

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 229 Session of
1995

INTRODUCED BY GODSHALL, SATHER, D. W. SNYDER, KING, MILLER,
COLAIZZO, WOGAN, SAYLOR, WAUGH, STABACK, HENNESSEY, GEIST,
DeLUCA, BROWN, CARONE, STAIRS, CIVERA, HESS AND GORDNER,
JANUARY 24, 1995

REFERRED TO COMMITTEE ON GAME AND FISHERIES, JANUARY 24, 1995

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, further providing for powers and duties of
3 enforcement officers.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 901 of Title 34 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 901. Powers and duties of enforcement officers.

9 (a) General rule.--Any officer whose duty it is to enforce
10 this title or any officer investigating any alleged violation of
11 this title shall have the power and duty to:

12 (1) Enforce all laws of this Commonwealth relating to
13 game or wildlife and arrest any person who has violated any
14 of the provisions of this title while in pursuit of that
15 person immediately following the violation.

16 (2) Go upon any land or water outside of buildings,
17 posted or otherwise, in the performance of the officer's

1 duty.

2 (3) Serve subpoenas issued under the provisions of this
3 title.

4 (4) Carry firearms or other weapons, concealed or
5 otherwise, in the performance of the officer's duties.

6 (5) Purchase and resell game or wildlife, or any part
7 thereof, for the purpose of securing evidence.

8 (6) Stop and inspect or search at any time if probable
9 cause exists, without warrant, any means of transportation
10 within this Commonwealth. Any officer who stops any means of
11 transportation shall be in uniform and present a badge or
12 other means of official identification and state the purpose
13 of the inspection or search.

14 (7) Inspect and examine or search[,] at any time or
15 place if probable cause exists, any person or means of
16 transportation or its attachment or occupants, or any
17 clothing worn by any person, or any bag, clothing or
18 container when the officer presents official identification
19 and states the purpose of the inspection or search.

20 (8) Inspect and examine or search[,] at any time if
21 probable cause exists, without warrant, any camp, tent,
22 cabin, trailer or any means of transportation or its
23 attachment being used when the officer presents official
24 identification to the person in charge and states the purpose
25 of the inspection or search.

26 (9) Secure and execute all warrants and search warrants
27 for violations of this title or, with proper consent, to
28 search or enter any building, dwelling, house, tavern, hotel,
29 boardinghouse, enclosure, vehicle or craft or any attachments
30 thereto, to open, by whatever means necessary, any door,

1 compartment, chest, locker, box, trunk, bag, basket, package
2 or container and to examine the contents thereof and seize
3 any evidence or contraband found therein.

4 (10) When making an arrest or an investigation or when
5 found in the execution of a search warrant, seize and take
6 possession of all game or wildlife or parts of game or
7 wildlife which have been taken, caught, killed, had or held
8 in possession, and seize all firearms, shooting or hunting
9 paraphernalia, vehicles, boats, conveyances, traps, dogs,
10 decoys, automotive equipment, records, papers, permits,
11 licenses and all contraband or any unlawful device, implement
12 or other appliance used in violation of any of the laws
13 relating to game or wildlife.

14 (11) Administer any oaths required by the provisions of
15 this title or relative to any violation of any law relating
16 to game or wildlife and, where game or wildlife is found in a
17 camp or in possession or under control of any individual or
18 hunting party, question the person or persons, under oath,
19 relative to the taking, ownership or possession of the game
20 or wildlife.

21 (12) Operate or move any vehicle, permanently or
22 temporarily equipped with a type of flashing or rotating red
23 light or lights or audible device or both, approved by the
24 commission, upon any street or highway within this
25 Commonwealth when performing duties within the scope of
26 employment.

27 (13) Demand and secure assistance when the officer deems
28 it necessary.

29 (14) Demand and secure identification from any person.

30 (15) Enforce all the laws of this Commonwealth and

1 regulations promulgated thereunder relating to fish, boats,
2 parks and forestry and other environmental matters, under the
3 direction of those agencies charged with the administration
4 of these laws.

5 (16) Require the holder of any license or permit
6 required by this title or by commission regulation to sign
7 the holder's name on a separate piece of paper in the
8 presence of the requesting officer.

9 (17) When acting within the scope of the officer's
10 employment, pursue, apprehend or arrest any individual
11 suspected of violating any provision of Title 18 (relating to
12 crimes and offenses) or any other offense classified as a
13 misdemeanor or felony. The officer shall also have the power
14 to serve and execute warrants issued by the proper
15 authorities for offenses referred to in this paragraph and to
16 serve subpoenas issued for examination. All powers as
17 provided for in this paragraph will be limited by such
18 administrative procedure as the director, with the approval
19 of the commission, shall prescribe. The regulations shall be
20 promulgated within 90 days of the effective date of this
21 paragraph.

22 (b) Definition.--As used in this section, the term "probable
23 cause" means an apparent state of facts or circumstances
24 believed by an officer to exist based either on an officer's
25 knowledge or on reasonable trustworthy information sufficient to
26 warrant a man of reasonable caution to believe an offense has
27 been or is being committed. The belief of any officer may be
28 based on probabilities which are not technical but factual or on
29 practicable considerations of everyday life.

30 Section 2. This act shall take effect in 60 days.