

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2482 Session of  
1978

INTRODUCED BY ZELLER, GAMBLE, RAVENSTAHL, LOGUE, E. H. SMITH,  
NOYE, RENWICK, BITTINGER AND DeMEDIO, MAY 31, 1978

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MAY 31, 1978

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," providing for the establishment of  
5 a bear hunting license; authorize the commission to further  
6 regulate bear hunting; provide additional penalties and  
7 eliminate certain penalties for killing game by mistake.

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

10 Section 1. Section 501, act of June 3, 1937 (P.L.1225,  
11 No.316), known as "The Game Law," is amended by adding a  
12 subsection to read:

13 Section 501. Open Seasons.--\* \* \*

14 (g) Bear Hunting Season and Licensing Requirements.--When  
15 the commission, by resolution, declares an open season for  
16 hunting and taking bear, it shall be unlawful for any person to  
17 hunt for, take, kill or wound or attempt to take, kill or wound  
18 bear, or to aid or assist any person in any manner to hunt for,  
19 take, kill, or wound bear without first having legally obtained  
20 a current resident hunter's license as defined in this act and

1 in addition thereto, a current bear hunting license which shall  
2 be obtained from the commission at a fee of five dollars (\$5).  
3 The license shall be in such form as the commission shall  
4 determine and shall be displayed while hunting bear by the  
5 lawful holder of such license in such manner as the commission  
6 shall prescribe. Before the bear license shall be legal for use  
7 in hunting, the lawful holder of such license shall sign his  
8 first name, middle initial and last name in ink across the face  
9 of the license.

10 When the commission declares an open season for hunting and  
11 taking bear, in addition to the statutory requirements of this  
12 section, the commission, in order to properly manage the  
13 resource, shall have authority to adopt any rules and  
14 regulations deemed necessary to regulate the hunting and taking  
15 of such species. Such rules and regulations may include but not  
16 be limited to the establishment of bear management units, limit  
17 the number of hunters who may hunt for bear in such management  
18 units, limit the number of bear licenses available and prescribe  
19 the method and procedure for making application for such license  
20 and the issuance thereof.

21 It shall be unlawful for any person to hunt for, take, kill  
22 or wound or attempt to take, kill or wound, or to aid or assist  
23 any person in any manner to hunt for, take, kill or wound bear  
24 during such open season contrary to the provisions of this  
25 subsection or rules and regulations adopted by the commission.  
26 It shall be unlawful for any person to lend a bear license to  
27 another person or for any person to use a bear license issued to  
28 another person.

29 Any person who shall violate any of the provisions of this  
30 subsection or any rules and regulations adopted by the

1 commission shall, upon conviction, be sentenced to pay the  
2 penalties prescribed in section 506.

3 Section 2. Section 506 of the act, amended May 31, 1974  
4 (P.L.305, No.97) and October 17, 1974 (P.L.743, No.250), is  
5 amended to read:

6 Section 506. Penalties.--Any person violating any of the  
7 provisions of this article shall, upon conviction, be sentenced  
8 to pay the following fines and costs of prosecution for each  
9 offense:

10 For taking, killing, wounding, possessing, or transporting  
11 from one locality to another within this State, or for hunting  
12 for or attempting to take, kill, or wound[, contrary to this  
13 article, or any rules and regulations relative to the taking of]  
14 any game, fur-bearing animals, nongame birds, or any other wild  
15 birds or wild animals contrary to the provisions of this article  
16 or any rules and regulations adopted by the commission under the  
17 provisions of this article:

18 (a) Each elk, four hundred dollars (\$400), and in the  
19 discretion of the court, six months imprisonment;

20 (b) Each deer, two hundred dollars (\$200);

21 (c) Each bear, four hundred dollars (\$400);

22 (d) Each wild turkey fifty dollars (\$50); and each ruffed  
23 grouse, ringneck pheasant, quail, partridge, or woodcock, swan,  
24 wild goose, brant or wild duck, twenty-five dollars (\$25);

25 (e) Each raccoon, twenty-five dollars (\$25);

26 (f) Each bobcat or wildcat, fifty dollars (\$50);

27 (g) For each other bird or animal, ten dollars (\$10).

28 (h) Failure of lawful holder of Muzzleloading Firearms Deer  
29 Season license to sign his full name in ink diagonally across  
30 its face, two dollars (\$2).

1 (i) Failure to carry the required Muzzleloading Firearms  
2 Deer Season license on his person while hunting for deer during  
3 such season, ten dollars (\$10).

4 (j) Hunting for deer during the Muzzleloading Firearms Deer  
5 Season, or for aiding or assisting any person in any manner to  
6 hunt for deer during such season without first having obtained  
7 the required license, or for using a license belonging to  
8 another person, twenty dollars (\$20).

9 (k) Failure of lawful holder of bear license to sign his  
10 first name, middle initial and last name in ink across the face  
11 of the license, twenty-five dollars (\$25) plus confiscation of  
12 the bear license to the Commonwealth.

13 (l) Hunting for bear or for aiding or assisting any person  
14 in any manner to hunt for bear during the open bear season  
15 without first having lawfully obtained a bear license, or for  
16 using a bear license belonging to another person, or for any  
17 person to lend a bear license to another person, one hundred  
18 dollars (\$100) plus confiscation of the bear license to the  
19 Commonwealth.

20 For violating any of the provisions of this article not above  
21 specifically provided for, or for violating any of the rules and  
22 regulations of the commission adopted under the provisions of  
23 this article and not above specifically provided for, twenty-  
24 five dollars (\$25) and costs of prosecution for each offense.

25 Upon failure of any person convicted of a first offense to  
26 immediately pay the fine imposed and costs of prosecution, he  
27 shall be imprisoned one day for each dollar of fine imposed and  
28 costs of prosecution.

29 Any person convicted of a second or subsequent offense shall  
30 be liable to the fines above provided and costs of prosecution,

1 and in addition thereto shall, in the discretion of the court,  
2 suffer imprisonment one day for each dollar of fine imposed.

3 Section 3. Section 710 of the act amended October 17, 1974  
4 (P.L.743, No.250) is amended to read:

5 Section 710. Killing or Attempting to Kill Wild Bird or  
6 Animal by Mistake.--Each individual who may, by mistake, kill or  
7 attempt to kill, any wild bird or wild animal other than bear or  
8 elk, contrary to the provisions of this act, or any rules and  
9 regulations of the commission, may, within twenty-four hours  
10 following such mistake, pay to any game protector, by field  
11 acknowledgment of guilt, a reduced penalty for such mistake  
12 killing or attempted killing as hereinafter provided in this  
13 section, if such individual shall immediately after such mistake  
14 killing, remove the entrails of any animal or bird so killed and  
15 deliver the carcass to any game protector or his residence for  
16 disposition as hereinafter provided, and shall, within twenty-  
17 four hours after such killing, or attempted killing, make and  
18 deliver to such officer to whom such penalty was paid a  
19 statement in writing, under oath, explaining when and where and  
20 how such mistake was made.

21 Penalties for such mistake killing or attempted mistake  
22 killing shall be imposed as follows:

23 (1) Each deer, twenty-five dollars (\$25);

24 [(2) Each bear, fifty dollars (\$50);

25 (3) Each elk, fifty dollars (\$50);]

26 (4) Each other wild bird or wild animal other than bear or  
27 elk, one-fourth of the penalty otherwise imposed by this act for  
28 the illegal killing or attempted killing of such other wild bird  
29 or wild animal.

30 Said portion of the penalty and the sworn statement, together

1 with the officer's report, shall be forwarded to the director as  
2 quickly as possible for review. If after investigation the  
3 director is not satisfied said killing, or attempted killing,  
4 was done by mistake, but was caused by negligence or  
5 carelessness, he shall order the defendant to be prosecuted in  
6 the regular manner, and the amount so deposited shall be applied  
7 toward the payment of the full penalty and any costs of  
8 prosecution as provided in this act.

9 Section 4. This act shall take effect in 60 days.