

By: Representative Frierson

To: Marine Resources

HOUSE BILL NO. 1286

1 AN ACT TO AMEND SECTION 49-15-39, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE SPECIFIC PENALTIES FOR VIOLATING DREDGING LIMITS OF
3 OYSTERS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 49-15-39, Mississippi Code of 1972, is
6 amended as follows:

7 49-15-39. (1) It is unlawful for any person to catch or
8 take oysters by means of dredging in any of the waters designated
9 as tonging reefs by the commission.

10 (2) The commission shall designate certain areas as tonging
11 reefs. The commission shall mark the boundaries of the areas
12 designated by appropriate poles, stakes or buoys of material that
13 will not injure watercraft. The commission may authorize the
14 taking of oysters on reefs designated as tonging reefs by dredge,
15 drag or scoop if the commission finds that the dredging, dragging
16 or scooping is necessary to manage the resource properly. Any
17 dredging, dragging or scooping authorized under this section shall
18 be for a specific time period as provided by the commission.

19 (3) Unless otherwise authorized under this section, any boat
20 or vessel which catches or takes oysters by means of dredges,
21 drags or scoops, other than hand tongs, from any of the areas
22 described in this section, or with a dredge or dredges in the
23 water, shall have all oysters on board the boat or vessel declared
24 to be contraband. The oysters shall be taken and confiscated by
25 the department or any marine law enforcement officer without court
26 procedure. The captain and crew of the boat or vessel, promptly
27 upon being ordered so to do, shall transport the oysters to a

28 point on the public reefs of the state where the boat or vessel is
29 found and there scatter the oysters according to the instructions
30 of the enforcement officers. * * *

31 (4) Violation of this section shall be punishable by a fine
32 of not less than One Thousand Dollars (\$1,000.00), nor more than
33 Two Thousand Dollars (\$2,000.00) or up to one (1) year in the
34 county jail for the first offense, or both. For the second
35 offense, when such offense is committed within a period of three
36 (3) years from the first offense, said violation shall be
37 punishable by a fine not less than Two Thousand Dollars
38 (\$2,000.00) nor more than Four Thousand Dollars (\$4,000.00), or
39 imprisonment in the county jail for a period not exceeding one (1)
40 year, or both. For any third or subsequent offense when such
41 offense is committed within a period of three (3) years from the
42 first offense, said violation shall be punishable by a fine not
43 less than Three Thousand Dollars (\$3,000.00) nor more than Five
44 Thousand Dollars (\$5,000.00), or be sentenced not to exceed one
45 (1) year in the county jail, or both.

46 (5) In addition, upon conviction of such third or subsequent
47 offense, it shall be the duty of the court to revoke the license
48 of the convicted party and of the boat or vessel used in such
49 offense, and no further license shall be issued to such person and
50 for said boat to engage in catching or taking of any seafood from
51 the waters of the State of Mississippi for a period of one (1)
52 year following such conviction.

53 (6) The fine imposed upon a person convicted under this
54 section shall not be suspended or reduced.

55 **SECTION 2.** This act shall take effect and be in force from
56 and after July 1, 2005.