

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 752
94TH GENERAL ASSEMBLY

Reported from the Special Committee on State Parks and Waterways March 13, 2007 with recommendation that House Committee Substitute for House Bill No. 752 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1627L.03C

AN ACT

To amend chapters 195, 253, and 578, RSMo, by adding thereto five new sections relating to use of lands, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 195, 253, and 578, RSMo, are amended by adding thereto five new sections, to be known as sections 195.217, 253.421, 578.520, 578.525, and 578.530, to read as follows:

195.217. 1. A person commits the offense of distribution of a controlled substance near a park, as defined in section 253.010, RSMo, if such person violates section 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on, or within one thousand feet of, the real property comprising a public park, state park, county park, or municipal park or a public or private park designed for public recreational purposes.

2. Distribution of a controlled substance near a park is a class A felony.

253.421. 1. As used in section 253.420 and this section, the following words and phrases mean:

(1) "Department", the department of natural resources, state historic preservation office;

(2) "Historic shipwreck", artifacts and remains of historic shipwreck sites which are over fifty years in age, including but not limited to a ship's structure and rigging,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 machinery, hardware, tools, utensils, cargo, personal items of crew passengers, and
8 monetary or treasure trove;

9 (3) "Lands beneath navigable waters":

10 (a) All lands within the boundaries of this state which are covered by nontidal
11 waters that are now navigable, or were navigable under the laws of the United States at the
12 time this state became a member of the Union or acquired sovereignty over such lands and
13 waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified
14 by accretion, erosion, river channel shifts, and reliction;

15 (b) All filled in, made, or reclaimed lands which formerly were lands beneath
16 navigable waters;

17 (4) "Shipwreck", a vessel or wreck, its cargo, and other contents, reasonably
18 believed to have wrecked or been abandoned at least fifty years prior to any permit
19 application.

20 2. Under the Abandoned Shipwreck Act of 1987, 43 U.S.C. Sections 2101-2106, all
21 historic shipwreck materials and such objects having intrinsic or historical and
22 archaeological value which have been abandoned on lands beneath navigable waters shall
23 belong to the state with jurisdiction thereto vested in the department for the purposes of
24 administration and protection. The department shall have the authority to promulgate
25 rules and regulations for the acceptable visitation, study, and salvage of such historic
26 shipwreck materials.

27 3. Any plan of regulated activities submitted by an applicant under subsection 2 of
28 section 253.420 shall include authorized written permission from any affected landowner
29 allowing access both to and from sites on the property and permitting any ground-
30 disturbing activities on such property.

578.520. 1. No person shall fish, hunt, or trap upon or retrieve wildlife from any
2 private land that is not owned or in the possession of such person without permission from
3 the owner or lessee of such land.

4 2. Any person who violates the provisions of this section is guilty of a class B
5 misdemeanor.

6 3. Any person who knowingly enters or remains on private property for the
7 purpose of hunting, fishing, trapping, or retrieving wildlife in violation of subsection 1 of
8 this section may, in addition to the penalty in subsection 2 of this section, be required by
9 the court to surrender and deliver any license or permit issued by the department of
10 conservation to hunt, fish, or trap. The court shall notify the conservation commission of
11 any conviction under this section and request the commission take necessary action to
12 revoke all privileges to hunt, fish, or trap for at least one year from the date of conviction.

2 **578.525. 1. No person shall, while engaged in the retrieval of wildlife from private**
3 **land that is not owned or in the possession of such person with permission of the landowner**
4 **or lessee of the land:**

5 **(1) Intentionally drive or flush any large or small game located on the land toward**
6 **other hunters of the retriever's same hunting group located on other parcels of land or**
7 **right-of-ways; or**

8 **(2) Intentionally discharge a firearm at large or small game, that originates from**
9 **the private land during retrieval.**

10 **2. Unlawful retrieval of large or small game is a class B misdemeanor.**

11 **578.530. It shall be an affirmative defense to prosecution for a violation of sections**
12 **578.520 and 578.525 that the premises were at the time open to members of the public and**
13 **the person complied with all lawful conditions imposed concerning access to or the**
14 **privilege of remaining on the premises.**

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