

By: Representative Rogers (14th) (By Request)

To: Wildlife, Fisheries and Parks; Transportation

HOUSE BILL NO. 814

1 AN ACT TO AMEND SECTION 97-15-13, MISSISSIPPI CODE OF 1972,
2 TO DEFINE CERTAIN TERMS; TO REQUIRE HUNTERS DURING CERTAIN SEASONS
3 TRAVELING ON PUBLIC ROADS TO HAVE FIREARM SECURED IN A ZIPPED OR
4 LOCKED CASE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 97-15-13, Mississippi Code of 1972, is
7 amended as follows:

8 97-15-13. (1) (a) The provisions of this subsection shall
9 only be applicable during the calendar days included in the open
10 seasons on deer and turkey.

11 (b) It shall be prima facie evidence that a person is
12 hunting if such person is in the possession of a firearm that is
13 not unloaded and is not secured in a zipped or locked case on any
14 street, public road, public highway, or any railroad which is
15 maintained by any railroad corporation, city, county, state or
16 federal entity or the right-of-way of any such street, road,
17 highway or railroad, in an area in which wild game is or may be
18 present, regardless of whether or not such firearm is within or
19 without the confines of a motorized vehicle.

20 (c) The provisions of this subsection shall not apply to
21 any person engaged in a lawful action to protect his property or
22 livestock.

23 (2) For purposes of this section, the following terms shall
24 have the meanings ascribed to them herein:

25 (a) "Right-of-way" means that part of a street, public
26 road, public highway or railroad maintained by a city, county,
27 state or federal entity or railroad corporation and including that
28 portion up to the adjacent property line or fence line.

29 (b) "Motorized vehicle" means any vehicle powered by any
30 type of motor, including automobiles, farm vehicles, trucks,
31 construction vehicles and all-terrain vehicles.

32 (c) "Firearm" means any firearm other than a handgun.

33 (d) "Hunt" or "hunting" means to hunt or chase or to
34 shoot at or kill or to pursue with the intent to take, kill or
35 wound any wild animal or wild bird with a firearm as defined in
36 this subsection.

37 (e) "Unloaded" means that a cartridge or shell is not
38 positioned in the barrel or magazine of the firearm or in a clip,
39 magazine or retainer attached to the firearm and all ammunition is
40 located in an enclosed compartment, container, box or garment; or
41 in the case of a caplock muzzle-loading firearm, "unloaded" means
42 that the cap has been removed; or in the case of a flintlock
43 muzzle-loading firearm, "unloaded" means that all powder has been
44 removed from the flashpan.

45 (f) "Carrying case" means any enclosed compartment,
46 container, box or garment designed to secure the firearm when not
47 in use.

48 (3) If any person hunts or discharges any firearm in, on or
49 across any street, public road, public highway, railroad or the
50 right-of-way thereof, such person is guilty of a misdemeanor and,
51 upon conviction, shall be punished by a fine not less than One
52 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
53 (\$500.00) or by imprisonment in the county jail for not less than
54 sixty (60) days nor more than six (6) months, or by both such fine
55 and imprisonment. This subsection shall not apply to any law
56 enforcement officer while in the performance of his official duty
57 or to any person engaged in a lawful action of self-defense.

58 (4) If any person shall willfully shoot any firearms or hurl
59 any missile at any street, highway or railroad traffic light;
60 street, highway or railroad marker or other sign for the
61 regulation or designation of street, highway or railroad travel

62 such person, upon conviction, shall be fined not less than One
63 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
64 (\$500.00), or be imprisoned not longer than thirty (30) days in
65 the county jail, or both.

66 (5) It shall be the duty of all sheriffs, deputy sheriffs,
67 constables, conservation officers and peace officers of this state
68 to enforce the provisions of this section.

69 (6) If any subsection, paragraph, sentence, clause, phrase or
70 any part of this section is hereafter declared to be
71 unconstitutional or void, or if for any reason is declared to be
72 invalid or of no effect, the remaining subsections, paragraphs,
73 sentences, clauses, phrases or parts thereof shall be in no manner
74 affected thereby but shall remain in full force and effect.

75 **SECTION 2.** This act shall take effect and be in force from
76 and after July 1, 2006.