

GAME AND WILDLIFE CODE (34 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Dec. 19, 1996, P.L. 1442, No. 184

Cl. 34

Session of 1996

No. 1996-184

HB 2463

AN ACT

Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, defining "bodily injury," "facsimile," "poaching" and "serious bodily injury"; further defining "game," "hunt" or "hunting," "take" and "wildlife" to include facsimiles; further providing for the terms of commission members; providing for the use of facsimiles for law enforcement purposes, for the use of protective materials by officers and for an additional penalty for poaching; and further providing for incident reports and assistance, for increased penalties for shooting at, causing injury to or killing another person, for the use of lights while hunting, for carrying loaded firearms in certain vehicles, for safety zones by employees and agents of political subdivisions holding valid deer control permits, for the training of dogs, for restrictions on vehicles, for license revocation, for disabled hunting licenses and for taxidermy permits.

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

Section 1. The definitions of "game," "hunt" or "hunting," "take" and "wildlife" in section 102 of Title 34 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding definitions to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

**"Bodily injury."** Impairment of physical condition or substantial pain.

\* \* \*

**"Facsimile."** A copy of game or wildlife with similar characteristics. The term includes man-made, taxidermy mounts, mechanical or electronic facsimiles.

\* \* \*

**"Game."** Includes "game animals ," [and] "game birds[.]" and any facsimile thereof.

\* \* \*

**"Hunt" or "hunting."** Any act or furtherance of the taking or killing of any game or wildlife, or any part or product thereof, and includes, but is not limited to, chasing, tracking, calling,

pursuing, lying in wait, trapping, shooting at , **including shooting at a game or wildlife facsimile,** or wounding with any weapon or implement, or using any personal property, including dogs, or the property of others, of any nature, in furtherance of any of these purposes, or aiding, abetting or conspiring with another person in that purpose.

\* \* \*

**"Poaching."** To unlawfully take game or wildlife by means of or as a result of multiple violations of the provisions of this title or the regulations thereunder.

\* \* \*

**"Serious bodily injury."** Bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

\* \* \*

**"Take."** To harass, pursue, hunt for, shoot, wound, kill, trap, capture, possess or collect any game or wildlife , **including shooting at a facsimile of game or wildlife,** or attempt to harass, pursue, hunt for, shoot, wound, kill, trap, capture or collect any game or wildlife or aiding, abetting or conspiring with another person in that purpose.

\* \* \*

**"Wildlife."** Wild birds [and] , wild mammals **and facsimiles thereof** , regardless of classification, whether protected or unprotected, including any part, product, egg or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Section 2. Section 301(c) of Title 34 is amended to read:

§ 301. Organization of commission.

\* \* \*

(c) Term of office and compensation.--The members of the commission shall hold office for terms of eight years each **and may continue to hold office for a period of time not to exceed six months or until a successor is appointed and qualified, whichever occurs first** . A member of the commission appointed to fill a vacancy for a period of four years or less may be eligible for appointment to a full eight-year term. A member of the commission who serves a full eight-year term or fills a vacancy for a period of more than four years shall not be eligible for reappointment to the commission until a period of eight years expires. [No member of the commission upon the expiration of that member's term of office shall continue to hold office until a successor shall be duly appointed and qualified.] Commissioners shall receive no compensation for their services, but may be reimbursed for travel expenses.

\* \* \*

Section 3. Section 901 of Title 34 is amended by adding a subsection heading, paragraph and subsection to read:

§ 901. Powers and duties of enforcement officers.

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

\* \* \*

(18) When acting within the scope of the officer's employment and under the procedures outlined by the executive director, to use a facsimile in the enforcement of the provisions of this title and the regulations promulgated hereunder.

(b) Use of protective materials.--Any officer whose duty it is to enforce this title shall comply with the procedures established by the executive director relating to the use of protective materials under section 2524 (relating to protective material required).

Section 4. Sections 902 and 925(a), (b) and (j) of Title 34 are amended to read:

§ 902. Deputy Game Commission officers.

Except for the [power] **powers** conferred under section 901(17) **and (18)** (relating to powers and duties of enforcement officers), deputy Game Commission officers shall, unless further restricted by the director, exercise all the powers and perform all the duties conferred by this title on Game Commission officers.

§ 925. Jurisdiction and penalties.

(a) Jurisdiction.--Notwithstanding the provisions of Title 42 (relating to judiciary and judicial procedure), all district justices shall have jurisdiction for all violations of this title which are classified as summary offenses [or misdemeanors] **and may accept guilty pleas and impose sentences for violations of this title classified as misdemeanors** .

(b) Fines **and penalties** for violations.--In addition to any other requirements of this title, the following fines **and penalties** shall be imposed for violations of this title:

(1) **Misdemeanor of the first degree,**  
**not less than \$2,000 nor more than \$10,000 and may be sentenced to imprisonment up to six months** .

(2) Misdemeanor of the second degree, not less than \$1,000 nor more than \$5,000 **and may be sentenced to imprisonment up to six months** .

(3) Misdemeanor of the third degree, not less than \$500 nor more than \$2,500 **and may be sentenced to imprisonment up to six months** .

(4) Summary offense of the first degree, \$800.

(5) Summary offense of the second degree, \$500.

(6) Summary offense of the third degree, \$300.

(7) Summary offense of the fourth degree, \$200.

(8) Summary offense of the fifth degree, \$100.

(9) Summary offense of the sixth degree, \$75.

(10) Summary offense of the seventh degree, \$50.

(11) Summary offense of the eighth degree, \$25.

In addition to the imposition of any fines, costs of prosecution shall also be assessed pursuant to 42 Pa.C.S. §§ 1725.1 (relating to costs) and 3571 (relating to Commonwealth portion of fines, etc.).

\* \* \*

(j) Title 18 inapplicable.--Title 18 (relating to crimes and offenses) is inapplicable to this title insofar as it relates to:

(1) intent, willfulness of conduct or fines and

imprisonment for convictions of summary offenses and misdemeanors[.] ; or

**(2) criminal records under 18 Pa.C.S. Ch. 91 (relating to criminal history record information) for misdemeanors under section 2522(b)(1) .**

Section 5. Section 929(a) of Title 34 is amended and the section is amended by adding subsections to read:

§ 929. Revocation or denial of license, permit or registration.

(a) General rule.--Except as otherwise provided in this title, any hunting or furtaking license, special license or permit or registration granted under the authority of this title may be revoked by the commission when the holder of the license, permit or registration is convicted of an offense under this title or has acted contrary to the intent of the license, special license, registration or permit, with each offense constituting a separate violation subject to separate revocation. The commission may refuse to grant to that person any new license, special license or permit or registration and may deny any privilege granted by these documents for a period not exceeding five years unless otherwise provided in this title. **A person whose license, permit or registration is revoked or suspended under a provision of this title requiring mandatory revocation or suspension must, in order to obtain restoration, present evidence of the successful completion of a hunter education course under section 2704(b) (relating to eligibility for license) taken subsequent to the period of revocation.**

(a.1) Hunter education course.--A person whose privilege to hunt with or without a license anywhere in this Commonwealth is revoked or suspended under a provision of this title requiring mandatory revocation or suspension shall, in order to obtain restoration, present evidence of the successful completion of a hunter education course under section 2704(b) taken subsequent to each period of revocation or suspension.

(a.2) Vision examination and drug and alcohol education program.--A person whose privilege to hunt with or without a license anywhere in this Commonwealth is revoked or suspended under section 2522(c) (relating to shooting at or causing injury to human beings), in order to obtain restoration, shall present evidence of having taken a vision examination under section 2522(c) and, if required by the commission, present evidence of having successfully completed an alcohol and drug education program under section 2522(h) .

\* \* \*

Section 6. Sections 2308(b) and 2310(b) of Title 34 are amended to read:

§ 2308. Unlawful devices and methods.

\* \* \*

(b) Exceptions.--The provisions of subsection (a) shall not apply to:

(1) Any archery sight or firearm's scope which contains and uses any mechanical, photoelectric, ultraviolet or solar-powered device to solely illuminate the sight or crosshairs within the scope. No archery sight or firearm's scope shall contain or use any device, no matter how powered, to project

or transmit any light beam, infrared beam, ultraviolet light beam, radio beam, thermal beam, ultrasonic beam, particle beam or other beam outside the sight or scope onto the target.

(2) Any [special regulation area or] political subdivision , **its employees or agents**, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).

\* \* \*

§ 2310. Unlawful use of lights while hunting.

\* \* \*

(b) Exceptions.--The provisions of subsection (a) shall not apply to:

(1) A person on foot may use an artificial light normally carried on the person to take raccoons, skunks, opossum or foxes.

(2) Any [special regulation area or] political subdivision , **its employees or agents**, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).

\* \* \*

Section 7. Title 34 is amended by adding a section to read:

§ 2329. **Additional penalty for poaching.**

(a) **Additional penalty.**--A person who violates this chapter by illegally poaching any big game or threatened or endangered species shall, in addition to any other penalty imposed, be sentenced to pay a fine of \$200 for each big game animal or each threatened or endangered species illegally poached. Any fines collected under this subsection shall be paid over to the commission for use in maintaining the toll-free telephone number under subsection (b) and to compensate callers whose reports led to payment of a fine under this subsection. Each caller shall be compensated \$100 for each \$200 collected as a result of the caller's report.

(b) **Report of violations.**--The commission shall establish and maintain a toll-free telephone number to report poaching of big game or threatened or endangered species. Reports of poaching of big game or threatened or endangered species are confidential. No persons other than employees of the commission in the course of official duties in connection with poaching reports shall have access to identifying information relating to the caller.

Section 8. Sections 2382, 2501, 2503(b), 2505(a), 2510(a)(3), 2521, 2522, 2523, 2706(b) and 2926 of Title 34 are amended to read:

§ 2382. Training dogs on small game.

(a) **General rule.**--[It] **Unless otherwise provided by commission regulation, it** is lawful to train a dog **or dogs** during [the hours from one-half hour before sunrise to sunset from August 1 through the following March 31.] **any time of the calendar year.** Persons who are solely training dogs [during this period] and who comply with the provisions of [subsection (b)] **this section** shall not be required to have a hunting or furtaking license. The commission may, by regulation, **prohibit or** further restrict or relax the training period for specific

breeds of dogs **on game or wildlife .**

(b) Restrictions.--

(1) Any dog being trained pursuant to subsection (a) shall be accompanied by and under the control of the owner or a handler.

(2) The owner or handler or any other person shall not carry a bow and arrow or a firearm fired from the shoulder while training a dog.

(3) No dog shall be permitted to kill or inflict any injury upon the pursued game or wildlife.

(c) [Raccoons and foxes.--Notwithstanding subsection (a), it is lawful to train dogs on raccoons and foxes during any hour of the day.

(d)] Sunday limitation.--It is unlawful to train dogs on privately owned property on Sunday. This limitation shall not apply to:

(1) National or State forest land.

(2) State game lands.

(3) Privately owned property when the consent of the person in charge of the land is first obtained.

§ 2501. Hunting or furtaking prohibited while under influence of alcohol or controlled substance.

(a) General rule.--It is unlawful to hunt or take game, furbearers or wildlife or aid, abet, assist or conspire to hunt or take game, furbearers or wildlife anywhere in this Commonwealth while in possession of a firearm of any kind or a bow and arrow [while under the influence of alcohol or a controlled substance, or both.] **if:**

(1) **under the influence of alcohol to a degree which renders the person incapable of safe hunting or furtaking;**

(2) **under the influence of any controlled substance, as defined by the laws of this Commonwealth and rules and regulations promulgated thereunder, to a degree which renders the person incapable of safe hunting or furtaking;**

(3) **under the combined influence of alcohol and a controlled substance to a degree which renders the person incapable of safe hunting or furtaking;**

(4) **the amount of alcohol by weight in the blood of:**

(i) **an adult is 0.10% or greater; or**

(ii) **a minor is 0.02% or greater.**

(a.1) **Prima facie evidence.--**

(1) **It is prima facie evidence that:**

(i) **an adult had 0.10% or more by weight of alcohol in his or her blood at the time of hunting or taking of game, furbearers or wildlife or the aiding, abetting, assisting or conspiring to hunt or take game, furbearers or wildlife if the amount of alcohol by weight in the blood of the person is equal to or greater than 0.10% at the time a chemical test is performed on a sample of the person's breath, blood or urine; or**

(ii) **a minor had 0.02% or more by weight of alcohol in his or her blood at the time of hunting or taking of game, furbearers or wildlife or the aiding, abetting, assisting or conspiring to hunt or take game, furbearers or wildlife if the amount of alcohol by weight in the**

blood of the minor is equal to or greater than 0.02% at the time a chemical test is performed on a sample of the minor's breath, blood or urine.

(2) For the purpose of this section, the chemical test of the sample of the person's or minor's breath, blood or urine shall be from a sample obtained:

(i) within three hours after the person or minor hunted or took game, furbearers or wildlife or aided, abetted, assisted or conspired to hunt or take game, furbearers or wildlife; or

(ii) within a reasonable additional time after the person or minor hunted or took game, furbearers or wildlife or aided, abetted, assisted or conspired to hunt or take game, furbearers or wildlife if the circumstances of the incident prevented collecting the sample within three hours.

(a.2) Legal use no defense.--The fact that any person charged with violating this section is or has been legally entitled to use alcohol or controlled substances is not a defense to a charge of violating this section.

(a.3) Exception.--A person who is furtaking shall not be deemed in violation of subsection (a) if that person is not in possession of a firearm.

(b) Penalty.--A violation of the provisions of this section shall be a [summary offense] **misdemeanor** of the third degree. In addition to any penalty, the violator shall be denied the right to hunt or trap in this Commonwealth, with or without a license, for a period of one year.

(c) Definition.--As used in this section , the term "controlled substance" shall have the meaning ascribed to it by the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

§ 2503. Loaded firearms in vehicles.

\* \* \*

(b) Exceptions.--This section shall not be construed to apply to:

(1) A police officer engaged in the performance of his official duty.

(2) A commission officer engaged in the performance of his duty.

(3) A person carrying a loaded pistol or revolver when in possession of a valid firearms license issued by the chief or head of any police force or the sheriff of a county when the license is issued for protection under 18 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms Act).

(4) Any person as defined in section 2121(c) (relating to killing game or wildlife to protect property) while on lands they control and when not hunting or trapping for game or wildlife.

(5) Any motorboat or other craft having a motor attached or any sailboat if the motor has been completely shut off or the sail furled and its progress therefrom has ceased.

(6) Any [special regulation area or] political subdivision , **its employees or agents**, which has a valid deer control permit issued under section 2902(c) (relating to

general categories of permits).

The exceptions in paragraphs (1) through (5) do not apply when attempting to locate game or wildlife with an artificial light or when exercising any privileges granted by this title which may be exercised only when not in the possession of a firearm.

\* \* \*

§ 2505. Safety zones.

(a) General rule.--Except as otherwise provided in this title or [in any special regulation area or] **to any** political subdivision, **its employees or agents**, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits), it is unlawful for any person, other than the lawful occupant, while hunting game or wildlife, taking furbearers of any kind, or pursuing any other privilege granted by this title, to hunt for, take, trap, pursue, disturb or otherwise chase any game or wildlife or to discharge, for any reason, any firearm, arrow or other deadly weapon within or through a safety zone, or to shoot at any game or wildlife while it is within the safety zone without the specific advance permission of the lawful occupant thereof.

\* \* \*

§ 2510. Littering and restrictions on vehicles.

(a) General rule.--It is unlawful for any person while hunting or furtaking or while on lands or waters open to hunting or furtaking to:

\* \* \*

(3) Park or leave standing any motor vehicle in such manner as to block the means of ingress or egress to any person's property, **mailbox**, cattleways or fields.

\* \* \*

§ 2521. [Accident] **Incident** reports.

(a) General rule.--Every person who causes or is involved in an [accident] **incident** in which a human being is injured by any firearm or bow and arrow while hunting or taking game, wildlife or furbearers or incurs a self-inflicted injury with any firearm or bow and arrow while hunting or taking game, wildlife or furbearers shall render a report to the commission at Harrisburg or deliver the report to any officer of the commission on duplicate forms provided for that purpose. The report shall be delivered within 72 hours after the injury. Each 24-hour period thereafter shall constitute a separate offense. If the person is physically incapable of making the required report, it shall be the duty of the person or persons involved in the [accident] **incident** to designate an agent to file the report within the specified time.

(b) Penalty.--

(1) A violation of this section involving a nonfatal [accident] **incident** is a summary offense of the fifth degree.

(2) A violation of this section involving a fatal [accident] **incident** is a summary offense of the fourth degree.

§ 2522. Shooting at or causing injury to human beings.

(a) General rule.--It is unlawful for any person while hunting or furtaking, through carelessness or negligence, to shoot at, injure or kill any human being through the use of a



firearm, bow and arrow or other deadly weapon.

(b) **Penalty.**--The penalty to be imposed for any violation of this section shall be determined pursuant to the following classifications:

(1) To shoot at but not hit or injure **or to shoot at and cause bodily injury to** a human being is a summary offense of the first degree.

(2) To [injure] **shoot at and cause serious bodily injury to** a human being is a misdemeanor of the [third] **second** degree.

(3) To kill a human being is a misdemeanor of the [second] **first** degree. **Fines imposed against a violator of this paragraph shall be distributed to the next of kin as an asset of the estate of the deceased, other provisions of law to the contrary notwithstanding.**

(c) **Denial of privileges.**--In addition to the penalty imposed pursuant to subsection (b), any person who shoots at, injures or kills a human being shall be denied the privilege to hunt or take game or wildlife anywhere in this Commonwealth, with or without license, for the following periods:

(1) To shoot at but not hit or injure **or to shoot at and cause bodily injury to** a human being, the denial shall be for a period of two years.

(2) To [injure] **shoot at and cause serious bodily injury to** a human being, the denial shall be for a period of not less than [two] **five** years nor more than [five] **ten** years.

(3) To kill a human being, the denial shall be for a period of [ten] **fifteen** years.

(d) **Nonpayment of fine.**--[A] **In addition to any sentence imposed pursuant to subsection (b), any** person who fails to pay the fine imposed by this section within 180 days shall undergo imprisonment not in excess of one year or until the fine is paid in full.

(e) **Imprisonment for violation of sentence.**--It is unlawful for a person to hunt or take game or wildlife or attempt to hunt or take game or wildlife, with or without license, contrary to a sentence imposed under subsection (b). Upon conviction, the person shall be sentenced to undergo imprisonment for a period of not less than three months nor more than six months.

(f) **Mandatory hunter education.**--Any person whose privilege to hunt or take game is suspended under subsection (c) shall, prior to obtaining a license after the period of suspension, present evidence of the successful completion of a hunter education course as prescribed in section 2704(b) (relating to eligibility for license) taken subsequent to each suspension of the license.

(g) **Mandatory vision examination.**--Any person whose privilege to hunt or take game is suspended under subsection (c) shall present to the commission, prior to obtaining a license after the period of suspension, evidence of having taken and the results of a vision examination administered by a licensed ophthalmologist or optometrist subsequent to the suspension of the license. The commission, based on the results of the vision examination, may deny a person a license or place on the license a restriction requiring the person to wear corrective lenses

**when the person hunts or takes game.**

[(f)] **(h)** Civil remedies preserved.--Nothing in this section shall bar the recovery of any damages in any civil action by any aggrieved party.

§ 2523. Rendering assistance after [accidents] **incidents .**

(a) General rule.--It is unlawful for any person who has inflicted injury or witnessed the infliction of injury to a human being with any firearm or bow and arrow, while hunting or furtaking, to flee or to fail or refuse to render immediate and full assistance to the person injured.

(b) Penalties.--

(1) A violation of this section by the person inflicting such injury where a human being is injured but not killed is a misdemeanor of the second degree. In addition to the fine imposed, the defendant forfeits the privilege to hunt or take wildlife anywhere in this Commonwealth, with or without a license, for a period of ten years.

(2) A violation of this section by the person inflicting such injury where a human being is killed is a misdemeanor of the first degree. In addition to the fine imposed, the defendant forfeits the privilege to hunt or take wildlife anywhere within this Commonwealth, with or without a license, for a period of 15 years.

(3) A violation of this section by a person witnessing such injury where a human being is injured but not killed is a summary offense of the third degree.

(4) A violation of this section by a person witnessing such injury where a human being is killed is a summary offense of the first degree.

(5) A person convicted of a second or subsequent violation of this section shall be sentenced to pay a fine of twice the amount of the penalty imposed by this section and, in addition thereto, forfeits the privilege to hunt or take wildlife anywhere in this Commonwealth, with or without a license, for an additional period of ten years.

§ 2706. Resident license and fee exemptions.

\* \* \*

(b) Disabled veterans.--

(1) Any resident disabled veteran of any war or armed conflict whose physical disability consists of the loss of one or more limbs, or the loss of the use of one or more limbs, or whose physical disability is considered total and who meets all other qualifications of this title and is otherwise mentally and physically fit, shall be issued a regular hunting or furtaking license upon application to any county treasurer, without the payment of the license cost, if that person is domiciled in this Commonwealth.

(2) The application for the issuance of this license shall, in addition to the other information required by the director, contain a statement that the applicant is a war or armed conflict veteran and that his physical disability was service incurred.

(3) The applicant shall produce the applicant's discharge papers and a [Veterans' Administration] **Department of Veterans Affairs** disability certification to the effect

that the applicant suffers total physical disability.

**(4) If a disabled veteran who qualifies for issuance of a license under this subsection presents documentation to show that the qualifying disability is permanent, the county treasurer shall issue the disabled veteran a lifetime hunting or furtaking license.**

**(5) In a county where there is no county treasurer by virtue of a home rule charter or optional plan of government, the county official who performs the functions of a county treasurer and who has been designated an issuing agent by the commission shall issue licenses under this subsection.**

\* \* \*

§ 2926. Taxidermy permits.

(a) Requirements.--Unless further provided by commission regulation, any person now holding a taxidermy permit shall be eligible for a renewal. The commission shall set up a system of examinations to determine the fitness of all future applicants for the permits, including the establishment of appropriate fees covering the cost of such examination. Nothing contained in this section shall preclude the requirements of any other State or Federal law.

(b) Activities authorized.--Permits issued to persons residing within this Commonwealth desiring to practice taxidermy shall authorize the holder thereof to:

(1) Unless otherwise restricted, receive from any person any bird or animal that has been legally or accidentally killed, keep the specimen or any part thereof in possession indefinitely and mount the specimen or any part thereof, either himself or through any legitimate employee.

(2) Sell or dispose of any unclaimed specimen.

(3) Mount and sell any bird or animal which is lawfully disposed of under authority of this title and the state or nation where killed or taken.

**(b.1) Specific areas.--**

**(1) A taxidermist may be licensed to obtain a permit for one or more of the following areas:**

**(i) big and small game animals, excluding wild turkey;**

**(ii) fish; and**

**(iii) game birds, including wild turkey.**

**(2) An individual, as part of the taxidermy examination, must present five specimens from each group for which he is seeking a permit.**

**(3) For purposes of this subsection only, the term "big game" in section 102 (relating to definitions) shall not include the wild turkey.**

(c) Unlawful acts.--It is unlawful:

(1) For any taxidermist to mount any bird or animal, or part thereof, protected by this title, which was not lawfully killed or raised under authority of a propagating permit until the owner thereof presents a permit obtained from the commission and, in the case of migratory birds, the required Federal permit.

(2) For any person to do taxidermy work for another without a permit. Employees of a licensed taxidermist may

perform taxidermy work without a permit at the permittee's shop under the supervision of the permittee who shall be solely responsible for the quality of the work.

(3) To violate any other provision of this section.

(d) Penalty.--A violation of this section is a summary offense of the [fourth] **second** degree.

Section 9. The amendment of 34 Pa.C.S. § 301(c) shall not apply to a current member of the Pennsylvania Game Commission until the member completes the term being served on the effective date of this act.

Section 10. This act shall take effect as follows:

(1) The amendment of 34 Pa.C.S. § 2706(b) shall take effect July 1, 1997.

(2) The remainder of this act shall take effect in 60 days.

APPROVED--The 19th day of December, A. D. 1996.

THOMAS J. RIDGE