

By: Representatives Yates, Mansell, Ford
(73rd), Foster, McMillan, Newman, Shanks,
Varner, Wallace, Zuber, Felsher

To: Judiciary A

HOUSE BILL NO. 1203

1 AN ACT TO PROHIBIT CAMPING ON CERTAIN PUBLIC PROPERTY; TO
2 PROVIDE DEFINITIONS FOR THIS ACT; TO PROVIDE THAT NO PERSON MAY
3 OCCUPY A CAMPSITE INCONSISTENT WITH THE REGULATIONS OF THIS ACT
4 UNLESS SPECIFICALLY AUTHORIZED BY THE APPLICABLE GOVERNING
5 AUTHORITY ON WHICH THE CAMPSITE IS LOCATED; TO PROVIDE PENALTIES
6 FOR VIOLATIONS OF THIS ACT; TO AUTHORIZE THE COURT TO MITIGATE
7 PENALTIES FOR VIOLATIONS OF THIS ACT; TO BRING FORWARD SECTIONS
8 97-17-85 AND 97-17-93, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR
9 THE CRIME OF TRESPASS UPON THE ENCLOSED LAND OF ANOTHER, FOR
10 PURPOSES OF AMENDMENT; TO AMEND SECTION 97-35-25, MISSISSIPPI CODE
11 OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO BRING FORWARD
12 SECTION 97-35-23, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS
13 OBSTRUCTION OF PUBLIC STREETS; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** The following words shall have the meanings
16 described herein:

17 (a) "Camp" means to place camping materials in a
18 location on any property owned or controlled by a municipality,
19 county or state, state agency or political subdivision of the
20 state.

21 (b) "Campsite" means a location on any property owned
22 or controlled by a municipality, county or state, state agency or



23 political subdivision of the state where camping materials are
24 placed.

25 (c) "Camping materials" include, but are not limited
26 to, sleeping bags, tents, huts, blankets, plastics, awnings,
27 lean-tos, chairs, tarps, portable stoves, and/or other collections
28 of personal property that are, or reasonably appear to be,
29 arranged and/or used as accommodations to camp whether or not
30 twenty-four (24) hours have passed.

31 (d) "Personal property" means any item that can
32 reasonably be identified as belonging to an individual and that
33 has apparent value or utility.

34 (e) "Public property" means sidewalks, streets, sports
35 fields, sports complexes, highways, alleys, road or other
36 passageways for pedestrian or motor vehicle traffic and includes,
37 rights of way, parking lots, easements or other similar land
38 owned, leased, controlled, or managed by a municipality, county,
39 state, state agency or political subdivision of the state. This
40 definition shall not include any spaces specifically designated by
41 a municipality, county, state, state agency or political
42 subdivision of the state for camping.

43 (f) "Relocate" means to move both the individual(s) and
44 the individual's personal property off public property, or to a
45 different location authorized by a municipality, county, state,
46 state agency or political subdivision of the state as applicable



47 for at least twenty-four (24) hours. This definition does not
48 include moving to another portion of the same property.

49 **SECTION 2.** (1) The Legislature finds that public safety and
50 health risks exist to persons who camp or otherwise reside on
51 sidewalks, streets, highways, alleys, roads, passageways or other
52 public property not specifically designated as a campsite.
53 Accidents or intentional harm can be caused to the person who is
54 camping by the pedestrian who crosses paths with the camper, a
55 driver who drives too close to the camper or when things fall from
56 motor vehicles onto the camper.

57 (2) The Legislature finds that persons who camp on public
58 property do not clean or clear the public property when they move
59 to new locations. This failure to clean or clear the public
60 property leaves trash that causes odor and creates blight on
61 public property.

62 (3) The Legislature finds that the presence of such trash,
63 blight and odor on public property increases costs to the
64 municipality, county, political subdivision or state for cleaning
65 and maintenance of property.

66 (4) The Legislature finds that the presence of such trash,
67 blight and odor on public property negatively affects tourism and
68 economic development in the municipality, county or political
69 subdivision in which it is located.

70 **SECTION 3.** (1) No person may camp or create a campsite on
71 any sidewalks, streets, sports fields, sports complexes, highways,



72 alleys, roads, passageways or any other public property, except a
73 public property that is otherwise designated for camping by a
74 municipality, county, political subdivision or state, or by state
75 law.

76 (2) In addition to any other remedy provided by this act or
77 otherwise provided by law, any person found in violation of this
78 section may be immediately removed from the premises by municipal,
79 county or state law enforcement officers.

80 (3) The provisions of this section shall not be construed to
81 affect the rights of private property owners to remove any person
82 from his or her private property.

83 **SECTION 4.** (1) No person may occupy a campsite inconsistent
84 with the regulations in this act unless specifically authorized by
85 the municipality, county, political subdivision or state agency,
86 as applicable, or by state law.

87 (2) Unless otherwise authorized as described in subsection
88 (1) of this section, the only locations where it is lawful to
89 place camping materials, or store camping materials for any period
90 of time on public property are those locations designated by state
91 law or the municipality, county, political subdivision or state
92 agency, as applicable.

93 **SECTION 5.** Any municipality, county, political subdivision
94 or state agency, as applicable, may remove individuals, personal
95 property, camping materials, and campsites from public property
96 consistent with this section as follows:



97 (a) Items having no apparent utility or monetary value
98 and items in an unsanitary condition may be discarded.

99 (b) Weapons, drug paraphernalia, items appearing to be
100 stolen, and evidence of a crime may be retained as evidence by the
101 law enforcement agency of the governing authority upon which the
102 property is located until an alternate disposition is determined.

103 (c) All personal property removed from a campsite which
104 is not disposed of or which is held as evidence (as provided
105 above), shall be stored by the applicable law enforcement agency
106 for a minimum of thirty (30) days, during which time it shall be
107 made reasonably available for and released to an individual
108 confirming ownership consistent with state law.

109 **SECTION 6.** (1) Upon conviction for a violation of this act,
110 in addition to any other factors deemed appropriate by the court,
111 the court shall consider in mitigation whether or not the person
112 immediately removed all personal property and litter, including
113 but not limited to bottles, cans, and garbage from the campsite
114 after being informed they were in violation of the law.

115 (2) Upon conviction for a violation of this act, if an
116 individual demonstrates that after receiving the citation and
117 before the hearing, they meaningfully engaged with private
118 resources and/or service providers to address the reason(s) that
119 led them to be in violation, the court shall consider that
120 information when determining the appropriate penalty.



121 (3) Conviction for violation of this act is punishable by a
122 fine of not more than Fifty Dollars (\$50.00). In the court's
123 discretion, alternative penalties intended to address the
124 reason(s) the individual was in violation of this chapter may be
125 imposed. These alternative penalties may not include a term of
126 imprisonment but are otherwise as broad as permissible.

127 **SECTION 7.** Section 97-17-85, Mississippi Code of 1972, is
128 brought forward as follows:

129 97-17-85. Except as otherwise provided in Sections 73-13-103
130 and 49-7-79, if any person shall go upon the enclosed land of
131 another without his consent, after having been notified by such
132 person or his agent not to do so, either personally or by
133 published or posted notice, or shall remain on such land after a
134 request by such person or his agent to depart, he shall, upon
135 conviction, be fined not more than Fifty Dollars (\$50.00) for such
136 offense. The provisions of this section shall apply to land not
137 enclosed where the stock law is in force.

138 **SECTION 8.** Section 97-17-93, Mississippi Code of 1972, is
139 brought forward as follows:

140 97-17-93. (1) Any person who knowingly enters the lands of
141 another without the permission of or without being accompanied by
142 the landowner or the lessee of the land, or the agent of such
143 landowner or lessee, shall be guilty of a misdemeanor and, upon
144 conviction, shall be punished for the first offense by a fine of
145 Two Hundred Fifty Dollars (\$250.00). Upon conviction of any



146 person for a second or subsequent offense, the offenses being
147 committed within five (5) years of the last offense, such person
148 shall be punished by a fine of Five Hundred Dollars (\$500.00), and
149 may be imprisoned in the county jail for a period of not less than
150 ten (10) nor more than thirty (30) days, or by both such fine and
151 imprisonment. This section shall not apply to the landowner's or
152 lessee's family, guests, or agents, to a surveyor as provided in
153 Section 73-13-103, or to persons entering upon such lands for
154 lawful business purposes.

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

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

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

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

164 **SECTION 9.** Section 97-35-25, Mississippi Code of 1972, is
165 amended as follows:

166 97-35-25. (1) It shall be unlawful for any person or
167 persons to * * * willfully obstruct the free, convenient and
168 normal use of any public sidewalk, street, highway, alley,
169 road * * * or other passageway by impeding, hindering, stifling,
170 retarding or restraining traffic or passage thereon, and any



171 person or persons violating the provisions of this section shall
172 be guilty of a misdemeanor, and upon conviction thereof, shall be
173 punished by a fine of not more than Five Hundred Dollars (\$500.00)
174 or by confinement in the county jail not exceeding six (6) months,
175 or by both such fine and imprisonment.

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

178 **SECTION 10.** Section 97-35-23, Mississippi Code of 1972, is
179 brought forward as follows:

180 97-35-23. (1) It shall be unlawful for any person or
181 persons to intentionally obstruct, or interfere with the normal or
182 ordinary free use and passage of vehicles of or on, any public
183 street or highway provided for use by vehicular traffic, or for
184 any person or persons to intentionally obstruct, or interfere with
185 the normal or ordinary free use and passage of pedestrians of or
186 on any public sidewalk provided for foot travel by pedestrians,
187 and any person or persons who so do shall be guilty of a
188 misdemeanor and, upon conviction thereof, shall be punished by a
189 fine of not more than Four Hundred Dollars (\$400.00), or by
190 imprisonment in the county jail for not more than four (4) months,
191 or by both such fine and imprisonment.

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

194 **SECTION 11.** This act shall take effect and be in force from
195 and after July 1, 2025.

