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Chapter No. 514

13/HR12/R947SG

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***HOUSE BILL NO. 1005***

Originated in House  Clerk

HOUSE BILL NO. 1005

AN ACT TO AMEND SECTION 49-7-13, MISSISSIPPI CODE OF 1972, TO EXEMPT THE LICENSURE REQUIREMENT FOR CERTAIN INDIVIDUALS WHO TRAP ON CERTAIN PRIVATE LANDS; TO PROHIBIT THE USE OF CERTAIN TRAPPING DEVICES ON PUBLIC LANDS, UNLESS EXCEPTIONS ARE GRANTED; TO AUTHORIZE THE USE OF CERTAIN TRAPPING DEVICES BY DESIGNATED LEGAL AUTHORITY OF PUBLIC LANDS OR ITS AGENT FOR NUISANCE CONTROL; TO REQUIRE TRAPPING DEVICES TO HAVE A DEPARTMENT-ISSUED IDENTIFICATION NUMBER ON A METAL TAG; TO PROVIDE FOR THE IDENTIFICATION OF TRAPPING DEVICES OF INDIVIDUALS EXEMPT FROM LICENSURE REQUIREMENTS; TO PROVIDE AN EXCEPTION TO THE PROHIBITION ON THE USE OF TRAPPING DEVICES WITHIN 100 FEET OF ANY STREET OR PUBLIC ROAD; TO INCREASE THE AUTHORITY TO SELL OR CONSIGN RAW FUR OF FUR-BEARING ANIMALS FROM 10 TO 30 DAYS AFTER THE CLOSE OF TRAPPING SEASON; TO PROHIBIT THE TRANSPORTING OF RAW FUR OR GREEN PELTS WITHIN THE STATE FROM 11 DAYS AFTER THE CLOSE OF TRAPPING SEASON UNTIL THE OPENING OF THE TRAPPING SEASON UNLESS DOCUMENTED; TO DEFINE CERTAIN TERMS USED HEREIN; TO AMEND SECTIONS 49-7-53 AND 49-7-65, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 49-7-13, Mississippi Code of 1972, is amended as follows:

49-7-13. (1) For the purposes of this chapter, the following terms shall have the meaning ascribed herein, unless the context determines otherwise:

(a) "Raw fur" means the skin that has not been removed from the carcass of a fur-bearing animal or nuisance animal.

(b) "Green pelt" means the skin, with hair or fur attached, that has been removed from a fur-bearing animal or nuisance animal, but has not been tanned or fleshed, stretched and dried.

(c) "Dried pelt" means the skin of a fur-bearing animal or nuisance animal that has been fleshed, stretched and dried.

( \* \* \*2) Any resident of the state sixteen (16) years of age or older, upon application, is entitled to receive a state trapper's license with tag for the sum of Twenty-five Dollars (\$25.00), plus the fee provided in Section 49-7-17. This license shall be required of each helper or assistant sixteen (16) years of age or older employed or used by a trapper. No license shall be required of a resident who traps on lands in which the record title is vested in that person.

( \* \* \*3) (a) No person shall trap on the lands of another unless he has the permission of the landowner.

(b) No person shall use, on any public lands, a conibear-type or body-gripping trap with an inside jaw spread exceeding seven (7) inches, unless it is partially submerged in water. The designated legal authority of any public lands and its agents shall be exempt from the requirement of this subsection for the purpose of nuisance control.

( \* \* \*4) (a) Each \* \* \* licensed trapper shall have an identification number issued by the department. The licensed trapper shall have the identification number permanently inscribed on the trap or attached to the trap by a metal tag.

(b) A person exempt from purchasing a trapping license must tag or permanently inscribe any trap with his name, phone number and address.

(c) The conservation officer may take up any traps not properly marked.

(d) Every trapper shall visit his traps at least every thirty-six (36) hours.

( \* \* \*5) Except as otherwise provided in this section, no person shall place or set a trap on or within one hundred (100) feet of any street or public road. Public roads shall not be construed to mean public waterways.

\* \* \*

(6) (a) A licensed trapper or resident under sixteen (16) years of age shall be allowed to trap fur-bearing animals during trapping season, and sell or consign the \* \* \* raw fur, green pelts and dried pelts of fur-bearing and nuisance animals during the trapping season and for \* \* \* thirty (30) days after the close of the season. Only a licensed trapper or resident under sixteen (16) years of age may sell or consign the raw fur, green pelts and dried pelts of fur-bearing nuisance animals.

(b) A trapper may not transport the raw fur or green pelts of fur-bearing animals within the state from eleven (11) days after the close of trapping season until the opening day of the following trapping season, unless each raw fur or green pelt is tagged or documented with the name, address and trapping identification number of the person who harvested the raw fur or green pelt and the date and place of harvest. An official possession tag that has been issued by another state shall be considered legally documented.

(c) A licensed trapper may possess and maintain in storage the raw fur, green pelts and dried pelts of fur-bearing and nuisance animals at any time.

(d) The meat of legally acquired raccoons, opossums and muskrats may also be bought and sold during trapping season, and for \* \* \* thirty (30) days after the close of the season.

(7) (a) A municipality or county, or any person who has contracted with a municipality or county for the purpose authorized in this subsection, may place or set only snare traps within one hundred (100) feet of any road or street located within such municipality or county. Before the action authorized by this section is taken, the governing authority of the municipality or the board of supervisors of the county shall make a finding that such placement of snare traps is reasonable and necessary to protect the public safety by removing fur-bearing and nuisance

animals that threaten the safety of public roads and bridges. Snares shall be submerged at least fifty percent (50%).

(b) Landowners and their designated agents may place or set snare traps, conibear-type or body-gripping traps, live cage traps and foothold traps on property owned by the landowner within one hundred (100) feet of any road or street, but not within the maintained public road or street right-of-way.

(c) Snare traps, conibear-type or body-gripping traps shall be submerged in water at least fifty percent (50%) and foothold traps shall be completely submerged in water.

**SECTION 2.** Section 49-7-53, Mississippi Code of 1972, is amended as follows:

49-7-53. (1) It is unlawful for any railroad, express company or common carrier to knowingly receive for shipment or to ship any game animals, birds, or fish named in this chapter; except that a railroad, express company or common carrier may receive and carry game animals, birds or fish when accompanied by the hunter killing same and as provided otherwise in this chapter.

(2) No person or corporation may ship, transport or carry, cause to be shipped, transported or carried, or receive for shipment, transportation or carriage, or have in his possession with intent to ship, transport or carry, or secure the shipment, transportation or carriage beyond the limits of this state, any game animal, bird or fish, except for the following in accordance with rules and regulations promulgated by the commission:

(a) Rabbits;

(b) The furs or pelts of beaver, opossum, otter, raccoon or other fur-bearing animals during the open season and \* \* \* thirty (30) days thereafter;

(c) Skins and sinew of deer and products crafted, fashioned or made from deer bones or antlers not in velvet;

(d) Game fish produced in a legally permitted aquaculture facility pursuant to Section 79-22-9;

(e) Any part of a wild turkey, except the meat; and

(f) The meat, hide or any other body parts of nuisance animals.

(3) The offering or reception by any person or corporation within this state of any such birds, animals or fish for shipment from this state shall be prima facie evidence that such birds, animals or game fish were killed, captured or taken within the state. Each game animal, bird or fish in possession, received for shipment or transportation, or shipped or transported in violation of this section is a separate offense.

(4) A nonresident licensee during the open season may ship, transport or carry from this state any game animal, bird or fish lawfully taken but not in excess of the bag and possession limits prescribed in Section 49-7-41.

Such nonresident licensee shall accompany the shipment or shall attach to such animals, birds or fish, or any package containing them, an affidavit in a form to be prescribed by the

executive director that such animals, birds or fish were lawfully killed or taken by him and are being shipped or transported to his home and are not for sale. A duplicate of such affidavit shall be filed with the transportation company or agent thereof, whose duty it shall be to transmit the same to the executive director within ten (10) days after its receipt. Such affidavit shall be sworn to within ten (10) days after its receipt, and shall be sworn to before a person authorized to administer oaths in the state. For such purpose, conservation officers and agents of the transportation companies are hereby authorized to administer such oaths.

(5) A violation of this section is a Class I violation and is punishable as provided in Section 49-7-141.

**SECTION 3.** Section 49-7-65, Mississippi Code of 1972, is amended as follows:

49-7-65. Except as provided in this chapter, it is unlawful for any person to hunt, trap, take, kill, wound or capture, or attempt to hunt, trap, take, kill, wound or capture any fur-bearing animals except during the open season prescribed by law or regulation \* \* \*. However, mink may be hunted with dogs during the season for taking of fur-bearing animals on payment of trapper's license fee by person so hunting mink with dogs.

SECTION 4. This act shall take effect and be in force from and after July 1, 2013.

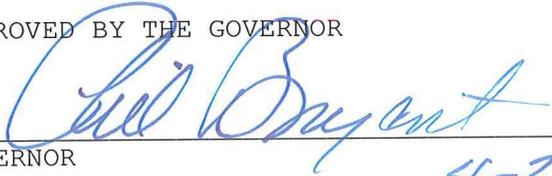
PASSED BY THE HOUSE OF REPRESENTATIVES  
March 30, 2013

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
April 2, 2013

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR

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