Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO

Senate Bill No. 2263

BY: Committee

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. Section 59-21-127, Mississippi Code of 1972, is amended as follows:

59-21-127. (1) It shall be the duty of all enforcement officers to enforce, and to obey and carry out all instructions, directions, rules and regulations of the commission with respect to the enforcement of the provisions of this chapter. Each enforcement officer shall account for and pay over, pursuant to law, all monies received by him or her under this chapter.

(2) * * * Subject to the provisions of subsections (3) and (4) of this section, enforcement officers shall have the power, and it shall be their duty, to:

(a) Execute all warrants for violations of the rules and regulations of the commission and the provisions of this chapter;

(b) Serve subpoenas issued for the examination and investigation or trial of such violations;

(c) * * * Arrest, without warrant, any person committing a violation of this chapter or the rules and regulations of the commission in the presence of the enforcement officers, and to take such person before a magistrate or court having jurisdiction for trial or hearing; and

(d) Exercise such other powers of peace officers in the enforcement of this chapter and the rules and regulations of the commission or of a judgment for the violation thereof, as are not herein specifically provided.

(3) An enforcement officer may not board a vessel or perform a vessel stop in this state unless the officer has probable cause to believe that a violation of this chapter or a rule or regulation promulgated by the commission has occurred or is occurring.

(4) An enforcement officer may not perform a vessel stop or board a vessel for the sole purpose of performing a safety or marine sanitation equipment inspection. A violation of safety or

marine sanitation requirements is a secondary offense rather than a primary offense.

(5) No enforcement officers shall compromise or settle out of court any violation of the provisions of this chapter or any rule or regulation promulgated by the commission.

SECTION 2. Section 59-23-5, Mississippi Code of 1972, is amended as follows:

59-23-5. (1) A person who operates a watercraft in waters over which this state has jurisdiction shall be deemed to have given consent to submit to a chemical test or test of his breath for the purpose of determining the alcohol content of his blood, as a condition of operating the watercraft in this state. However, a law enforcement officer may not board a vessel or perform a vessel stop in this state unless the officer has probable cause to believe that a violation of this chapter or a rule or regulation promulgated by the Mississippi Commission on Wildlife, Fisheries and Parks or the Commission on Marine Resources has occurred or is occurring.

(2) A law enforcement officer who has probable cause to believe that a person has committed an offense under this chapter shall offer the person the opportunity to submit to a chemical test. It is not necessary for the law enforcement officer to offer a chemical test to an unconscious person. A law enforcement officer may offer a person more than one (1) chemical test under this section. However, all tests must be administered within

three (3) hours after the officer has probable cause to believe the person violated this chapter. If a person refuses to submit to a chemical test under this chapter, the person shall be informed by the law enforcement officer that the refusal to submit to the test shall subject him to arrest and punishment consistent with the penalties prescribed in Section 59-23-7 for persons submitting to the test, and that the court shall order the person not to operate a watercraft for at least one (1) year.

(3) If the chemical test results in prima facie evidence that the person is intoxicated, he shall immediately be arrested.

(4) (a) The law enforcement officer arresting a person pursuant to the provisions of this chapter shall inform the person arrested that:

(i) The person arrested has the right to be represented by legal counsel;

(ii) The person arrested may waive the right to be represented by legal counsel; and

(iii) The charge for which the person is being arrested may be used against him, upon conviction, for purposes of receiving an enhanced penalty as provided in Section 59-23-7.

(b) The citation or affidavit which is issued to the person arrested shall be uniform throughout all jurisdictions in the State of Mississippi and shall contain a place for the arresting official to sign, stating that he has advised the person arrested of the information contained in paragraph (a) of this

subsection. The judge hearing the case or accepting the guilty plea, as the case may be, shall sign in a place provided on the citation or affidavit stating that the person arrested either employed an attorney or waived his right to an attorney after having been advised pursuant to paragraph (a) of this subsection. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be written on the citation or affidavit.

(c) The Mississippi Department of Wildlife, Fisheries and Parks shall prepare and furnish, no later than July 1, 1995, to all jurisdictions in the State of Mississippi a uniform citation form consistent with this chapter, which shall be used in all jurisdictions in the State of Mississippi.

(d) The Mississippi Department of Wildlife, Fisheries and Parks shall notify, by whatever means it deems appropriate, all law enforcement officers who are authorized to enforce the provisions of this chapter of their obligation to provide the information and execute the citation or affidavit, as described in paragraphs (a) and (b) of this subsection.

SECTION 3. This act shall take effect and be in force from and after July 1, 2026.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

AN ACT TO AMEND SECTIONS 59-21-127 AND 59-23-5, MISSISSIPPI CODE OF 1972, TO PROHIBIT ENFORCEMENT OFFICERS OF THE MISSISSIPPI

COMMISSION ON WILDLIFE, FISHERIES AND PARKS AND THE COMMISSION ON MARINE RESOURCES FROM PERFORMING VESSEL STOPS OR BOARDING A VESSEL WITHOUT PROBABLE CAUSE; TO PROHIBIT ENFORCEMENT OFFICERS FROM PERFORMING A VESSEL STOP OR BOARDING A VESSEL FOR THE SOLE PURPOSE OF PERFORMING A SAFETY OR MARINE SANITATION EQUIPMENT INSPECTION; AND FOR RELATED PURPOSES.