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HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

MEMORANDUM

TO: All House Members

FROM: Representative Michael T. Peifer 

RE: Fishing/ Poaching Violations – Penalty Enhancements

DATE: February 15, 2012

In the near future, I plan to introduce legislation that would create a new category of offenses within the Fish and Boat Code for serious poaching violations, and increase the duration for which the Fish and Boat Commission would be permitted to revoke an individual's fishing or boating privileges.

This legislation has particular relevance to me and my constituents from the Lake Wallenpaupack and Delaware River areas. We, along with the well-known Erie and Susquehanna River regions, are just part of Pennsylvania's world-renowned fisheries that are mainstays of our regional economies. Yet, we regularly see criminals illegally take large quantities of valuable and highly sought after fish such as steelhead and striped bass under cover of darkness to sell on black markets.

Pennsylvania has also developed a reputation for being a place to trade in threatened and endangered species of snakes and turtles – species that are under the jurisdiction of the Fish and Boat Commission. Traders regularly conduct their business in Pennsylvania knowing that they will get a relatively light slap on the wrist.

In each case, all that the Fish and Boat Commission can currently do is to cite them for a summary offense and fine them \$50 for each offense. Perpetrators willingly pay this fine as a cost of doing business – literally taking out rolls of \$50 bills to pay the fine – and have no real deterrent to stop depleting the Commonwealth's fish, reptile, and other aquatic resources.

This legislation would define and enhance penalties for serious poaching incidents, such as the illegal taking of large numbers of steelhead or striped bass or the illegal harvest of reptiles and amphibians that ultimately may be sold for profit. Specifically, it would make it a misdemeanor of the second degree to take, catch, kill, or possess three or more times the daily limit of fish, or fish having a replacement value above a defined level. Note that the Fish and Boat Code defines fish as including all fish, amphibians, reptiles, and aquatic organisms, so this would capture the illegal reptile trade as well.

In addition to the serious poaching provisions, this legislation would increase the duration for which the Fish and Boat Commission may revoke an individual's fishing and boating privileges from two to five years. Currently, the Commission may only revoke privileges for two years, and increasing that time to five years would both create a greater deterrent and establish consistency with the PA Game Code (under which the Game Commission may revoke a hunter's privileges for five years).

It would also increase summary offense fines for the first time in over a decade; increase the discretionary penalty for each fish taken, caught, killed, possessed, or sold in violation of the Fish and Boat Code for the first time since 1980; provide for an optional additional penalty for those individuals who use illegal devices to take fish; allow the Commission to start periods of suspension after an individual is released from prison; and increase the severity of offenses for performing certain acts while a license, permit, or privilege is suspended or revoked.

This legislation will work in conjunction with our recent actions to add Pennsylvania to the Interstate Wildlife Violator Compact and the increase in poaching penalties under the Game Code. I urge all my colleagues to co-sponsor this legislation, and help afford proper protection to Pennsylvania's law-abiding anglers and the Commonwealth's fish, reptiles, amphibians, and other aquatic resources.

If you would like to co-sponsor this legislation, please contact Barb Dysard at 783-2037, or e-mail her at bdysard@pahousegop.com. Thank you for your consideration of this proposal.