



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 359

PRINTERS NO. 2922

PRIME SPONSOR: English

COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	\$0	\$0
Game Fund	\$0	See fiscal impact

SUMMARY: Amends Title 34 (Game and Wildlife Code) to:

- include bear and elk in the provisions related to killing game or wildlife by mistake;
- provide for restitution and clemency from license revocation;
- provide for the continued use of body cameras by Wildlife Conservation Officers; and
- establish that violators who are adhering to a payment plan to repay penalties may not have their hunting license suspended.

ANALYSIS: HB 359 amends Title 34 (Game and Wildlife Code) Section 2306 (relating to killing game or wildlife by mistake) subsection (a) (relating to general rule) to include bear and elk in the mistaken kill provisions. The bill also amends subsection (b) (relating to restitution) to provide that restitution for mistakenly killing bear or elk will be \$100 for each animal killed.

The bill also amends Section 2742 (relating to period of revocation) by adding a new subsection (c) (relating to clemency from revocation) to provide that the commission may not revoke hunting privileges for the unlawful taking of game or wildlife if the following conditions are met:

- 1) The violation is the person's first unlawful taking or possession of game or wildlife offense.
- 2) The person follows the procedural requirements in statute concerning removal of entrails, tagging, reporting, delivery of carcass and providing a written, sworn statement.
- 3) The violation occurs during: an open season within the applicable wildlife management unit for the species involved; or a closed season within the applicable wildlife management unit for the species involved, but only if there was an open season within an adjacent wildlife management unit for the same species.
- 4) The person pleads guilty to the violation charged.
- 5) The violation does not involve a threatened or endangered species.
- 6) There are no relevant aggravating circumstances present concerning the violation.

As amended in the Senate, the bill also provides for the continued use of electronic, mechanical or other recording devices in the course of duties under Section 901 (relating to powers and duties of enforcement officers) (B.1). This technical change was necessary due to a recent amendment to Title 18 that changed the relevant section reference.

Additionally, the bill amends Section 930 (relating to suspension of privileges pending payment of penalties) to provide that if a defendant is enrolled in a payment plan to repay penalties and the defendant is making regular payments under the plan, his/her hunting or trapping privileges may not be suspended for failure to pay penalties.

Effective date: 60 days.

FISCAL IMPACT: Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds. While this legislation does impose a \$100 restitution payment for accidentally or mistakenly killing a bear or elk, the Game Fund would only see a very minimal increase due to the fact that currently there are less than 10 of these types of kills recorded each year.

PREPARED BY: Thomas Gwinn
House Appropriations Committee (R)

DATE: February 5, 2018

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.