

## House Amendments to Senate Bill No. 2898

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

11           **SECTION 1.** Section 49-7-41, Mississippi Code of 1972, is  
12 amended as follows:

13           49-7-41. (1) The commission may set the bag limits for game  
14 animals, birds and fish, unless the bag limits are established by  
15 the Legislature by statute.

16           (2) (a) The bag limit on antlered deer is one (1) per day,  
17 not to exceed five (5) per license year; however, on public or  
18 private lands, other than wildlife management areas, south of U.S.  
19 Highway 84 and east of Mississippi Highway 35, the bag limit on  
20 antlered deer is one (1) per day, not to exceed three (3) per  
21 license year. Except for hunters under sixteen (16) years of age  
22 and except as otherwise provided in paragraph (b) of this  
23 subsection, an antlered deer must have antlers of four (4) points  
24 or greater to be taken \* \* \*.

25           (b) An antlered deer with less than four (4) points, or  
26 antlered deer that meet specific management buck criteria, may be  
27 taken by permit whenever it is necessary to manage deer on lands  
28 under the deer management assistance program or wildlife  
29 management areas. A written management justification issued by  
30 the Department of Wildlife, Fisheries and Parks must accompany any  
31 request for such a permit. Any antlered deer \* \* \* harvested  
32 under this permit must be identified with a tag immediately upon  
33 possession. Antlered deer taken by permit shall not be subject to  
34 the daily bag limit or the annual bag limit on antlered deer. The  
35 department shall include a report on permits issued, to whom

36 issued and deer harvested in the department's annual deer program  
37 report.

38 (3) (a) The bag limit on antlerless deer is one (1)  
39 per day, not to exceed five (5) per license year; however, on  
40 public or private lands, other than wildlife management areas,  
41 south of U.S. Highway 84 and east of Mississippi Highway 35, the  
42 bag limit on antlerless deer is one (1) per day, not to exceed  
43 three (3) per license year. Two (2) additional antlerless deer  
44 per license year may be taken with a bow and arrow. Antlerless  
45 deer may be taken only in the areas prescribed by order of the  
46 commission. It is illegal to take a spotted fawn in any season.

47 (b) It is unlawful for a nonresident to kill an  
48 antlerless deer except: (i) a nonresident may take antlerless  
49 deer on lands that the title is vested in the nonresident or on  
50 lands that the nonresident has leased the hunting and fishing  
51 rights; or (ii) a nonresident who has a native son or daughter  
52 nonresident lifetime sportsman license or a resident lifetime  
53 sportsman license may take antlerless deer on private lands,  
54 wildlife management areas or national wildlife refuges.

55 (4) The bag limit on antlerless deer set by this section  
56 shall not apply to private lands under the deer management  
57 assistance program or the fee-based antlerless program as approved  
58 by the department.

59 \* \* \*

60 **SECTION 2.** Section 49-7-95, Mississippi Code of 1972, is  
61 amended as follows:

62 49-7-95. (1) Any person who hunts or takes or kills any  
63 deer at night by headlighting, by any lighting device or light  
64 amplifying device shall, upon conviction thereof, be guilty of a  
65 Class I violation and shall be punished as provided in Section  
66 49-7-141.

67 (2) (a) Violators of this section, eighteen (18) years old  
68 or older, upon conviction, shall also forfeit all hunting,  
69 trapping and fishing privileges for a period of not less than  
70 three (3) consecutive years from the date of conviction and shall

71 attend such courses prescribed by the commission. A violator  
72 shall pay a reinstatement fee of Five Hundred Dollars (\$500.00) to  
73 have his privileges restored.

74 (b) A violator of this section under the age of  
75 eighteen (18), upon conviction, shall forfeit all hunting,  
76 trapping and fishing privileges for one (1) year from the date of  
77 conviction, and shall attend courses prescribed by the commission.  
78 A violator under the age of eighteen (18) may petition the  
79 commission to have his privileges restored after he has paid his  
80 penalty. The violator shall pay a reinstatement fee of Two  
81 Hundred Fifty Dollars (\$250.00) to have his privileges restored.

82 (c) A person under the age of eighteen (18) convicted  
83 of a second or subsequent violation of this section shall forfeit  
84 all hunting, trapping and fishing privileges for a period of not  
85 less than three (3) consecutive years from the date of conviction  
86 and shall attend courses prescribed by the commission. The person  
87 shall pay a reinstatement fee of Five Hundred Dollars (\$500.00) to  
88 have his privileges restored.

89 (d) A person who is appealing from a violation of this  
90 section shall have his hunting privileges suspended or revoked as  
91 provided in Section 49-7-27.

92 (3) This section shall not apply to any deer killed in an  
93 accident with any motor vehicle.

94 (4) Anyone found guilty of violating this section who shoots  
95 or kills any livestock shall be punished as provided in Section  
96 97-41-15, in addition to the penalties provided in this section.

97 **SECTION 3.** This act shall take effect and be in force from  
98 and after July 1, 2005.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 49-7-41, MISSISSIPPI CODE OF 1972, TO  
2 ALLOW PERSONS UNDER 16 YEARS OF AGE TO TAKE BUCKS WITH LESS THAN  
3 FOUR POINTS; TO ALLOW SUCH BUCKS TO BE TAKEN ON DMAP LANDS WHEN  
4 NECESSARY TO MANAGE DEER; TO INCREASE THE BAG LIMIT PER LICENSE  
5 YEAR ON ANTLERED AND ANTLERLESS DEER EXCEPT WITHIN A SPECIFIED  
6 ZONE IN THE SOUTHEASTERN PART OF THE STATE; TO AMEND SECTION  
7 49-7-95, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTIES FOR

8 HEADLIGHTING DEER BY PERSONS UNDER THE AGE OF 18; AND FOR RELATED  
9 PURPOSES.

HR03\SB2898A.J

Don Richardson  
Clerk of the House of Representatives