

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 472

Session of
1977

INTRODUCED BY MESSRS. NOYE, KLINGAMAN, HALVERSON AND LETTERMAN,
MARCH 2, 1977

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 3, 1978

AN ACT

1 Amending the act of June 3, 1937 (P.L.1225, No.316), entitled
2 "An act concerning game and other wild birds and wild
3 animals; and amending, revising, consolidating, and changing
4 the law relating thereto," further restricting the use of
5 spotlights, headlights or other artificial lights and
6 changing the penalty.

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

9 Section 1. Subsection (b) of section 704, act of June 3,
10 1937 (P.L.1225, No.316), known as "The Game Law," amended June
11 7, 1968 (P.L.148, No.83) and March 1, 1974 (P.L.87, No.22), is
12 amended to read:

13 Section 704. Unlawful Methods of Hunting.--* * *

14 (b) Unlawful Manner of Hunting Big Game

15 AND REGULATING SPOTLIGHTING

<—

16 Except as otherwise provided in this act it is unlawful to
17 kill, or attempt to kill, any big game except through the use of
18 a gun propelling one all-lead or lead alloy or soft-nosed or
19 expanding bullet or ball, other than one fired from a .25

1 calibre or less rim-fire cartridge, at a single discharge, or
2 through the use of a bow and arrow, or to take an elk in any
3 manner except through the method known as still hunting.

4 It is unlawful for any person, or one or more of a group of
5 persons together OR COOPERATING WITH EACH OTHER IN ANY MANNER, <—
6 to throw or cast the rays of a spotlight, headlight, or other
7 artificial light on any highway or in any field, woodland, or
8 forest between midnight and sunrise, OR AT ANY TIME WHILE HAVING <—
9 IN HIS OR THEIR POSSESSION OR UNDER THEIR CONTROL A FIREARM, BOW
10 OR OTHER WEAPON OR IMPLEMENT WHEREBY ANY BIG GAME COULD BE
11 KILLED unless otherwise excepted, or at any time upon any <—
12 HOUSE, BARN OR OTHER OUTBUILDING USED IN CONNECTION THEREWITH. <—
13 IT IS UNLAWFUL AT ANY TIME FOR ANY PERSON, OR ONE OR MORE OF A
14 GROUP OF PERSONS TOGETHER OR COOPERATING WITH EACH OTHER IN ANY
15 MANNER, TO THROW OR CAST THE RAYS OF A SPOTLIGHT, HEADLIGHT OR
16 OTHER ARTIFICIAL LIGHT UPON ANY big game† while having in his or <—
17 their possession or under their control a firearm, BOW or other <—
18 weapon or implement whereby any big game could be killed, even
19 though such animal be not shot at, injured or killed. The
20 provisions of this paragraph shall not apply if it shall be
21 proven that the headlights of a motor vehicle operated by the
22 defendant or defendants, while traveling on a highway in the
23 usual way, cast a light upon such animal on or adjacent to such
24 highway, and there was no attempt or intent to locate such
25 animal.

26 * * *

27 Section 2. ~~Clause~~ CLAUSES (N) AND (t) of section 731 of the <—
28 act, CLAUSE (N) AMENDED, OCTOBER 17, 1974 (P.L.743, NO.250), AND <—
29 CLAUSE (T) added June 7, 1968 (P.L.148, No.83), ~~is~~ ARE amended <—
30 to read:

1 Section 731. Penalties.--Any person violating any of the
2 provisions of the sections of this article shall, upon
3 conviction, be sentenced to pay the following fines and costs of
4 prosecution for each offense.

5 * * *

6 (N) FOR MAKING USE OF, OR TAKING ADVANTAGE OF, ANY VEHICLE, <—
7 TRAILER, CONVEYANCE, HEADLIGHT, OR SPOTLIGHT, OR ARTIFICIAL
8 LIGHT OR BATTERY OR OTHER CONTRIVANCE OR DEVICE TO SPOT OR
9 LOCATE OR HUNT FOR, OR CATCH OR TAKE OR KILL OR WOUND, ANY ELK,
10 DEER OR BEAR WHILE HAVING IN HIS OR THEIR POSSESSION OR UNDER
11 THEIR CONTROL A FIREARM, BOW OR OTHER WEAPON OR IMPLEMENT
12 WHEREBY ANY ELK, BEAR OR DEER COULD BE KILLED, EVEN THOUGH SUCH
13 ANIMAL BE NOT SHOT AT, INJURED OR KILLED, EACH PERSON, UPON
14 CONVICTION, SHALL BE SENTENCED TO PAY A PENALTY OF FOUR HUNDRED
15 DOLLARS (\$400) FOR EACH ELK, FOUR HUNDRED DOLLARS (\$400) FOR
16 EACH BEAR, TWO HUNDRED DOLLARS (\$200) FOR EACH DEER, PLUS COSTS
17 OF PROSECUTION, AND IN ADDITION THERETO, THE FORFEITURE OF SUCH
18 VEHICLE, TRAILER, HEADLIGHT, SPOTLIGHT, FIREARM, OR OTHER
19 CONTRIVANCE AND ALL PARAPHERNALIA USED WHEN ANY ELK, BEAR OR
20 DEER IS SHOT AT, WOUNDED OR KILLED; OR FOR SETTING, LAYING, OR
21 PREPARING FOR USE, OR USING, ANY SET-GUN FOR THE PURPOSE, OR
22 EVIDENT PURPOSE, OF TAKING, KILLING, OR WOUNDING OR ATTEMPTING
23 TO TAKE, KILL, OR WOUND, ANY ELK, DEER, BEAR, OR OTHER WILD BIRD
24 OR WILD ANIMAL, CONTRARY TO THE PROVISIONS OF THIS ARTICLE, EACH
25 PERSON, UPON CONVICTION, SHALL BE SENTENCED TO PAY A PENALTY OR
26 FOUR HUNDRED DOLLARS (\$400) FOR EACH ELK, FOUR HUNDRED DOLLARS
27 (\$400) FOR EACH BEAR, TWO HUNDRED DOLLARS (\$200) FOR EACH DEER,
28 ONE HUNDRED DOLLARS (\$100) FOR EACH OTHER WILD BIRD OR WILD
29 ANIMAL, AND IN ADDITION THERETO, THE FORFEITURE OF SUCH SET-GUN
30 OR OTHER DEVICE OR CONTRIVANCE AND ALL PARAPHERNALIA USED;

1 * * *

2 (t) [Whoever in an attempt to locate any big game, casts] <—
3 FOR CASTING the rays of a spotlight, headlight, or other <—
4 artificial light upon any HIGHWAY, field, woodland[, forest, <—
5 building, barn or other outbuilding,] OR FOREST between the <—
6 hours of midnight and sunrise, or at any time while having in <—
7 his or their possession or under their control a firearm, BOW or <—
8 other weapon or implement whereby any big game could be killed,
9 OR AT ANY TIME UPON ANY HOUSE, BARN OR OTHER OUTBUILDING USED IN <—
10 CONNECTION THEREWITH shall, [be guilty of an unlawful act and] <—
11 upon conviction, [thereof in a summary proceeding shall] be <—
12 sentenced to pay a fine of [ten dollars (\$10)] ~~twenty five~~ <—
13 ~~dollars (\$25),~~ or in default thereof, to undergo imprisonment
14 for a period of five days] TWENTY-FIVE DOLLARS (\$25). <—

15 * * *

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