

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1087 Session of 2024

INTRODUCED BY ROTHMAN, VOGEL, DUSH AND CULVER, FEBRUARY 21, 2024

SENATOR ROTHMAN, GAMES AND FISHERIES, AS AMENDED, MARCH 20, 2024

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, IN PENNSYLVANIA GAME COMMISSION, FURTHER PROVIDING <--
3 FOR ORGANIZATION OF COMMISSION; IN GAME OR WILDLIFE
4 PROTECTION, FURTHER PROVIDING FOR REPORT TO COMMISSION
5 OFFICER AND FOR SURRENDER OF CARCASS TO COMMISSION OFFICER;
6 in hunting and furtaking, further providing for the offense
7 of trespass on private property while hunting; AND, IN <--
8 SPECIAL LICENSES AND PERMITS, PROVIDING FOR AGRICULTURE
9 ACCESS PERMIT LIST.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Section 2314(a), (b) and (c) of Title 34 of the <--
13 Pennsylvania Consolidated Statutes are amended to read:~~

14 SECTION 1. SECTION 301(A) AND (B) INTRODUCTORY PARAGRAPH OF <--
15 TITLE 34 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED
16 AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

17 § 301. ORGANIZATION OF COMMISSION.

18 (A) COMPOSITION.--THE INDEPENDENT ADMINISTRATIVE COMMISSION
19 KNOWN AS THE PENNSYLVANIA GAME COMMISSION SHALL CONSIST OF
20 [NINE] 10 COMPETENT CITIZENS OF THIS COMMONWEALTH WHO SHALL BE
21 WELL INFORMED ON THE SUBJECT OF WILDLIFE CONSERVATION AND
22 RESTORATION AND WHO SHALL BE APPOINTED BY THE GOVERNOR, BY AND

1 WITH THE ADVICE AND CONSENT OF A MAJORITY OF THE ELECTED MEMBERS  
2 OF THE SENATE.

3 (B) QUALIFICATIONS.--[THE] ONE MEMBER OF THE COMMISSION  
4 SHALL BE KNOWN AS THE AGRICULTURAL COMMISSIONER AT LARGE. THE  
5 AGRICULTURAL COMMISSIONER AT LARGE SHALL REPRESENT THE INTEREST  
6 OF AGRICULTURAL COMMODITIES THAT PERTAIN TO NORMAL AGRICULTURAL  
7 OPERATIONS AND WILDLIFE. THE REMAINING MEMBERS OF THE COMMISSION  
8 SHALL BE APPOINTED FROM THE VARIOUS GEOGRAPHICAL SECTIONS OF  
9 THIS COMMONWEALTH SO THAT ONE AND ONLY ONE SHALL BE A RESIDENT  
10 OF EACH OF THE FOLLOWING DISTRICTS:

11 \* \* \*

12 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
13 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
14 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

15 "AGRICULTURAL COMMISSIONER AT LARGE." AN INDIVIDUAL WHO  
16 RAISES AN AGRICULTURAL COMMODITY AND WHO OWNS OR LEASES A NORMAL  
17 AGRICULTURAL OPERATION.

18 "AGRICULTURAL COMMODITY." AS DEFINED IN SECTION 2 OF THE ACT  
19 OF JUNE 10, 1982 (P.L.454, NO.133), ENTITLED "AN ACT PROTECTING  
20 AGRICULTURAL OPERATIONS FROM NUISANCE SUITS AND ORDINANCES UNDER  
21 CERTAIN CIRCUMSTANCES."

22 "NORMAL AGRICULTURAL OPERATION." AS DEFINED IN SECTION 2 OF  
23 THE ACT OF JUNE 10, 1982 (P.L.454, NO.133), ENTITLED "AN ACT  
24 PROTECTING AGRICULTURAL OPERATIONS FROM NUISANCE SUITS AND  
25 ORDINANCES UNDER CERTAIN CIRCUMSTANCES."

26 SECTION 2. SECTIONS 2122, 2125 AND 2314(A), (B) AND (C) OF  
27 TITLE 34 ARE AMENDED TO READ:

28 § 2122. REPORT TO COMMISSION OFFICER.

29 ANY PERSON WHO KILLS ANY GAME OR WILDLIFE, OTHER THAN  
30 RACCOONS, UNDER THE PROVISIONS OF THIS SUBCHAPTER SHALL, WITHIN

1 24 HOURS, REPORT, ORALLY OR IN WRITING, THE KILLING TO AN  
2 OFFICER OF THE COMMISSION. THE REPORT SHALL SET FORTH THE DATE,  
3 TIME AND PLACE OF THE KILLING, THE NUMBER OF SPECIES KILLED  
4 [AND], THE SEX OF THE SPECIES[.] AND THE LOCATION OF EACH  
5 CARCASS. THE COMMISSION SHALL ESTABLISH A SELF-REPORTING SYSTEM  
6 THAT ALLOWS A PERSON ASSIGNED TO REMOVE DEER FOR CROP DAMAGE  
7 PURPOSES TO REPORT EACH HARVEST TO AN OFFICER OF THE COMMISSION  
8 VIA A TOLL-FREE TELEPHONE NUMBER, ONLINE APPLICATION OR PUBLICLY  
9 ACCESSIBLE INTERNET WEBSITE.

10 § 2125. SURRENDER OF CARCASS [TO COMMISSION OFFICER].

11 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBCHAPTER, THE ENTIRE  
12 CARCASS, INCLUDING THE HEAD AND HIDE[, ] OF ALL BIG GAME ANIMALS  
13 AND THE ENTIRE CARCASS OF ANY OTHER GAME OR WILDLIFE, OTHER THAN  
14 RACCOONS, LESS ENTRAILS, SHALL BE MADE AVAILABLE, UNLESS  
15 OTHERWISE DIRECTED BY AN OFFICER OF THE COMMISSION, INTACT[, ]  
16 LESS ENTRAILS,] TO ANY COMMISSION OFFICER CALLING FOR THEM[.] OR  
17 DELIVERED TO A PROCESSOR FOR FINAL DISPOSITION. AS USED IN THIS  
18 SECTION, THE TERM "PROCESSOR" MEANS A LOCATION SPECIFIED BY THE  
19 COMMISSION THAT IS WILLING TO ACCEPT DONATIONS OF ANIMALS TAKEN  
20 UNDER THIS CHAPTER.

21 § 2314. Trespass on private property while hunting.

22 (a) General rule.--A person, while engaged in hunting or  
23 furtaking, commits an offense if, knowing that the person is not  
24 licensed or privileged to do so, the person ~~or a dog used by the~~ <--  
25 ~~person for hunting or furtaking:~~

26 (1) enters or remains on any land of another without  
27 authorization to do so, when the land is posted in a manner  
28 prescribed by law or reasonably likely to come to the  
29 person's attention [~~or is fenced or enclosed in a manner~~  
30 ~~manifestly designed to exclude trespassers; or~~];

1 (2) enters or remains on any land of another without  
2 authorization and defies an order not to enter or to leave  
3 that has been personally communicated to the person by the  
4 owner of the land or other authorized person[.];

5 (3) enters or remains on any land of another without  
6 authorization to do so, when the land is fenced or enclosed  
7 in a manner manifestly designed to exclude trespassers; or

8 (4) subject to subsection (b), enters or remains on any  
9 land of another without authorization to do so when notice  
10 against trespass is given by the placement of identifying  
11 purple paint marks on trees or posts on the property, which  
12 are:

13 (i) vertical lines of not less than eight inches in  
14 length and not less than one inch in width;

15 (ii) placed in a manner so that the bottom of the  
16 mark is not less than three feet from the ground and not  
17 more than five feet from the ground; and

18 (iii) placed at locations that are readily visible  
19 to a person approaching the property and no more than 100  
20 feet apart.

21 (b) Applicability.--~~†~~This section shall not apply to an <--  
22 unarmed person who enters onto posted property for the sole  
23 purpose of retrieving a hunting dog.† Subsection (a)(4) shall <--  
24 not apply in a county of the first class or a county of the  
25 second class.

26 (c) Penalty.--An offense under this section shall be graded  
27 as follows:

28 (1) A person who violates subsection (a) (1), (3) or (4)  
29 commits a summary offense of the [third degree.] second  
30 degree and may SHALL result in forfeiture of the privilege to <--

1 hunt or take game or wildlife anywhere within this  
2 Commonwealth for a period of up to one year.

3 (2) A person who violates subsection (a)(2) commits a  
4 misdemeanor[.] and shall result in forfeiture of the  
5 privilege to hunt or take game or wildlife anywhere within  
6 this Commonwealth for a period of three years.

7 (3) A person who commits a second or subsequent  
8 violation of this section within a seven-year period commits  
9 a misdemeanor, and the second or subsequent violation shall  
10 result in forfeiture of the privilege to hunt or take game or  
11 wildlife anywhere within this Commonwealth for a period of  
12 [one year] five years.

13 \* \* \*

14 SECTION 3. TITLE 34 IS AMENDED BY ADDING A SECTION TO READ: <--  
15 § 2931. AGRICULTURE ACCESS PERMIT LIST.

16 (A) PERMIT LIST.--THE COMMISSION SHALL CREATE THE  
17 AGRICULTURE ACCESS PERMIT LIST TO CONNECT LICENSED HUNTERS WITH  
18 PRIVATE AGRICULTURAL LANDOWNERS FOR THE PURPOSE OF CROP DAMAGE  
19 MEDIATION.

20 (B) APPLICATIONS.--AN INDIVIDUAL MAY SUBMIT AN APPLICATION  
21 FOR PLACEMENT ON THE LIST AND A PERMIT UNDER THIS SECTION IN A  
22 FORM AND MANNER DETERMINED BY THE COMMISSION. THE COMMISSION  
23 SHALL PROVIDE AN APPLICANT WITH THE OPTION OF APPLYING FOR  
24 PLACEMENT ON THE LIST AND A PERMIT UNDER THIS SECTION WHEN THE  
25 APPLICANT IS PURCHASING THE APPLICANT'S HUNTING LICENSE. THE  
26 FOLLOWING SHALL APPLY:

27 (1) BY SELECTING THE OPTION SPECIFIED UNDER THIS  
28 SUBSECTION, THE APPLICANT SHALL GIVE THE COMMISSION THE RIGHT  
29 TO SHARE THE INFORMATION AUTHORIZED UNDER SUBSECTION (D) UPON  
30 APPROVAL OF THE APPLICATION.

1           (2) THE APPLICANT MAY REAPPLY FOR PLACEMENT ON THE LIST  
2           AND A PERMIT UNDER THIS SECTION BASED ON THE CRITERIA UNDER  
3           SUBSECTION (C).

4           (C) CRITERIA.--IN ORDER TO BE ELIGIBLE FOR PLACEMENT ON THE  
5           LIST AND A PERMIT UNDER THIS SECTION, AN APPLICANT SHALL MEET  
6           ALL OF THE FOLLOWING CRITERIA AT THE TIME OF SUBMISSION OF THE  
7           APPLICATION UNDER SUBSECTION (B):

8           (1) HAS NOT COMMITTED AN OFFENSE UNDER THIS TITLE IN THE  
9           PRIOR SEVEN YEARS.

10           (2) BE 18 YEARS OF AGE OR OLDER.

11           (3) FURNISH PROOF OF A VALID HUNTING LICENSE AND TAGS  
12           FOR THE GAME OR WILDLIFE THAT THE APPLICANT WILL BE HUNTING  
13           ON THE ELIGIBLE HUNTING GROUNDS.

14           (D) RETENTION OF RECORDS.--THE COMMISSION SHALL RETAIN ALL  
15           OF THE FOLLOWING:

16           (1) THE NAME OF EACH APPLICANT AND CORRESPONDING RECORDS  
17           CONTAINING EACH APPLICANT'S NAME, TELEPHONE NUMBER AND  
18           MUNICIPALITY.

19           (2) EACH APPLICATION APPROVED UNDER SUBSECTION (E).

20           (3) EACH APPLICATION DISAPPROVED UNDER SUBSECTION (E)  
21           AND REASONS FOR THE DISAPPROVAL. NOTWITHSTANDING THE ACT OF  
22           FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW  
23           LAW, OR ANY OTHER PROVISION OF LAW, THE COMMISSION MAY NOT  
24           PUBLICLY DISCLOSE THE REASONS FOR THE DISAPPROVAL OF AN  
25           APPLICATION.

26           (E) NOTICE.--THE COMMISSION SHALL, VIA TELEPHONE, FIRST  
27           CLASS MAIL OR EMAIL, NOTIFY AN APPLICANT WHO HAS BEEN APPROVED  
28           OR DISAPPROVED FOR PLACEMENT ON THE LIST AND A PERMIT UNDER THIS  
29           SECTION.

30           (F) DURATION.--THE COMMISSION SHALL ISSUE A PERMIT UNDER

1 THIS SECTION IN ACCORDANCE WITH THE DURATION OF THE LICENSE  
2 PERIOD UNDER SECTION 2707 (RELATING TO LICENSE PERIODS). UPON  
3 THE EXPIRATION OF THE LICENSE PERIOD, THE COMMISSION SHALL  
4 REMOVE EACH PERMITTEE FROM THE LIST.

5 (G) LANDOWNERS.--A PRIVATE AGRICULTURAL LANDOWNER MAY  
6 REQUEST THE LIST FROM THE COMMISSION, INCLUDING EACH PERMITTEE'S  
7 NAME, TELEPHONE NUMBER, MUNICIPALITY AND COUNTY PREFERENCE.

8 (H) GUIDELINES.--A PERMITTEE SHALL ADHERE TO GUIDELINES  
9 SPECIFIED BY A PRIVATE AGRICULTURAL LANDOWNER WHEN CONDUCTING  
10 HUNTING ACTIVITIES ON THE LANDOWNER'S PROPERTY IF THE GUIDELINES  
11 ARE IN ACCORDANCE WITH THE COMMISSION'S REGULATIONS, INCLUDING  
12 ALL OF THE FOLLOWING:

13 (1) SPECIFIC DAYS ACCESS IS ALLOWED TO THE PROPERTY.

14 (2) SPECIFIC GAME SPECIES OR SEX OF GAME SPECIES THAT  
15 ARE AVAILABLE FOR HARVEST.

16 (I) BOUNDARIES.--THE BOUNDARIES OF THE PREMISES COVERED BY A  
17 PERMIT UNDER THIS SECTION AS ELIGIBLE HUNTING GROUNDS SHALL BE  
18 GROUNDS WHICH ARE OWNED BY A PRIVATE AGRICULTURAL LANDOWNER WHO  
19 ENTERED INTO AN AGREEMENT WITH A PERMITTEE TO CONDUCT HUNTING  
20 ACTIVITIES ON THE LANDOWNER'S LAND.

21 (J) TERMINATION OF ACCESS.--A PRIVATE AGRICULTURAL LANDOWNER  
22 MAY TERMINATE AN AGREEMENT SPECIFIED UNDER SUBSECTION (I) FOR  
23 ANY REASON AT ANY TIME IF THE LANDOWNER PROVIDES 24 HOURS'  
24 NOTICE OF THE TERMINATION TO A PERMITTEE. UPON THE PRIVATE  
25 AGRICULTURAL LANDOWNER PROVIDING NOTICE UNDER THIS SUBSECTION,  
26 THE PERMITTEE SHALL CEASE HUNTING ACTIVITIES ON THE LANDOWNER'S  
27 LAND.

28 (K) REMOVAL FROM LIST.--A PERMITTEE SHALL RELINQUISH THE  
29 PERMITTEE'S PLACEMENT ON THE LIST AND PERMIT UNDER THIS SECTION  
30 IF THE PERMITTEE:

1           (1) COMMITS AN OFFENSE UNDER THIS TITLE;  
2           (2) FAILS TO COMPLY WITH GUIDELINES UNDER SUBSECTION  
3           (H); OR

4           (3) SUBMITS A REQUEST TO THE COMMISSION TO BE REMOVED  
5           FROM THE LIST.

6           (L) LIMITATIONS.--THE COMMISSION SHALL LIMIT THE LIST FOR  
7           THE PURPOSES SPECIFIED UNDER THIS SECTION, INCLUDING CONNECTING  
8           LICENSED HUNTERS WITH PRIVATE AGRICULTURAL LANDOWNERS. THE  
9           COMMISSION MAY NOT SHARE THE LIST IN A MANNER NOT SPECIFIED  
10          UNDER THIS SECTION.

11          (M) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
12          WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
13          SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

14          "APPLICANT." AN INDIVIDUAL WHO SUBMITS AN APPLICATION UNDER  
15          SUBSECTION (B) FOR PLACEMENT ON THE LIST AND A PERMIT UNDER THIS  
16          SECTION.

17          "ELIGIBLE HUNTING GROUNDS." HUNTING GROUNDS THAT ARE LOCATED  
18          ON ANY OF THE FOLLOWING:

19               (1) PRIVATELY OWNED LAND.

20               (2) LAND AND WATER COMBINED WHERE THE GROUND IS WHOLLY,  
21               OR IN PART, REGULARLY AND CONTINUOUSLY ENGAGED IN CULTIVATING  
22               THE SOIL FOR GENERAL FARM CROP PURPOSES, COMMERCIAL TRUCK  
23               GROWING, COMMERCIAL ORCHARDS OR COMMERCIAL NURSERIES.

24          "LIST." THE AGRICULTURE ACCESS PERMIT LIST CREATED UNDER  
25          SUBSECTION (A).

26          "PERMITTEE." AN INDIVIDUAL WHO HAS BEEN PLACED ON THE LIST  
27          AND HOLDS A PERMIT UNDER THIS SECTION.

28          Section 2 4. This act shall take effect in 60 days.

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