
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 306

Session of
1973

INTRODUCED BY HILL, HOWARD, COPPERSMITH, ROVNER, NOLAN, KURY,
O'PAKE, MESSINGER, W. E. FLEMING, DOUGHERTY AND BELL,
FEBRUARY 14, 1973

AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 17, 1973

AN ACT

1 Prohibiting the sale of articles made in whole or in part from
2 the skin, hide, or other parts of wild birds or animals
3 designated as rare or endangered species and providing
4 penalties.

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

7 Section 1. Whenever used in this act, unless a contrary
8 intention is evident from the context, the word "person" shall
9 include individuals, copartnerships, associations, and
10 corporations; the singular shall include the plural, and the
11 masculine, and feminine and neuter. The word "each" shall
12 include the whole or any substantial part or parts.

13 The term "endangered species" shall include all species and
14 sub-species of wild birds and wild animals, which have been
15 declared threatened with extinction by the Secretary, United
16 States Department of the Interior, and appear on the Endangered
17 Species List or the Native Endangered Species List as published

1 in the Federal Register, or any species or sub-species of wild
2 birds or wild animals, and turtles, native to this Commonwealth
3 which may be declared to be threatened with extinction by action
4 of the Pennsylvania Game Commission and published in the
5 Pennsylvania Bulletin.

6 The term "rare species" shall include all species and sub-
7 species of wild birds and wild animals, which are declared in
8 such small numbers throughout their range by the Secretary,
9 United States Department of the Interior, that they may become
10 endangered if their environment worsens, and appear on a Rare
11 Species List as published in the Federal Register, or any
12 species or sub-species of wild birds or wild animals, native to
13 this Commonwealth which may be declared in such small numbers
14 throughout their range by the Pennsylvania Game Commission, that
15 they may become endangered if their environment worsens, and
16 published in the Pennsylvania Bulletin.

17 Section 2. It shall be unlawful for any person acting either
18 for himself, or as a representative of another, at any time to
19 buy, sell, or barter, or to offer for sale or barter, or to
20 manufacture for sale or barter, or to have in possession for
21 sale or barter any article made in whole or in part from the
22 skin, hide, or other parts of any endangered or rare species of
23 wild birds or wild animals except as exempted in the act of June
24 3, 1937 (P.L.1225, No.316), known as "The Game Law."

25 It shall be the duty of every police officer having the
26 authority to enforce the laws of the Commonwealth to seize all
27 such articles made in whole or in part from the skin, hide, or
28 other parts of any endangered or rare species of wild birds or
29 wild animals. All such articles which are subsequently found to
30 be contraband shall be forfeited to the Commonwealth COUNTY

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1 WHEREIN THE OFFENSE OCCURRED to be disposed of at the discretion
2 of the ~~Director, Pennsylvania Game Commission~~. COURT OF COMMON <—
3 PLEAS.

4 Section 3. Any person violating this act shall, upon summary
5 conviction for the first offense, be sentenced to pay a fine of
6 up to four hundred dollars (\$400), and the costs of prosecution.

7 Each magistrate, alderman, and justice of the peace shall
8 have the power of summary conviction in matters pertaining to
9 any violations under this act except in cases where that
10 violation is designated a misdemeanor.

11 All summary proceedings under the provisions of this act
12 shall be commenced by affidavit made within two years after the
13 date of any violation before the nearest available magistrate,
14 alderman or justice of the peace in any city, borough,
15 incorporated town or township in the county.

16 Any magistrate, alderman, or justice of the peace on
17 complaint made before him by affidavit charging any person with
18 having violated any of the provisions of this act, shall issue
19 his warrant, under his hand and seal, directed to any police
20 officer having the authority to enforce the laws of the
21 Commonwealth, and cause such person to be brought before him.

22 When any person is arrested without warrant, the officer
23 making the arrest shall immediately, except on Sunday, take such
24 person before a magistrate, alderman, or justice of the peace
25 and make complaint by affidavit.

26 The magistrate, alderman, or justice of the peace, or the
27 court in case of appeal shall in all cases hear the evidence and
28 determine the guilt or innocence of the person accused. If such
29 person is convicted under the provisions of this act and had in
30 his possession any article made in whole or in part from the

1 skin, hide, or other parts of any endangered or rare species of
2 wild birds or wild animals, that article shall be declared
3 contraband. In any case the person shall pay the fine
4 prescribed, together with the costs of prosecution.

5 Section 4. Any person who commits a subsequent offense shall
6 be deemed guilty of a misdemeanor, and, upon conviction of such
7 offense, shall be sentenced to pay a fine of not less than two
8 thousand dollars (\$2,000) nor more than four thousand dollars
9 (\$4,000) or imprisonment not exceeding one year, or both.

10 Section 5. In order to provide an orderly and just
11 implementation of the several provisions of this act, any person
12 who shall have in his possession on the effective date of this
13 act, any article made in whole or in part from the skin, hide,
14 or other parts of any endangered or rare species of wild birds
15 or wild animals, shall, with respect to such article or articles
16 as are then in his possession, be exempt from the penalties and
17 provisions of this act. The person shall, for a period of one
18 year, be allowed to sell such articles to any other person, who
19 also is exempt from the penalties and provisions of this act
20 UNLESS THE ARTICLE WAS MADE FROM ONE OF THE ENUMERATED WILD
21 ANIMALS SET FORTH IN THE ACT OF JULY 30, 1971 (P.L.270, NO.66),
22 ENTITLED "AN ACT PROHIBITING THE SALE OF CERTAIN WILD ANIMALS OR
23 WILD ANIMAL PRODUCTS." The burden of proof that such articles
24 were obtained prior to this act shall be upon the person in
25 whose possession such may be found.

26 Section 6. This act shall take effect immediately.

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