

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1334 Session of
2014

INTRODUCED BY KASUNIC, SOLOBAY, GORDNER AND FOLMER,
APRIL 7, 2014

REFERRED TO GAME AND FISHERIES, APRIL 7, 2014

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, providing for the definition of "unmanned
3 aircraft"; and, in enforcement, further providing for
4 interference with lawful fishing and boating prohibited.

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

7 Section 1. Section 102 of Title 30 of the Pennsylvania
8 Consolidated Statutes is amended by adding a definition to read:

9 § 102. Definitions.

10 * * *

11 "Unmanned aircraft." An aircraft that is operated without
12 the possibility of direct human intervention from within or on
13 the aircraft. This term includes equipment associated with such
14 unmanned aircraft that provides communication links and the
15 components that control the unmanned aircraft.

16 * * *

17 Section 2. Section 909(b), (c) and (e) of Title 30 are
18 amended to read:

19 § 909. Interference with lawful fishing and boating prohibited.

1 * * *

2 (b) Activities that violate section.--A person violates this
3 section if that person intentionally or knowingly commits any of
4 the following:

5 (1) Disturbs fish in their habitat for the purpose of
6 disrupting the lawful taking of fish where another person is
7 engaged in the process of lawful fishing.

8 (2) Blocks or impedes another person who is engaged in
9 the process of lawful fishing or boating.

10 (3) Uses natural or artificial visual, aural, olfactory
11 or physical stimuli to affect fish behavior in order to
12 hinder or prevent the lawful taking of fish.

13 (4) Creates or erects barriers with the intent to deny
14 ingress or egress to areas where the lawful fishing or
15 boating is permitted.

16 (5) Places obstructions or objects in the waters of this
17 Commonwealth for the purpose of hindering lawful fishing or
18 boating.

19 (6) Fails to obey the order of any officer authorized to
20 enforce this title to cease and desist from conduct in
21 violation of this section.

22 (7) Uses an unmanned aircraft in a manner that
23 interferes with another person's lawful fishing or boating.

24 (c) Exception.--

25 (1) The conduct declared unlawful in this section does
26 not include any lawful activities arising from ownership and
27 occupancy of private lands, farming, mining, forestry
28 practices, activities associated with oil and gas drilling
29 and production, recreation and similar activities or exercise
30 of defendant's rights of free speech under the Constitution

1 of the United States or the Constitution of Pennsylvania.
2 Nothing contained in this section shall be construed to
3 authorize any interference with or disruption of activities
4 associated with oil and gas drilling, production site
5 restoration or other conduct necessary for compliance with
6 the act of June 22, 1937 (P.L.1987, No.394), known as The
7 Clean Streams Law, the act of December 19, 1984 (P.L.1140,
8 No.223), known as the Oil and Gas Act, or other laws or
9 regulations of the Commonwealth by the operator of the oil
10 and gas site. In addition, nothing contained in this section
11 shall be construed to authorize any interference with or
12 disruption of activities conducted pursuant to a permit or
13 other authorization of a Federal, State or local government
14 agency or any other government agency.

15 (2) The conduct declared unlawful in subsection (b) (7)
16 does not include the activities by the following individuals
17 who are engaged in any other lawful action:

18 (i) Any representative of the commission.

19 (ii) Any duly accredited representative of the
20 United States Fish and Wildlife Service.

21 (iii) Any law enforcement officer.

22 (iv) Any member of the armed forces of the United
23 States, any reserve component, element or component
24 thereof, or Pennsylvania military forces.

25 * * *

26 (e) Penalties.--

27 (1) A violation of [this section] subsections (b) (1)
28 through (6) is a summary offense of the first degree.

29 (2) A violation of subsection (b) (7) shall be graded as
30 follows:

1 (i) A first offense of subsection (b)(7) is a
2 summary offense of the first degree and the penalty shall
3 be a fine of not less than \$1,000 nor more than \$1,500 or
4 imprisonment not exceeding 90 days, or both.

5 (ii) A second or subsequent offense of subsection
6 (b)(7) is a misdemeanor of the third degree and the
7 penalty shall be a fine not to exceed \$3,000 or
8 imprisonment not exceeding 180 days, or both. For the
9 purposes of this subparagraph, the provisions of section
10 923(d) (relating to classification of offenses and
11 penalties) do not apply.

12 Section 3. This act shall take effect in 60 days.