

By: Representative Kinkade

To: Wildlife, Fisheries and
Parks; Judiciary B

HOUSE BILL NO. 1637
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 49-7-79, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE AMOUNT OF RESTITUTION PAYABLE TO A LANDOWNER BY A
3 PERSON CONVICTED OF FISHING ON ANOTHER'S LAND AND TO REQUIRE THE
4 PAYMENT OF AN ASSESSMENT FOR THE TAKING OF WILD ANIMALS AND BIRDS
5 ON ANOTHER'S LAND; AND FOR RELATED PURPOSES.

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

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

9 49-7-79. (1) It shall be unlawful for any person to
10 knowingly enter the lands of another without the permission of, or
11 without being accompanied by, the landowner or the lessee of the
12 land, or the agent of such landowner or lessee, to hunt, fish,
13 shoot, or trap on the lands or leases of another.

14 (2) Any person convicted of violating subsection (1) of this
15 section shall be guilty of a misdemeanor, and upon conviction,
16 shall be punished for the first offense by a fine of not less than
17 Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars
18 (\$1,000.00). Upon conviction of any person for a second or
19 subsequent offense, with the offenses being committed within five



20 (5) years of the last offense, such person shall be punished by a
21 fine of not less than One Thousand Dollars (\$1,000.00), nor more
22 than One Thousand Five Hundred Dollars (\$1,500.00).

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

29 (4) Any animal, bird, fish, or parts thereof, that have been
30 unlawfully taken or possessed in violation of subsection (1) of
31 this section shall be seized by a law enforcement officer and
32 disposed of by the department, or under its direction.

33 (5) In addition to any fine or penalty assessed due to a
34 violation of this section, a person convicted of violating
35 subsection (1) of this section * * * who unlawfully takes or
36 possesses any fish caught from a private lake, private pond or
37 other private waterbody shall make restitution to the landowner
38 owning the private pond or other private waterbody in the amount
39 of One Hundred Dollars (\$100.00) for each fish taken or possessed
40 in violation of this section. The total amount of restitution
41 authorized by this paragraph shall be paid to the landowner * * *.

42 (6) (a) In addition to any other fine or penalty assessed
43 due to a violation of this section, a person convicted of
44 violating subsection (1) of this section who unlawfully takes or



45 possesses any wild animal, wild bird or parts of a wild animal or
46 wild bird shall be required to make restitution by paying an
47 assessment of not less than One Hundred Dollars (\$100.00), nor
48 more than Five Hundred Dollars (\$500.00), for each wild animal or
49 wild bird or parts of a wild animal or wild bird taken or
50 possessed in violation of this section. The total amount of this
51 assessment may not exceed an aggregate total of Two Thousand
52 Dollars (\$2,000.00) regardless of the number of wild animals or
53 wild birds or parts of wild animals or wild birds unlawfully taken
54 or possessed in violation of this section.

55 (b) The clerk of the court shall collect and deposit
56 the assessments collected pursuant to this subsection with the
57 State Treasurer in the same manner and in accordance with the same
58 procedures, as nearly as practicable, as required for the
59 collection and deposit of other state assessments under Section
60 99-19-73.

61 (c) The restitution assessment collected pursuant to
62 this subsection must be credited to the Department of Wildlife,
63 Fisheries and Parks and deposited in the Fisheries and Wildlife
64 Fund created in Section 49-5-21 for the purposes of wildlife and
65 sport fish restoration.

66 (d) Restitution assessment monies collected pursuant to
67 this subsection may be expended by the department upon
68 appropriation by the Legislature.



69 **SECTION 2.** This act shall take effect and be in force from
70 and after its passage.

