

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 961 Session of
1991

INTRODUCED BY STABACK, FEE, GRUPPO, GODSHALL, DeWEESE, COY,
NICKOL, FARGO, FAIRCHILD, NAILOR, STISH, NOYE, PESCI,
S. H. SMITH, JAROLIN, DALEY, KRUSZEWSKI, McNALLY, BIRMELIN,
BELFANTI, GEIST, KUKOVICH, GERLACH, ARMSTRONG, STEIGHNER,
HECKLER, VEON, G. SNYDER, HASAY, McCALL, BOWLEY, BELARDI,
MELIO, TIGUE, BARLEY, TRELLO, LEVDANSKY, BUSH, HANNA, KING,
SCHEETZ, MERRY, KASUNIC, COLAIZZO, CLYMER, PRESTON,
RICHARDSON AND NYCE, APRIL 2, 1991

AS RE-REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 9, 1992

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, further PROVIDING FOR THE DISCLOSURE OF CERTAIN <—
3 INFORMATION; prohibiting interference with the lawful taking
4 of wildlife or other activities permitted by the Pennsylvania
5 Game Commission; and further providing for the information
6 which must appear on identification tags which are attached
7 to traps.

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

10 Section 1. Sections 325(C), 2302 and 2361(a)(12) of Title 34 <—
11 of the Pennsylvania Consolidated Statutes are amended to read:

12 § 325. LIMITATION ON DISCLOSURE OF CERTAIN RECORDS. <—

13 * * *

14 (C) NONAPPLICATION.--THE PROVISIONS OF THIS SECTION SHALL
15 NOT APPLY TO RECORDS AND REPORTS:

16 (1) REQUIRED FOR PROSECUTIONS OF ANY VIOLATIONS OF THIS
17 TITLE.

1 (2) REQUIRED FOR ADMINISTRATIVE PROCEEDINGS HELD
2 PURSUANT TO THE LAWS OF THIS COMMONWEALTH.

3 (3) REQUIRED FOR THE PROSECUTION OF ANY VIOLATION OF ANY
4 FEDERAL LAWS OR THE LAWS OF ANY STATE OF THE UNITED STATES.

5 (4) REQUIRED TO BE PUBLISHED TO ENFORCE THE SUSPENSION
6 OR REVOCATION OF HUNTING AND TRAPPING PRIVILEGES BY THE
7 COMMISSION.

8 (5) AUTHORIZED BY ACTION OF THE COMMISSION FOR THE SOLE
9 PURPOSE OF EXERCISING LEGITIMATE GOVERNMENTAL FUNCTION OR
10 DUTY.

11 (6) REQUIRED TO DETERMINE THE IDENTIFICATION OF A
12 TRAPPER UNDER SECTION 2361(A)(12) (RELATING TO UNLAWFUL ACTS
13 CONCERNING TAKING OF FURBEARERS), WHEN SUCH INFORMATION IS
14 REQUESTED BY A LANDOWNER, AN AGENT OF A LANDOWNER OR A LESSEE
15 OF LAND.

16 WHEN SUCH RECORDS AND REPORTS ARE MADE AVAILABLE BY THE
17 COMMISSION FOR THE LIMITED PURPOSES SET FORTH IN PARAGRAPHS (1)
18 THROUGH [(5)] (6), THEY SHALL NOT BE PUBLISHED, CIRCULATED OR
19 DISCLOSED BY THE RECEIVING AGENCY FOR ANY PURPOSES.

20 * * *

21 § 2302. Interference with lawful [hunting or trapping] taking
22 of wildlife or other activities permitted by this
23 title prohibited.

24 (a) General rule.--Except as otherwise provided in this
25 title, it is unlawful [to :

26 (1) Interfere with the lawful hunting, trapping or
27 taking of game or wildlife.

28 (2) Disturb any game or wildlife, or engage in any
29 activity or place any object or substance that may disturb or
30 otherwise affect the behavior of any game or wildlife with

1 the intent to hinder or prevent its lawful taking.

2 (3) Disturb or interfere with another person who is
3 engaged in the lawful hunting, trapping or taking of game or
4 wildlife or who is engaged in or preparing to hunt, trap or
5 take any game or wildlife or prevent or hinder such person's
6 enjoyment of the outdoors.

7 (4) Enter or remain upon public lands or upon private
8 lands without permission of the owner or their agent, with
9 intent to violate this section.

10 (5) Fail to obey the order of any officer whose duty it
11 is to enforce any of the laws of this Commonwealth where such
12 officer observes any conduct which violates this section, or
13 has reasonable grounds to believe that any person intends to
14 engage in such conduct.]

15 for another person at the location where the activity is taking
16 place to intentionally obstruct or interfere with the lawful
17 taking of wildlife or other activities permitted by this title.

18 (a.1) Activities which violate section.--A person violates
19 this section when he intentionally or knowingly:

20 (1) drives or disturbs wildlife for the purpose of
21 disrupting the lawful taking of wildlife where another person
22 is engaged in the process of lawfully taking wildlife or
23 other permitted activities;

24 (2) blocks, impedes or otherwise harasses another person
25 who is engaged in the process of lawfully taking wildlife or
26 other permitted activities;

27 (3) uses natural or artificial visual, aural, olfactory
28 or physical stimuli to affect wildlife behavior in order to
29 hinder or prevent the lawful taking of wildlife or other
30 permitted activities;

1 (4) creates or erects barriers with the intent to deny
2 ingress or egress to areas where the lawful taking of
3 wildlife or other permitted activities may occur;

4 (5) interjects himself into the line of fire;

5 (6) affects the condition or placement of personal or
6 public property intended for use in the lawful taking of
7 wildlife or other permitted activities in order to impair its
8 usefulness or prevent its use;

9 (7) enter or remain upon public lands or upon private
10 lands without permission of the owner or their agent, with
11 intent to violate this section; or

12 (8) fails to obey the order of any officer whose duty it
13 is to enforce any of the laws of this Commonwealth where such
14 officer observes any conduct which violates this section or
15 has reasonable grounds to believe that any person intends to
16 engage in such conduct.

17 (b) Enforcement and recovery of damages.--The commission or
18 any person who is lawfully engaged in the taking, hunting or
19 trapping of game or wildlife who is directly affected by a
20 violation of this section may bring an action to restrain
21 conduct declared unlawful in this section and to recover
22 damages.

23 (c) Exceptions.--The conduct declared unlawful in this
24 section does not include any activities arising from lawful
25 activity by other land uses, including farming, mining, forestry
26 practices, recreation or any other activities when it is evident
27 that such activities are not intended to violate this section.

28 (d) Penalties.--A violation of this section is a summary
29 offense of the second degree.

30 § 2361. Unlawful acts concerning taking of furbearers.

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

3 * * *

4 (12) Set a trap of any description unless each device is
5 marked with a durable identification tag attached to the trap
6 or trap chain which, at the option of the trapper, must
7 legibly set forth in English the first name, last name and
8 legal home address of the person setting or tending the trap
9 ~~or must bear the number of the furtaking license issued under~~ <—
10 ~~section 2705 (relating to classes of licenses) to the person~~
11 ~~who is setting or tending the trap~~ or must bear a number
12 issued by the commission. All information under this
13 paragraph shall be subject to the provisions of section 325
14 (relating to limitation on disclosure of certain records).

15 * * *

16 Section 2. This act shall take effect July 1, 1992.