MISSISSIPPI LEGISLATURE REGULAR SESSION 2011

By: Senator(s) Dearing

To: Wildlife, Fisheries and Parks

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2521

AN ACT TO AMEND SECTION 97-15-13, MISSISSIPPI CODE OF 1972, TO REQUIRE NONRESIDENTS TO HAVE A GUN ENCLOSED IN A CASE WHEN BEING TRANSPORTED ON A PUBLIC ROAD WITHIN THE HOMOCHITTO NATIONAL FOREST; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 97-15-13, Mississippi Code of 1972, is amended as follows:

97-15-13. (1) (a) The provisions of this subsection shall only be applicable during the calendar days included in the open seasons on deer and turkey.

(b) (i) It shall be prima facie evidence that a person is hunting if such person is in the possession of a firearm that is not unloaded on any street, public road, public highway, levee, or any railroad which is maintained by any railroad corporation, city, county, levee board, state or federal entity or the right-of-way of any such street, road, highway, levee or railroad, in an area in which wild game is or may be present, regardless of whether or not such firearm is within or without the confines of a motorized vehicle.

(ii) It shall be prima facie evidence that a nonresident is hunting if the nonresident is in the possession of a firearm that is not unloaded and not enclosed in a case on any public road or the right-of-way of any road within the Homochitto National Forest, regardless of whether or not the firearm is within or without the confines of a motorized vehicle.

(c) The provisions of this subsection shall not apply to any person engaged in a lawful action to protect his property or livestock.

(2) For purposes of this section, the following terms shall have the meanings ascribed to them herein:

(a) "Right-of-way" means that part of a street, public road, public highway, levee or railroad maintained by a city, county, levee board, state or federal entity or railroad corporation and including that portion up to the adjacent property line or fence line.

(b) "Motorized vehicle" means any vehicle powered by any type of motor, including automobiles, farm vehicles, trucks, construction vehicles and all-terrain vehicles.

(c) "Firearm" means any firearm other than a handgun.

(d) "Hunt" or "hunting" means to hunt or chase or to shoot at or kill or to pursue with the intent to take, kill or wound any wild animal or wild bird with a firearm as defined in this subsection.

(e) "Unloaded" means that a cartridge or shell is not positioned in the barrel or magazine of the firearm or in a clip, magazine or retainer attached to the firearm and all ammunition is located in an enclosed compartment, container, box or garment; or in the case of a caplock muzzle-loading firearm, "unloaded" means that the cap has been removed; or in the case of a flintlock muzzle-loading firearm, "unloaded" means that all powder has been removed from the flashpan.

(3) If any person hunts or discharges any firearm in, on or across any street, public road, public highway, levee, railroad or the right-of-way thereof, such person is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not less than sixty (60) days nor more than six (6) months, or by both such fine and imprisonment. This subsection shall not apply to any law enforcement officer while in the performance of his official duty or to any person engaged in a lawful action of self-defense.

(4) If any person shall willfully shoot any firearms or hurl any missile at any street, highway or railroad traffic light; street, highway or railroad marker or other sign for the regulation or designation of street, highway or railroad travel such person, upon conviction, shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or be imprisoned not longer than thirty (30) days in the county jail, or both.

(5) It shall be the duty of all sheriffs, deputy sheriffs, constables, conservation officers and peace officers of this state to enforce the provisions of this section.

(6) If any subsection, paragraph, sentence, clause, phrase or any part of this section is hereafter declared to be unconstitutional or void, or if for any reason is declared to be invalid or of no effect, the remaining subsections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2011.



ST: Hunting; require nonresidents to have a gun enclosed in a case when transported on a public road in the Homochitto National Forest.