MISSISSIPPI LEGISLATURE REGULAR SESSION 2007

By: Senator(s) Posey

To: Judiciary, Division B

# SENATE BILL NO. 2899

AN ACT TO AMEND SECTIONS 49-7-34, 49-7-58, 49-7-58.1 AND 49-11-27, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTIES FOR HUNTING ENCLOSURE VIOLATIONS; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 49-7-34, Mississippi Code of 1972, is amended as follows:

49-7-34. (1) The Commission on Wildlife, Fisheries and Parks shall not prohibit the operation of a hunting enclosure for hunting or pursuing rabbit, fox or coyote, but the commission may prescribe regulations and require a permit for the operation of such hunting enclosures. Application for the permit shall be submitted to the Department of Wildlife, Fisheries and Parks. The department shall inspect and approve such hunting enclosure before issuing a permit. The permit fee shall be a reasonable amount, to be determined by the commission.

(2) Such hunting enclosure shall consist of an area fully enclosed by a fence. Such fence shall be constructed in such a manner as may be prescribed by the commission.

(3) A person who violates this section or any regulation pertaining to hunting enclosures is guilty of a Class II violation and is punishable as provided in Section 49-7-143, Mississippi Code of 1972, and may, at the discretion of the commission, have his permit revoked for a period of twelve (12) months. <u>A second or subsequent violation shall be punished by the maximum allowable fine as provided in Section 49-7-143.</u>

**SECTION 2.** Section 49-7-58, Mississippi Code of 1972, is amended as follows:

49-7-58. (1) (a) In addition to the ban on importing white-tailed deer under Section 49-7-54, there is hereby imposed a temporary moratorium on the importation of elk, red deer, mule deer, black-tailed deer and other cervids designated as susceptible to chronic wasting disease by the State Veterinarian and crosses of any such animals into the State of Mississippi. The moratorium on importing such animals shall end upon the adoption of chronic wasting disease regulations by the United States Department of Agriculture.

(b) Any person who possesses, buys, imports or transports any cervid that has been imported in the state in violation of the moratorium shall be subject to a Class I penalty under Section 49-7-141. Any person that imports any exotic animal into the state in violation of entry requirements or regulations of the Board of Animal Health or the Department of Wildlife shall be subject to a Class I penalty under Section 49-7-141. A second or subsequent violation under this section shall be punished by the maximum fine under Section 49-7-141. The agency issuing a permit for cervids or exotic animals within an enclosure shall revoke the permit of any person found in violation of the moratorium. If any cervid in an enclosure tests positive for chronic wasting disease or if any cervids within the enclosure have been imported from an area diagnosed with chronic wasting disease, then all cervids in the enclosure shall be deemed a threat to native wildlife and to public health and may be killed and disposed of by the state.

(2) It shall be the duty of the Commissioner of Agriculture and Commerce, the Board of Animal Health, the State Veterinarian, the Commission on Wildlife, Fisheries and Parks, and the Department of Wildlife, Fisheries and Parks to consult and coordinate efforts on matters related to chronic wasting disease, the prevention of the introduction of chronic wasting disease in

the state and to ensure the health and safety of the public and wildlife.

(3) The Commission on Wildlife, Fisheries and Parks and the Department of Wildlife, Fisheries and Parks shall have plenary authority in matters related to the importation of white-tailed deer, white-tailed deer in enclosures, and prevention of the introduction of chronic wasting disease into the native wildlife population.

**SECTION 3.** Section 49-7-58.1, Mississippi Code of 1972, is amended as follows:

49-7-58.1. (1) The owner of any enclosure containing white-tailed deer that prevents the free egress of white-tailed deer from the enclosed area shall notify and register with the Department of Wildlife, Fisheries and Parks. The person shall give his name, the location of the enclosure, the acreage within the enclosure, and whether any deer have been imported into the state and placed in the enclosure, and any other information required by the Commissioner on Wildlife, Fisheries and Parks.

(2) Persons who constructed an enclosure prior to July 1, 2003, shall have until January 1, 2004, to notify and provide the information required under this section. The person shall use acceptable hunting and wildlife management practices as may be determined by the department.

(3) The owner of such an enclosure shall comply with any testing of white-tailed deer harvested within the enclosure as may be required by the department. If chronic wasting disease is diagnosed within five (5) miles of the enclosure, the owner of such enclosure shall allow department personnel to enter the enclosure to utilize lethal collection methods to obtain tissue samples for testing. If chronic wasting disease is diagnosed within the enclosure, the owner shall allow department personnel to enter the enclosure and depopulate the white-tailed deer within the enclosure.

(4) A violation of this section is a * * * Class I violation and is punishable as provided in Section 49-7-141.

**SECTION 4.** Section 49-11-27, Mississippi Code of 1972, is amended as follows:

49-11-27. Any person, firm or corporation violating any provision of this chapter is guilty of a Class II violation, and upon conviction thereof shall be punished as provided in Section 49-7-143. A multiple violator of this chapter shall be assessed double the maximum allowable fine, and may, at the discretion of the commission, have his operator's license suspended by operation of law for a period of one (1) year.

**SECTION 5.** This act shall take effect and be in force from and after July 1, 2007.