

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2935 Session of
1998

INTRODUCED BY FORCIER, NOVEMBER 16, 1998

REFERRED TO COMMITTEE ON RULES, NOVEMBER 16, 1998

AN ACT

1 Amending Titles 30 (Fish) and 34 (Game) of the Pennsylvania
2 Consolidated Statutes, providing for trespassing and
3 penalties.

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

6 Section 1. Title 30 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 729. Trespassing on lands or waters of this Commonwealth.

9 (a) General rule.--No person shall, knowing that he is not
10 licensed or privileged to do so:

11 (1) enter or remain on any lands or waters of this
12 Commonwealth;

13 (2) enter or remain on any lands or waters of this
14 Commonwealth when the lands or waters are posted in a manner
15 prescribed by law or reasonably likely to come to the
16 person's attention or are fenced or enclosed in a manner
17 manifestly designed to exclude trespassers or to confine fish
18 or animals; or

1 (3) enter or remain on any lands or waters of this
2 Commonwealth and defy an order not to enter or to leave that
3 has been personally communicated to him by the commission,
4 the executive director, a waterways conservation officer, a
5 deputy waterways conservation officer or other authorized
6 person.

7 (b) Penalties.--Any person who violates this section commits
8 an offense, which offense shall be graded as follows:

9 (1) A violation of subsection (a)(1) constitutes a
10 summary offense and is punishable by imprisonment for a term
11 of not more than 90 days and a fine of not less than \$100 nor
12 more than \$300.

13 (2) A violation of subsection (a)(2) constitutes a
14 misdemeanor of the third degree and is punishable by
15 imprisonment for a term of not more than one year and a fine
16 of not less than \$250 nor more than \$2,500.

17 (3) A violation of subsection (a)(3) constitutes a
18 misdemeanor of the second degree and is punishable by
19 imprisonment for a term of not more than two years and a fine
20 of not less than \$500 nor more than \$5,000.

21 Section 2. Title 34 of the Pennsylvania Consolidated
22 Statutes is amended by adding a section to read:

23 § 742. Trespassing on lands or waters.

24 (a) General rule.--No person shall, knowing that he is not
25 licensed or privileged to do so:

26 (1) enter or remain on any lands or waters;

27 (2) enter or remain on any lands or waters when the
28 lands or waters are posted in a manner prescribed by law or
29 reasonably likely to come to the person's attention or are
30 fenced or enclosed in a manner manifestly designed to exclude

1 trespassers or to confine fish or animals; or

2 (3) enter or remain on any lands or waters and defy an
3 order not to enter or to leave that has been personally
4 communicated to him by the commission, the director, an
5 officer or other authorized person.

6 (b) Penalties.--Any person who violates this section commits
7 an offense, which offense shall be graded as follows:

8 (1) A violation of subsection (a)(1) constitutes a
9 summary offense and is punishable by imprisonment for a term
10 of not more than 90 days and a fine of not less than \$100 nor
11 more than \$300.

12 (2) A violation of subsection (a)(2) constitutes a
13 misdemeanor of the third degree and is punishable by
14 imprisonment for a term of not more than one year and a fine
15 of not less than \$250 nor more than \$2,500.

16 (3) A violation of subsection (a)(3) constitutes a
17 misdemeanor of the second degree and is punishable by
18 imprisonment for a term of not more than two years and a fine
19 of not less than \$500 nor more than \$5,000.

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