

By: Representative Kinkade

To: Wildlife, Fisheries and
Parks; Ways and Means

HOUSE BILL NO. 1026

1 AN ACT TO AMEND SECTION 49-7-51, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT, EXCEPT AS SPECIFICALLY PERMITTED BY LAW AS AN
3 EXCEPTION BY THE LEGISLATURE, IT IS UNLAWFUL FOR ANY PERSON TO BUY
4 OR SELL OR TO OFFER FOR SALE, EXCHANGE FOR MERCHANDISE, OR OTHER
5 CONSIDERATION, ANY GAME BIRDS, ANIMALS, OR FISH, OR PARTS THEREOF,
6 WHETHER TAKEN WITHIN, OR COMING FROM WITHOUT, THE STATE; TO BRING
7 FORWARD SECTIONS 49-7-53 AND 49-7-141, MISSISSIPPI CODE OF 1972,
8 WHICH RELATE TO SHIPMENT OF GAME ANIMALS AND CLASS I VIOLATION
9 PENALTIES, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
10 PURPOSES.

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

12 **SECTION 1.** Section 49-7-51, Mississippi Code of 1972, is
13 amended as follows:

14 49-7-51. (1) (a) Except as otherwise provided in this
15 section, it is unlawful for any person to buy or sell or to offer
16 for sale, exchange for merchandise, or other consideration, within
17 this state, any game birds, game animals, or game fish, or parts
18 thereof, named in this chapter, whether taken within or coming
19 from without the state, except as specifically permitted by
20 law * * * as an exception by the Legislature in this chapter.



21 (b) It is lawful for the following items to be bought
22 and sold in accordance with the rules and regulations promulgated
23 by the commission:

24 (i) The skins and sinew of deer and products
25 crafted, fashioned or made from deer bones or antlers not in
26 velvet;

27 (ii) Any part of a wild turkey, except the meat;
28 and

29 (iii) Any parts of nuisance animals.

30 (c) Mounted game animals, birds and fish may not be
31 sold, purchased or leased.

32 (d) A violation of this subsection is a Class I
33 violation and is punishable as provided in Section 49-7-141.

34 (2) Any person who buys, sells, offers for sale, exchange
35 for merchandise, or other consideration, any wild bird, wild
36 animal or fish that has been taken illegally is guilty of a Class
37 I violation and punished as provided in Section 49-7-141.

38 **SECTION 2.** Section 49-7-53, Mississippi Code of 1972, is
39 brought forward as follows:

40 49-7-53. (1) It is unlawful for any railroad, express
41 company or common carrier to knowingly receive for shipment or to
42 ship any game animals, birds, or fish named in this chapter;
43 except that a railroad, express company or common carrier may
44 receive and carry game animals, birds or fish when accompanied by
45 the hunter killing same and as provided otherwise in this chapter.



46 (2) No person or corporation may ship, transport or carry,
47 cause to be shipped, transported or carried, or receive for
48 shipment, transportation or carriage, or have in his possession
49 with intent to ship, transport or carry, or secure the shipment,
50 transportation or carriage beyond the limits of this state, any
51 game animal, bird or fish, except for the following in accordance
52 with rules and regulations promulgated by the commission:

53 (a) Rabbits;

54 (b) The furs or pelts of beaver, opossum, otter,
55 raccoon or other fur-bearing animals during the open season and
56 thirty (30) days thereafter;

57 (c) Skins and sinew of deer and products crafted,
58 fashioned or made from deer bones or antlers not in velvet;

59 (d) Game fish produced in a legally permitted
60 aquaculture facility pursuant to Section 79-22-9;

61 (e) Any part of a wild turkey, except the meat; and

62 (f) The meat, hide or any other body parts of nuisance
63 animals.

64 (3) The offering or reception by any person or corporation
65 within this state of any such birds, animals or fish for shipment
66 from this state shall be prima facie evidence that such birds,
67 animals or game fish were killed, captured or taken within the
68 state. Each game animal, bird or fish in possession, received for
69 shipment or transportation, or shipped or transported in violation
70 of this section is a separate offense.



71 (4) A nonresident licensee during the open season may ship,
72 transport or carry from this state any game animal, bird or fish
73 lawfully taken but not in excess of the bag and possession limits
74 prescribed in Section 49-7-41.

75 Such nonresident licensee shall accompany the shipment or
76 shall attach to such animals, birds or fish, or any package
77 containing them, an affidavit in a form to be prescribed by the
78 executive director that such animals, birds or fish were lawfully
79 killed or taken by him and are being shipped or transported to his
80 home and are not for sale. A duplicate of such affidavit shall be
81 filed with the transportation company or agent thereof, whose duty
82 it shall be to transmit the same to the executive director within
83 ten (10) days after its receipt. Such affidavit shall be sworn to
84 within ten (10) days after its receipt, and shall be sworn to
85 before a person authorized to administer oaths in the state. For
86 such purpose, conservation officers and agents of the
87 transportation companies are hereby authorized to administer such
88 oaths.

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

91 **SECTION 3.** Section 49-7-141, Mississippi Code of 1972, is
92 brought forward as follows:

93 49-7-141. (1) Any person who has been convicted of a Class
94 I violation shall be fined not less than Two Thousand Dollars
95 (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00) and



96 shall be imprisoned in the county jail for five (5) days. The
97 person shall also forfeit all hunting, trapping and fishing
98 privileges for a period of not less than twelve (12) consecutive
99 months from the date of conviction.

100 (2) In addition to the penalty provided in subsection (1) of
101 this section, any person convicted of a violation of Section
102 49-7-51 or 49-7-53, Mississippi Code of 1972, may, in the
103 discretion of the court, be fined One Hundred Dollars (\$100.00)
104 for each game animal, game bird or game fish, or part thereof,
105 bought, sold, offered for sale, exchanged for merchandise or other
106 consideration, received for shipment, shipped, transported,
107 carried or possessed with the intent to ship, transport or carry.

108 **SECTION 4.** This act shall take effect and be in force from
109 and after July 1, 2023.

