

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1078 Session of  
1995

INTRODUCED BY GODSHALL, LAUGHLIN, HERSHEY, CALTAGIRONE, FLEAGLE,  
D. R. WRIGHT, JAROLIN, ZUG, STISH, SATHER, HENNESSEY, TRELLO,  
BUNT, YOUNGBLOOD, ARMSTRONG, L. I. COHEN, STABACK, REBER,  
PHILLIPS, ROONEY, CARONE, MILLER, RUDY, NICKOL, SEMMEL,  
MERRY, CIVERA AND HALUSKA, MARCH 8, 1995

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MARCH 8, 1995

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated  
2 Statutes, further providing for the protection of property  
3 used for fish farming.

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

6 Section 1. Section 2121 of Title 34 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 2121. Killing game or wildlife to protect property.

9 (a) General rule.--Subject to any limitations in this  
10 subchapter, nothing in this title shall be construed to prohibit  
11 any person from killing any game or wildlife:

12 (1) which the person may witness actually engaged in the  
13 material destruction of cultivated crops, fruit trees,  
14 vegetables, livestock, poultry [or], beehives or fish in fish  
15 farm rearing ponds;

16 (2) anywhere on the property under the person's control,  
17 including detached lands being cultivated for the same or

1 similar purposes, immediately following such destruction; or

2 (3) where the presence of the game or wildlife on any  
3 cultivated lands or fruit orchards or fish farm rearing ponds  
4 is just cause for reasonable apprehension of additional  
5 imminent destruction.

6 Lands divided by a public highway shall not be construed as  
7 detached lands. Any person who wounds any game or wildlife shall  
8 immediately make a reasonable effort to find and kill the game  
9 or wildlife. Every person shall comply with all other  
10 regulations in this subchapter pertaining to the method and  
11 manner of killing, reporting the killing and the disposition of  
12 game or wildlife and their skins and carcasses.

13 (b) Protected game or wildlife.--Before any game or  
14 wildlife, which may be designated by regulation of the  
15 commission, or any bird or animal classified as threatened or  
16 endangered may be killed, every reasonable effort shall be made  
17 to live trap and transfer such game or wildlife. The trapping  
18 and transfer shall be done in cooperation with a representative  
19 of the commission.

20 (c) Definition.--As used in this subchapter, the word  
21 "person" shall be limited to any person cultivating, as a  
22 primary means of gaining a livelihood, any lands for general or  
23 specialized crop purposes, truck farming or fruit orchard or  
24 nursery being regularly maintained or raising fish in fish farm  
25 rearing ponds as a primary means of gaining a livelihood, as  
26 either the owner, lessee or a member of the family of the owner  
27 or lessee assisting with the cultivation of the land or the  
28 raising of fish, or a domiciled member of the household of the  
29 owner or lessee or an employee of the owner or lessee, regularly  
30 and continuously assisting in the cultivation of the land[.] or

1 the raising of fish.

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