
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2755 Session of
1998

INTRODUCED BY B. SMITH, STABACK, MAJOR AND SHANER,
AUGUST 18, 1998

REFERRED TO COMMITTEE ON GAME AND FISHERIES, AUGUST 18, 1998

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, further providing for acknowledgment of guilt and
3 detention of nonresidents.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Sections 926 and 931 of Title 34 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 926. Acknowledgment of guilt and receipt for payment.

9 (a) General rule.--[A] Subject to subsection (d), a person
10 charged with violating any provision of this title which is a
11 summary offense may sign, within ten days of the commission of
12 the offense, an acknowledgment of the offense committed and pay
13 to an officer of the commission the penalty in full, as fixed by
14 this title, plus any costs of prosecution which may have
15 accrued. The printed receipt for this payment shall only prove
16 full satisfaction of the monetary fine for the offense committed
17 and in no way shall limit the commission from further revoking
18 hunting and furtaking privileges.

1 (b) Notice of right to hearing.--Each acknowledgment of
2 guilt shall have printed on it a notice stating that the person
3 has the right to a hearing in a judicial proceeding. At the same
4 time that the printed acknowledgment of guilt is being
5 completed, the officer of the commission shall give a verbal
6 warning concerning the right of the person to a hearing in a
7 judicial proceeding.

8 (c) Stopping payment of check.--A person who makes payment
9 to the commission by personal check for an acknowledgment
10 pursuant to this title and who stops payment on the check or
11 issues a nonnegotiable check or instrument commits a summary
12 offense of the seventh degree. The official receipt for payment
13 of the penalty, issued by an officer, shall become void, and the
14 prosecution of the person or persons named on the receipt shall
15 be allowed to continue. named on the receipt shall be allowed to
16 continue.

17 (d) Limitations on acknowledgments of guilt.--On and after
18 December 31, 2000, acknowledgments of guilt pursuant to this
19 section shall be used only in such counties as the commission
20 may designate by regulation for such use. The commission shall
21 only designate such counties for continued use of field
22 acknowledgment as it finds to have summary offense procedures
23 that differ from Statewide summary offense procedures.

24 [§ 931. Arrest of nonresident.

25 (a) General rule.--Upon the arrest, apprehension or citation
26 of a nonresident of this Commonwealth for any violation of this
27 title that is a summary offense, any officer whose duty it is to
28 enforce the provisions of this title shall, unless the defendant
29 elects to acknowledge guilt in accordance with section 926
30 (relating to acknowledgment of guilt and receipt for payment),

1 escort the defendant to the appropriate district justice for a
2 hearing, posting of bond or payment of the applicable fine and
3 costs, unless the defendant chooses to place the amount of the
4 applicable fine and costs in a stamped envelope addressed to the
5 appropriate district justice and mails the envelope in the
6 presence of the officer who shall issue the defendant a
7 citation.

8 (b) Procedure upon payment by mail.--If the defendant
9 accepts the citation and mails the amount of fine and costs
10 prescribed in subsection (a), he shall indicate the payment
11 constitutes a bond for a hearing based on a plea of not guilty.
12 The district justice shall then handle the case as a "plea
13 entered by mail."

14 (c) Form of payment.--The amount of fine and costs shall be
15 paid in cash, money order, certified check or guaranteed arrest
16 bond. The commission, by regulation, may enlarge or restrict the
17 type of payment which may be made by mail.]

18 § 931. Disposition of nonresident offenders.

19 Subject to any inconsistent regulations prescribed pursuant
20 to 42 Pa.C.S. § 3502 (relating to financial regulations):

21 (1) Except as otherwise provided in paragraph (2), upon
22 the apprehension of a nonresident of this Commonwealth for
23 any violation of this title that is a summary offense, the
24 officer whose duty it is to enforce this title shall issue a
25 citation as provided by the Pennsylvania Rules of Criminal
26 Procedure unless the nonresident offender elects to proceed
27 under section 926 (relating to acknowledgment of guilt and
28 receipt for payment).

29 (2) An officer whose duty it is to enforce this title
30 shall be authorized to arrest a nonresident for a summary

1 offense violation of this title and escort him to the
2 appropriate issuing authority for a hearing, posting of bond
3 or payment of the applicable fine and costs only when one or
4 more of the following circumstances exist:

5 (i) The nonresident offender does not elect to
6 proceed under section 926 and refuses to accept a
7 citation from the officer.

8 (ii) The nonresident offender fails to provide
9 positive identification showing his mailing address.

10 (iii) The officer has reasonable grounds to believe
11 the nonresident offender is a repeat offender under this
12 title.

13 (iv) The officer has reasonable grounds to believe
14 the nonresident offender is fishing while his fishing
15 privileges are suspended or boating while his boating
16 privileges are suspended.

17 (v) The officer has reasonable grounds to believe
18 the nonresident offender has failed to respond to a
19 citation issued under this title or to pay assessed fines
20 or penalties for a prior offense under this title.

21 (vi) The officer has reasonable grounds to believe
22 the nonresident offender may pose a threat of harm to
23 persons or property or to himself or herself.

24 (vii) The officer has reasonable grounds to believe
25 the nonresident offender will not appear as required if
26 issued a citation.

27 The officer shall not exercise his authority to arrest a
28 nonresident under this paragraph if the nonresident offender
29 chooses to place the amount of the applicable fine and costs
30 in a stamped envelope addressed to the appropriate issuing

1 authority and mails the envelope in the presence of the
2 officer.

3 (3) The amount of fine and costs to be mailed to the
4 issuing authority under paragraph (2) may be paid in cash,
5 personal or other check, credit card or guaranteed arrest
6 bond.

7 (4) The officer shall give the nonresident offender a
8 receipt for payment, a copy of which shall be mailed with the
9 payment and a copy retained by the officer.

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