

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1080**

**By Senator(s) Committee**

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

7

8        SECTION 1. Section 49-15-64, Mississippi Code of 1972, is  
9 amended as follows:

10        49-15-64. Any operator, firm or corporation engaged in  
11 commercial shrimping during the closed season shall be guilty of a  
12 misdemeanor and, upon conviction, shall be punished by a fine of  
13 not less than Two Thousand Dollars (\$2,000.00) nor more than Five  
14 Thousand Dollars (\$5,000.00).

15        Upon an arrest for a violation of this section, catch and  
16 nets may be confiscated. Any catch may be sold by the law  
17 enforcement agency making the arrest at the average wholesale  
18 price being paid for shrimp. The monies derived from the sale  
19 shall be held in escrow pending disposition of the charge. If a  
20 conviction is obtained, the monies held in escrow shall be  
21 forfeited. The monies so forfeited shall be paid to the  
22 department, to be paid into the seafood fund. If the operator,  
23 firm or corporation is acquitted of the charge or if the charge is  
24 dismissed, then the monies obtained from the sale shall be paid to  
25 the proper operator, firm or corporation. Forfeiture of  
26 confiscated nets and paraphernalia shall be instituted under  
27 Sections 49-7-251 through 49-7-257. If the person in possession

28of or using the nets in the violation is not the owner or licensee  
29of the nets, the department shall notify the owner or licensee of  
30the nets. The nets shall be subject to forfeiture unless the nets  
31were stolen and prosecution for the theft is initiated.

32 The commission may issue special permits for the purpose of  
33catching shrimp prior to the official opening of shrimp season, to  
34those nonprofit organizations that are tax exempt under Section  
35501(c) of the United States Internal Revenue Code and which have  
36on file with the State Tax Commission a tax exemption letter  
37issued by the United States Internal Revenue Service. However,  
38until January 1, 1992, the requirement that a nonprofit  
39organization have on file with the State Tax Commission a tax  
40exemption letter issued by the United States Internal Revenue  
41Service shall be considered as having been met if the organization  
42has actually made application for such exemption and has on file  
43with the State Tax Commission a copy of its application.

44 The commission shall promulgate rules and regulations  
45governing the taking of shrimp by the nonprofit organization and  
46shall issue such regulations to all organizations upon request and  
47at the issuance of the special permit.

48 SECTION 2. This act shall take effect and be in force from  
49and after July 1, 2000.

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

1 AN ACT TO AMEND SECTION 49-15-64, MISSISSIPPI CODE OF 1972,  
2TO INCREASE FINES FOR ENGAGING IN COMMERCIAL SHRIMPING DURING THE  
3CLOSED SEASON; AND FOR RELATED PURPOSES.