

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 359 Session of 2017

INTRODUCED BY ENGLISH, KORTZ, SCHWEYER, McNEILL, GODSHALL, MILLARD, IRVIN, READSHAW, SAYLOR, DeLUCA, D. COSTA, WHEELAND, GILLEN AND GABLER, FEBRUARY 7, 2017

SENATOR STEFANO, GAME AND FISHERIES, IN SENATE, AS AMENDED, DECEMBER 13, 2017

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, IN ENFORCEMENT, FURTHER PROVIDING FOR POWERS AND <--
3 DUTIES OF ENFORCEMENT OFFICERS AND FOR SUSPENSION OF
4 PRIVILEGES PENDING PAYMENT OF PENALTIES; in hunting and
5 furtaking, further providing for killing game or wildlife by
6 mistake; and, in hunting and furtaking licenses, further
7 providing for period of revocation.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. ~~Section~~ SECTIONS 901(B.1), 930 AND 2306(a) and <--
11 (b) of Title 34 of the Pennsylvania Consolidated Statutes are
12 amended to read:

13 § 901. POWERS AND DUTIES OF ENFORCEMENT OFFICERS. <--

14 * * *

15 (B.1) EXCEPTION TO THE PROHIBITION OF INTERCEPTION AND
16 DISCLOSURE OF COMMUNICATIONS.--AN OFFICER WHOSE DUTY IT IS TO
17 ENFORCE THIS TITLE AND WHO HAS RECEIVED TRAINING ON THE USE OF
18 [BODY CAMERAS] AN ELECTRONIC, MECHANICAL OR OTHER DEVICE WHICH
19 HAS BEEN APPROVED UNDER 18 PA.C.S. § 5706(B)(4) (RELATING TO

1 EXCEPTIONS TO PROHIBITIONS IN POSSESSION, SALE, DISTRIBUTION,
2 MANUFACTURE OR ADVERTISEMENT OF ELECTRONIC, MECHANICAL OR OTHER
3 DEVICES) IN A COURSE APPROVED BY THE PENNSYLVANIA STATE POLICE
4 SHALL BE [DEFINED AS A LAW ENFORCEMENT OFFICER FOR THE PURPOSE
5 OF 18 PA.C.S. § 5704(16) (III) (RELATING TO EXCEPTIONS TO
6 PROHIBITION OF INTERCEPTION AND DISCLOSURE OF COMMUNICATIONS)]
7 AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER AS DEFINED UNDER 18
8 PA.C.S. § 5702 (RELATING TO DEFINITIONS). SUCH OFFICERS MAY WEAR
9 [BODY CAMERAS] AN ELECTRONIC, MECHANICAL OR OTHER DEVICE IN THE
10 PERFORMANCE OF THEIR OFFICIAL DUTIES. THIS SUBSECTION SHALL NOT
11 APPLY TO A DEPUTY GAME COMMISSION OFFICER OR DEPUTY WILDLIFE
12 CONSERVATION OFFICER.

13 * * *

14 § 930. SUSPENSION OF PRIVILEGES PENDING PAYMENT OF PENALTIES.

15 [ALL] (A) GENERAL RULE.--NOTWITHSTANDING SUBSECTION (B), ALL
16 PRIVILEGES GRANTED BY THIS TITLE SHALL AUTOMATICALLY BE
17 SUSPENDED IF A DEFENDANT FAILS TO RESPOND TO A CITATION OR
18 SUMMONS WITHIN 60 DAYS OR FAILS TO PAY ALL PENALTIES IN FULL
19 WITHIN 180 DAYS FOLLOWING CONVICTION.

20 (B) PAYMENT PLAN.--IF A DEFENDANT IS ENROLLED IN A PAYMENT
21 PLAN TO REPAY PENALTIES AND THE DEFENDANT IS MAKING REGULAR
22 PAYMENTS UNDER THE PAYMENT PLAN, THE PRIVILEGES OF THIS TITLE
23 MAY NOT BE SUSPENDED.

24 § 2306. Killing game or wildlife by mistake.

25 (a) General rule.--Any person who, while hunting or trapping
26 for game or wildlife which may be lawfully taken, by accident or
27 mistake kills or attempts to kill any game or wildlife other
28 than [bears, elk or] threatened or endangered species, contrary
29 to the provisions of this title, shall pay restitution pursuant
30 to subsection (b) to an officer of the commission.

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

3 (1) Each deer - \$25.

4 (2) Each turkey - \$20.

5 (3) Each other wild bird or wild animal, other than [a
6 bear, elk or] an endangered or threatened species - \$15.

7 (4) Each bear - \$100.

8 (5) Each elk - \$100.

9 * * *

10 Section 2. Section 2742 of Title 34 is amended by adding a
11 subsection to read:

12 § 2742. Period of revocation.

13 * * *

14 (c) Clemency from revocation.--The commission shall not
15 revoke the privilege to hunt or take game or wildlife anywhere
16 in this Commonwealth for an unlawful taking or possession of
17 game or wildlife violation if all of the following conditions
18 are met:

19 (1) The unlawful taking or possession of game or
20 wildlife violation is the person's first unlawful taking or
21 possession of game or wildlife offense.

22 (2) The person complies with all of the procedural
23 requirements set forth in section 2306(b)(1), (2) or (3)
24 (relating to killing game or wildlife by mistake) concerning
25 removal of entrails, tagging, reporting, delivery of carcass
26 and providing a written, sworn statement.

27 (3) The unlawful taking of game or wildlife violation
28 occurs during:

29 (i) an open season within the applicable wildlife
30 management unit for the species involved; or

1 (ii) a closed season within the applicable wildlife
2 management unit for the species involved, but only if
3 there was an open season within an adjacent wildlife
4 management unit for the same species.

5 (4) The person pleads guilty to the applicable unlawful
6 taking or possession of game or wildlife violation charged.

7 (5) The unlawful taking or possession of game or
8 wildlife violation does not involve a threatened or
9 endangered species.

10 (6) there are no relevant aggravating circumstances
11 present concerning the unlawful taking or possession of game
12 or wildlife violation.

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