

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2027 Session of
2005

INTRODUCED BY SONNEY, B. SMITH, ARMSTRONG, BENNINGHOFF,
CALTAGIRONE, DeWEESE, GERGELY, GILLESPIE, GOOD, HARRIS,
R. MILLER, QUIGLEY, RAPP, DENLINGER AND SIPTROTH,
OCTOBER 17, 2005

REFERRED TO COMMITTEE ON GAME AND FISHERIES, OCTOBER 17, 2005

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, further providing for unlawful devices and methods.

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

5 Section 1. Section 2308 of Title 34 of the Pennsylvania
6 Consolidated Statutes is amended to read:

7 § 2308. Unlawful devices and methods.

8 (a) General rule.--Except as otherwise provided in this
9 title, it is unlawful for any person to hunt or aid, abet,
10 assist or conspire to hunt any game or wildlife through the use
11 of:

12 (1) An automatic firearm or similar device.

13 (2) A semiautomatic rifle or pistol.

14 (3) (Reserved).

15 (4) A semiautomatic shotgun or magazine shotgun for
16 hunting or taking small game, furbearers, turkey or
17 unprotected birds unless the shotgun is plugged to a two-

1 shell capacity in the magazine.

2 (5) Any device operated by air, chemical or gas cylinder
3 by which a projectile of any size or kind can be discharged
4 or propelled.

5 (6) Any recorded call or sound or recorded or
6 electronically amplified imitation of a call or sound of any
7 description or any other call or sound or imitation of calls
8 or sounds which are prohibited by regulations of the
9 commission. The commission shall be authorized, by
10 resolution, to adopt rules and regulations authorizing the
11 limited use of recorded calls or sounds or recorded or
12 electronically amplified imitation of calls or sounds when
13 such use is necessary in the commission's judgment to protect
14 the public health and safety or to preserve that species or
15 any other endangered by it.

16 (7) A vehicle or conveyance of any kind or its
17 attachment propelled by other than manpower. Nothing in this
18 subsection shall pertain to any motorboat or sailboat if the
19 motor has been completely shut off or sail furled, and the
20 progress thereof has ceased.

21 (8) Any artificial or natural bait, hay, grain, fruit,
22 nut, salt, chemical, mineral or other food as an enticement
23 for game or wildlife, regardless of kind and quantity, or
24 take advantage of any such area or food or bait prior to 30
25 days after the removal of such material and its residue.
26 Nothing contained in this subsection shall pertain to normal
27 or accepted farming, habitat management practices, oil and
28 gas drilling, mining, forest management activities or other
29 legitimate commercial or industrial practices. Upon discovery
30 of such baited areas, whether prosecution is contemplated or

1 not, the commission may cause a reasonable area surrounding
2 the enticement to be posted against hunting or taking game or
3 wildlife. The posters shall remain for 30 days after complete
4 removal of the bait.

5 (9) Any setgun, net, bird lime, deer lick, pit or pit
6 fall, turkey blind except as permitted under subsection
7 (b)(3) or turkey pen or any explosive, poison or chemical of
8 any kind.

9 (9.1) Any device which permits the release of two or
10 more arrows simultaneously on a single full draw of a bow.

11 (10) Any other device or method of any kind prohibited
12 by this title or regulations promulgated under this title.

13 (b) Exceptions.--The provisions of subsection (a) shall not
14 apply to:

15 (1) Any archery sight or firearm's scope which contains
16 and uses any mechanical, photoelectric, ultraviolet or solar-
17 powered device to solely illuminate the sight or crosshairs
18 within the scope. No archery sight or firearm's scope shall
19 contain or use any device, no matter how powered, to project
20 or transmit any light beam, infrared beam, ultraviolet light
21 beam, radio beam, thermal beam, ultrasonic beam, particle
22 beam or other beam outside the sight or scope onto the
23 target.

24 (2) (i) Any political subdivision, its employees or
25 agents, which has a valid deer control permit issued
26 under section 2902(c) (relating to general categories of
27 permits).

28 (ii) Any licensed hunter in cities of the first
29 class, while hunting on private property and using a bow
30 and arrow or crossbow, using bait to attract deer for

1 removal as provided by commission regulations.

2 (iii) Any licensed hunter in special regulation
3 areas, other than counties of the second class, using
4 bait to attract deer for removal as provided by
5 commission regulations.

6 (iv) Any employee, agent or designee of the
7 commission using bait to attract wildlife for research or
8 management purposes.

9 (3) Any artificial or manufactured turkey blind
10 consisting of all manmade materials of sufficient density to
11 block the detection of movement within the blind from an
12 observer located outside of the blind.

13 (c) Penalties.--

14 (1) A violation of subsection (a)(1), (2), (4) or (5) is
15 a summary offense of the fifth degree.

16 (2) A violation of subsection (a)(7) is a summary
17 offense of the third degree.

18 (3) A violation of any other provision of this section
19 is a summary offense of the fourth degree.

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