

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

Act of Jul. 9, 2010, P.L. 387, No. 54

Cl. 34

Session of 2010

No. 2010-54

HB 1859

AN ACT

Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; in enforcement, repealing the offense of assaulting an officer, further providing for jurisdiction and penalties, for revocation, suspension or denial of license, permit or registration and for determination of second or subsequent convictions; in game or wildlife protection, further providing for endangered or threatened species; in hunting and furtaking, further providing for killing game or wildlife by mistake, for unlawful taking or possession of game or wildlife, for unlawful use of lights while hunting, for buying and selling game, for trespass on private property while hunting, for unlawful killing or taking of big game and for additional penalty for poaching; and, in hunting and furtaking licenses, further providing for unlawful acts concerning licenses.

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

Section 1. The definitions of "closed season," "open season" and "violation" in section 102 of Title 34 of the Pennsylvania Consolidated Statutes are amended 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:

\* \* \*

"Closed season." The periods of the calendar year and the [shooting] hours during which it is unlawful to take game or wildlife.

\* \* \*

"Open season." The indicated periods of the calendar year and the daily [shooting] hours during which game or wildlife may be legally hunted, taken or killed and includes both the first and the last day of the season or period of time designated by this title or by regulation of the commission.

\* \* \*

"Violation." [A] **Any act in** violation of a provision of this title [and a violation of a] **or any** regulation promulgated by the commission which implements or otherwise pertains to any provision of this title.

\* \* \*

Section 2. Section 905 of Title 34 is repealed:  
[§ 905. Assaulting an officer.

A person who attempts to cause or causes bodily injury to an officer making an arrest or investigation for a violation of this title or performing any duties required by this title commits a misdemeanor of the second degree.]

Section 3. Sections 925, 929(a) and (b), 932, 2167, 2306, 2307(b) and (e), 2310(a) (2) and (c), 2312(a) and (d), 2314 and 2321 of Title 34 are amended to read:

§ 925. Jurisdiction and penalties.

(a) Jurisdiction.--Notwithstanding the provisions of Title 42 (relating to judiciary and judicial procedure), all magisterial district judges shall have jurisdiction for all violations of this title which are classified as summary offenses 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) **Felony of the third degree, not more than \$15,000 and may be sentenced to imprisonment up to 36 months.**

[(1)] (2) Misdemeanor of the first degree, not [less than \$2,000 nor] more than \$10,000 and may be sentenced to imprisonment up to [six] **18** months.

[(2)] (3) Misdemeanor of the second degree, not [less than \$1,000 nor] more than \$5,000 and may be sentenced to imprisonment up to [six] **12** months.

[(3)] (4) Misdemeanor [of the third degree,] not [less than \$500 nor] more than [\$2,500] **\$3,000** and may be sentenced to imprisonment up to six months.

[(4)] (5) Summary offense of the first degree, not less than [\$500] **\$1,000** nor more than \$1,500 **and may be sentenced to imprisonment up to three months.**

[(5)] (6) Summary offense of the second degree, not less than [\$300] **\$400** nor more than \$800 **and may be sentenced to imprisonment up to one month.**

[(6)] (7) Summary offense of the third degree, not less than [\$200] **\$250** nor more than \$500.

[(7)] (8) Summary offense of the fourth degree, not less than [\$100] **\$150** nor more than \$300.

[(8)] (9) Summary offense of the fifth degree, not less than [\$75] **\$100** nor more than \$200.

[(9)] (10) Summary offense of the sixth degree, [not less than \$50 nor more than \$100] **\$75.**

[10] (11) Summary offense of the seventh degree, [not less than \$25 nor more than \$75] **\$50.**

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

(b.1) **Costs of prosecution for violations.**--In addition to the imposition of any fines **and penalties**, 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.) **and section 1403 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, and as otherwise deemed appropriate by the court.**

(c) Penalty for undesignated violations.--A person who violates any provision of this title for which a particular penalty is not [applicable] **designated** commits:

(1) A misdemeanor of the [third] **second** degree if the violation involves an endangered or threatened species and no more severe penalty is fixed.

(2) A summary offense of the fifth degree for any other violation.

(d) [Second and subsequent offenses.--Where game or wildlife is taken, killed, wounded, possessed, transported, purchased, concealed or sold and the offense is a second or subsequent offense in a two-year period, one and one-half times the amount of fine shall be imposed.]**Enhanced penalties for certain violations.--If**

applicable, one or more of the following may apply to certain offenses:

(1) An additional fine of one and one-half times the amount of the applicable fine may be imposed when the offense is a second or subsequent offense within a seven-year period or during the same criminal episode and no penalties for second or subsequent offenses are prescribed for the violation under this title.

(2) An additional fine of \$500 may be imposed when the offense involves the unlawful taking of big game or threatened or endangered species and a witness report was instrumental in securing a successful conviction. Any additional fines imposed under this paragraph shall be directed to the commission to compensate any witness whose report directly results in a successful conviction. If applicable, each witness, up to a maximum of two, shall be compensated \$250 for each additional \$500 imposed.

(e) Installment payment of fines.--Upon a plea and proof that person is unable to pay any fine and costs imposed under this title, a court may, in accordance with 42 Pa.C.S. § 9758 (relating to fine), permit installment payments it considers appropriate to the circumstances of the [defendant] **person**, in which case its order shall specify when each installment payment is due.

(f) Nonpayment of fines and costs.--Unless otherwise provided in this title, each person who fails to pay [the fine] **any fines and costs** imposed may, after a hearing before a magisterial district judge, be imprisoned until the [fine is] **fines and costs are** paid in full. The court may imprison the person for a number of days equal to one day for each \$40 of the unpaid balance of the [fine] **fines and costs** not to exceed [120 days] **six months**.

(g) [Community public service] **Adjudication alternative** program inapplicable.--The provisions of 42 Pa.C.S. § 1520 (relating to [community public service] **adjudication alternative** program) shall not be applied as an adjudication alternative for any violation or offense under this title.

(h) Separate offenses.--Where game or wildlife is unlawfully taken, killed, wounded, possessed, transported, purchased, concealed or sold, each bird or animal or part thereof involved in the violation constitutes a separate offense.

(i) Replacement costs.--In addition to the fines and costs imposed for violations pursuant to subsection (b), the costs incurred by the commission for the replacement of the species involved in the violation shall be assessed by the magisterial district judge in such amount as is fixed by regulation of the commission. Replacement costs shall only be assessed for violations relating to threatened or endangered species of North American game or wildlife and such other species of Pennsylvania game or wildlife as designated by the commission.

(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) **(relating to shooting at or causing injury to human beings)**.

(k) Impact on other laws.--A felony under this title shall not be deemed to constitute a felony for the purpose of any other law relating to disqualification from employment, loss of suffrage or for any other purpose.

§ 929. Revocation, suspension 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 **denied**, revoked or suspended 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 registration or permit, with each offense constituting a separate violation subject to separate revocation. The commission may refuse to grant to that person any 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.

\* \* \*

(b) Regulations.--The commission may promulgate regulations specifying the procedures to be followed in **denying**, revoking **or suspending** any hunting and furtaking privileges, licenses, permits and registrations granted under the provisions of this title.

§ 932. Determination of second or subsequent [convictions] **offenses.**

Any person convicted or pleading guilty or signing an acknowledgment of guilt under any provisions of this title who, within the past [two] **seven** years, was convicted or pleaded guilty or signed an acknowledgment of guilt for violating any of the provisions of this title or the former laws relating to game or wildlife then in force shall be sentenced under this title as a second or subsequent offender. **Any acceptance of Accelerated Rehabilitative Disposition within the past seven years of the present violation shall be considered for the purposes of determining a second or subsequent offense.**

§ 2167. Endangered or threatened species.

(a) Changes to list.--The commission may, by regulation, add or remove any wild bird or wild animal native to this Commonwealth to or from the Pennsylvania native list of endangered or threatened species.

(b) Possession, transportation, capturing or killing.--Except as otherwise provided in this title, it is unlawful for any person, acting either for himself or as the representative of another, to bring into or remove from this Commonwealth, or to possess, transport, capture or kill, or attempt, aid, abet or conspire to capture or kill, any wild bird or wild animal, or any part thereof, or the eggs of any wild bird, which are endangered or threatened species. It is the duty of every officer having authority to enforce this title to seize all wild birds or wild animals, or any part thereof, or the eggs of any wild bird, which have been declared endangered or threatened. [A violation of this subsection is a misdemeanor of the third degree. All wild birds or wild animals, or any part thereof, or the eggs seized which are found to be in violation of this subsection are contraband.]

(c) Purchase, sale, barter or exchange.--Except as otherwise provided in this title, it is unlawful for any person, acting either for himself or as a representative of another, at any time to buy, sell, barter or exchange, or to offer for sale or barter, or to have in possession for sale or barter, or to aid, abet or conspire in the possession, sale, barter or exchange, or to give away any endangered or threatened species or subspecies of wild birds or wild animals, or parts thereof. It is the duty of every officer having authority to enforce this title to seize all endangered or threatened wild birds or wild animals, or any part thereof. [A violation of this subsection is a misdemeanor of the second degree. All wild birds or wild animals, or any part thereof, found to be in violation of this subsection are contraband.] This subsection

shall not be construed to permit any individual or agency other than the commission to sell the skins or parts of game or wildlife or the plumage or parts of birds killed as a protection to crops or accidentally killed upon the highways or seized as contraband.

**(d) Penalties.--A violation of this section shall be graded as follows:**

(1) A first violation is a misdemeanor of the second degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of seven years.

(2) A second violation within a seven-year period or during the same criminal episode as the first violation is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(3) A third or subsequent violation within a seven-year period or during the same criminal episode as the first or second violation is a felony of the third degree and may result in the forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of 15 years.

§ 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. [The person shall immediately remove all the entrails of any edible game or wildlife, deliver the entire carcass, less entrails, to any commission officer in the county in which killed for disposition and make a written sworn statement explaining when, where and how the accident or mistake occurred.]

(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.

(c) [Additional action.--If the officer receiving the payment and written statement after further review and investigation is not satisfied the killing or attempted killing was an accident or a mistake but was caused by negligence or carelessness or if the person fails to pay the prescribed restitution within ten days, the officer shall cause the person to be prosecuted for the unlawful killing or attempted killing of game or wildlife, and, if convicted, any amount paid shall be applied to the payment of the penalty and costs.] **Procedural requirements.--Any person claiming a mistake kill or attempted kill of game or wildlife pursuant to this section shall:**

(1) Immediately remove all of the entrails of any edible game or wildlife and, if big game, tag the animal in the manner prescribed under section 2323 (relating to tagging and reporting big game kills).

(2) Within 24 hours after the killing or attempted killing, report the same to the appropriate commission regional office by telephone or electronic communication .

(3) Within 24 hours after the killing or attempted killing, deliver the entire carcass, less entrails, to any commission officer in the county in which killed for disposition and provide a written, sworn statement to the commission officer explaining when, where and how the accident or mistake occurred.

(4) Within ten days after the killing or attempted killing, provide the commission officer full payment of restitution.

§ 2307. Unlawful taking or possession of game or wildlife.

\* \* \*

(b) [(Reserved)] **Hunting before and after lawful hunting hours.--It is unlawful for any person to take, injure, kill, possess or transport or knowingly aid, abet, assist, attempt or conspire in any manner to take, injure, kill, possess or transport any game or wildlife or any part thereof which was taken within 30 minutes prior to the commencement of lawful hunting hours or within 30 minutes after the cessation of lawful hunting hours.**

\* \* \*

(e) Penalties.--A violation of this section relating to:

(1) Threatened or endangered species is a misdemeanor of the second degree.

(2) Elk or bear is a summary offense of the first degree.

(3) Deer is a summary offense of the second degree.

[(3.1) Deer killed as a result of negligence or carelessness as provided for in section 2306(c) (relating to killing game or wildlife by mistake) is a summary offense punishable by a fine of not less than \$100 nor more than \$500.]

(4) Bobcat or otter is a summary offense of the third degree.

(5) Wild turkey or beaver is a summary offense of the fourth degree.

(6) Any other game or wildlife is a summary offense of the fifth degree.

\* \* \*

§ 2310. Unlawful use of lights while hunting.

(a) General rule.--Except as set forth in subsection (b), it is unlawful for any person or group of persons to engage in any of the following activities to any degree:

\* \* \*

(2) [Aid] **Intentionally or knowingly act, aid, assist or conspire either in the killing or taking or in an attempt to kill, take, possess, transport or conceal any game or wildlife or a part thereof which has been killed or taken by use of any artificial light.**

\* \* \*

(c) Penalties.--[A violation of this section is a summary offense of the fifth degree. In addition thereto, if any person is hunting game or wildlife or if any attempt is made to take any game or wildlife, the person or persons shall be sentenced to the additional penalties of:

(1) For each endangered or threatened species, a fine of \$1,000 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.

(2) For each elk or bear, a fine of \$800 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.

(3) For each deer, a fine of \$500 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.

(4) For each bobcat or otter, a fine of \$300 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.

(5) For each turkey or beaver, a fine of \$200 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of two years.

(6) For each other bird or animal, a fine of \$100 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of one year.]

**(1) A violation of subsection (a)(1) is a summary offense of the fifth degree.**

(2) A violation of subsection(a)(2) or (3) relating to:  
(i) Threatened or endangered species shall be graded as follows:

(A) A first offense is a misdemeanor of the second degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere in this Commonwealth for a period of seven years.

(B) A second offense within a seven-year period or during the same criminal episode as the first offense is a misdemeanor of the first degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.

(C) A third or subsequent violation within a seven-year period or during the same criminal episode of a first or second offense is a felony of the third degree and may result in forfeiture of the privilege to hunt or take wildlife within this Commonwealth for a period of 15 years.

(ii) Big game animals shall be graded as follows:

(A) A first offense or a second offense during the same criminal episode is a misdemeanor and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.

(B) A second offense within a seven-year period or a third or fourth offense during the same criminal episode is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.

(C) A fifth or subsequent offense during the same criminal episode or a third offense within a seven-year period is a felony of the third degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of 15 years.

(iii) A violation of subsection (a)(2) where the species is a single white-tailed deer or a single wild turkey is a summary offense of the first degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of three years. A second violation of subsection (a)(2) where the species is a single white-tailed deer or a single wild turkey within a seven-year period is a misdemeanor and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of five years. A third offense within a seven-year period where the species is a single white-tailed deer or a single wild turkey is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(iv) Any other game or wildlife is a summary offense of the first degree and may result in the forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.

\* \* \*

§ 2312. Buying and selling game.

(a) General rule.--Unless otherwise provided, it is unlawful for any person to buy, sell or barter, or aid, abet, assist or conspire to buy, sell or barter, or offer for sale or barter, or have in possession or **transport** for sale or barter, any game or

the edible parts of game or any protected bird or animal or parts of any protected bird or animal.

\* \* \*

(d) Penalty.--A violation of this section relating to:

[(1) Elk or bear is a summary offense of the first degree and results in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of five years.

(2) Deer is a summary offense of the second degree and results in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.

(3) Bobcat or otter is a summary offense of the third degree and results in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.

(4) Wild turkey or beaver is a summary offense of the fourth degree and results in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of two years.

(5) Each other wild bird or wild animal is a summary offense of the fifth degree and results in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of one year.]

**(1) Threatened or endangered species shall be graded as follows:**

**(i) A first offense is a misdemeanor of the second degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of seven years.**

**(ii) A second offense within a seven-year period or during the same criminal episode is a misdemeanor of the first degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.**

**(iii) A third or subsequent violation of this section within a seven-year period or during the same criminal episode is a felony of the third degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of 15 years.**

**(2) Big game animals shall be graded as follows:**

**(i) A first offense or a second offense during the same criminal episode is a misdemeanor and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.**

**(ii) A second offense within a seven-year period or a third or fourth offense during the same criminal episode is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.**

**(iii) A fifth or subsequent offense during the same criminal episode or third offense within a seven-year period is a felony of the third degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of 15 years.**

**(3) The selling and buying of venison up to 20 pounds and the buying and selling of other game or wildlife is a summary offense of the first degree and may result in the forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.**

§ 2314. Trespass on private property while hunting.



(a) General rule.--Any person who while violating any provision of this title or any regulations promulgated under this title and who in addition is found to be trespassing as defined in 18 Pa.C.S. § 3503 (relating to criminal trespass) shall be in violation of this section.

(b) Penalty.--A violation of this section:

(1) [For a first offense is a summary offense.] **A violation of this section is a summary offense of the fifth degree.**

(2) [For a second or subsequent offense within one year of the prior offense is a summary offense and upon conviction will result in an immediate revocation of the person's hunting and furtaking license and disqualification of the person from issuance of a future license for a period of one year from the date of revocation.] **A second or subsequent violation of this section within a seven -year period is a summary offense of the fifth degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of one year.**

§ 2321. Unlawful killing or taking of big game.

(a) General rule.--Except as provided in this title or by regulation of the commission, it is unlawful for any person to:

(1) [Kill or take or attempt or conspire to kill or take in any manner more than the lawful number of big game animals which may be taken in any license year] **Take, injure, kill, possess or transport or knowingly or intentionally aid, abet, assist, attempt or conspire in any manner to take, injure, kill, possess or transport any big game animal during closed season .**

(2) [Possess or transport in any manner any big game which was unlawfully killed or taken] **Take, injure, kill, possess or transport or knowingly or intentionally aid, abet, assist, attempt or conspire in any manner to take, injure, kill, possess or transport any big game animal beyond established daily or season limits .**

[(3) Assist, aid or abet or conspire to assist, aid or abet in any manner any other person in the violation of paragraph (1) or (2).]

(b) Exception.--This section shall not be construed to prohibit the transportation **or possession** of one or more big game animals which are lawfully killed and properly tagged.

(c) Evidence of unlawful killing.--Unless the head is attached in a natural manner **and properly tagged as provided in section 2323 (relating to tagging and reporting big game kills)**, the possession, transportation or control of any big game or a part or parts of such big game shall be prima facie evidence that the big game was unlawfully killed within this Commonwealth. Under such circumstances, the person possessing, transporting or controlling the big game shall immediately, upon demand of an officer of the commission, produce the head **of the big game** or the name and address of the person killing the big game or other satisfactory evidence that the carcass in possession or under the person's control is part of a lawfully taken big game.

(d) Penalty.--

[(1) A violation of this section relating to bear or elk is a summary offense of the first degree.

(2) A violation of this section relating to deer is a summary offense of the second degree.

(3) A violation of this section relating to wild turkey is a summary offense of the fourth degree.

(4) Each bird or animal or part thereof involved in a violation constitutes a separate offense.]

(1) (i) Except as otherwise provided in paragraph (2), a violation of this section or a second violation of this section during the same criminal episode is a misdemeanor and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of five years.

(ii) A third or fourth violation of this section during the same criminal episode or a second violation of this section within a seven-year period is a misdemeanor of the first degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(iii) A fifth or subsequent violation of this section during the same criminal episode or third offense within a seven-year period is a felony of the third degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of 15 years.

(2) (i) A violation of subsection (a)(1) or (2) where the species is a single white-tailed deer or a single wild turkey is a summary offense of the first degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of three years. A second violation of subsection (a)(1) or (2) where the species is a single white-tailed deer or a single wild turkey within a seven-year period is a misdemeanor and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of five years. A third offense within a seven-year period where the species is a single white-tailed deer or a single wild turkey is a misdemeanor of the first degree and may result in the forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(ii) (A) A second violation of subsection (a)(1) or (2) during the same criminal episode where the species taken, injured, killed, possessed or transported is white-tailed deer or wild turkey is a misdemeanor and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of five years.

(B) A third or fourth violation of subsection (a)(1) or (2) during the same criminal episode where the species is white-tailed deer or wild turkey is a misdemeanor of the first degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of ten years.

(C) A fifth or subsequent violation of subsection (a)(1) or (2) during the same criminal episode where the species is white-tailed deer or wild turkey is a felony of the third degree and may result in forfeiture of the privilege to hunt or take wildlife anywhere within this Commonwealth for a period of 15 years.

Section 4. Section 2329 of Title 34 is repealed:

[§ 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 5 . Section 2711(a) (4) and (b) of Title 34 are amended to read:

§ 2711. Unlawful acts concerning licenses.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person to:

\* \* \*

(4) Issue, **acquire** or aid, assist or conspire, either for that person or any other person, in procuring any hunting or furtaking license for which that person is not legally entitled thereto.

\* \* \*

(b) Penalties.--A violation of this subchapter relating to:

[(1) Hunting by a nonresident without a valid license or licenses required by this title is a summary offense of the fourth degree.

(2) Furtaking by a nonresident without a valid furtaking license or licenses required by this title is a summary offense of the second degree.

(3) Hunting or furtaking by a resident without a valid license or licenses required by this title is a summary offense of the fifth degree.

(4) Subsection (a)(1) insofar as it relates to signing or displaying a license is a summary offense of the eighth degree.

(5) Subsection (a)(2), (3), (4), (5) or (9) is a summary offense of the fifth degree.

(6) Subsection (a)(6), (7) or (8) is a summary offense of the seventh degree.

(7) Subsection (a)(11) is a summary offense of the third degree. In addition to the imposition of any penalty, a convicted violator [shall] **may** incur a five-year [mandatory] revocation of the privilege to hunt or trap anywhere in this Commonwealth.

(8) Any of the other provisions of this subchapter or the regulations promulgated thereunder is a summary offense of the fifth degree.]

**(1) Subsection (a)(1) insofar as it relates to hunting or furtaking without a valid license or licenses required is a summary offense of the third degree.**

**(2) Subsection (a)(1) insofar as it relates to signing or displaying a license is a summary offense of the eighth degree.**

**(3) Subsection (a)(2), (3), (4), (5), (9) or (12) is a summary offense of the fifth degree.**

**(4) Subsection (a)(6), (7) or (8) is a summary offense of the seventh degree.**

**(5) Subsection (a)(10) or (11) is a summary offense of the first degree and may result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.**

**(6) Any of the other provisions of this subchapter or the regulations promulgated thereunder is a summary offense of the fifth degree.**

\* \* \*

Section 6. The Pennsylvania Game Commission shall provide public notice of the provisions within this act. This notice shall be included within the next edition of the Pennsylvania Hunting and

Trapping Digest, and summaries of the amendments shall be made available at each issuing agent.

Section 7. This act shall take effect in 60 days.

APPROVED--The 9th day of July, A.D. 2010.

EDWARD G. RENDELL