

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1859 Session of 2009

INTRODUCED BY STABACK, PEIFER, BAKER, BELFANTI, BEYER, CALTAGIRONE, CARROLL, CASORIO, CREIGHTON, DALLY, FAIRCHILD, GEIST, GERGELY, GILLESPIE, GOODMAN, HALUSKA, HORNAMAN, KAUFFMAN, KORTZ, KOTIK, LEVDANSKY, LONGIETTI, McCALL, MICOZZIE, MOUL, MURT, PYLE, ROCK, SIPTROTH, SOLOBAY, SWANGER, VULAKOVICH, WALKO, WANSACZ, MARSHALL AND STURLA, JULY 14, 2009

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 30, 2010

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, in preliminary provisions, further providing for
3 definitions; in enforcement, REPEALING THE OFFENSE OF
4 ASSAULTING AN OFFICER, further providing for the offense of
5 assaulting an officer, for jurisdiction and penalties, for
6 revocation, suspension or denial of license, permit or
7 registration and for determination of second or subsequent
8 convictions; in game or wildlife protection, further
9 providing for endangered or threatened species; in hunting
10 and furtaking, further providing for killing game or wildlife
11 by mistake, for unlawful taking or possession of game or
12 wildlife, for unlawful use of lights while hunting, for
13 buying and selling game, for trespass on private property
14 while hunting, for unlawful killing or taking of big game and
15 for additional penalty for poaching; and, in hunting and
16 furtaking licenses, further providing for unlawful acts
17 concerning licenses.



18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. The definitions of "closed season," "open season"
21 and "violation" in section 102 of Title 34 of the Pennsylvania
22 Consolidated Statutes are amended to read:

1 § 102. Definitions.

2 Subject to additional definitions contained in subsequent
3 provisions of this title which are applicable to specific
4 provisions of this title, the following words and phrases when
5 used in this title shall have the meanings given to them in this
6 section unless the context clearly indicates otherwise:

7 * * *

8 "Closed season." The periods of the calendar year and the
9 [shooting] hours during which it is unlawful to take game or
10 wildlife.

11 * * *

12 "Open season." The indicated periods of the calendar year
13 and the daily [shooting] hours during which game or wildlife may
14 be legally hunted, taken or killed and includes both the first
15 and the last day of the season or period of time designated by
16 this title or by regulation of the commission.

17 * * *

18 "Violation." [A] Any act in violation of a provision of this
19 title [and a violation of a] or any regulation promulgated by
20 the commission which implements or otherwise pertains to any
21 provision of this title.

22 * * *

23 SECTION 2. SECTION 905 OF TITLE 34 IS REPEALED: ←

24 [§ 905. ASSAULTING AN OFFICER.

25 A PERSON WHO ATTEMPTS TO CAUSE OR CAUSES BODILY INJURY TO AN
26 OFFICER MAKING AN ARREST OR INVESTIGATION FOR A VIOLATION OF
27 THIS TITLE OR PERFORMING ANY DUTIES REQUIRED BY THIS TITLE
28 COMMITS A MISDEMEANOR OF THE SECOND DEGREE.]

29 Section ~~2~~ 3. Sections ~~905~~, 925, 929(a) and (b), 932, 2167, ←
30 2306, 2307(b) and (e), 2310(a)(2) and (c), 2312(a) and (d), 2314

1 and 2321 of Title 34 are amended to read:

2 ~~§ 905. Assaulting an officer.~~ ←

3 ~~[A] Any person who intentionally, knowingly or recklessly~~
4 ~~attempts to cause or causes serious bodily injury to an officer~~
5 ~~making an arrest or investigation for a violation of this title~~
6 ~~or performing any duties required by this title commits a~~
7 ~~[misdemeanor] felony of the second degree.~~

8 § 925. Jurisdiction and penalties.

9 (a) Jurisdiction.--Notwithstanding the provisions of Title
10 42 (relating to judiciary and judicial procedure), all
11 magisterial district judges shall have jurisdiction for all
12 violations of this title which are classified as summary
13 offenses and may accept guilty pleas and impose sentences for
14 violations of this title classified as misdemeanors.

15 (b) Fines and penalties for violations.--In addition to any
16 other requirements of this title, the following fines and
17 penalties shall be imposed for violations of this title:

18 ~~(1) Felony of the second degree, not more than \$25,000~~ ←
19 ~~and may be sentenced to imprisonment up to 60 months.~~

20 ~~(2) (1) Felony of the third degree, not more than~~ ←
21 ~~\$15,000 and may be sentenced to imprisonment up to 36 months.~~

22 [(1)] ~~(3)~~ (2) Misdemeanor of the first degree, not [less ←
23 than \$2,000 nor] more than \$10,000 and may be sentenced to
24 imprisonment up to [six] 18 months.

25 [(2)] ~~(4)~~ (3) Misdemeanor of the second degree, not ←
26 [less than \$1,000 nor] more than \$5,000 and may be sentenced
27 to imprisonment up to [six] 12 months.

28 [(3)] ~~(5)~~ (4) Misdemeanor [of the third degree,] not ←
29 [less than \$500 nor] more than [\$2,500] \$3,000 and may be
30 sentenced to imprisonment up to six months.

1 [(4)] ~~(6)~~ (5) Summary offense of the first degree, not ←
2 less than [\$500] \$1,000 nor more than \$1,500 and may be
3 sentenced to imprisonment up to three months.

4 [(5)] ~~(7)~~ (6) Summary offense of the second degree, not ←
5 less than [\$300] \$400 nor more than \$800 and may be sentenced
6 to imprisonment up to one month.

7 [(6)] ~~(8)~~ (7) Summary offense of the third degree, not ←
8 less than [\$200] \$250 nor more than \$500.

9 [(7)] ~~(9)~~ (8) Summary offense of the fourth degree, not ←
10 less than [\$100] \$150 nor more than \$300.

11 [(8)] ~~(10)~~ (9) Summary offense of the fifth degree, not ←
12 less than [\$75] \$100 nor more than \$200.

13 [(9)] ~~(11)~~ (10) Summary offense of the sixth degree, ←
14 [not less than \$50 nor more than \$100] \$75.

15 [10] ~~(12)~~ (11) Summary offense of the seventh degree, ←
16 [not less than \$25 nor more than \$75] \$50.

17 [(11)] ~~(13)~~ (12) Summary offense of the eighth degree, ←
18 \$25.

19 (b.1) Costs of prosecution for violations.--In addition to
20 the imposition of any fines and penalties, costs of prosecution
21 shall [also] be assessed pursuant to 42 Pa.C.S. §§ 1725.1
22 (relating to costs) [and], 3571 (relating to Commonwealth
23 portion of fines, etc.) and section 1403 of the act of August 9,
24 1955 (P.L.323, No.130), known as The County Code, and as
25 otherwise deemed appropriate by the court.

26 (c) Penalty for undesignated violations.--A person who
27 violates any provision of this title for which a particular
28 penalty is not [applicable] designated commits:

29 (1) A misdemeanor of the [third] second degree if the
30 violation involves an endangered or threatened species and no

1 more severe penalty is fixed.

2 (2) A summary offense of the fifth degree for any other
3 violation.

4 (d) [Second and subsequent offenses.--Where game or wildlife
5 is taken, killed, wounded, possessed, transported, purchased,
6 concealed or sold and the offense is a second or subsequent
7 offense in a two-year period, one and one-half times the amount
8 of fine shall be imposed.]Enhanced penalties for certain
9 violations.--If applicable, one or more of the following may
10 apply to certain offenses:

11 (1) An additional fine of one and one-half times the
12 amount of the applicable fine may be imposed when the offense
13 is a second or subsequent offense within a seven-year period
14 or during the same criminal episode and no penalties for
15 second or subsequent offenses are prescribed for the
16 violation under this title.

17 (2) An additional fine of \$500 may be imposed when the
18 offense involves the unlawful taking of big game or
19 threatened or endangered species and a witness report was
20 instrumental in securing a successful conviction. Any
21 additional fines imposed under this paragraph shall be
22 directed to the commission to compensate any witness whose
23 report directly results in a successful conviction. If
24 applicable, each witness, up to a maximum of two, shall be
25 compensated \$250 for each additional \$500 imposed.

26 (e) Installment payment of fines.--Upon a plea and proof
27 that person is unable to pay any fine and costs imposed under
28 this title, a court may, in accordance with 42 Pa.C.S. § 9758
29 (relating to fine), permit installment payments it considers
30 appropriate to the circumstances of the [defendant] person, in

1 which case its order shall specify when each installment payment
2 is due.

3 (f) Nonpayment of fines and costs.--Unless otherwise
4 provided in this title, each person who fails to pay [the fine]
5 any fines and costs imposed may, after a hearing before a
6 magisterial district judge, be imprisoned until the [fine is]
7 fines and costs are paid in full. The court may imprison the
8 person for a number of days equal to one day for each \$40 of the
9 unpaid balance of the [fine] fines and costs not to exceed [120
10 days] six months.

11 (g) [Community public service] Adjudication alternative
12 program inapplicable.--The provisions of 42 Pa.C.S. § 1520
13 (relating to [community public service] adjudication alternative
14 program) shall not be applied as an adjudication alternative for
15 any violation or offense under this title.

16 (h) Separate offenses.--Where game or wildlife is unlawfully
17 taken, killed, wounded, possessed, transported, purchased,
18 concealed or sold, each bird or animal or part thereof involved
19 in the violation constitutes a separate offense.

20 (i) Replacement costs.--In addition to the fines and costs
21 imposed for violations pursuant to subsection (b), the costs
22 incurred by the commission for the replacement of the species
23 involved in the violation shall be assessed by the magisterial
24 district judge in such amount as is fixed by regulation of the
25 commission. Replacement costs shall only be assessed for
26 violations relating to threatened or endangered species of North
27 American game or wildlife and such other species of Pennsylvania
28 game or wildlife as designated by the commission.

29 (j) Title 18 inapplicable.--Title 18 (relating to crimes and
30 offenses) is inapplicable to this title insofar as it relates

1 to:

2 (1) intent, willfulness of conduct or fines and
3 imprisonment for convictions of summary offenses and
4 misdemeanors; or

5 (2) criminal records under 18 Pa.C.S. Ch. 91 (relating
6 to criminal history record information) for misdemeanors
7 under section 2522(b) (1) (relating to shooting at or causing
8 injury to human beings).

9 (K) IMPACT ON OTHER LAWS.--A FELONY UNDER THIS TITLE SHALL ←
10 NOT BE DEEMED TO CONSTITUTE A FELONY FOR THE PURPOSE OF ANY
11 OTHER LAW RELATING TO DISQUALIFICATION FROM EMPLOYMENT, LOSS OF
12 SUFFRAGE OR FOR ANY OTHER PURPOSE.

13 § 929. Revocation, suspension or denial of license, permit or
14 registration.

15 (a) General rule.--Except as otherwise provided in this
16 title, any hunting or furtaking license, special license or
17 permit or registration granted under the authority of this title
18 may be denied, revoked or suspended by the commission when the
19 holder of the license, permit or registration is convicted of an
20 offense under this title or has acted contrary to the intent of
21 the registration or permit, with each offense constituting a
22 separate violation subject to separate revocation. The
23 commission may refuse to grant to that person any permit or
24 registration and may deny any privilege granted by these
25 documents for a period not exceeding five years unless otherwise
26 provided in this title.

27 * * *

28 (b) Regulations.--The commission may promulgate regulations
29 specifying the procedures to be followed in denying, revoking or
30 suspending any hunting and furtaking privileges, licenses,

1 permits and registrations granted under the provisions of this
2 title.

3 § 932. Determination of second or subsequent [convictions]
4 offenses.

5 Any person convicted or pleading guilty or signing an
6 acknowledgment of guilt under any provisions of this title who,
7 within the past [two] seven years, was convicted or pleaded
8 guilty or signed an acknowledgment of guilt for violating any of
9 the provisions of this title or the former laws relating to game
10 or wildlife then in force shall be sentenced under this title as
11 a second or subsequent offender. Any acceptance of Accelerated
12 Rehabilitative Disposition within the past seven years of the
13 present violation shall be considered for the purposes of
14 determining a second or subsequent offense.

15 § 2167. Endangered or threatened species.

16 (a) Changes to list.--The commission may, by regulation, add
17 or remove any wild bird or wild animal native to this
18 Commonwealth to or from the Pennsylvania native list of
19 endangered or threatened species.

20 (b) Possession, transportation, capturing or killing.--
21 Except as otherwise provided in this title, it is unlawful for
22 any person, acting either for himself or as the representative
23 of another, to bring into or remove from this Commonwealth, or
24 to possess, transport, capture or kill, or attempt, aid, abet or
25 conspire to capture or kill, any wild bird or wild animal, or
26 any part thereof, or the eggs of any wild bird, which are
27 endangered or threatened species. It is the duty of every
28 officer having authority to enforce this title to seize all wild
29 birds or wild animals, or any part thereof, or the eggs of any
30 wild bird, which have been declared endangered or threatened. [A

1 violation of this subsection is a misdemeanor of the third
2 degree. All wild birds or wild animals, or any part thereof, or
3 the eggs seized which are found to be in violation of this
4 subsection are contraband.]

5 (c) Purchase, sale, barter or exchange.--Except as otherwise
6 provided in this title, it is unlawful for any person, acting
7 either for himself or as a representative of another, at any
8 time to buy, sell, barter or exchange, or to offer for sale or
9 barter, or to have in possession for sale or barter, or to aid,
10 abet or conspire in the possession, sale, barter or exchange, or
11 to give away any endangered or threatened species or subspecies
12 of wild birds or wild animals, or parts thereof. It is the duty
13 of every officer having authority to enforce this title to seize
14 all endangered or threatened wild birds or wild animals, or any
15 part thereof. [A violation of this subsection is a misdemeanor
16 of the second degree. All wild birds or wild animals, or any
17 part thereof, found to be in violation of this subsection are
18 contraband.] This subsection shall not be construed to permit
19 any individual or agency other than the commission to sell the
20 skins or parts of game or wildlife or the plumage or parts of
21 birds killed as a protection to crops or accidentally killed
22 upon the highways or seized as contraband.

23 (d) Penalties.--A violation of this section shall be graded
24 as follows:

25 (1) A first violation is a misdemeanor of the second
26 degree and may result in forfeiture of the privilege to hunt
27 or take wildlife anywhere within this Commonwealth for a
28 period of seven years.

29 (2) A second violation within a seven-year period or
30 during the same criminal episode as the first violation is a

1 misdemeanor of the first degree and may result in the
2 forfeiture of the privilege to hunt or take wildlife anywhere
3 within this Commonwealth for a period of ten years.

4 (3) A third or subsequent violation within a seven-year
5 period or during the same criminal episode as the first or
6 second violation is a felony of the third degree and may
7 result in the forfeiture of the privilege to hunt or take
8 wildlife anywhere within this Commonwealth for a period of 15
9 years.

10 § 2306. Killing game or wildlife by mistake.

11 (a) General rule.--Any person who, while hunting or trapping
12 for game or wildlife which may be lawfully taken, by accident or
13 mistake kills or attempts to kill any game or wildlife other
14 than bears, elk or threatened or endangered species, contrary to
15 the provisions of this title, shall pay restitution pursuant to
16 subsection (b) to an officer of the commission. [The person
17 shall immediately remove all the entrails of any edible game or
18 wildlife, deliver the entire carcass, less entrails, to any
19 commission officer in the county in which killed for disposition
20 and make a written sworn statement explaining when, where and
21 how the accident or mistake occurred.]

22 (b) Restitution.--Restitution for killing or an attempted
23 killing by accident or mistake shall be as follows:

24 (1) Each deer - \$25.

25 (2) Each turkey - \$20.

26 (3) Each other wild bird or wild animal, other than a
27 bear, elk or an endangered or threatened species - \$15.

28 (c) [Additional action.--If the officer receiving the
29 payment and written statement after further review and
30 investigation is not satisfied the killing or attempted killing

1 was an accident or a mistake but was caused by negligence or
2 carelessness or if the person fails to pay the prescribed
3 restitution within ten days, the officer shall cause the person
4 to be prosecuted for the unlawful killing or attempted killing
5 of game or wildlife, and, if convicted, any amount paid shall be
6 applied to the payment of the penalty and costs.] Procedural
7 requirements.--Any person claiming a mistake kill or attempted
8 kill of game or wildlife pursuant to this section shall:

9 (1) Immediately remove all of the entrails of any edible
10 game or wildlife and, if big game, tag the animal in the
11 manner prescribed under section 2323 (relating to tagging and
12 reporting big game kills).

13 (2) Within 24 hours after the killing or attempted
14 killing, report the same to the appropriate commission
15 regional office by telephone or electronic communication.

16 (3) Within 24 hours after the killing or attempted
17 killing, deliver the entire carcass, less entrails, to any
18 commission officer in the county in which killed for
19 disposition and provide a written, sworn statement to the
20 commission officer explaining when, where and how the
21 accident or mistake occurred.

22 (4) Within ten days after the killing or attempted
23 killing, provide the commission officer full payment of
24 restitution.

25 § 2307. Unlawful taking or possession of game or wildlife.

26 * * *

27 (b) [(Reserved)] Hunting before and after lawful hunting
28 hours.--It is unlawful for any person to take, injure, kill,
29 possess or transport or knowingly aid, abet, assist, attempt or
30 conspire in any manner to take, injure, kill, possess or

1 transport any game or wildlife or any part thereof which was
2 taken within 30 minutes prior to the commencement of lawful
3 hunting hours or within 30 minutes after the cessation of lawful
4 hunting hours.

5 * * *

6 (e) Penalties.--A violation of this section relating to:

7 (1) Threatened or endangered species is a misdemeanor of
8 the second degree.

9 (2) Elk or bear is a summary offense of the first
10 degree.

11 (3) Deer is a summary offense of the second degree.

12 [(3.1) Deer killed as a result of negligence or
13 carelessness as provided for in section 2306(c) (relating to
14 killing game or wildlife by mistake) is a summary offense
15 punishable by a fine of not less than \$100 nor more than
16 \$500.]

17 (4) Bobcat or otter is a summary offense of the third
18 degree.

19 (5) Wild turkey or beaver is a summary offense of the
20 fourth degree.

21 (6) Any other game or wildlife is a summary offense of
22 the fifth degree.

23 * * *

24 § 2310. Unlawful use of lights while hunting.

25 (a) General rule.--Except as set forth in subsection (b), it
26 is unlawful for any person or group of persons to engage in any
27 of the following activities to any degree:

28 * * *

29 (2) [Aid] Intentionally, knowingly or recklessly OR
30 KNOWINGLY act, aid, assist or conspire either in the killing



1 or taking or in an attempt to kill, take, possess, transport
2 or conceal any game or wildlife or a part thereof which has
3 been killed or taken by use of any artificial light.

4 * * *

5 (c) Penalties.--[A violation of this section is a summary
6 offense of the fifth degree. In addition thereto, if any person
7 is hunting game or wildlife or if any attempt is made to take
8 any game or wildlife, the person or persons shall be sentenced
9 to the additional penalties of:

10 (1) For each endangered or threatened species, a fine of
11 \$1,000 and forfeiture of the privilege to hunt or take game
12 or wildlife anywhere within this Commonwealth for a period of
13 ten years.

14 (2) For each elk or bear, a fine of \$800 and forfeiture
15 of the privilege to hunt or take game or wildlife anywhere
16 within this Commonwealth for a period of five years.

17 (3) For each deer, a fine of \$500 and forfeiture of the
18 privilege to hunt or take game or wildlife anywhere within
19 this Commonwealth for a period of three years.

20 (4) For each bobcat or otter, a fine of \$300 and
21 forfeiture of the privilege to hunt or take game or wildlife
22 anywhere within this Commonwealth for a period of three
23 years.

24 (5) For each turkey or beaver, a fine of \$200 and
25 forfeiture of the privilege to hunt or take game or wildlife
26 anywhere within this Commonwealth for a period of two years.

27 (6) For each other bird or animal, a fine of \$100 and
28 forfeiture of the privilege to hunt or take game or wildlife
29 anywhere within this Commonwealth for a period of one year.]

30 (1) A violation of subsection (a)(1) is a summary

1 offense of the fifth degree.

2 (2) A violation of subsection(a) (2) or (3) relating to:

3 (i) Threatened or endangered species shall be graded
4 as follows:

5 (A) A first offense is a misdemeanor of the
6 second degree and may result in forfeiture of the
7 privilege to hunt or take game or wildlife anywhere
8 in this Commonwealth for a period of seven years.

9 (B) A second offense within a seven-year period
10 or during the same criminal episode as the first
11 offense is a misdemeanor of the first degree and may
12 result in forfeiture of the privilege to hunt or take
13 game or wildlife anywhere within this Commonwealth
14 for a period of ten years.

15 (C) A third OR subsequent violation within a ←
16 seven-year period or during the same criminal episode
17 of a first or second offense is a felony of the third
18 degree and may result in forfeiture of the privilege
19 to hunt or take wildlife within this Commonwealth FOR ←
20 A PERIOD OF 15 YEARS.

21 (ii) Big game animals shall be graded as follows:

22 (A) A first offense or a second offense during
23 the same criminal episode is a misdemeanor and may
24 result in forfeiture of the privilege to hunt or take
25 game or wildlife anywhere within this Commonwealth
26 for a period of five years.

27 (B) A second offense within a seven-year period
28 or a third or fourth offense during the same criminal
29 episode is a misdemeanor of the first degree and may
30 result in the forfeiture of the privilege to hunt or

1 take game or wildlife anywhere within this
2 Commonwealth for a period of ten years.

3 (C) A fifth or subsequent offense during the
4 same criminal episode or a third offense within a
5 seven-year period is a felony of the third degree and
6 may result in forfeiture of the privilege to hunt or
7 take game or wildlife anywhere within this
8 Commonwealth for a period of 15 years.

9 (iii) A violation of subsection (a)(2) where the
10 species is a single white-tailed deer or a single wild
11 turkey is a summary offense of the first degree and may
12 result in forfeiture of the privilege to hunt or take
13 wildlife anywhere within this Commonwealth for a period
14 of three years. A second violation of subsection (a)(2)
15 where the species is a single white-tailed deer or a
16 single wild turkey within a seven-year period is a
17 misdemeanor and may result in forfeiture of the privilege
18 to hunt or take wildlife anywhere within this
19 Commonwealth for a period of five years. A third offense
20 within a seven-year period where the species is a single
21 white-tailed deer or a single wild turkey is a
22 misdemeanor of the first degree and may result in the
23 forfeiture of the privilege to hunt or take wildlife
24 anywhere within this Commonwealth for a period of ten
25 years.

26 (iv) Any other game or wildlife is a summary offense
27 of the first degree and may result in the forfeiture of
28 the privilege to hunt or take game or wildlife anywhere
29 within this Commonwealth for a period of three years.

30 * * *

1 § 2312. Buying and selling game.

2 (a) General rule.--Unless otherwise provided, it is unlawful
3 for any person to buy, sell or barter, or aid, abet, assist or
4 conspire to buy, sell or barter, or offer for sale or barter, or
5 have in possession or transport for sale or barter, any game or
6 the edible parts of game or any protected bird or animal or
7 parts of any protected bird or animal.

8 * * *

9 (d) Penalty.--A violation of this section relating to:

10 [(1) Elk or bear is a summary offense of the first
11 degree and results in forfeiture of the privilege to hunt or
12 take wildlife anywhere within this Commonwealth for a period
13 of five years.

14 (2) Deer is a summary offense of the second degree and
15 results in forfeiture of the privilege to hunt or take game
16 or wildlife anywhere within this Commonwealth for a period of
17 three years.

18 (3) Bobcat or otter is a summary offense of the third
19 degree and results in forfeiture of the privilege to hunt or
20 take game or wildlife anywhere within this Commonwealth for a
21 period of three years.

22 (4) Wild turkey or beaver is a summary offense of the
23 fourth degree and results in forfeiture of the privilege to
24 hunt or take game or wildlife anywhere within this
25 Commonwealth for a period of two years.

26 (5) Each other wild bird or wild animal is a summary
27 offense of the fifth degree and results in forfeiture of the
28 privilege to hunt or take game or wildlife anywhere within
29 this Commonwealth for a period of one year.]

30 (1) Threatened or endangered species shall be graded as

1 follows:

2 (i) A first offense is a misdemeanor of the second
3 degree and may result in forfeiture of the privilege to
4 hunt or take game or wildlife anywhere within this
5 Commonwealth for a period of seven years.

6 (ii) A second offense within a seven-year period or
7 during the same criminal episode is a misdemeanor of the
8 first degree and may result in forfeiture of the
9 privilege to hunt or take game or wildlife anywhere
10 within this Commonwealth for a period of ~~15~~ TEN years. ←

11 (iii) A third or subsequent violation of this
12 section within a seven-year period or during the same
13 criminal episode is a felony of the third degree and may
14 result in forfeiture of the privilege to hunt or take
15 wildlife anywhere within this Commonwealth for a period
16 of 15 years.

17 (2) Big game animals shall be graded as follows:

18 (i) A first offense or a second offense during the
19 same criminal episode is a misdemeanor and may result in
20 forfeiture of the privilege to hunt or take game or
21 wildlife anywhere within this Commonwealth for a period
22 of five years.

23 (ii) A second offense within a seven-year period or
24 a third or fourth offense during the same criminal
25 episode is a misdemeanor of the first degree and may
26 result in the forfeiture of the privilege to hunt or take
27 game or wildlife anywhere within this Commonwealth for a
28 period of ten years.

29 (iii) A fifth or subsequent offense during the same
30 criminal episode or third offense within a seven-year

1 period is a felony of the third degree and may result in
2 forfeiture of the privilege to hunt or take game or
3 wildlife anywhere within this Commonwealth for a period
4 of 15 years.

5 (3) The selling and buying of venison up to 20 pounds
6 and the buying and selling of other game or wildlife is a
7 summary offense of the first degree and may result in the
8 forfeiture of the privilege to hunt or take game or wildlife
9 anywhere within this Commonwealth for a period of three
10 years.

11 § 2314. Trespass on private property while hunting.

12 (a) General rule.--Any person who while violating any
13 provision of this title or any regulations promulgated under
14 this title and who in addition is found to be trespassing as
15 defined in 18 Pa.C.S. § 3503 (relating to criminal trespass)
16 shall be in violation of this section.

17 (b) Penalty.--A violation of this section:

18 (1) [For a first offense is a summary offense.] A
19 violation of this section is a summary offense of the fifth
20 degree.

21 (2) [For a second or subsequent offense within one year
22 of the prior offense is a summary offense and upon conviction
23 will result in an immediate revocation of the person's
24 hunting and furtaking license and disqualification of the
25 person from issuance of a future license for a period of one
26 year from the date of revocation.] A second or subsequent
27 violation of this section within a seven-year period is a
28 summary offense of the fifth degree and may result in
29 forfeiture of the privilege to hunt or take game or wildlife
30 anywhere within this Commonwealth for a period of one year.

1 § 2321. Unlawful killing or taking of big game.

2 (a) General rule.--Except as provided in this title or by
3 regulation of the commission, it is unlawful for any person to:

4 (1) [Kill or take or attempt or conspire to kill or take
5 in any manner more than the lawful number of big game animals
6 which may be taken in any license year] Take, injure, kill,
7 possess or transport or knowingly, intentionally or ←
8 recklessly OR INTENTIONALLY aid, abet, assist, attempt or ←
9 conspire in any manner to take, injure, kill, possess or
10 transport any big game animal during closed season.

11 (2) [Possess or transport in any manner any big game
12 which was unlawfully killed or taken] Take, injure, kill,
13 possess or transport or knowingly, intentionally or ←
14 recklessly OR INTENTIONALLY aid, abet, assist, attempt or ←
15 conspire in any manner to take, injure, kill, possess or
16 transport any big game animal beyond established daily or
17 season limits.

18 [(3) Assist, aid or abet or conspire to assist, aid or
19 abet in any manner any other person in the violation of
20 paragraph (1) or (2).]

21 (b) Exception.--This section shall not be construed to
22 prohibit the transportation or possession of one or more big
23 game animals which are lawfully killed and properly tagged.

24 (c) Evidence of unlawful killing.--Unless the head is
25 attached in a natural manner and properly tagged as provided in
26 section 2323 (relating to tagging and reporting big game kills),
27 the possession, transportation or control of any big game or a
28 part or parts of such big game shall be prima facie evidence
29 that the big game was unlawfully killed within this
30 Commonwealth. Under such circumstances, the person possessing,

1 transporting or controlling the big game shall immediately, upon
2 demand of an officer of the commission, produce the head of the
3 big game or the name and address of the person killing the big
4 game or other satisfactory evidence that the carcass in
5 possession or under the person's control is part of a lawfully
6 taken big game.

7 (d) Penalty.--

8 [(1) A violation of this section relating to bear or elk
9 is a summary offense of the first degree.

10 (2) A violation of this section relating to deer is a
11 summary offense of the second degree.

12 (3) A violation of this section relating to wild turkey
13 is a summary offense of the fourth degree.

14 (4) Each bird or animal or part thereof involved in a
15 violation constitutes a separate offense.]

16 (1) (i) Except as otherwise provided in paragraph (2),
17 a violation of this section or a second violation of this
18 section during the same criminal episode is a misdemeanor
19 and may result in forfeiture of the privilege to hunt or
20 take wildlife anywhere within this Commonwealth for a
21 period of five years.

22 (ii) A third or fourth violation of this section
23 during the same criminal episode or a second violation of
24 this section within a seven-year period is a misdemeanor
25 of the first degree and may result in forfeiture of the
26 privilege to hunt or take wildlife anywhere within this
27 Commonwealth for a period of ten years.

28 (iii) A fifth or subsequent violation of this
29 section during the same criminal episode or third offense
30 within a seven-year period is a felony of the third

1 degree and may result in forfeiture of the privilege to
2 hunt or take wildlife anywhere within this Commonwealth
3 for a period of 15 years.

4 (2) (i) A violation of subsection (a) (1) or (2) where
5 the species is a single white-tailed deer or a single
6 wild turkey is a summary offense of the first degree and
7 may result in forfeiture of the privilege to hunt or take
8 wildlife anywhere within this Commonwealth for a period
9 of three years. A second violation of subsection (a) (1)
10 or (2) where the species is a single white-tailed deer or
11 a single wild turkey within a seven-year period is a
12 misdemeanor and may result in forfeiture of the privilege
13 to hunt or take wildlife anywhere within this
14 Commonwealth for a period of five years. A third offense
15 within a seven-year period where the species is a single
16 white-tailed deer or a single wild turkey is a
17 misdemeanor of the first degree and may result in the
18 forfeiture of the privilege to hunt or take wildlife
19 anywhere within this Commonwealth for a period of ten
20 years.

21 (ii) (A) A second violation of subsection (a) (1) or
22 (2) during the same criminal episode where the
23 species taken, injured, killed, possessed or
24 transported is white-tailed deer or wild turkey is a
25 misdemeanor and may result in forfeiture of the
26 privilege to hunt or take wildlife anywhere within
27 this Commonwealth for a period of five years.

28 (B) A third or fourth violation of subsection
29 (a) (1) or (2) during the same criminal episode where
30 the species is white-tailed deer or wild turkey is a

1 misdemeanor of the first degree and may result in
2 forfeiture of the privilege to hunt or take wildlife
3 anywhere within this Commonwealth for a period of ten
4 years.

5 (C) A fifth or subsequent violation of
6 subsection (a)(1) or (2) during the same criminal
7 episode where the species is white-tailed deer or
8 wild turkey is a felony of the third degree and may
9 result in forfeiture of the privilege to hunt or take
10 wildlife anywhere within this Commonwealth for a
11 period of 15 years.

12 Section ~~3~~ 4. Section 2329 of Title 34 is repealed: 

13 [§ 2329. Additional penalty for poaching.

14 (a) Additional penalty.--A person who violates this chapter
15 by illegally poaching any big game or threatened or endangered
16 species shall, in addition to any other penalty imposed, be
17 sentenced to pay a fine of \$200 for each big game animal or each
18 threatened or endangered species illegally poached. Any fines
19 collected under this subsection shall be paid over to the
20 commission for use in maintaining the toll-free telephone number
21 under subsection (b) and to compensate callers whose reports led
22 to payment of a fine under this subsection. Each caller shall be
23 compensated \$100 for each \$200 collected as a result of the
24 caller's report.

25 (b) Report of violations.--The commission shall establish
26 and maintain a toll-free telephone number to report poaching of
27 big game or threatened or endangered species. Reports of
28 poaching of big game or threatened or endangered species are
29 confidential. No persons other than employees of the commission
30 in the course of official duties in connection with poaching

1 reports shall have access to identifying information relating to
2 the caller.]

3 Section 4 5. Section 2711(a) (4) and (b) of Title 34 are ←
4 amended to read:

5 § 2711. Unlawful acts concerning licenses.

6 (a) General rule.--Except as otherwise provided in this
7 title, it is unlawful for any person to:

8 * * *

9 (4) Issue, acquire or aid, assist or conspire, either
10 for that person or any other person, in procuring any hunting
11 or furtaking license for which that person is not legally
12 entitled thereto.

13 * * *

14 (b) Penalties.--A violation of this subchapter relating to:

15 [(1) Hunting by a nonresident without a valid license or
16 licenses required by this title is a summary offense of the
17 fourth degree.

18 (2) Furtaking by a nonresident without a valid furtaking
19 license or licenses required by this title is a summary
20 offense of the second degree.

21 (3) Hunting or furtaking by a resident without a valid
22 license or licenses required by this title is a summary
23 offense of the fifth degree.

24 (4) Subsection (a) (1) insofar as it relates to signing
25 or displaying a license is a summary offense of the eighth
26 degree.

27 (5) Subsection (a) (2), (3), (4), (5) or (9) is a summary
28 offense of the fifth degree.

29 (6) Subsection (a) (6), (7) or (8) is a summary offense
30 of the seventh degree.

1 (7) Subsection (a)(11) is a summary offense of the third
2 degree. In addition to the imposition of any penalty, a
3 convicted violator [shall] may incur a five-year [mandatory]
4 revocation of the privilege to hunt or trap anywhere in this
5 Commonwealth.

6 (8) Any of the other provisions of this subchapter or
7 the regulations promulgated thereunder is a summary offense
8 of the fifth degree.]

9 (1) Subsection (a)(1) insofar as it relates to hunting
10 or furtaking without a valid license or licenses required is
11 a summary offense of the third degree.

12 (2) Subsection (a)(1) insofar as it relates to signing
13 or displaying a license is a summary offense of the eighth
14 degree.

15 (3) Subsection (a)(2), (3), (4), (5), (9) or (12) is a
16 summary offense of the fifth degree.

17 (4) Subsection (a)(6), (7) or (8) is a summary offense
18 of the seventh degree.

19 (5) Subsection (a)(10) or (11) is a summary offense of
20 the first degree and may result in forfeiture of the
21 privilege to hunt or take game or wildlife anywhere within
22 this Commonwealth for a period of five years.

23 (6) Any of the other provisions of this subchapter or
24 the regulations promulgated thereunder is a summary offense
25 of the fifth degree.

26 * * *

27 Section ~~5~~ 6. The Pennsylvania Game Commission shall provide ←
28 public notice of the provisions within this measure. This notice
29 shall be included within the NEXT EDITION OF THE Pennsylvania ←
30 Hunting and Trapping Digest ~~for 2010-2011~~, and summaries of the ←

1 amendments shall be made available at each issuing agent.

2 Section 6 7. This act shall take effect in 60 days.

