

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 181 Session of 2009

INTRODUCED BY CUTLER, KORTZ, DALLY, BOYD, CAUSER, DENLINGER, GEIST, HESS, HICKERNELL, KRIEGER, MENSCH, MOUL, PALLONE, PHILLIPS, PICKETT, PYLE, RAPP, READSHAW, SONNEY, STERN, SWANGER, TRUE AND VULAKOVICH, FEBRUARY 2, 2009

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 31, 2009

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, further providing for powers and duties of
3 enforcement officers and for resisting or interfering with an
4 officer.

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

7 Section 1. Section 901(a) (2), (3), (6), (7), (8) and (14) of
8 Title 34 of the Pennsylvania Consolidated Statutes are amended
9 and the section is amended by adding a subsection to read:

10 § 901. Powers and duties of enforcement officers.

11 (a) Powers.--Any officer whose duty it is to enforce this
12 title or any officer investigating any alleged violation of this
13 title shall have the power and duty to:

14 * * *

15 (2) Go upon any land or water outside of buildings,
16 except curtilage, posted or otherwise, in the performance of
17 the officer's duty. ~~For purposes of this paragraph, camps~~



1 ~~that are not permanently occupied residences shall not be~~
2 ~~deemed to have curtilage.~~

3 (3) Serve subpoenas issued under the provisions of this
4 title or any other statute the officer is authorized to
5 enforce.

6 * * *

7 (6) Stop [and inspect or search, at any time,] vehicles
8 or any means of transportation within this Commonwealth under
9 reasonable suspicion or under the administrative procedures
10 for road check points. Any officer who stops any means of
11 transportation shall be in uniform and present a badge or
12 other means of official identification and state the purpose
13 of the [inspection or search] stop.

14 (7) [Inspect and examine or search, at any time or
15 place, any person or means of transportation or its
16 attachment or occupants, or any clothing worn by any person,
17 or any bag, clothing or container when the officer presents
18 official identification and states the purpose of the
19 inspection or search.] Search any means of transportation or
20 its attachment under probable cause, consent, exigent
21 circumstances or other exceptions to warrant requirements
22 established by legal precedent.

23 (8) [Inspect and examine or search, at any time, any
24 camp, tent, cabin, trailer or any means of transportation or
25 its attachment being used when the officer presents official
26 identification to the person in charge and states the purpose
27 of the inspection or search.] Conduct administrative
28 inspections of persons, licenses and permits, firearms,
29 ammunition and other implements of taking, game bags, game,
30 meat poles, tags, clothing, waterfowl blinds, decoys, tree

1 stands, immediate hunting locations, boats, ATVs or other
2 vehicles used as blinds and any coolers or containers
3 possessed at a hunting location when prima facie evidence of
4 hunting exists.

5 * * *

6 (14) Demand and secure identification from any person
7 who is the subject of an official investigation or
8 investigative detention, supported by reasonable suspicion of
9 A VIOLATION OF any statutes the officer is authorized to ←
10 enforce.

11 * * *

12 (c) Definitions.--As used in this section, the following
13 words and phrases shall have the meanings given to them in this
14 subsection:

15 "Officer's employment." The period of time during which a
16 wildlife conservation officer is currently engaged in an
17 activity the officer is employed to perform at the time of the
18 engagement and in places the officer is authorized to perform
19 the activity.

20 Section 2. Section 904(b) (1) of Title 34 is amended to read:
21 § 904. Resisting or interfering with an officer.

22 * * *

23 (b) Failure to produce identification upon demand.--

24 (1) A person who refuses to provide identification upon
25 demand of an officer whose duty it is to enforce this title
26 after having been told by the officer that the person is the
27 subject of an official investigation or investigative
28 detention, supported by reasonable suspicion of A VIOLATION ←
29 OF any statutes the officer is authorized to enforce, commits
30 a summary offense of the fifth degree.

1 * * *

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