

CRIMES CODE (18 PA.C.S.), FISH AND BOAT CODE (30 PA.C.S.) AND
GAME AND WILDLIFE CODE (34 PA.C.S) - OMNIBUS AMENDMENTS
Act of Oct. 24, 2012, P.L. 1205, No. 150 Cl. 18
Session of 2012
No. 2012-150

HB 1417

AN ACT

Amending Titles 18 (Crimes and Offenses), 30 (Fish) and 34 (Game) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of aggravated assault; in enforcement, further providing for interference with officers of the Pennsylvania Game Commission and of the Pennsylvania Fish and Boat Commission; providing for the offense of assaulting an officer; further providing for jurisdiction and penalties and for disposition of fines and penalties; and, in game or wildlife protection, further providing for killing game or wildlife to protect person, for unlawful importation of game or wildlife, for unlawful taking and possession of protected birds, for possession or interference with active nests or eggs of birds, for unlawful sale of protected birds and plumage and for hunting or furtaking prohibited while under influence of alcohol or controlled substance.

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

Section 1. Section 2702(c) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2702. Aggravated assault.

* * *

(c) Officers, employees, etc., enumerated.--The officers, agents, employees and other persons referred to in subsection (a) shall be as follows:

- (1) Police officer.
- (2) Firefighter.
- (3) County adult probation or parole officer.
- (4) County juvenile probation or parole officer.
- (5) An agent of the Pennsylvania Board of Probation and Parole.
- (6) Sheriff.
- (7) Deputy sheriff.
- (8) Liquor control enforcement agent.
- (9) Officer or employee of a correctional institution, county jail or prison, juvenile detention center or any other facility to which the person has been ordered by the court pursuant to a petition alleging delinquency under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).
- (10) Judge of any court in the unified judicial system.
- (11) The Attorney General.
- (12) A deputy attorney general.
- (13) A district attorney.
- (14) An assistant district attorney.
- (15) A public defender.
- (16) An assistant public defender.
- (17) A Federal law enforcement official.
- (18) A State law enforcement official.
- (19) A local law enforcement official.

- (20) Any person employed to assist or who assists any Federal, State or local law enforcement official.
- (21) Emergency medical services personnel.
- (22) Parking enforcement officer.
- (23) A magisterial district judge.
- (24) A constable.
- (25) A deputy constable.
- (26) A psychiatric aide.
- (27) A teaching staff member, a school board member or other employee, including a student employee, of any elementary or secondary publicly funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school while acting in the scope of his or her employment or because of his or her employment relationship to the school.
- (28) Governor.
- (29) Lieutenant Governor.
- (30) Auditor General.
- (31) State Treasurer.
- (32) Member of the General Assembly.
- (33) An employee of the Department of Environmental Protection.
- (34) An individual engaged in the private detective business as defined in section 2(a) and (b) of the act of August 21, 1953 (P.L.1273, No.361), known as The Private Detective Act of 1953.
- (35) An employee or agent of a county children and youth social service agency or of the legal representative of such agency.
- (36) A public utility employee or an employee of an electric cooperative.
- (37) A wildlife conservation officer or deputy wildlife conservation officer of the Pennsylvania Game Commission.**
- (38) A waterways conservation officer or deputy waterways conservation officer of the Pennsylvania Fish and Boat Commission.**

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Section 2. Section 904(b) of Title 30 is amended to read:
 § 904. Interference with officers.

* * *

(b) [Bodily injury.--Any person who intentionally, knowingly or recklessly attempts to cause or causes serious bodily harm to an officer performing duties under the provisions of this title commits a felony of the second degree] **Assaulting an officer.-- A violation of 18 Pa.C.S. § 2702 (relating to aggravated assault) that involves a person listed under 18 Pa.C.S. §§ 2702(c)(38) and 2702.1 (relating to assault of law enforcement officer) is an offense under this title, and the penalties set forth in 18 Pa.C.S. §§ 2702 and 2702.1 shall apply.**

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Section 3. Title 34 is amended by adding a section to read:
 § 905.1. **Assaulting an officer.**

A violation of 18 Pa.C.S. § 2702 (relating to aggravated assault) that involves a person listed under 18 Pa.C.S. §§ 2702(c)(37) and 2702.1 (relating to assault of law enforcement officer) is an offense under this title, and the penalties set forth in 18 Pa.C.S. §§ 2702 and 2702.1 shall apply.

Section 4. Sections 925(a), 927(b), 2141(e)(1), 2163(c)(2), 2164(d)(2), 2165(b)(2), 2166(b)(2) and 2501(b) 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 **ungraded** misdemeanors.

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§ 927. Disposition of fines and penalties.

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(b) Penalty.--A person failing to forward fines in accordance with this section commits a misdemeanor [of the third degree].

§ 2141. Killing game or wildlife to protect person.

* * *

(e) Penalties.--A violation of this section relating to:
(1) Threatened or endangered species is a misdemeanor [of the third degree].

* * *

§ 2163. Unlawful importation of game or wildlife.

* * *

(c) Penalties.--

* * *

(2) A violation of this section relating to any endangered or threatened species is a misdemeanor [of the third degree]. Each bird, egg or game or wildlife involved in the violation constitutes a separate offense.

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§ 2164. Unlawful taking and possession of protected birds.

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(d) Penalties.--

* * *

(2) A violation of this section relating to birds which are listed as threatened or endangered is, in addition to any other penalties, a misdemeanor [of the third degree].

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§ 2165. Possession or interference with active nests or eggs of birds.

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(b) Penalties.--

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(2) A violation of this section relating to birds which are listed as threatened or endangered is, in addition to any other penalties, a misdemeanor [of the third degree] for each active nest or egg possessed.

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§ 2166. Unlawful sale of protected birds and plumage.

* * *

(b) Penalties.--

* * *

(2) A violation of this section relating to birds which are listed as threatened or endangered is, in addition to any other penalties, a misdemeanor [of the third degree] for each bird or part thereof.

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

* * *

(b) Penalty.--A violation of the provisions of this section shall be a 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.

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Section 5. This act shall take effect in 60 days.

APPROVED--The 24th day of October, A.D. 2012.

TOM CORBETT