

GAME AND WILDLIFE CODE (34 PA.C.S.) - POWERS AND DUTIES OF  
ENFORCEMENT OFFICERS, SUSPENSION OF PRIVILEGES PENDING PAYMENT  
OF PENALTIES, KILLING GAME OR WILDLIFE BY MISTAKE AND PERIOD  
OF REVOCATION

Act of Feb. 15, 2018, P.L. 6, No. 3

Cl. 34

Session of 2018  
No. 2018-3

HB 359

AN ACT

Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in enforcement, further providing for powers and duties of enforcement officers and for suspension of privileges pending payment of penalties; in hunting and furtaking, further providing for killing game or wildlife by mistake; and, in hunting and furtaking licenses, further providing for period of revocation.

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

Section 1. Sections 901(b.1), 930 and 2306(a) and (b) of Title 34 of the Pennsylvania Consolidated Statutes are amended to read:

§ 901. Powers and duties of enforcement officers.

\* \* \*

(b.1) Exception to the prohibition of interception and disclosure of communications.--An officer whose duty it is to enforce this title and who has received training on the use of [body cameras] **an electronic, mechanical or other device which has been approved under 18 Pa.C.S. § 5706(b)(4) (relating to exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices)** in a course approved by the Pennsylvania State Police shall be [defined as a law enforcement officer for the purpose of 18 Pa.C.S. § 5704(16)(iii) (relating to exceptions to prohibition of interception and disclosure of communications)] **an investigative or law enforcement officer as defined under 18 Pa.C.S. § 5702 (relating to definitions)**. Such officers may wear [body cameras] **an electronic, mechanical or other device** in the performance of their official duties. This subsection shall not apply to a deputy Game Commission officer or deputy wildlife conservation officer.

\* \* \*

§ 930. Suspension of privileges pending payment of penalties.

[All] **(a) General rule.--Notwithstanding subsection (b), all** privileges granted by this title shall automatically be suspended if a defendant fails to respond to a citation or summons within 60 days or fails to pay all penalties in full within 180 days following conviction.

**(b) Payment plan.--If a defendant is enrolled in a payment plan to repay penalties mandated by a court of competent jurisdiction and the defendant is making regular payments in accordance with the court's mandate, the privileges of this title may not be suspended.**

§ 2306. Killing game or wildlife by mistake.

(a) General rule.--Any person who, while hunting or trapping for game or wildlife which may be lawfully taken, by accident or mistake kills or attempts to kill any game or wildlife other

than [bears, elk or] threatened or endangered species, contrary to the provisions of this title, shall pay restitution pursuant to subsection (b) to an officer of the commission.

(b) Restitution.--Restitution for killing or an attempted killing by accident or mistake shall be as follows:

- (1) Each deer - \$25.
- (2) Each turkey - \$20.
- (3) Each other wild bird or wild animal, other than [a bear, elk or] an endangered or threatened species - \$15.
- (4) Each bear - \$100.**
- (5) Each elk - \$100.**

\* \* \*

Section 2. Section 2742 of Title 34 is amended by adding a subsection to read:

§ 2742. Period of revocation.

\* \* \*

(c) Clemency from revocation.--The commission shall not revoke the privilege to hunt or take game or wildlife anywhere in this Commonwealth for an unlawful taking or possession of game or wildlife violation if all of the following conditions are met:

(1) The unlawful taking or possession of game or wildlife violation is the person's first unlawful taking or possession of game or wildlife offense.

(2) The person complies with all of the procedural requirements set forth in section 2306(c)(1), (2) or (3) (relating to killing game or wildlife by mistake) concerning removal of entrails, tagging, reporting, delivery of carcass and providing a written, sworn statement.

(3) The unlawful taking of game or wildlife violation occurs during:

(i) an open season within the applicable wildlife management unit for the species involved; or

(ii) 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 applicable unlawful taking or possession of game or wildlife violation charged.

(5) The unlawful taking or possession of game or wildlife violation does not involve a threatened or endangered species.

(6) There are no relevant aggravating circumstances present concerning the unlawful taking or possession of game or wildlife violation.

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

APPROVED--The 15th day of February, A.D. 2018.

TOM WOLF