

By: Senator(s) Posey

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2794

1 AN ACT TO AMEND SECTION 49-5-115, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT AN OFFICER MAY HOLD WILDLIFE SEIZED UNDER STATE
3 ENDANGERED SPECIES LAW; 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 * * * or records seized under
31 subsection (c) of this section shall be held, and wildlife seized
32 under subsection (c) of this section may be held, by an officer or
33 agent of the commission pending disposition of court proceedings,
34 and may be forfeited to the state for destruction or disposition
35 as the commission may deem appropriate. Prior to forfeiture, the
36 commission may direct the transfer of wildlife so seized to a
37 qualified zoological, educational, or scientific institution for
38 safekeeping, costs thereof to be assessable to the defendant. The
39 commission is authorized to issue regulations to implement this
40 subsection.

41 **SECTION 2.** This act shall take effect and be in force from
42 and after its passage.