

By: Senator(s) Posey

To: Wildlife and Fisheries

SENATE BILL NO. 2891  
(As Sent to Governor)

1 AN ACT TO AMEND 49-5-115, MISSISSIPPI CODE OF 1972, TO  
2 CONFORM THE PENALTIES FOR VIOLATING STATE ENDANGERED SPECIES LAWS;  
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 49-5-115, Mississippi Code of 1972, is  
6 amended as follows:

7 49-5-115. (a) Any person who violates the provisions of  
8 subsection (c) of Section 49-5-107, or any regulations issued  
9 under Section 49-5-107 or whoever fails to procure or violates the  
10 terms of any permit issued thereunder shall be guilty of a Class I  
11 violation and punished as provided in Section 49-7-141.

12 (b) Any person who violates the provisions of subsection (c)  
13 of Section 49-5-109, or any regulations issued pursuant thereto or  
14 whoever fails to procure or violates the terms of any permit  
15 issued under subsections (d) and (e) of Section 49-5-111 is guilty  
16 of a Class I violation and is punishable as provided under Section  
17 49-7-141.

18 (c) All law enforcement and management officers of the  
19 commission and other law enforcement officers authorized to  
20 enforce the laws of the State of Mississippi are authorized to  
21 carry out the provisions of Sections 49-5-101 through 49-5-119.  
22 Any officer or agent may, without warrant, arrest any person who  
23 the officer or agent has probable cause to believe is violating,  
24 in his presence or view, any section, regulation or permit  
25 provided for by Sections 49-5-101 through 49-5-119. An officer or  
26 agent who has made an arrest of a person for any such violation  
27 may search the person or business records at the time of arrest



28 and seize any wildlife, records, or property taken, or used in  
29 connection with the violation.

30 (d) Equipment, merchandise, wildlife, or records seized  
31 under subsection (c) of this section shall be held by an officer  
32 or agent of the commission pending disposition of court  
33 proceedings, and may be forfeited to the state for destruction or  
34 disposition as the commission may deem appropriate. Prior to  
35 forfeiture, the commission may direct the transfer of wildlife so  
36 seized to a qualified zoological, educational, or scientific  
37 institution for safekeeping, costs thereof to be assessable to the  
38 defendant. The commission is authorized to issue regulations to  
39 implement this subsection.

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

