

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1415 Session of  
1979

INTRODUCED BY GRABOWSKI, LETTERMAN, CESSAR, FISHER, FEE, TELEK,  
M. R. CLARK, KNIGHT, STEIGHNER, B. D. CLARK, PETRARCA,  
PISTELLA, RAPPAPORT, ITKIN, CHESS, COWELL, PUNT, WACHOB,  
SEVENTY, GAMBLE, MURPHY, KUKOVICH, CAPPABIANCA, DOMBROWSKI,  
SHADDING, DeWEESE, STAIRS, COSLETT, DAWIDA, MICHLOVIC,  
McVERY, COCHRAN, DiCARLO AND O'DONNELL, MAY 30, 1979

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MAY 31, 1979

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," further providing for  
21 powers of waterways patrolmen and making editorial changes.

22 The General Assembly of the Commonwealth of Pennsylvania  
23 hereby enacts as follows:

24 Section 1. Section 2706, act of April 9, 1929, (P.L.177,  
25 No.175), known as "The Administrative Code of 1929," amended

1 April 25, 1949 (P.L.729, No.180), is amended to read:

2 Section 2706. Powers of [Fish Wardens] Waterways  
3 Patrolmen.--Every member of the Pennsylvania Fish Commission,  
4 and every [fish warden, and every special fish warden] waterways  
5 patrolman shall have power:

6 (a) To enforce all the laws of the Commonwealth relating to  
7 fish;

8 (b) To execute all warrants and search warrants for the  
9 violation of the fish laws;

10 (c) To serve subpoenas issued for the examination,  
11 investigation, and trial of all offenses against the laws  
12 relating to fish;

13 (d) To carry firearms, or other weapons, in the performance  
14 of his duties[, and to stop or halt, by pointing or discharging  
15 firearms, any person violating or believed to be violating any  
16 of the laws of the Commonwealth the enforcement of which is  
17 charged to such officers], and any such officer shall at all  
18 times be privileged to protect himself in the performance of his  
19 duty;

20 (e) [To search, without warrant, any boat, conveyance,  
21 vehicle, fish-box, bag, coat, basket, or other receptacle for  
22 fish, when he has reason to believe that any provision of any  
23 law of this Commonwealth relating to fish has been violated;] To  
24 search, where probable cause exists that a violation of this act  
25 has occurred, any boat, conveyance, vehicle, fish-box, bag,  
26 coat, boot, basket or other receptacle for fish, when he is  
27 enforcing the laws of the Commonwealth pertaining to fish:  
28 Provided, however, That such waterways patrolman shall display  
29 his badge or other insignia of identification and shall state to  
30 the person in charge of said vehicle or conveyance the purpose

1 of the search;

2       (f) To seize and take possession of any and all fish which  
3 may have been caught, taken, or killed at any time, in any  
4 manner, or for any purpose, or had in possession, or under  
5 control, or which have been shipped or are about to be shipped,  
6 contrary to the laws of this Commonwealth. Fish so seized shall  
7 be disposed of in any manner as the Executive Director of the  
8 Commission may direct;

9       (g) To enter upon any land or water in the performance of  
10 his duty;

11       (h) To demand and secure proper assistance in case of  
12 emergency;

13       (i) To purchase fish for the purpose of securing evidence.

14       Section 2. This act shall take effect immediately.