

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1117 Session of
1999INTRODUCED BY COSTA, O'PAKE, BELAN, LEMMOND, BOSCOLA, EARLL AND
KASUNIC, SEPTEMBER 30, 1999

SENATOR HELFRICK, GAME AND FISHERIES, AS AMENDED, MARCH 14, 2000

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, CLARIFYING PROVISIONS FOR REPEAT OFFENDERS;
3 exempting certain military personnel from license
4 requirements; AND FURTHER PROVIDING FOR ISSUING AGENTS.

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

7 ~~Section 1. Section 2709 of Title 30 of the Pennsylvania~~
8 ~~Consolidated Statutes is amended by adding a subsection to read:~~

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9 SECTION 1. SECTION 923(D) OF TITLE 30 OF THE PENNSYLVANIA

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10 CONSOLIDATED STATUTES IS AMENDED TO READ:

11 § 923. CLASSIFICATION OF OFFENSES AND PENALTIES.

12 * * *

13 (D) REPEAT OFFENDERS.--A PERSON WHO IS CONVICTED OR
14 ACKNOWLEDGES GUILT OF A SECOND OR SUBSEQUENT VIOLATION OF THIS
15 TITLE OR THE REGULATIONS PROMULGATED UNDER THIS TITLE WITHIN 12
16 MONTHS OF A PRIOR OFFENSE UNDER THIS TITLE SHALL BE SENTENCED AS
17 A REPEAT OFFENDER. AN EXTRACT FROM COMMISSION RECORDS MAINTAINED
18 IN THE ORDINARY COURSE OF BUSINESS SHOWING THAT THE PERSON WAS

1 CONVICTED OR ACKNOWLEDGED GUILT OF TWO OR MORE OFFENSES UNDER
2 THIS TITLE ON SEPARATE OCCASIONS WITHIN A 12-MONTH PERIOD SHALL
3 BE PRIMA FACIE EVIDENCE THAT THE PERSON IS A REPEAT OFFENDER. IN
4 ADDITION TO THE FINE SET FORTH IN SUBSECTION (A)[(2)], A REPEAT
5 OFFENDER MAY BE SENTENCED TO PAY AN ADDITIONAL FINE AS FOLLOWS:

6 (1) \$200 IF ALL THE OFFENSES COMMITTED WITHIN THE 12-
7 MONTH PERIOD WERE CLASSIFIED AS SUMMARY OFFENSES UNDER THIS
8 TITLE.

9 (2) \$1,000 IF ANY OF THE OFFENSES COMMITTED WITHIN THE
10 12-MONTH PERIOD WERE CLASSIFIED AS MISDEMEANORS OF THE THIRD
11 DEGREE AND NONE WERE CLASSIFIED AS MISDEMEANORS OF THE FIRST
12 OR SECOND DEGREE OR FELONIES.

13 (3) \$2,500 IF ANY OF THE OFFENSES COMMITTED WITHIN THE
14 12-MONTH PERIOD WERE CLASSIFIED AS MISDEMEANORS OF THE FIRST
15 OR SECOND DEGREE OR FELONIES.

16 * * *

17 SECTION 2. SECTION 2709 OF TITLE 30 IS AMENDED BY ADDING A
18 SUBSECTION TO READ:

19 § 2709. Exemptions from license requirements.

20 * * *

21 (f) Military personnel.--

22 (1) The provisions of this chapter shall not apply to
23 persons who satisfy all of the following:

24 (i) Are residents of this Commonwealth.

25 (ii) Are on active and full-time duty in the United
26 States Armed Forces.

27 (iii) Are assigned to a facility outside this
28 Commonwealth.

29 (iv) Are on temporary leave in this Commonwealth.

30 (v) Have on their person while fishing evidence of

1 Commonwealth residency, PROOF OF THEIR ASSIGNMENT TO A <—
2 FACILITY OUTSIDE THIS COMMONWEALTH and a copy of their
3 orders assigning them to temporary leave.

4 (2) Such persons shall comply with the regulations of
5 the commission.

6 ~~Section 2. This act shall take effect in 60 days.~~ <—

7 SECTION 3. SECTION 5304(D.1) OF TITLE 30 IS AMENDED TO READ: <—

8 § 5304. ISSUING AGENTS.

9 * * *

10 (D.1) RULES AND REGULATIONS.--THE COMMISSION MAY PROMULGATE
11 SUCH RULES AND REGULATIONS TO CONTROL AND SUPERVISE THE ISSUANCE
12 AND TRANSFER OF BOAT REGISTRATIONS BY ISSUING AGENTS AS IT DEEMS
13 NECESSARY. THE COMMISSION MAY ESTABLISH ADMINISTRATIVE FEES FOR
14 [FISHING LICENSE] BOAT REGISTRATION ISSUING AGENTS. COUNTY
15 TREASURERS SHALL BE EXEMPT FROM PAYMENT OF ANY ADMINISTRATIVE
16 FEE ESTABLISHED BY THE COMMISSION.

17 * * *

18 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

19 (1) THE AMENDMENTS OF 30 PA.C.S. §§ 923 AND 5304 SHALL
20 TAKE EFFECT IMMEDIATELY.

21 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

22 (3) THE AMENDMENT OF 30 PA.C.S. § 2709 SHALL TAKE EFFECT
23 IN 60 DAYS.