
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1099 Session of
2013

INTRODUCED BY MCCARTER, MILLARD, DAVIDSON, O'BRIEN, COHEN,
EVERETT, FARINA, FABRIZIO AND MURT, APRIL 3, 2013

REFERRED TO COMMITTEE ON GAME AND FISHERIES, APRIL 3, 2013

AN ACT

1 Providing for the protection of certain bat species.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the Bat Species
6 Protection Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Certain bat species." All of the following:

12 (1) Little brown bat.

13 (2) Northern long-eared bat.

14 (3) Tri-colored bat.

15 "Commission." The Pennsylvania Game Commission of the
16 Commonwealth.

17 "Director." The Executive Director of the Pennsylvania Game

1 Commission or any person to whom authority has been delegated by
2 the director.

3 "Little brown bat." Scientifically named myotis lucifugus.

4 "Northern long-eared bat." Scientifically named myotis
5 septentrionalis.

6 "Officer." A Pennsylvania Game Commission officer or deputy
7 Pennsylvania Game Commission officer appointed by the
8 Pennsylvania Game Commission or any other person with law
9 enforcement powers who is designated by the director to enforce
10 this act.

11 "Part" or "parts." A portion of tissue, flesh, blood, bone,
12 hide, skin or hair of such substance, size, volume or weight,
13 which may be determined by a qualified person as belonging to
14 certain bat species, even though diluted or contained in a
15 manufactured product.

16 "Possession." The detention and control, or the manual or
17 ideal custody, of anything which may be the subject of property,
18 for one's use and enjoyment, either as owner or as the
19 proprietor of a qualified right in it, and either held
20 personally or by another who exercises it in one's place and
21 name. Possession includes the act or state of possessing and
22 that condition of facts under which one can exercise power over
23 a corporeal thing at the person's pleasure to the exclusion of
24 all other persons. Possession includes constructive possession
25 which means not actual but assumed to exist where one claims to
26 hold by virtue of some title without having actual custody. The
27 presence in a vehicle of a kind, or its attachments, of certain
28 bat species unlawfully taken or unlawful device or contraband is
29 presumptive evidence of its possession by all persons occupying
30 the vehicle or its attachments.

1 "Take." To harass, pursue, hunt for, shoot, wound, kill,
2 trap, capture, possess or collect certain bat species, including
3 shooting at a facsimile of certain bat species, or attempt to
4 harass, pursue, hunt for, shoot, wound, kill, trap, capture or
5 collect certain bat species or aiding, abetting or conspiring
6 with another person in that purpose.

7 "Tri-colored bat." Scientifically named perimyotis
8 subflavus.

9 "Violation." An act in violation of a provision of this act
10 or a regulation promulgated by the Pennsylvania Game Commission
11 which implements or otherwise pertains to a provision of this
12 act.

13 Section 3. Protection of certain bat species.

14 (a) Endangered species.--Certain bat species are hereby
15 declared endangered.

16 (b) Possession, transportation, capturing or killing.--
17 Except as otherwise provided for in 34 Pa.C.S. (relating to
18 game), it is unlawful for a person, acting either for the
19 person's self or as a representative of another, to bring into
20 or remove from this Commonwealth, or to possess, transport,
21 capture or kill, or attempt, aid, abet or conspire to capture or
22 kill, certain bat species, or parts thereof. It is the duty of
23 every officer having authority to enforce this act to seize all
24 certain bat species, or parts thereof.

25 (c) Purchase, sale, barter or exchange.--Except as otherwise
26 provided in 34 Pa.C.S., it is unlawful for a person, acting
27 either for the person's self or as a representative of another,
28 at any time to buy, sell, barter or exchange, or to offer for
29 sale or barter, or to have in possession for sale or barter, or
30 to aid, abet or conspire in the possession, sale, barter or

1 exchange, or to give away certain bat species, or parts thereof.
2 It is the duty of every officer having authority to enforce this
3 act to seize all certain bat species, or parts thereof. This
4 subsection may not be construed to permit an individual or
5 agency other than the commission to sell skins or parts of
6 certain bat species killed as a protection to crops or
7 accidentally killed upon the highways or seized as contraband.

8 (d) Enforcement.--The ownership, jurisdiction over and
9 control of certain bat species is vested in the commission.

10 (e) Penalties.--A violation of this section shall be graded
11 as follows:

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

16 (2) A second violation within a seven-year period or
17 during the same criminal episode as the first violation is a
18 misdemeanor of the first degree and may result in the
19 forfeiture of the privilege to hunt or take wildlife anywhere
20 within this Commonwealth for a period of ten years.

21 (3) A third or subsequent violation within a seven-year
22 period or during the same criminal episode as the first or
23 second violation is a felony of the third degree and may
24 result in the forfeiture of the privilege to hunt or take
25 wildlife anywhere within this Commonwealth for a period of 15
26 years.

27 Section 4. Effective date.

28 This act shall take effect in 60 days.