



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

November 8, 2024

The Honorable Trent L. Howell
Yalobusha County Justice Court Judge
Post Office Box 947
Water Valley, Mississippi 38965

Re: Conservation Officers' Authority to Issue Traffic Tickets

Dear Judge Howell:

The Office of the Attorney General has received your request for an official opinion.

Questions Presented

1. May game wardens/conservation officers write tickets for traffic offenses committed on public county roads?
2. If the answer to question one is yes, must the ticket be a uniform traffic ticket?

Brief Response

1. Mississippi Code Annotated Section 49-1-43(4)(d) provides conservation officers generally with the power “[t]o arrest, without warrant, any person committing or attempting to commit a misdemeanor, felony or a breach of the peace within his presence or view and to pursue and so arrest any person committing an offense in any place in the state where the person may go or be.”
2. While Section 63-9-21(3)(a) does not include conservation officers in the list of those required to issue uniform traffic tickets, all traffic tickets, citations, or affidavits issued — by conservation officers or otherwise— must contain the information required by Subsections 63-9-21(3)(b)-(d) of the Uniform Traffic Ticket Law.

Applicable Law and Discussion

A “conservation officer,” also known as “game warden,” is a law enforcement officer of the Mississippi Department of Wildlife, Fisheries and Parks (the “department”). Miss. Code Ann. § 49-1-12. It is a conservation officer’s duty “to enforce, and to obey and carry out all instructions and directions of the department with respect to the enforcement of the laws and regulations relating to wild animals, birds and fish.” Miss. Code Ann. § 49-1-43(3). Conservation officers’ powers are set forth in Section 49-1-43(4), with subsection (d) specifically stating that such officers have the power:

(d) To arrest, without warrant, any person committing or attempting to commit a misdemeanor, felony or a breach of the peace within his presence or view and to pursue and so arrest any person committing an offense in any place in the state where the person may go or be; to aid and assist any peace officer of this state or any other state if requested, in manhunts or natural disasters within the state[.]

(emphasis added). While the powers listed in Section 49-1-43(a), (b), and (c) mostly regulate wild animals, birds, and fish, the powers in (d) are broad and not so limited. Section 49-1-44 also sets forth additional powers not relevant to this opinion.

While the specific power to issue traffic tickets is not included in any of the above provisions, conservation officers do have the broad statutory authority to arrest, without warrant, any person committing or attempting to commit a misdemeanor or felony within the officer’s presence or view, which, in the opinion of this office, would include issuing tickets for traffic offenses committed on county roads.¹

You next ask if a traffic ticket issued by a conservation officer must be a uniform traffic ticket. Section 63-9-21 is known as the Uniform Traffic Ticket Law. Subsection (3)(a) states: “[e]very traffic ticket issued by any sheriff, deputy sheriff, constable, county patrol officer, municipal police officer or State Highway Patrol officer for any violation of traffic or motor vehicle laws shall be issued on the uniform traffic ticket or uniform implied consent violation ticket.” Miss. Code Ann. § 63-9-21(3)(a). Notably, conservation officers are not included in this specific list of law enforcement officers that are required to issue uniform traffic tickets. However, Subsections (3)(b)-(d) further provide:

(b) The traffic ticket, citation or affidavit issued to a person arrested for a violation of the Mississippi Implied Consent Law shall contain a place for the trial judge hearing the case or accepting the guilty plea, as the case may be, to sign, stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised of his right to have an attorney. If the

¹ Traffic violations may be either misdemeanors or felonies. Miss Code Ann. § 63-9-11(1) (stating that “[i]t is a misdemeanor for any person to violate any of the provisions of Chapter 3, 5 or 7 of this title [Motor Vehicles and Traffic Regulations], unless such violation is by such chapters or other law of this state declared to be a felony.”).

person arrested employed an attorney, the name, address and telephone number of the attorney shall be entered or written on the ticket, citation or affidavit.

(c) Every traffic ticket shall show, among other necessary information, the name of the issuing officer, the name of the court in which the cause is to be heard, and the date and time the person is to appear to answer the charge. The ticket shall include information that will constitute a complaint charging the offense for which the ticket was issued, and when duly sworn to and filed with a court of competent jurisdiction, prosecution may proceed thereunder.

(d) The traffic ticket shall contain a space to include the current address and current telephone number of the person being charged. It shall not contain a space to include the social security number of the person being charged.

Miss. Code Ann. § 63-9-21(3)(b)-(d). Accordingly, any traffic ticket, citation, or affidavit issued—by a conservation officer or otherwise— must contain the information required by Subsections (3)(b)-(d) of the Uniform Traffic Ticket Law.

Finally, we note that Section 63-9-21(4) provides:

All traffic tickets, except traffic tickets filed electronically under subsection (8) of this section, shall be bound in book form, shall be consecutively numbered and each traffic ticket shall be accounted for to the officer issuing such book. The traffic ticket books shall be issued to sheriffs, deputy sheriffs, constables and county patrol officers by the chancery clerk of their respective counties, to each municipal police officer by the clerk of the municipal court, and to each State Highway Patrol officer by the Commissioner of Public Safety.

As shown, this provision does not account for conservation officers; however, as mentioned therein, Section 63-9-21(8) allows all law enforcement officers and agencies to file traffic tickets electronically.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Maggie Kate Bobo*

Maggie Kate Bobo
Special Assistant Attorney General