

By: Representative Bailey

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 31

1 AN ACT TO AMEND SECTION 49-7-21, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT FRESHWATER FISHING LICENSES SHALL BE VALID FOR A
3 PERIOD OF TWELVE MONTHS FROM THE DATE OF ISSUANCE; AND FOR RELATED
4 PURPOSES.

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

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

8 49-7-21. (1) (a) The licenses for hunting, trapping or
9 fishing shall be issued on a form prepared by the executive
10 director and supplied to the bonded agents authorized to issue
11 licenses. The forms shall bear the name and social security
12 number or driver's license number of the applicant. All licenses,
13 except the freshwater fishing license, shall be valid from the
14 date of its issuance to June 30 following its date. Freshwater
15 fishing licenses shall be valid for a period of twelve (12) months
16 from the date of issuance. The licenses shall be issued in the
17 name of the commission and be countersigned by the bonded agent
18 issuing same. The application for a license under this chapter
19 shall be subscribed and sworn to by the applicant before an
20 officer authorized to administer oaths in this state, and for this
21 purpose the members of the commission, the executive director,
22 sheriffs, conservation officers and bonded agents are hereby
23 authorized to administer oaths, but no charge shall be made by any
24 officer employed by the commission or sheriff for the
25 administration of the oath.

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

28 (c) The commission may design, establish, and
29 administer a program to provide for the purchase, by electronic
30 means, of any license, permit, registration or reservation issued
31 by the commission or department.

32 (2) Any person authorized to issue licenses for hunting,
33 trapping or fishing in this state who attempts to issue a license
34 on a form other than one as prescribed by this section, or
35 attempts to prepare a license certificate in any manner other than
36 on the form prescribed by this section, and furnished by the
37 executive director, is guilty of a Class II violation, and shall
38 be punished as provided in Section 49-7-143, Mississippi Code of
39 1972, and the person convicted shall be forever barred from
40 issuing licenses in the State of Mississippi.

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

45 (4) Any nonresident, who hunts or traps without the required
46 license is guilty of a misdemeanor and upon conviction thereof
47 shall be fined in an amount not less than Five Hundred Dollars
48 (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for the
49 first offense and shall forfeit hunting and trapping privileges
50 for a period of one (1) year. The nonresident shall also be
51 assessed by the court an administrative fee as prescribed under
52 subsection (6) of this section. For the second or any subsequent
53 offense a nonresident shall be fined in an amount of not less than
54 One Thousand Dollars (\$1,000.00) nor more than One Thousand Five
55 Hundred Dollars (\$1,500.00) or imprisoned in the county jail for
56 not more than thirty (30) days, or both such fine and imprisonment
57 and shall forfeit hunting and trapping privileges for a period of
58 two (2) years. The nonresident shall also be assessed by the
59 court an administrative fee as prescribed under subsection (6) of
60 this section.

61 (5) Any nonresident who fishes without the required license
62 is guilty of a misdemeanor and upon conviction shall be fined in
63 an amount not less than One Hundred Dollars (\$100.00) nor more
64 than Two Hundred Fifty Dollars (\$250.00) for the first offense.
65 For the second or any subsequent offense a nonresident shall be
66 fined in an amount not less than Two Hundred Fifty Dollars
67 (\$250.00) nor more than Five Hundred Dollars (\$500.00) and that
68 nonresident shall also be assessed by the court an administrative
69 fee as prescribed under subsection (6) of this section.

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

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

94 **SECTION 2.** This act shall take effect and be in force from
95 and after July 1, 2004.