

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1940** Session of  
1977

INTRODUCED BY STAIRS, DECEMBER 5, 1977

REFERRED TO COMMITTEE ON GAME AND FISHERIES, DECEMBER 5, 1977

AN ACT

1 Amending the act of June 3, 1937 (P.L.1225, No.316), entitled,  
2 "An act concerning game and other wild birds and wild  
3 animals; and amending, revising, consolidating, and changing  
4 the law relating thereto," authorizing handicapped  
5 individuals to bowhunt using prosthetic device.

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

8 Section 1. Section 101, act of June 3, 1937 (P.L.1225,  
9 No.316), known as "The Game Law," amended October 3, 1973  
10 (P.L.272, No.76), March 22, 1974 (P.L.201, No.41), March 24,  
11 1974 (P.L.225, No.49), and October 21, 1975 (P.L.431, No.122),  
12 is amended to read:

13 Section 101. Definitions.--Whenever used in this act, unless  
14 a contrary intention is evident from the context, the word  
15 "person" shall include individuals, copartnerships,  
16 associations, and corporations; the singular shall include the  
17 plural, and the masculine, and feminine and neuter. The word  
18 "each" shall include the whole or any substantial part or parts.

19 The word "commission" shall mean the Pennsylvania Game  
20 Commission.

1       The word "director" shall mean the Executive Director of the  
2       Pennsylvania Game Commission.

3       The term "game birds" shall include: (a) the anatidae,  
4       commonly known as geese, brant, and river and sea ducks; (b) the  
5       rallidae, commonly known as rails, coots, mudhens, and  
6       gallinules; (c) the limicolae, commonly known as shore birds,  
7       plover, surf birds, snipe, woodcock, sandpipers, yellowlegs,  
8       tattlers, and curlew; (d) the gallinae, commonly known as wild  
9       turkeys, grouse, pheasants, partridges, and quail; and (e) the  
10      birds belonging to the order columbae, commonly known as doves.

11      The term "nongame birds" shall mean the common crow.

12      The term "game animals" shall include: (a) the wapiti or elk,  
13      (b) the deer, (c) the bear, (d) the wild rabbit and hare, (e)  
14      the red, gray, black and fox squirrel, (f) the raccoon, (g) the  
15      woodchuck, commonly known as groundhog, and (h) the bobcat or  
16      wildcat.

17      The term "big game" shall include: (a) the elk, (b) the deer,  
18      and (c) the bear.

19      The term "small game" shall include all species of game birds  
20      and game animals not classed as big game.

21      The word "game" shall include "game animals" and "game  
22      birds."

23      Except as modified by the resolutions of the commission, the  
24      term "fur-bearing animals" shall include: (a) the mink, (b) the  
25      muskrat, (c) the opossum, (d) the otter, (e) the skunk, commonly  
26      called polecat, and (f) the beaver.

27      The word "predators" shall include all wild animals not  
28      classed as game animals or fur-bearing animals and all wild  
29      birds other than game birds, nongame birds and protected birds.

30      Except as modified by the resolutions of the commission, the

1 term "unprotected birds" shall include: (a) the English sparrow  
2 and (b) the European starling.

3 The term "protected birds" shall include all wild birds not  
4 included within the terms "game birds," "nongame birds" and  
5 "unprotected birds." The term "protected birds" shall also  
6 include the goshawk, the sharpshinned hawk and the Cooper's  
7 hawk.

8 The term "wild birds" includes all birds other than domestic  
9 birds.

10 The term "wild animals" includes all animals other than  
11 domestic animals.

12 The word "wildlife" shall mean and include wild birds and  
13 wild animals, regardless of classification, whether protected or  
14 unprotected, in a wild state in this Commonwealth.

15 In order to properly manage wildlife resources the commission  
16 may, by resolution, from time to time, after investigation or  
17 information otherwise obtained, add any animal to or remove from  
18 the list of fur-bearing animals, add any bird to or remove from  
19 the list of unprotected birds; add any bird to or remove from  
20 the list of nongame birds, add any bird to or remove from the  
21 list of game birds; or add any animal to or remove from the list  
22 of game animals, in any part of the Commonwealth, by giving  
23 notice of such action in the manner hereinafter specified.

24 The term "open season" shall mean the time during which game,  
25 fur-bearing animals, nongame birds and all other wild birds and  
26 wild animals of all classifications as hereinbefore defined may  
27 be legally taken or killed, protected birds excepted, and shall  
28 include both the first and the last day of the season or period  
29 designated by this act, or by resolution of the commission.

30 The term "close season" shall mean the time during which

1 game, fur-bearing animals, nongame birds and all other wild  
2 birds and wild animals of all classifications as hereinbefore  
3 defined may not be legally taken or killed, and includes all  
4 periods of time not included within the open season.

5 The term "bow" shall mean a weapon which propels an arrow, is  
6 hand held, hand drawn, held in the drawn position by hand, and  
7 triggered by hand without aid of any device having movable  
8 parts. Provided, however, That an individual who has lost, or  
9 lost the use of a finger, hand or arm, or any number or  
10 combination thereof or of other parts of the body and who is  
11 handicapped thereby to the extent that he cannot operate a bow  
12 in a normal manner, may use a prosthetic device in the operation  
13 of a bow.

14 The term "arrow" shall mean any arrow without an explosive,  
15 chemical, or poison in the head or shaft: And provided, That the  
16 arrows used for big game and turkey hunting shall be of a  
17 cutting-edged broadhead design.

18 The word "lands" as used in this act shall include land,  
19 waters, timber, minerals, oil, gas and all other appurtenances  
20 ordinarily connected therewith.

21 The word "lease" shall mean an agreement or contract by which  
22 the right to use real estate is granted or conveyed to or from  
23 the commission, or the act of such conveyance.

24 The term "hunting rights" shall mean the right to control the  
25 hunting, taking, killing, wounding or removal of game birds,  
26 game animals, fur-bearing animals and any other wild birds and  
27 wild animals on and within a specified area of land.

28 The term "endangered species" shall include all species and  
29 subspecies of wild birds and wild animals, except fish, frogs,  
30 tadpoles, and turtles, which have been declared threatened with

1 extinction by the Secretary, United States Department of the  
2 Interior, and appear on the Endangered Species List or the  
3 Native Endangered Species List as published in the Federal  
4 Register, or any species or subspecies of wild birds or wild  
5 animals, except fish, frogs, tadpoles, and turtles, native to  
6 this Commonwealth which may be declared to be threatened with  
7 extinction by action of the commission and published in the  
8 Pennsylvania Bulletin.

9 The term "rare species" shall include all species and  
10 subspecies of wild birds and wild animals, except fish, frogs,  
11 tadpoles, and turtles, which are declared in such small numbers  
12 throughout their range by the Secretary, United States  
13 Department of the Interior, that they may become endangered if  
14 their environment worsens, and appear on a rare species list as  
15 published in the Federal Register, or any species or subspecies  
16 of wild birds or wild animals, except fish, frogs, tadpoles, and  
17 turtles, native to this Commonwealth which may be declared in  
18 such small numbers throughout their range by the commission,  
19 that they may become endangered if their environment worsens,  
20 and published in the Pennsylvania Bulletin.

21 The term "wild animals" includes all animals other than  
22 domestic animals.

23 The term "resident" as used throughout this act shall mean a  
24 person who is permanently domiciled within this Commonwealth and  
25 has his permanent home here to which he has the intention of  
26 returning whenever he is absent.

27 The ownership, jurisdiction over, and control of wild animals  
28 and wild birds, as herein defined, are hereby declared to be in  
29 the Commonwealth, in its sovereign capacity, to be controlled,  
30 regulated, and disposed of in accordance with the provisions of

1 this act.

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