at the time the ticket or
82 citation is issued. The clerk of the court in which conviction
83 for a violation of subsection (3) of this section takes place,
84 promptly shall collect all administrative fees imposed under this
85 subsection and deposit them monthly with the State Treasurer, in
86 the same manner and in accordance with the same procedure, as
87 nearly as practicable, as required for the collection, receipt and
88 deposit of state assessments under Section 99-19-73. However, all
89 administrative fees collected under the provisions of this
90 subsection shall be credited by the State Treasurer to the account
91 of the Department of Wildlife, Fisheries and Parks, and may be
92 expended by the department upon appropriation by the Legislature.

93 (7) Any person who obtains a license under an assumed name
94 or makes a materially false statement to obtain a license is
95 guilty of a felony and shall be subject to a fine of Two Thousand
96 Dollars (\$2,000.00) or may be imprisoned for a term not to exceed
97 one (1) year or both.

98
99 SECTION 2. Section 49-7-27, Mississippi Code of 1972, is
100 brought forward as follows:

101 49-7-27. The commission may revoke any hunting, trapping, or
102 fishing privileges, license or deny any person the right to secure

such license if the person has been convicted of the violation of any of the provisions of this chapter or any regulation thereunder. The revocation of the privilege, license or refusal to grant license shall be for a period of one (1) year. However, before the revocation of the privilege or license shall become effective, the executive director shall send by registered mail notice to the person or licensee, who shall have the right to a hearing or representation before the commission at the next regular meeting or a special meeting, the notice shall set out fully the ground or complaint upon which revocation of, or refusal to grant, the privilege or license is sought.

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

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

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

In addition to the reasons specified in this section and other provisions of this chapter, the commission shall be authorized to suspend any license issued to any person under this chapter for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license

136 suspended for that purpose, and the payment of any fees for the
137 reissuance or reinstatement of a license suspended for that
138 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
139 the case may be. If there is any conflict between any provision
140 of Section 93-11-157 or 93-11-163 and any provision of this
141 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
142 case may be, shall control.

143 SECTION 3. This act shall take effect and be in force from
144 and after July 1, 1999.