
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2205 Session of
2008

INTRODUCED BY STABACK, PEIFER, BENNINGTON, BRENNAN, CALTAGIRONE,
CAPPELLI, CARROLL, CUTLER, EVERETT, GEIST, GRUCELA, HARHAI,
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BELFANTI, PRESTON, PYLE, READSHAW, K. SMITH, R. TAYLOR,
J. WHITE, WOJNAROSKI AND YUDICHAK, JANUARY 28, 2008

REFERRED TO COMMITTEE ON GAME AND FISHERIES, JANUARY 28, 2008

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, further providing for definitions, for jurisdiction
3 and penalties, for revocation, suspension or denial of
4 license, permit or registration and for determination of
5 second or subsequent convictions; providing for forfeiture;
6 further providing for penalties relating to various unlawful
7 activities, for contraband, for prohibited devices and
8 methods, for tagging and reporting big game kills; and
9 repealing provisions relating to additional penalty for
10 poaching.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The definitions of "closed season," "contraband,"
14 "open season," "poaching" and "violation" in section 102 of
15 Title 34 of the Pennsylvania Consolidated Statutes are amended
16 to read:

17 § 102. Definitions.

18 Subject to additional definitions contained in subsequent
19 provisions of this title which are applicable to specific
20 provisions of this title, the following words and phrases when

1 used in this title shall have the meanings given to them in this
2 section unless the context clearly indicates otherwise:

3 * * *

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

7 * * *

8 ["Contraband." Any game or wildlife, or part or product
9 thereof, or any personal property, including, but not limited
10 to, firearms, traps, boats, decoys, vehicles and attachments and
11 property designed for use or used in hunting and taking game or
12 wildlife, when the game or wildlife, or part or product thereof,
13 or the personal property is held in possession, transported or
14 used or taken in violation of any law, the enforcement or
15 administration of which is vested in the commission. Contraband
16 shall be forfeited to the commission to be disposed of at the
17 discretion of the director.]

18 * * *

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

24 * * *

25 "Poaching." To unlawfully take, injure, kill or possess or
26 aid, abet, assist, attempt or conspire to hunt, take, injure,
27 kill or possess game or wildlife during closed season, beyond
28 established daily or season limits or by means of or as a result
29 of multiple violations of the provisions of this title or the
30 regulations promulgated thereunder.

1 * * *

2 "Violation." [A] Any act or act of omission in violation of
3 a provision of this title [and a violation of a] or any
4 regulation promulgated by the commission which implements or
5 otherwise pertains to any provision of this title.

6 * * *

7 Section 2. Sections 925, 929(a) and (b) and 932 of Title 34
8 are amended to read:

9 § 925. Jurisdiction and penalties.

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

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

19 (1) Felony of the third degree, not less than \$10,000
20 nor more than \$15,000 and shall be sentenced to imprisonment
21 not less than 12 months nor more than 36 months.

22 (2) Misdemeanor of the first degree, not less than
23 [\$2,000] \$5,000 nor more than \$10,000 and may be sentenced to
24 imprisonment up to [six] 24 months.

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

28 [(3)] (4) Misdemeanor of the third degree, not less than
29 [\$500] \$1,500 nor more than [\$2,500] \$3,000 and may be
30 sentenced to imprisonment up to six months.

1 [(4)] (5) Summary offense of the first degree, not less
2 than [\$500] \$800 nor more than \$1,500 and may be sentenced to
3 imprisonment up to three months.

4 [(5)] (6) Summary offense of the second degree, not less
5 than [\$300] \$500 nor more than \$800 and may be sentenced to
6 imprisonment up to one month.

7 [(6)] (7) Summary offense of the third degree, not less
8 than [\$200] \$300 nor more than \$500.

9 [(7)] (8) Summary offense of the fourth degree, not less
10 than [\$100] \$200 nor more than \$300.

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

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

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

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

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

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

28 (1) A misdemeanor of the [third] second degree if the
29 violation involves an endangered or threatened species and no
30 more severe penalty is fixed.

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

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

10 (1) An additional fine of one and one-half times the
11 amount of the applicable fine may be imposed when the offense
12 involves the unlawful taking, killing, wounding, possession,
13 transportation, concealment, purchase or sale of game or
14 wildlife and the offense is a second or subsequent offense
15 within a ten-year period or during the same criminal episode.

16 (2) An additional fine of \$500 may be imposed when the
17 offense involves the unlawful poaching of game or wildlife.
18 Any additional fines imposed under this paragraph shall be
19 directed to the commission to compensate any witness whose
20 report directly results in a successful conviction. If
21 applicable, each witness, up to a maximum of two, shall be
22 compensated \$250 for each additional \$500 imposed.

23 (e) Installment payment of fines.--Upon a plea and proof
24 that person is unable to pay any fine and costs imposed under
25 this title, a court may, in accordance with 42 Pa.C.S. § 9758
26 (relating to fine), permit installment payments it considers
27 appropriate to the circumstances of the defendant, in which case
28 its order shall specify when each installment payment is due.

29 (f) Nonpayment of fines and costs.--Unless otherwise
30 provided in this title, each person who fails to pay [the fine]

1 any fines and costs imposed may, after hearing before a
2 magisterial district judge, be imprisoned until the [fine is]
3 fines and costs are paid in full. The court may imprison the
4 person for a number of days equal to one day for each \$40 of the
5 unpaid balance of the [fine] fines and costs not to exceed [120
6 days] 24 months.

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

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

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

25 (j) Title 18 inapplicable.--Title 18 (relating to crimes and
26 offenses) is inapplicable to this title insofar as it relates
27 to:

28 (1) intent, willfulness of conduct or fines and
29 imprisonment for convictions of summary offenses and
30 misdemeanors; or

1 (2) criminal records under 18 Pa.C.S. Ch. 91 (relating
2 to criminal history record information) for misdemeanors
3 under section 2522(b)(1).

4 § 929. Revocation, suspension or denial of license, permit or
5 registration.

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

18 * * *

19 (b) Regulations.--The commission may promulgate regulations
20 specifying the procedures to be followed in denying, revoking or
21 suspending any hunting and furtaking privileges, licenses,
22 permits and registrations granted under the provisions of this
23 title.

24 § 932. Determination of second or subsequent convictions.

25 Any person convicted or pleading guilty or signing an
26 acknowledgment of guilt under any provisions of this title who,
27 within the past [two] ten years, was convicted or pleaded guilty
28 or signed an acknowledgment of guilt for violating any of the
29 provisions of this title or the former laws relating to game or
30 wildlife then in force shall be sentenced under this title as a

1 second or subsequent offender.

2 Section 3. Chapter 9 of Title 34 is amended by adding a
3 subchapter to read:

4 SUBCHAPTER C

5 FORFEITURE

6 Sec.

7 941. Contraband.

8 942. Forfeiture proceedings.

9 § 941. Contraband.

10 No property rights shall exist in any game or wildlife, or
11 part or product thereof, or any personal property, including,
12 but not limited to, firearms, traps, boats, decoys, vehicles and
13 attachments and property designed for use or used in hunting and
14 taking game or wildlife, when the game or wildlife, or part or
15 product thereof, or the personal property is held in possession,
16 transported or used or taken in violation of any provision of
17 this title or any regulation promulgated under this title. The
18 same shall be deemed to be contraband and proceedings for its
19 forfeiture to the Commonwealth may be instituted in the manner
20 provided in this subchapter. No such property, when in the
21 custody of the commission, shall be seized or taken therefrom on
22 any writ of replevin or like process.

23 § 942. Forfeiture proceedings.

24 (a) In rem proceedings.--Except as otherwise provided in
25 this title, the proceedings for the forfeiture or condemnation
26 of contraband shall be in rem, in which the Commonwealth shall
27 be the plaintiff and the property the defendant. A petition
28 shall be filed in the court of common pleas, verified by oath or
29 affirmation of any officer or citizen, containing the following:

30 (1) A description of the property seized.

1 (2) A statement of the time and date and place where the
2 property was seized.

3 (3) An identification of the owner or owners of the
4 property, if known.

5 (4) An identification of the person or persons in
6 possession of the property, if known.

7 (5) An allegation that the property had been possessed
8 or used or was intended for use in violation of this title.

9 (6) A prayer for an order of forfeiture that the
10 property be adjudged forfeited to the commission, unless
11 cause is shown to the contrary.

12 (b) Service of petition.--A copy of the petition shall be
13 served personally on the owner, if the owner can be found within
14 the jurisdiction of the court, or on the person or persons in
15 possession of the property at the time of the seizure thereof.
16 The copy shall include a notice as follows:

17 To the Claimant of Within Described Property: You are
18 required to file an answer to this petition, setting
19 forth your title in and right to possession of the
20 property, within fifteen (15) days from the service of
21 this petition; and you are also notified that, if you
22 fail to file an answer, a decree of forfeiture and
23 condemnation will be entered against the property.

24 The notice shall be signed by the petitioner or the petitioner's
25 attorney, or the district attorney or the Attorney General.

26 (c) Publication of petition.--

27 (1) If the owner of the property is unknown or outside
28 the jurisdiction of the court and there is no person in
29 possession of the property when seized, or the person so in
30 possession cannot be found within the jurisdiction of the

1 court, notice of the petition shall be given by an
2 advertisement in only one newspaper of general circulation
3 published in the county where the property was seized, once a
4 week for two successive weeks. No other advertisement of any
5 sort shall be necessary, notwithstanding any other law to the
6 contrary.

7 (2) The notice shall contain a statement of the seizure
8 of the property, with a description thereof, the place and
9 date of the seizure and shall direct any claimants thereof to
10 file their claim on or before a date given in the notice,
11 which date shall not be less than ten days from the date of
12 the last publication.

13 (d) Hearing.--On the filing of a claim for the property
14 setting forth a right of possession thereof, the case shall be
15 deemed at issue, and a time and date shall be fixed for the
16 hearing thereof.

17 (e) Burden of proof.--

18 (1) At the time of the hearing, if the Commonwealth
19 produces evidence that the property in question was
20 unlawfully possessed or used, the burden shall be on the
21 claimant to show all of the following:

22 (i) The claimant is the owner of the property.

23 (ii) The claimant lawfully acquired the property.

24 (iii) The property was not unlawfully used or
25 possessed.

26 (2) In the event a claimant proves by competent evidence
27 to the satisfaction of the court that the property was
28 lawfully taken, possessed and used, the court may order the
29 property returned or delivered to the claimant.

30 (3) If it appears that the property was unlawfully

1 possessed or used, the court may, in its discretion, adjudge
2 that property forfeited and condemned to the commission to be
3 disposed of at the discretion of the director.

4 Section 4. Sections 2163(c) and (d), 2164(d) and (e),
5 2165(b) and (c), 2166(b) and (c) and 2167 of Title 34 are
6 amended to read:

7 § 2163. Unlawful importation of game or wildlife.

8 * * *

9 (c) Penalties.--

10 (1) Except for endangered or threatened species, a
11 person importing, selling, releasing or possessing game or
12 wildlife or the eggs of any bird contrary to any of the
13 provisions of this section, or causing them to be released or
14 imported, commits a summary offense of the [fifth] second
15 degree. Each bird, egg or animal involved in a violation
16 constitutes a separate offense.

17 (2) A violation of this section relating to any
18 endangered or threatened species is a misdemeanor of the
19 [third] second degree. Each bird, egg or game or wildlife
20 involved in the violation constitutes a separate offense.

21 (d) Contraband.--Any game or wildlife or egg possessed by
22 any person contrary to this section is contraband per se and
23 shall be automatically forfeited to the commission to be
24 disposed of at the discretion of the director.

25 § 2164. Unlawful taking and possession of protected birds.

26 * * *

27 (d) Penalties.--

28 (1) A violation of this section is a summary offense of
29 the fifth degree for each protected bird or part thereof.

30 (2) A violation of this section relating to birds which

1 are listed as threatened or endangered is, in addition to any
2 other penalties, a misdemeanor of the [third] second degree.

3 (e) Contraband.--Any game or wildlife or egg possessed by
4 any person contrary to this section is contraband per se and
5 shall be automatically forfeited to the commission to be
6 disposed of at the discretion of the director.

7 § 2165. Possession or interference with active nests or eggs of
8 birds.

9 * * *

10 (b) Penalties.--

11 (1) A violation of this section is a summary offense of
12 the fifth degree for each active nest or egg possessed or
13 interfered with.

14 (2) A violation of this section relating to birds which
15 are listed as threatened or endangered is, in addition to any
16 other penalties, a misdemeanor of the [third] second degree
17 for each active nest or egg possessed.

18 (c) Contraband.--Any active nest or egg possessed by any
19 person contrary to this section is contraband per se and shall
20 be automatically forfeited to the commission to be disposed of
21 at the discretion of the director.

22 § 2166. Unlawful sale of protected birds and plumage.

23 * * *

24 (b) Penalties.--

25 (1) A violation of this section is a summary offense of
26 the fourth degree for each bird or part thereof.

27 (2) A violation of this section relating to birds which
28 are listed as threatened or endangered is, in addition to any
29 other penalties, a misdemeanor of the [third] second degree
30 for each bird or part thereof.

1 (c) Contraband.--Any protected bird or any egg or any part
2 thereof possessed contrary to this section is contraband per se
3 and shall be automatically forfeited to the commission to be
4 disposed of at the discretion of the director.

5 § 2167. Endangered or threatened species.

6 (a) Changes to list.--The commission may, by regulation, add
7 or remove any wild bird or wild animal native to this
8 Commonwealth to or from the Pennsylvania native list of
9 endangered or threatened species.

10 (b) Possession, transportation, capturing or killing.--
11 Except as otherwise provided in this title, it is unlawful for
12 any person, acting either for himself or as the representative
13 of another, to bring into or remove from this Commonwealth, or
14 to possess, transport, capture or kill, or attempt, aid, abet or
15 conspire to capture or kill, any wild bird or wild animal, or
16 any part thereof, or the eggs of any wild bird, which are
17 endangered or threatened species. It is the duty of every
18 officer having authority to enforce this title to seize all wild
19 birds or wild animals, or any part thereof, or the eggs of any
20 wild bird, which have been declared endangered or threatened. [A
21 violation of this subsection is a misdemeanor of the third
22 degree. All wild birds or wild animals, or any part thereof, or
23 the eggs seized which are found to be in violation of this
24 subsection are contraband.]

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

1 to give away any endangered or threatened species or subspecies
2 of wild birds or wild animals, or parts thereof. It is the duty
3 of every officer having authority to enforce this title to seize
4 all endangered or threatened wild birds or wild animals, or any
5 part thereof. [A violation of this subsection is a misdemeanor
6 of the second degree. All wild birds or wild animals, or any
7 part thereof, found to be in violation of this subsection are
8 contraband.] This subsection shall not be construed to permit
9 any individual or agency other than the commission to sell the
10 skins or parts of game or wildlife or the plumage or parts of
11 birds killed as a protection to crops or accidentally killed
12 upon the highways or seized as contraband.

13 (d) Penalties.--

14 (1) Except as otherwise provided under paragraph (2), a
15 violation of this section is a misdemeanor of the second
16 degree and results in forfeiture of the privilege to hunt or
17 take wildlife anywhere within this Commonwealth for a period
18 of ten years.

19 (2) A second or subsequent violation of this section
20 within a ten-year period or during the same criminal episode
21 is a felony of the third degree and shall result in
22 forfeiture of the privilege to hunt or take wildlife anywhere
23 within this Commonwealth for a period of 15 years.

24 (e) Contraband.--Any wild animal, wild bird or egg possessed
25 by any person contrary to this section is contraband per se and
26 shall be automatically forfeited to the commission to be
27 disposed of at the discretion of the director. Any firearm, bow,
28 crossbow, moneys, proceeds, equipment or devices unlawfully used
29 contrary to this section shall be subject to in rem forfeiture
30 as provided in this title.

1 Section 5. Sections 2307(e) of Title 34 is amended and the
2 section is amended by adding a subsection to read:

3 § 2307. Unlawful taking or possession of game or wildlife.

4 * * *

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

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

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

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

11 (3.1) Deer killed as a result of negligence or
12 carelessness as provided for in section [2306(c)] 2306(d)
13 (relating to killing game or wildlife by mistake) is a
14 summary offense [punishable by a fine of not less than \$100
15 nor more than \$500] of the fifth degree.

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

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

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

22 (e.1) Contraband.--Any game or wildlife or egg unlawfully
23 taken or possessed or which is not properly tagged or marked in
24 accordance with this title is contraband per se and shall be
25 automatically forfeited to the commission to be disposed of at
26 the discretion of the director.

27 * * *

28 Section 6. Section 2308 of Title 34 is amended by adding a
29 subsection to read:

30 § 2308. Unlawful devices and methods.

1 * * *

2 (d) Contraband.--Any game or wildlife or egg taken, killed
3 or possessed by any person contrary to this section is
4 contraband per se and shall be automatically forfeited to the
5 commission to be disposed of at the discretion of the director.
6 Any firearm, bow, crossbow, equipment or device unlawfully used
7 contrary to this section shall be subject to in rem forfeiture
8 as provided in this title.

9 Section 7. Section 2310 of Title 34 is amended to read:

10 § 2310. Unlawful use of lights while hunting.

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

14 (1) Cast the rays of an artificial light of any kind on
15 any game or wildlife or in an attempt to locate any game or
16 wildlife while on foot, in any vehicle or its attachments, or
17 any watercraft or any airborne craft while in possession of a
18 firearm of any kind, or a bow or arrow, or any implement or
19 device with which any game or wildlife could be killed or
20 taken even though no game or wildlife is shot at, injured or
21 killed.

22 (2) [Aid] Act, aid, assist or conspire either in the
23 killing or taking or in an attempt to kill, take, possess,
24 transport or conceal any game or wildlife or a part thereof
25 which has been killed or taken by use of any artificial
26 light.

27 (3) Operate, allow or permit any vehicle or its
28 attachments, any watercraft or any airborne craft to be used
29 for killing or taking or attempting to kill or take any game
30 or wildlife by using the rays of any artificial light.

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

3 (1) (i) A person on foot who uses a flashlight or
4 spotlight held in the hand, worn on the head or mounted
5 on a firearm to take furbearers, if the sole source of
6 power for the flashlight or spotlight is contained within
7 the flashlight or spotlight or on the person.

8 (ii) For the purposes of this paragraph, a
9 flashlight or spotlight mounted on a firearm shall not
10 include a device that projects a beam of laser light to
11 indicate the intended point of impact for one or more
12 projectiles discharged from the firearm.

13 (2) Any political subdivision, its employees or agents,
14 which has a valid deer control permit issued under section
15 2902(c) (relating to general categories of permits).

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

21 (1) For each endangered or threatened species, a fine of
22 \$1,000 and forfeiture of the privilege to hunt or take game
23 or wildlife anywhere within this Commonwealth for a period of
24 ten years.

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

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

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

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

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

11 (d) Contraband.--Any craft or vehicle or attachments
12 thereto, and all artificial lights and any firearm or
13 paraphernalia being unlawfully used, and any game or wildlife
14 unlawfully taken, killed or possessed are contraband.]

15 (c) Penalties.--

16 (1) A violation of subsection (a)(1) is a summary
17 offense of the fifth degree.

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

19 (i) Threatened or endangered species is a
20 misdemeanor of the second degree and results in
21 forfeiture of the privilege to hunt or take wildlife
22 anywhere within this Commonwealth for a period of ten
23 years.

24 (ii) Big game animals is a misdemeanor of the third
25 degree and results in forfeiture of the privilege to hunt
26 or take wildlife anywhere within this Commonwealth for a
27 period of five years.

28 (iii) Any other game or wildlife is a summary
29 offense of the first degree and results in forfeiture of
30 the privilege to hunt or take game or wildlife anywhere

1 within this Commonwealth for a period of three years.

2 (d) Contraband.--Any game or wildlife taken, killed or
3 possessed by any person contrary to this section is contraband
4 per se and shall be automatically forfeited to the commission to
5 be disposed of at the discretion of the director. Any firearm,
6 bow, crossbow, equipment or device unlawfully used contrary to
7 this section shall be subject to in rem forfeiture as provided
8 in this title.

9 Section 8. Section 2312(a) and (d) of Title 34 are amended
10 and the section is amended by adding a subsection to read:

11 § 2312. Buying and selling game.

12 (a) General rule.--Unless otherwise provided, it is unlawful
13 for any person to buy, sell or barter, or aid, abet, assist or
14 conspire to buy, sell or barter, or offer for sale or barter, or
15 have in possession or transport for sale or barter, any game or
16 the edible parts of game or any protected bird or animal or
17 parts of any protected bird or animal.

18 * * *

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

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

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

28 (3) Bobcat or otter is a summary offense of the third
29 degree and results in forfeiture of the privilege to hunt or
30 take game or wildlife anywhere within this Commonwealth for a

1 period of three years.

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

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

10 (1) Threatened or endangered species is a misdemeanor of
11 the second degree and results in forfeiture of the privilege
12 to hunt or take wildlife anywhere within this Commonwealth
13 for a period of ten years, except as otherwise provided
14 below. A second or subsequent violation of this section
15 within a ten-year period or during the same criminal episode
16 is a felony of the third degree and shall result in
17 forfeiture of the privilege to hunt or take wildlife anywhere
18 within this Commonwealth for a period of 15 years.

19 (2) Big game animals is a misdemeanor of the third
20 degree and results in a forfeiture of the privilege to hunt
21 or take wildlife anywhere within this Commonwealth for a
22 period of five years, except as otherwise provided in
23 paragraph (3). A third or subsequent violation of this
24 section within a ten-year period or during the same criminal
25 episode is a felony of the third degree and shall result in
26 forfeiture of the privilege to hunt or take wildlife anywhere
27 within this Commonwealth for a period of 15 years.

28 (3) Any other game or wildlife is a summary offense of
29 the first degree and results in forfeiture of the privilege
30 to hunt or take game or wildlife anywhere within this

1 Commonwealth for a period of three years.

2 (e) Contraband.--Any game or wildlife or egg possessed by
3 any person contrary to this section is contraband per se and
4 shall be automatically forfeited to the commission to be
5 disposed of at the discretion of the director. Any moneys,
6 proceeds, equipment or devices unlawfully used contrary to this
7 section shall be subject to in rem forfeiture as provided in
8 this title.

9 Section 9. Sections 2314(b), 2321, 2322(c), 2323(h) and
10 2326(e) of Title 34 are amended to read:

11 § 2314. Trespass on private property while hunting.

12 * * *

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

14 (1) For a first offense is a summary offense.

15 (2) For a second or subsequent offense within one year
16 of the prior offense is a summary offense and upon conviction
17 will result in an immediate revocation of the person's
18 hunting and furtaking license and disqualification of the
19 person from issuance of a future license for a period of one
20 year from the date of revocation.]

21 (b) Penalty.--

22 (1) A violation of this section is a summary offense of
23 the fifth degree.

24 (2) A second or subsequent violation of this section
25 within a ten-year period is a summary offense of the fifth
26 degree and results in forfeiture of the privilege to hunt or
27 take game or wildlife anywhere within this Commonwealth for a
28 period of one year.

29 § 2321. Unlawful killing or taking of big game.

30 (a) General rule.--Except as provided in this title or by

1 regulation of the commission, it is unlawful for any person to:

2 [(1) Kill or take or attempt or conspire to kill or take
3 in any manner more than the lawful number of big game animals
4 which may be taken in any license year.

5 (2) Possess or transport in any manner any big game
6 which was unlawfully killed or taken.

7 (3) Assist, aid or abet or conspire to assist, aid or
8 abet in any manner any other person in the violation of
9 paragraph (1) or (2).]

10 (1) Take, injure or kill or aid, abet, assist, attempt
11 or conspire in any manner to take, injure or kill any big
12 game animal during closed season.

13 (2) Take, injure, kill, possess or transport or aid,
14 abet, assist, attempt or conspire in any manner to take,
15 injure, kill, possess or transport any big game animal beyond
16 established daily or season limits.

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

20 (c) Evidence of unlawful killing.--Unless the head is
21 attached in a natural manner and properly tagged as provided in
22 section 2323 (relating to tagging and reporting big game kills),
23 the possession, transportation or control of any big game or a
24 part or parts of such big game shall be prima facie evidence
25 that the big game was unlawfully killed within this
26 Commonwealth. Under such circumstances, the person possessing,
27 transporting or controlling the big game shall immediately, upon
28 demand of an officer of the commission, produce the head of the
29 big game or the name and address of the person killing the big
30 game or other satisfactory evidence that the carcass in

1 possession or under the person's control is part of a lawfully
2 taken big game.

3 (d) Penalty.--

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

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

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

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

12 (1) A violation of subsection (a)(1) is a misdemeanor of
13 the third degree and results in forfeiture of the privilege
14 to hunt or take wildlife anywhere within this Commonwealth
15 for a period of five years.

16 (2) A violation of subsection (a)(2) relating to:

17 (i) Elk or bear is a summary offense of the first
18 degree.

19 (ii) Deer is a summary offense of the second degree.

20 (iii) Turkey is a summary offense of the fourth
21 degree.

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

27 (e) Contraband.--Any game or wildlife or egg taken, killed
28 or possessed by any person contrary to this section is
29 contraband per se and shall be automatically forfeited to the
30 commission to be disposed of at the discretion of the director.

1 Any firearm, bow, crossbow, equipment or device unlawfully used
2 contrary to this section shall be subject to in rem forfeiture
3 as provided in this title.

4 § 2322. Prohibited devices and methods.

5 * * *

6 (c) Contraband.--[Any big game killed contrary to this
7 section is contraband.] Any game or wildlife or egg taken,
8 killed or possessed by any person contrary to this section is
9 contraband per se and shall be automatically forfeited to the
10 commission to be disposed of at the discretion of the director.
11 Any firearm, bow, crossbow, equipment or device unlawfully used
12 contrary to this section shall be subject to in rem forfeiture
13 as provided in this title.

14 § 2323. Tagging and reporting big game kills.

15 * * *

16 (h) Contraband.--[Any big game or any other game or wildlife
17 found in possession of any person contrary to this section is
18 contraband.] Any game or wildlife possessed by any person
19 contrary to this section is contraband per se and shall be
20 automatically forfeited to the commission to be disposed of at
21 the discretion of the director.

22 § 2326. Excess kill of big game.

23 * * *

24 (e) Contraband.--[Any big game killed contrary to this
25 section is contraband.] Any game or wildlife possessed by any
26 person contrary to this section is contraband per se and shall
27 be automatically forfeited to the commission to be disposed of
28 at the discretion of the director.

29 Section 10. Section 2328 of Title 34 is amended by adding a
30 subsection to read:

1 § 2328. Shipping or transporting big game.

2 * * *

3 (e) Contraband.--Any game or wildlife possessed or
4 transported by any person contrary to this section is contraband
5 per se and shall be automatically forfeited to the commission to
6 be disposed of at the discretion of the director.

7 Section 11. Section 2329 of Title 34 is repealed:

8 [§ 2329. Additional penalty for poaching.

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

20 (b) Report of violations.--The commission shall establish
21 and maintain a toll-free telephone number to report poaching of
22 big game or threatened or endangered species. Reports of
23 poaching of big game or threatened or endangered species are
24 confidential. No persons other than employees of the commission
25 in the course of official duties in connection with poaching
26 reports shall have access to identifying information relating to
27 the caller.]

28 Section 12. Sections 2341(e) and 2364 of Title 34 are
29 amended to read:

30 § 2341. Possession and transportation of small game.

1 * * *

2 (e) Contraband.--[Any small game transported in violation of
3 this section is contraband.] Any game or wildlife possessed or
4 transported by any person contrary to this section is contraband
5 per se and shall be automatically forfeited to the commission to
6 be disposed of at the discretion of the director.

7 § 2364. Penalties.

8 (a) General rule.--Any violation of this subchapter relating
9 to bobcat or otter is a summary offense of the fourth degree.
10 Except for threatened or endangered species, any other violation
11 of this subchapter is a summary offense of the fifth degree.

12 (b) Contraband.--Any game or wildlife or egg taken, killed
13 or possessed by any person contrary to this subchapter is
14 contraband per se and shall be automatically forfeited to the
15 commission to be disposed of at the discretion of the director.

16 Section 13. Section 2711(a)(4) and (b) of Title 34 are
17 amended to read:

18 § 2711. Unlawful acts concerning licenses.

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

21 * * *

22 (4) Issue, acquire or aid, assist or conspire, either
23 for that person or any other person, in procuring any hunting
24 or furtaking license for which that person is not legally
25 entitled thereto.

26 * * *

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

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

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

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

7 (4) Subsection (a)(1) insofar as it relates to signing
8 or displaying a license is a summary offense of the eighth
9 degree.

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

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

14 (7) Subsection (a)(11) is a summary offense of the third
15 degree. In addition to the imposition of any penalty, a
16 convicted violator shall incur a five-year mandatory
17 revocation of the privilege to hunt or trap anywhere in this
18 Commonwealth.

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

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

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

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

30 (4) Subsection (a)(6), (7) or (8) is a summary offense

1 of the seventh degree.

2 (5) Subsection (a)(10) or (11) is a summary offense of
3 the first degree and results in forfeiture of the privilege
4 to hunt or take wildlife anywhere within this Commonwealth
5 for a period of five years.

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

9 * * *

10 Section 14. This act shall take effect in 60 days.