

By: Senator(s) Hewes

To: Ports and Marine Resources

SENATE BILL NO. 2591

1 AN ACT TO AMEND SECTION 49-15-63, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE PENALTIES FOR COMMERCIAL HARVESTING OF SALTWATER
3 SPECIES IN THE ESTUARIES, BAYS AND BAYOUS; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 49-15-63, Mississippi Code of 1972, is
7 amended as follows:

8 49-15-63. (1) (a) Any person, firm or corporation
9 violating any of the provisions of this chapter or any ordinance
10 duly adopted by the commission, unless otherwise specifically
11 provided for herein, shall, on conviction, be fined not less than
12 One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars
13 (\$500.00), for the first offense, unless the first offense is
14 committed during a closed season, in which case the fine shall be
15 not less than Five Hundred Dollars (\$500.00), nor more than One
16 Thousand Dollars (\$1,000.00); and not less than Five Hundred
17 Dollars (\$500.00), nor more than One Thousand Dollars (\$1,000.00),
18 for the second offense when such offense is committed within a
19 period of three (3) years from the first offense; and not less
20 than Two Thousand Dollars (\$2,000.00) nor more than Four Thousand
21 Dollars (\$4,000.00), or imprisonment in the county jail for a
22 period not exceeding thirty (30) days for any third or subsequent
23 offense when such offense is committed within a period of three
24 (3) years from the first offense.

25 (b) In addition, upon conviction of such third or
26 subsequent offense, it shall be the duty of the court to revoke
27 the license of the convicted party and of the boat or vessel used
28 in such offense, and no further license shall be issued to such



29 person and for said boat to engage in catching or taking of any
30 seafood from the waters of the State of Mississippi for a period
31 of one (1) year following such conviction. Forfeiture of any
32 equipment or nets used in a second or subsequent offense may be
33 instituted pursuant to Sections 49-7-251 through 49-7-257. If the
34 person in possession of or using the nets in the violation is not
35 the owner or licensee of the nets, the department shall notify the
36 owner or licensee of the nets. The nets shall be subject to
37 forfeiture unless the nets were stolen and prosecution for the
38 theft is initiated. Equipment as used in this section shall not
39 mean boats or vessels.

40 (c) Any person convicted and sentenced under this
41 section for a second or subsequent offense shall not be considered
42 for suspension or other reduction of sentence.

43 (d) Any person who violates any provision of this
44 chapter or any ordinance related to the commercial harvesting of
45 seafood in the estuaries, bays and bayous shall be fined as
46 provided in Section 49-15-100.

47 (e) Except as provided under subsection (5) of Section
48 49-15-45, any fines collected under this section shall be paid
49 into the Seafood Fund.

50 (2) For any violation of this chapter, the individual
51 registered as the captain of a freight boat, ice boat or catching
52 boat used in catching or transporting of saltwater shrimp shall be
53 subject to the penalties provided in this chapter, if that
54 individual is aboard the vessel. If that individual is not aboard
55 the vessel, the individual designated as the substitute captain in
56 accordance with Section 49-15-64.5 shall be subject to the
57 penalties provided in this chapter. If no individual is
58 designated under Section 49-15-64.5, the person, firm or
59 corporation owning the vessel shall be subject to the penalties
60 provided for boat captains.



61 (3) All citations issued to boat operators for not
62 possessing the boat's registration card shall be dismissed, along
63 with all related court costs, upon the presentment of the boat's
64 proper registration card to the court or magistrate holding the
65 trial or hearing.

66 **SECTION 2.** This act shall take effect and be in force from
67 and after July 1, 2002.

