

Chapter No. 329  
10/HR07/R1849  
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**HOUSE BILL NO. 1295**

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1295

AN ACT TO AMEND SECTION 49-7-21, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AN ASSESSMENT OF AN ADMINISTRATIVE FEE TO RESIDENTS HUNTING WITHOUT A VALID LICENSE; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 49-7-21, Mississippi Code of 1972, is amended as follows:

49-7-21. (1) (a) The licenses for hunting, trapping or fishing shall be issued on a form prepared by the executive director and supplied to the bonded agents authorized to issue licenses. The forms shall bear the name and social security number or driver's license number of the applicant. All annual licenses shall be valid for one (1) year after the date of its issuance. The licenses shall be issued in the name of the commission and be countersigned by the bonded agent issuing same.

(b) A person may purchase a license from the office of the department without appearing in person.

(c) The commission may design, establish, and administer a program to provide for the purchase, by electronic means, of any license, permit, registration or reservation issued by the commission or department.

(2) Any person authorized to issue licenses for hunting, trapping or fishing in this state who attempts to issue a license on a form other than one as prescribed by this section, or attempts to prepare a license certificate in any manner other than on the form prescribed by this section, and furnished by the executive director, is guilty of a Class II violation, and shall be punished as provided in Section 49-7-143, Mississippi Code of

1972, and the person convicted shall be forever barred from issuing licenses in the State of Mississippi.

(3) (a) Any resident or nonresident who hunts, takes or traps any wild animal, bird or fish must possess a valid license issued by the commission, unless specifically exempted under this chapter.

(b) A resident who violates this subsection shall be fined Five Hundred Dollars (\$500.00). If at the hearing date or the date of payment of the fine the resident shows proof of the required Mississippi license, the fine shall be reduced to One Hundred Dollars (\$100.00). If the resident shows proof that the required license was purchased before the date of the violation, the case shall be dismissed and all court costs shall be waived against the defendant.

(c) In addition to the penalty imposed in paragraph (b), any resident who is not able to show proof of the required Mississippi license, shall be assessed by the court an administrative fee as prescribed under subsection (6) of this section.

(4) (a) Any nonresident, who hunts or traps without the required license is guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for the first offense and shall forfeit hunting and trapping privileges for a period of one (1) year. For the second offense a nonresident shall be fined in an amount of not less than One Thousand Dollars (\$1,000.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00) or imprisoned in the county jail for not more than thirty (30) days, or both such fine and imprisonment and shall forfeit hunting and trapping privileges for a period of two (2) years. For any third or subsequent offense, a nonresident is guilty of a Class I violation and shall be punished as provided in Section 49-7-141, Mississippi Code of 1972.

(b) The nonresident shall also be assessed by the court an administrative fee as prescribed under subsection (6) of this section.

(c) Forfeiture of hunting, trapping and fishing privileges may be waived if, at the hearing date or the date of payment of the fine, the nonresident shows proof of the required nonresident hunting or trapping license.

(5) Any nonresident who fishes without the required license is guilty of a misdemeanor and, upon conviction, shall be fined in an amount not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for the first offense. For the second or any subsequent offense a nonresident shall be fined in an amount not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) and that nonresident shall also be assessed by the court an administrative fee as prescribed under subsection (6) of this section.

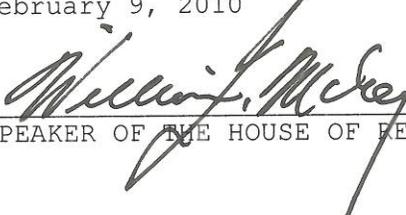
(6) In addition to any other fines or penalties imposed under subsection (4) or (5) of this section, the person convicted shall be assessed by the court an administrative fee equal in amount to the cost of the hunting, trapping or fishing license fee that such person unlawfully failed to possess at the time of the violation, the amount of which license fee shall be entered upon the ticket or citation by the charging officer at the time the ticket or citation is issued. The clerk of the court in which the conviction takes place, promptly shall collect all administrative fees imposed under this subsection and deposit them monthly with the State Treasurer, in the same manner and in accordance with the same procedure, as nearly as practicable, as required for the collection, receipt and deposit of state assessments under Section 99-19-73. However, all administrative fees collected under the provisions of this subsection shall be credited by the State Treasurer to the account of the Department of Wildlife, Fisheries

and Parks, and may be expended by the department upon appropriation by the Legislature.

(7) Any person who obtains a license under an assumed name or makes a materially false statement to obtain a license is guilty of a felony and shall be subject to a fine of Two Thousand Dollars (\$2,000.00) or may be imprisoned for a term not to exceed one (1) year, or both.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2010.

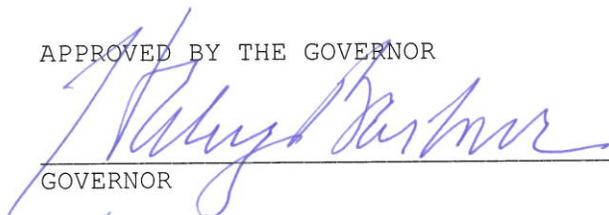
PASSED BY THE HOUSE OF REPRESENTATIVES  
February 9, 2010

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 3, 2010

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR

3/15/10

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