

By: Representative Calvert

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1208

1 AN ACT TO AMEND SECTION 49-7-79, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE LAW PROHIBITING HUNTING ON LANDS OF OTHERS; TO PROVIDE  
3 PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTION 97-17-85,  
4 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS  
5 ACT; TO BRING FORWARD SECTIONS 49-5-19, 97-17-87, 97-17-93,  
6 97-17-97, MISSISSIPPI CODE OF 1972, WHICH RELATE TO WARNING  
7 NOTICES, WILLFUL OR MALICIOUS TRESPASS, ENTRY WITHOUT PERMISSION  
8 AND TRESPASS AFTER WARNING, FOR PURPOSES OF POSSIBLE AMENDMENT;  
9 AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 49-7-79, Mississippi Code of 1972, is  
12 amended as follows:

13 49-7-79. (a) It shall be unlawful for any person to  
14 knowingly enter the lands of another without the permission of, or  
15 without being accompanied by, the landowner or the lessee of the  
16 land, or the agent of such landowner or lessee, to hunt, fish,  
17 shoot, or trap \* \* \* on the lands or leases of another \* \* \*.

18 (b) Any person convicted of subsection (a) of this  
19 section shall be guilty of a misdemeanor, and upon conviction,  
20 shall be punished for the first offense by a fine of not less than  
21 Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars



22 (\$1,000.00). Upon conviction of any person for a second or  
23 subsequent offense, with the offenses being committed within five  
24 (5) years of the last offense, such person shall be punished by a  
25 fine of not less than One Thousand Dollars (\$1,000.00), nor more  
26 than One Thousand Five Hundred Dollars (\$1,500.00).

27 (c) Any person convicted of a second or subsequent  
28 offense of subsection (a) of this section, the offenses being  
29 committed within a five (5) year period, shall also forfeit all  
30 hunting, trapping, and fishing privileges for a period of one (1)  
31 year. Such person shall pay a reinstatement fee of Five Hundred  
32 Dollars (\$500.00) to have his or her privileges restored.

33 (d) Any animal, bird, fish, or parts thereof, that have  
34 been unlawfully taken or possessed in violation of subsection  
35 (1)(a) of this section shall be seized by a law enforcement  
36 officer and disposed of by the department, or under its direction.

37 (e) In addition to any other fine or penalty, a person  
38 convicted of subsection (a) of this section shall be assessed an  
39 administrative fee of not less than One Hundred Dollars (\$100.00),  
40 nor more than Two Hundred Fifty Dollars (\$250.00), for each  
41 animal, bird, fish, or parts thereof, taken or possessed in  
42 violation of this section.

43 (f) The clerk of the court shall collect and deposit  
44 the administrative fees with the State Treasurer, in the same  
45 manner and in accordance with the same procedure, as nearly as



practicable, as required for the collection and deposit of state assessments under Section 99-19-73.

(g) The administrative fee shall be credited to the Department of Wildlife, Fisheries and Parks, and may be expended by the department upon appropriation by the Legislature.

**SECTION 2.** Section 97-17-85, Mississippi Code of 1972, is amended as follows:

97-17-85. Except as otherwise provided in Sections 73-13-103 and 49-7-79, if any person shall go upon the enclosed land of another without his consent, after having been notified by such person or his agent not to do so, either personally or by published or posted notice, or shall remain on such land after a request by such person or his agent to depart, he shall, upon conviction, be fined not more than Fifty Dollars (\$50.00) for such offense. The provisions of this section shall apply to land not enclosed where the stock law is in force.

**SECTION 3.** Section 49-5-19, Mississippi Code of 1972, is brought forward as follows:

49-5-19. Notices or sign boards not less than one (1) foot square, warning all persons against hunting, trapping, or fishing, or trespassing thereon for that purpose, shall be conspicuously posted by the executive director, or under his direction, close to and along the entire boundary of any refuge, sanctuary, rest ground, lake or stream, or portion thereof, closed to hunting or



fishing by order of the commission, in such number as the executive director may deem necessary.

No order of the commission closing any area to hunting, trapping or fishing shall become effective until such order has been published in the manner required by Section 49-1-45 and copy of the order, certified by the secretary of the commission, shall be filed in the office of the sheriff of the county or counties in which such closed area is located.

No person shall take or destroy any animal, bird, or fish, or bird's nest or egg, or eggs or spawn of fish in any refuge, sanctuary, rest ground, or other area closed to hunting, trapping or fishing by order of the commission, but it shall be lawful for a duly accredited employee of the state or of the federal government to take predatory animals or birds on any such closed area.

**SECTION 4.** Section 97-17-87, Mississippi Code of 1972, is brought forward as follows:

97-17-87. (1) Any person who shall be guilty of a willful or malicious trespass upon the real or personal property of another, for which no other penalty is prescribed, shall, upon conviction, be fined not exceeding Five Hundred Dollars (\$500.00), or imprisoned not longer than six (6) months in the county jail, or both.

(2) (a) Any person who shall willfully trespass upon any air operations area or sterile area of an airport serving the



95 general public shall be guilty of a misdemeanor and, upon  
96 conviction, shall be fined not more than One Thousand Dollars  
97 (\$1,000.00) or imprisoned in the county jail for up to one (1)  
98 year, or both.

99 (b) For the purposes of this subsection (2), "air  
100 operations area" means a portion of an airport designed and used  
101 for landing, taking off, or surface maneuvering of airplanes;  
102 "sterile area" means an area to which access is controlled by the  
103 inspection of persons and property in accordance with an approved  
104 security program.

105 **SECTION 5.** Section 97-17-93, Mississippi Code of 1972, is  
106 brought forward as follows:

107 97-17-93. (1) Any person who knowingly enters the lands of  
108 another without the permission of or without being accompanied by  
109 the landowner or the lessee of the land, or the agent of such  
110 landowner or lessee, shall be guilty of a misdemeanor and, upon  
111 conviction, shall be punished for the first offense by a fine of  
112 Two Hundred Fifty Dollars (\$250.00). Upon conviction of any  
113 person for a second or subsequent offense, the offenses being  
114 committed within five (5) years of the last offense, such person  
115 shall be punished by a fine of Five Hundred Dollars (\$500.00), and  
116 may be imprisoned in the county jail for a period of not less than  
117 ten (10) nor more than thirty (30) days, or by both such fine and  
118 imprisonment. This section shall not apply to the landowner's or  
119 lessee's family, guests, or agents, to a surveyor as provided in



Section 73-13-103, or to persons entering upon such lands for lawful business purposes.

(2) (a) It shall be the duty of sheriffs, deputy sheriffs, constables and conservation officers to enforce this section.

(b) Such officers shall enforce this section by issuing a citation to those charged with trespassing under this section.

(3) The provisions of this section are supplementary to the provisions of any other statute of this state.

(4) A prosecution under the provisions of this section shall be dismissed upon the request of the landowner, lessee of the land or agent of such landowner or lessee, as the case may be.

**SECTION 6.** Section 97-17-97, Mississippi Code of 1972, is brought forward as follows:

97-17-97. (1) Except as otherwise provided in Section 73-13-103, if any person or persons shall without authority of law go into or upon or remain in or upon any building, premises or land of another, including the premises of any public housing authority after having been banned from returning to the premises of the housing authority, whether an individual, a corporation, partnership, or association, or any part, portion or area thereof, after having been forbidden to do so, either orally or in writing including any sign hereinafter mentioned, by any owner, or lessee, or custodian, or other authorized person, or by the administrators of a public housing authority regardless of whether or not having been invited onto the premises of the housing authority by a



tenant, or after having been forbidden to do so by such sign or signs posted on, or in such building, premises or land, or part, or portion, or area thereof, at a place or places where such sign or signs may be reasonably seen, such person or persons shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by confinement in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

(2) The provisions of this section are supplementary to the provisions of any other statute of this state.

**SECTION 7.** This act shall take effect and be in force from and after July 1, 2024.

