

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1994 Session of
1997

INTRODUCED BY FEESE, ZUG AND KREBS, NOVEMBER 24, 1997

SENATOR HELFRICK, GAME AND FISHERIES, IN SENATE, AS AMENDED,
NOVEMBER 10, 1998

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, PROVIDING FOR COMMISSION ACCOUNTABILITY; AND <—
3 further providing for THE USE OF CERTAIN GAME FUND REVENUES, <—
4 FOR APPROPRIATION AND AUDIT OF MONEYS, FOR POWERS AND DUTIES
5 OF ENFORCEMENT OFFICERS, FOR JURISDICTION AND PENALTIES, FOR
6 ACKNOWLEDGMENT OF GUILT AND RECEIPT, FOR PAYMENT DISPOSITION
7 OF NONRESIDENTS, FOR UNLAWFUL TAKING OR POSSESSION OF GAME OR
8 WILDLIFE, FOR buying and selling of game and wildlife, FOR <—
9 CLASSES OF LICENSES AND FOR LICENSE COSTS AND FEES.

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

12 ~~Section 1. Section 2312(c) of Title 34 of the Pennsylvania~~ <—
13 ~~Consolidated Statutes is amended to read:~~

14 SECTION 1. TITLE 34 OF THE PENNSYLVANIA CONSOLIDATED <—
15 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

16 § 328. ACCOUNTABILITY.

17 (A) RELATIONSHIP WITH PUBLIC.--THE COMMISSION SHALL
18 IMPLEMENT POLICIES AND PROGRAMS TO IMPROVE ITS RELATIONSHIP WITH
19 THE GENERAL PUBLIC AND WITH ITS LICENSEES IN ACCORDANCE WITH ITS
20 STRATEGIC PLAN.

1 (B) PROGRAM ACCOUNTABILITY.--THE COMMISSION SHALL REQUIRE
2 PROGRAM ACCOUNTABILITY OF ITS VARIOUS FUNCTIONS THROUGH PROGRAM
3 PERFORMANCE MEASUREMENT IN ACCORDANCE WITH ITS STRATEGIC PLAN.

4 (C) FINANCIAL ACCOUNTABILITY.--THE COMMISSION SHALL IMPROVE
5 THE FINANCIAL ACCOUNTABILITY OF ITS VARIOUS FUNCTIONS THROUGH
6 PERFORMANCE MEASUREMENT IN ACCORDANCE WITH ITS STRATEGIC PLAN.

7 (D) LAW ENFORCEMENT ACCOUNTABILITY.--THE COMMISSION SHALL
8 MAINTAIN A SYSTEM TO RESPOND TO CITIZEN COMPLAINTS AGAINST
9 WILDLIFE CONSERVATION OFFICERS AND DEPUTY WILDLIFE CONSERVATION
10 OFFICERS. THE COMMISSION SHALL RELEASE INFORMATION RELATING TO
11 THE NUMBER AND NATURE OF COMPLAINTS RECEIVED ON AT LEAST AN
12 ANNUAL BASIS. THE COMMISSION MAY RELEASE FURTHER INFORMATION
13 RELATED TO THE NATURE OF THE COMPLAINTS, PROVIDED THAT THE
14 RELEASE OF SUCH INFORMATION IS NOT PROHIBITED OR RESTRICTED BY
15 ANY CONTRACT, REGULATION, ORDER OF COURT OR STATUTE TO THE
16 CONTRARY.

17 (E) REPORTS TO GENERAL ASSEMBLY.--NO LATER THAN JANUARY 31
18 OF EACH YEAR THE COMMISSION THROUGH ITS EXECUTIVE DIRECTOR SHALL
19 MAKE ANNUAL WRITTEN REPORTS ON THE MATTERS DESCRIBED IN
20 SUBSECTIONS (A), (B), (C) AND (D) TO THE GAME AND FISHERIES
21 COMMITTEE OF THE SENATE AND THE GAME AND FISHERIES COMMITTEE OF
22 THE HOUSE OF REPRESENTATIVES. THE COMMISSION SHALL MEET WITH THE
23 RESPECTIVE COMMITTEES OF THE GENERAL ASSEMBLY TO RECEIVE ORAL
24 TESTIMONY IN RELATION TO ANNUAL WRITTEN REPORTS WHEN SO
25 REQUESTED.

26 SECTION 2. SECTIONS 521(B), 522, 901(A) AND 925(E) AND (F)
27 OF TITLE 34 ARE AMENDED TO READ:

28 § 521. ESTABLISHMENT AND USE OF GAME FUND.

29 * * *

30 (B) SPECIFIC ALLOCATION OF CERTAIN REVENUES.--

1 (1) A MINIMUM OF [\$1.25] \$4.25 FROM EACH RESIDENT AND \$3
2 FROM EACH NONRESIDENT LICENSE FOR WHICH THE FULL FEE HAS BEEN
3 PAID AND A MINIMUM OF \$2 FROM EACH ANTLERLESS DEER LICENSE
4 ISSUED FOR WHICH THE FULL FEE HAS BEEN PAID SHALL BE USED
5 SOLELY FOR HABITAT IMPROVEMENT AND RESTORATION CONDUCIVE TO
6 INCREASING NATURAL PROPAGATION OF GAME OR WILDLIFE ON ALL
7 LANDS UNDER THE CONTROL OR OPERATION OF THE COMMISSION,
8 INCLUDING LANDS ENROLLED IN THE COMMISSION'S PUBLIC ACCESS
9 PROGRAMS AND OTHER PUBLIC LANDS OPEN TO HUNTING UNDER
10 AGREEMENT WITH THE COMMISSION. THE MONEYS COLLECTED UNDER
11 THIS PARAGRAPH SHALL BE DEPOSITED INTO TWO SEPARATE ACCOUNTS
12 AND SHALL BE USED EXCLUSIVELY FOR THE NATURAL PROPAGATION OF
13 GAME AND WILDLIFE BY:

14 (I) IMPROVING AND MAINTAINING ANY NATURAL WILDLIFE
15 HABITAT BY THE PRODUCTION, DISTRIBUTION AND PLANTING OF
16 TREES, SHRUBS, VINES AND FORAGE CROPS.

17 (II) FOREST MANAGEMENT PRACTICES RELATED TO THE
18 CREATION AND DEVELOPMENT OF FOOD AND COVER.

19 (III) DEVELOPMENT AND MANAGEMENT OF FOOD AND COVER
20 OPENINGS.

21 (IV) PURCHASE, CONSTRUCTION AND ENHANCEMENT OF
22 WETLANDS AND RIPARIAN AREAS.

23 (V) CONSTRUCTION AND MAINTENANCE OF NESTING
24 STRUCTURES.

25 (VI) THE PRORATED COST FOR THE PURCHASE, MAINTENANCE
26 AND OPERATION OF EQUIPMENT, TOOLS AND MATERIALS NECESSARY
27 TO MEET THE HABITAT IMPROVEMENT OBJECTIVES OF THIS
28 SECTION. NO MONEYS IN THESE ACCOUNTS SHALL BE USED FOR
29 CAPITAL PURCHASES UNDER THIS SUBPARAGRAPH.

30 THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT ON ALL

EXPENDITURES FROM THIS ACCOUNT IN THE MANNER PRESCRIBED UNDER
SECTION 522 (RELATING TO APPROPRIATION AND AUDIT OF MONEYS).

(2) ANY MONEYS COLLECTED BY OR FOR THE COMMISSION FROM
THE SALE OF THE MIGRATORY BIRD HUNTING LICENSE SHALL BE USED
SOLELY FOR THE PURPOSE OF MIGRATORY GAME BIRD MANAGEMENT,
HABITAT ACQUISITION AND IMPROVEMENT AND RELATED PROGRAM
ADMINISTRATIVE COSTS.

§ 522. APPROPRIATION AND AUDIT OF MONEYS.

(A) APPROPRIATION.--[ALL] SUBJECT TO AN ANNUAL REVIEW AND
RECOMMENDATIONS UNDER SUBSECTION (B), ALL MONEYS IN THE GAME
FUND ARE HEREBY APPROPRIATED TO THE COMMISSION AND MAY BE
EXPENDED ONLY FOR THE PURPOSES AUTHORIZED UNDER THIS TITLE.

(B) AUDIT AND REPORT.--[THE COMMISSION SHALL SUBMIT AN
ANNUAL WRITTEN AND ORAL REPORT TO THE GAME AND FISHERIES
COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES NO
LATER THAN MARCH 31 OF EACH YEAR. THE WRITTEN REPORT SHALL
INCLUDE COMPLETE BUDGETS FOR THE CURRENT FISCAL YEAR AND FOR THE
FISCAL YEAR ABOUT TO COMMENCE. AN AUDIT OF THE BUDGET FOR THE
CONCLUDING FISCAL YEAR SHALL BE CONDUCTED BY THE LEGISLATIVE
BUDGET AND FINANCE COMMITTEE AND SHALL BE SUBMITTED TO THE GAME
AND FISHERIES COMMITTEES NO LATER THAN FEBRUARY 28 OF EACH
YEAR.]

(1) A PERFORMANCE AUDIT OF THE COMMISSION TO EXAMINE THE
COMMISSION'S COMPLIANCE WITH ITS STRATEGIC PLAN FOR THE
CONCLUDING FISCAL YEAR SHALL BE CONDUCTED BY THE LEGISLATIVE
BUDGET AND FINANCE COMMITTEE AND SHALL BE SUBMITTED TO THE
GAME AND FISHERIES COMMITTEE AND THE APPROPRIATIONS COMMITTEE
OF THE SENATE AND THE GAME AND FISHERIES COMMITTEE AND THE
APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES NO
LATER THAN FEBRUARY 28, 1999. AFTER FEBRUARY 28, 1999, THE

1 LEGISLATIVE BUDGET AND FINANCE COMMITTEE OF THE SENATE SHALL
2 CONDUCT A PERFORMANCE AUDIT OF THE COMMISSION EVERY THREE
3 YEARS NO LATER THAN FEBRUARY 28TH.

4 (2) NO LATER THAN JANUARY 31 OF EACH YEAR THE COMMISSION
5 THROUGH ITS EXECUTIVE DIRECTOR SHALL SUBMIT AN ANNUAL WRITTEN
6 REPORT TO THE GAME AND FISHERIES COMMITTEE AND THE
7 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE GAME AND
8 FISHERIES COMMITTEE AND THE APPROPRIATIONS COMMITTEE OF THE
9 HOUSE OF REPRESENTATIVES WHICH SHALL INCLUDE THE COMPLETE
10 BUDGET FOR THE CURRENT FISCAL YEAR AND FOR THE NEXT FISCAL
11 YEAR. THE COMMISSION SHALL MEET WITH THE SPECIFIED COMMITTEES
12 OF THE GENERAL ASSEMBLY TO RECEIVE ORAL TESTIMONY IN RELATION
13 TO THE ANNUAL WRITTEN REPORTS, AND TO EXAMINE THE
14 COMMISSION'S COMPLIANCE WITH SECTION 328 (RELATING TO
15 ACCOUNTABILITY) WHEN SO REQUESTED.

16 (C) EXPENDITURES FROM GAME FUND.--[THE] AFTER REVIEW UNDER
17 SUBSECTION (A), THE COMMISSION SHALL SUBMIT TO THE GOVERNOR, FOR
18 APPROVAL OR DISAPPROVAL, ESTIMATES OF THE AMOUNT OF MONEYS TO BE
19 EXPENDED FROM THE GAME FUND. THE STATE TREASURER SHALL NOT HONOR
20 ANY REQUISITION FOR EXPENDITURE OF ANY MONEYS IN EXCESS OF THE
21 AMOUNT APPROVED BY THE GOVERNOR. MONEYS IN THE GAME FUND SHALL
22 BE PAID OUT UPON WARRANT OF THE STATE TREASURER DRAWN AFTER
23 REQUISITION BY THE DIRECTOR OF THE COMMISSION.

24 § 901. POWERS AND DUTIES OF ENFORCEMENT OFFICERS.

25 (A) POWERS.--ANY OFFICER WHOSE DUTY IT IS TO ENFORCE THIS
26 TITLE OR ANY OFFICER INVESTIGATING ANY ALLEGED VIOLATION OF THIS
27 TITLE SHALL HAVE THE POWER AND DUTY TO:

28 (1) ENFORCE ALL LAWS OF THIS COMMONWEALTH RELATING TO
29 GAME OR WILDLIFE AND ARREST ANY PERSON WHO HAS VIOLATED ANY
30 OF THE PROVISIONS OF THIS TITLE WHILE IN PURSUIT OF THAT

1 PERSON IMMEDIATELY FOLLOWING THE VIOLATION.

2 (2) GO UPON ANY LAND OR WATER OUTSIDE OF BUILDINGS,
3 POSTED OR OTHERWISE, IN THE PERFORMANCE OF THE OFFICER'S
4 DUTY.

5 (3) SERVE SUBPOENAS ISSUED UNDER THE PROVISIONS OF THIS
6 TITLE.

7 (4) CARRY FIREARMS OR OTHER WEAPONS, CONCEALED OR
8 OTHERWISE, IN THE PERFORMANCE OF THE OFFICER'S DUTIES.

9 (5) PURCHASE AND RESELL GAME OR WILDLIFE, OR ANY PART
10 THEREOF, FOR THE PURPOSE OF SECURING EVIDENCE.

11 (6) STOP AND INSPECT OR SEARCH, AT ANY TIME, [WITHOUT
12 WARRANT,] ANY MEANS OF TRANSPORTATION WITHIN THIS
13 COMMONWEALTH. ANY OFFICER WHO STOPS ANY MEANS OF
14 TRANSPORTATION SHALL BE IN UNIFORM AND PRESENT A BADGE OR
15 OTHER MEANS OF OFFICIAL IDENTIFICATION AND STATE THE PURPOSE
16 OF THE INSPECTION OR SEARCH.

17 (7) INSPECT AND EXAMINE OR SEARCH, AT ANY TIME OR PLACE,
18 ANY PERSON OR MEANS OF TRANSPORTATION OR ITS ATTACHMENT OR
19 OCCUPANTS, OR ANY CLOTHING WORN BY ANY PERSON, OR ANY BAG,
20 CLOTHING OR CONTAINER WHEN THE OFFICER PRESENTS OFFICIAL
21 IDENTIFICATION AND STATES THE PURPOSE OF THE INSPECTION OR
22 SEARCH.

23 (8) INSPECT AND EXAMINE OR SEARCH, AT ANY TIME, [WITHOUT
24 WARRANT,] ANY CAMP, TENT, CABIN, TRAILER OR ANY MEANS OF
25 TRANSPORTATION OR ITS ATTACHMENT BEING USED WHEN THE OFFICER
26 PRESENTS OFFICIAL IDENTIFICATION TO THE PERSON IN CHARGE AND
27 STATES THE PURPOSE OF THE INSPECTION OR SEARCH.

28 (9) SECURE AND EXECUTE ALL WARRANTS AND SEARCH WARRANTS
29 FOR VIOLATIONS OF THIS TITLE OR, WITH PROPER CONSENT, TO
30 SEARCH OR ENTER ANY BUILDING, DWELLING, HOUSE, TAVERN, HOTEL,

1 BOARDINGHOUSE, ENCLOSURE, VEHICLE OR CRAFT OR ANY ATTACHMENTS
2 THERETO, TO OPEN, BY WHATEVER MEANS NECESSARY, ANY DOOR,
3 COMPARTMENT, CHEST, LOCKER, BOX, TRUNK, BAG, BASKET, PACKAGE
4 OR CONTAINER AND TO EXAMINE THE CONTENTS THEREOF AND SEIZE
5 ANY EVIDENCE OR CONTRABAND FOUND THEREIN.

6 (10) WHEN MAKING AN ARREST OR AN INVESTIGATION OR WHEN
7 FOUND IN THE EXECUTION OF A SEARCH WARRANT, SEIZE AND TAKE
8 POSSESSION OF ALL GAME OR WILDLIFE OR PARTS OF GAME OR
9 WILDLIFE WHICH HAVE BEEN TAKEN, CAUGHT, KILLED, HAD OR HELD
10 IN POSSESSION, AND SEIZE ALL FIREARMS, SHOOTING OR HUNTING
11 PARAPHERNALIA, VEHICLES, BOATS, CONVEYANCES, TRAPS, DOGS,
12 DECOYS, AUTOMOTIVE EQUIPMENT, RECORDS, PAPERS, PERMITS,
13 LICENSES AND ALL CONTRABAND OR ANY UNLAWFUL DEVICE, IMPLEMENT
14 OR OTHER APPLIANCE USED IN VIOLATION OF ANY OF THE LAWS
15 RELATING TO GAME OR WILDLIFE.

16 (11) ADMINISTER ANY OATHS REQUIRED BY THE PROVISIONS OF
17 THIS TITLE OR RELATIVE TO ANY VIOLATION OF ANY LAW RELATING
18 TO GAME OR WILDLIFE AND, WHERE GAME OR WILDLIFE IS FOUND IN A
19 CAMP OR IN POSSESSION OR UNDER CONTROL OF ANY INDIVIDUAL OR
20 HUNTING PARTY, QUESTION THE PERSON OR PERSONS, UNDER OATH,
21 RELATIVE TO THE TAKING, OWNERSHIP OR POSSESSION OF THE GAME
22 OR WILDLIFE.

23 (12) OPERATE OR MOVE ANY VEHICLE, PERMANENTLY OR
24 TEMPORARILY EQUIPPED WITH A TYPE OF FLASHING OR ROTATING RED
25 LIGHT OR LIGHTS OR AUDIBLE DEVICE OR BOTH, APPROVED BY THE
26 COMMISSION, UPON ANY STREET OR HIGHWAY WITHIN THIS
27 COMMONWEALTH WHEN PERFORMING DUTIES WITHIN THE SCOPE OF
28 EMPLOYMENT.

29 (13) DEMAND AND SECURE ASSISTANCE WHEN THE OFFICER DEEMS
30 IT NECESSARY.

1 (14) DEMAND AND SECURE IDENTIFICATION FROM ANY PERSON.

2 (15) ENFORCE ALL THE LAWS OF THIS COMMONWEALTH AND

3 REGULATIONS PROMULGATED THEREUNDER RELATING TO FISH, BOATS,

4 PARKS AND FORESTRY AND OTHER ENVIRONMENTAL MATTERS, UNDER THE

5 DIRECTION OF THOSE AGENCIES CHARGED WITH THE ADMINISTRATION

6 OF THESE LAWS.

7 (16) REQUIRE THE HOLDER OF ANY LICENSE OR PERMIT

8 REQUIRED BY THIS TITLE OR BY COMMISSION REGULATION TO SIGN

9 THE HOLDER'S NAME ON A SEPARATE PIECE OF PAPER IN THE

10 PRESENCE OF THE REQUESTING OFFICER.

11 (17) WHEN ACTING WITHIN THE SCOPE OF THE OFFICER'S

12 EMPLOYMENT, PURSUE, APPREHEND OR ARREST ANY INDIVIDUAL

13 SUSPECTED OF VIOLATING ANY PROVISION OF TITLE 18 (RELATING TO

14 CRIMES AND OFFENSES) OR ANY OTHER OFFENSE CLASSIFIED AS A

15 MISDEMEANOR OR FELONY. THE OFFICER SHALL ALSO HAVE THE POWER

16 TO SERVE AND EXECUTE WARRANTS ISSUED BY THE PROPER

17 AUTHORITIES FOR OFFENSES REFERRED TO IN THIS PARAGRAPH AND TO

18 SERVE SUBPOENAS ISSUED FOR EXAMINATION. ALL POWERS AS

19 PROVIDED FOR IN THIS PARAGRAPH WILL BE LIMITED BY SUCH

20 ADMINISTRATIVE PROCEDURE AS THE DIRECTOR, WITH THE APPROVAL

21 OF THE COMMISSION, SHALL PRESCRIBE. THE REGULATIONS SHALL BE

22 PROMULGATED WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS

23 PARAGRAPH.

24 (18) WHEN ACTING WITHIN THE SCOPE OF THE OFFICER'S

25 EMPLOYMENT AND UNDER THE PROCEDURES OUTLINED BY THE EXECUTIVE

26 DIRECTOR, TO USE A FACSIMILE IN THE ENFORCEMENT OF THE

27 PROVISIONS OF THIS TITLE AND THE REGULATIONS PROMULGATED

28 HEREUNDER.

29 * * *

30 § 925. JURISDICTION AND PENALTIES.

1 * * *

2 (E) INSTALLMENT PAYMENT OF FINES.--[INSTALLMENT PAYMENTS
3 UNDER 42 PA.C.S. § 9758(B) (RELATING TO INSTALLMENT PAYMENT) FOR
4 FINES IMPOSED FOR SUMMARY OFFENSES UNDER THIS TITLE OR THE
5 REGULATIONS SHALL NOT EXCEED A PERIOD OF ONE YEAR. INSTALLMENT
6 PAYMENTS FOR MISDEMEANOR OFFENSES UNDER THIS TITLE OR THE
7 REGULATIONS OTHER THAN SECTION 2522 (RELATING TO SHOOTING AT OR
8 CAUSING INJURY TO HUMAN BEINGS) SHALL NOT EXCEED A PERIOD OF TWO
9 YEARS.] UPON A PLEA AND PROOF THAT PERSON IS UNABLE TO PAY ANY
10 FINE AND COSTS IMPOSED UNDER THIS TITLE, A COURT MAY, IN
11 ACCORDANCE WITH 42 PA.C.S. § 9758 (RELATING TO FINE), PERMIT
12 INSTALLMENT PAYMENTS IT CONSIDERS APPROPRIATE TO THE
13 CIRCUMSTANCES OF THE DEFENDANT, IN WHICH CASE ITS ORDER SHALL
14 SPECIFY WHEN EACH INSTALLMENT PAYMENT IS DUE.

15 (F) NONPAYMENT OF FINES AND COSTS.--UNLESS OTHERWISE
16 PROVIDED IN THIS TITLE, EACH PERSON WHO FAILS TO PAY THE FINE
17 IMPOSED MAY, AFTER HEARING BEFORE A DISTRICT JUSTICE, BE
18 IMPRISONED UNTIL THE FINE IS PAID IN FULL. [NO TERM OF
19 IMPRISONMENT FOR NONPAYMENT OF FINES SHALL EXCEED 90 DAYS.] THE
20 COURT MAY IMPRISON THE PERSON FOR A NUMBER OF DAYS EQUAL TO ONE
21 DAY FOR EACH \$40 OF THE UNPAID BALANCE OF THE FINE AND COSTS NOT
22 TO EXCEED 120 DAYS.

23 * * *

24 SECTION 3. SECTION 926(A) OF TITLE 34 IS AMENDED AND THE
25 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

26 § 926. ACKNOWLEDGMENT OF GUILT AND RECEIPT FOR PAYMENT.

27 (A) GENERAL RULE.--[A] EXCEPT AS PROVIDED IN SUBSECTION (D),
28 A PERSON CHARGED WITH VIOLATING ANY PROVISION OF THIS TITLE
29 WHICH IS A SUMMARY OFFENSE MAY SIGN, WITHIN TEN DAYS OF THE
30 COMMISSION OF THE OFFENSE, AN ACKNOWLEDGMENT OF THE OFFENSE

1 COMMITTED AND PAY TO AN OFFICER OF THE COMMISSION THE PENALTY IN
2 FULL, AS FIXED BY THIS TITLE, PLUS ANY COSTS OF PROSECUTION
3 WHICH MAY HAVE ACCRUED. THE PRINTED RECEIPT FOR THIS PAYMENT
4 SHALL ONLY PROVE FULL SATISFACTION OF THE MONETARY FINE FOR THE
5 OFFENSE COMMITTED AND IN NO WAY SHALL LIMIT THE COMMISSION FROM
6 FURTHER REVOKING HUNTING AND FURTAKING PRIVILEGES.

7 * * *

8 (D) LIMITATIONS OF ACKNOWLEDGMENTS OF GUILT.--ON AND AFTER
9 JUNE 30, 1999, ACKNOWLEDGMENTS OF GUILT PURSUANT TO THIS SECTION
10 SHALL BE USED ONLY IN SUCH COUNTIES AS THE COMMISSION MAY
11 DESIGNATE BY REGULATION FOR SUCH USE. THE COMMISSION SHALL ONLY
12 DESIGNATE SUCH COUNTIES FOR CONTINUED USE OF FIELD
13 ACKNOWLEDGMENT AS IT FINDS TO HAVE SUMMARY OFFENSE PROCEDURES
14 THAT DIFFER FROM STATEWIDE SUMMARY OFFENSE PROCEDURES.

15 SECTION 4. SECTIONS 931, 2307(B) AND 2312(C) OF TITLE 34 ARE
16 AMENDED TO READ:

17 [§ 931. ARREST OF NONRESIDENT.

18 (A) GENERAL RULE.--UPON THE ARREST, APPREHENSION OR CITATION
19 OF A NONRESIDENT OF THIS COMMONWEALTH FOR ANY VIOLATION OF THIS
20 TITLE THAT IS A SUMMARY OFFENSE, ANY OFFICER WHOSE DUTY IT IS TO
21 ENFORCE THE PROVISIONS OF THIS TITLE SHALL, UNLESS THE DEFENDANT
22 ELECTS TO ACKNOWLEDGE GUILT IN ACCORDANCE WITH SECTION 926
23 (RELATING TO ACKNOWLEDGMENT OF GUILT AND RECEIPT FOR PAYMENT),
24 ESCORT THE DEFENDANT TO THE APPROPRIATE DISTRICT JUSTICE FOR A
25 HEARING, POSTING OF BOND OR PAYMENT OF THE APPLICABLE FINE AND
26 COSTS, UNLESS THE DEFENDANT CHOOSES TO PLACE THE AMOUNT OF THE
27 APPLICABLE FINE AND COSTS IN A STAMPED ENVELOPE ADDRESSED TO THE
28 APPROPRIATE DISTRICT JUSTICE AND MAILES THE ENVELOPE IN THE
29 PRESENCE OF THE OFFICER WHO SHALL ISSUE THE DEFENDANT A
30 CITATION.

(B) PROCEDURE UPON PAYMENT BY MAIL.--IF THE DEFENDANT ACCEPTS THE CITATION AND MAELS THE AMOUNT OF FINE AND COSTS PRESCRIBED IN SUBSECTION (A), HE SHALL INDICATE THE PAYMENT CONSTITUTES A BOND FOR A HEARING BASED ON A PLEA OF NOT GUILTY. THE DISTRICT JUSTICE SHALL THEN HANDLE THE CASE AS A "PLEA ENTERED BY MAIL."

(C) FORM OF PAYMENT.--THE AMOUNT OF FINE AND COSTS SHALL BE PAID IN CASH, MONEY ORDER, CERTIFIED CHECK OR GUARANTEED ARREST BOND. THE COMMISSION, BY REGULATION, MAY ENLARGE OR RESTRICT THE TYPE OF PAYMENT WHICH MAY BE MADE BY MAIL.]

§ 931. DISPOSITION OF NONRESIDENT OFFENDERS.

SUBJECT TO ANY INCONSISTENT REGULATIONS OR RULES PRESCRIBED PURSUANT TO 42 PA.C.S. § 3502 (RELATING TO FINANCIAL REGULATIONS):

(1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2), UPON THE APPREHENSION OF A NONRESIDENT OF THIS COMMONWEALTH FOR ANY VIOLATION OF THIS TITLE THAT IS A SUMMARY OFFENSE, THE OFFICER WHOSE DUTY IT IS TO ENFORCE THIS TITLE SHALL ISSUE A CITATION AS PROVIDED BY THE PENNSYLVANIA RULES OF CRIMINAL PROCEDURE UNLESS THE NONRESIDENT OFFENDER ELECTS TO PROCEED UNDER SECTION 926 (RELATING TO ACKNOWLEDGMENT OF GUILT AND RECEIPT FOR PAYMENT).

(2) AN OFFICER WHOSE DUTY IT IS TO ENFORCE THIS TITLE SHALL BE AUTHORIZED TO ARREST A NONRESIDENT FOR A SUMMARY OFFENSE VIOLATION OF THIS TITLE AND ESCORT HIM TO THE APPROPRIATE ISSUING AUTHORITY FOR A HEARING, POSTING OF BOND OR PAYMENT OF THE APPLICABLE FINE AND COSTS ONLY WHEN ONE OR MORE OF THE FOLLOWING CIRCUMSTANCES EXIST:

(I) THE NONRESIDENT OFFENDER REFUSES TO ACCEPT A CITATION FROM THE OFFICER.

1 (II) THE NONRESIDENT OFFENDER FAILS TO PROVIDE
2 POSITIVE IDENTIFICATION SHOWING HIS MAILING ADDRESS.

3 (III) THE OFFICER HAS REASONABLE GROUNDS TO BELIEVE
4 THE NONRESIDENT OFFENDER IS A REPEAT OFFENDER UNDER THIS
5 TITLE.

6 (IV) THE OFFICER HAS REASONABLE GROUNDS TO BELIEVE
7 THE NONRESIDENT OFFENDER IS HUNTING WHILE HIS HUNTING
8 PRIVILEGES ARE SUSPENDED OR FURTAKING WHILE HIS FURTAKING
9 PRIVILEGES ARE SUSPENDED.

10 (V) THE OFFICER HAS REASONABLE GROUNDS TO BELIEVE
11 THE NONRESIDENT OFFENDER HAS FAILED TO RESPOND TO A
12 CITATION ISSUED UNDER THIS TITLE OR TO PAY ASSESSED FINES
13 OR PENALTIES FOR A PRIOR OFFENSE UNDER THIS TITLE.

14 (VI) THE OFFICER HAS REASONABLE GROUNDS TO BELIEVE
15 THE NONRESIDENT OFFENDER MAY POSE A THREAT OF HARM TO
16 ANOTHER PERSON OR PROPERTY OR TO HIMSELF OR HERSELF.

17 (VII) THE OFFICER HAS REASONABLE GROUNDS TO BELIEVE
18 THE NONRESIDENT OFFENDER WILL NOT APPEAR AS REQUIRED IF
19 ISSUED A CITATION.

20 THE OFFICER SHALL NOT EXERCISE HIS AUTHORITY TO ARREST A
21 NONRESIDENT UNDER THIS PARAGRAPH IF THE NONRESIDENT OFFENDER
22 CHOOSES TO PLACE THE AMOUNT OF THE APPLICABLE FINE AND COSTS
23 IN A STAMPED ENVELOPE ADDRESSED TO THE APPROPRIATE ISSUING
24 AUTHORITY AND MAILS THE ENVELOPE IN THE PRESENCE OF THE
25 OFFICER.

26 (3) THE AMOUNT OF FINE AND COSTS TO BE MAILED TO THE
27 ISSUING AUTHORITY UNDER PARAGRAPH (2) MAY BE PAID IN CASH,
28 PERSONAL OR OTHER CHECK, CREDIT CARD OR GUARANTEED ARREST
29 BOND.

30 (4) THE OFFICER SHALL GIVE THE NONRESIDENT OFFENDER A

1 RECEIPT FOR PAYMENT, A COPY OF WHICH SHALL BE MAILED WITH THE
2 PAYMENT AND A COPY RETAINED BY THE OFFICER.

3 § 2307. UNLAWFUL TAKING OR POSSESSION OF GAME OR WILDLIFE.

4 * * *

5 (B) [RETENTION OF GAME OR WILDLIFE LAWFULLY TAKEN.--EXCEPT
6 AS FIXED BY REGULATION OF THE COMMISSION, GAME OR WILDLIFE
7 LAWFULLY TAKEN WITHIN THIS COMMONWEALTH DURING THE OPEN SEASON
8 MAY BE RETAINED BY RESIDENTS UNTIL THE END OF THE LICENSE YEAR
9 IN WHICH TAKEN.] RESERVED.

10 * * *

11 § 2312. Buying and selling game.

12 * * *

13 (c) Exception.--

14 (1) Nothing in this section shall be construed to
15 prevent the purchase or sale of game raised under authority
16 of a propagating permit in this Commonwealth or the capture
17 and sale of game or wildlife after securing a permit from the
18 director and payment of any fees established by the
19 commission or the purchase or sale of the tanned, cured or
20 mounted heads or skins, or parts thereof, of any game or
21 wildlife not killed in a wild state in this Commonwealth, or
22 the sale or purchase of any inedible part thereof, from game
23 or wildlife lawfully killed, if such parts are disposed of by
24 the original owner within 90 days after the close of the
25 season in which the game or wildlife was taken. Prior to
26 selling parts of game or wildlife under the provisions of
27 this subsection, all edible parts shall be removed.

28 (2) The commission may, by regulation, authorize the
29 buying and selling of inedible parts of game and wildlife as
30 it deems appropriate.

1 (3) This subsection shall not be construed to permit any
2 individual or agency other than the commission to sell the
3 skins or parts of game or wildlife killed as a protection to
4 crops, or accidentally killed upon the highways, or seized as
5 contraband.

6 * * *

7 SECTION 5. SECTION 2705(7) OF TITLE 34 IS AMENDED AND THE
8 SECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:

9 § 2705. CLASSES OF LICENSES.

10 UNLESS OTHERWISE PROVIDED, ANY PERSON WISHING TO EXERCISE ANY
11 OF THE PRIVILEGES GRANTED BY THIS TITLE SHALL FIRST SECURE THE
12 APPLICABLE RESIDENT OR NONRESIDENT HUNTING OR FURTAKER LICENSE
13 AS FOLLOWS:

14 * * *

15 (7) [(RESERVED).] SENIOR LIFETIME RESIDENT COMBINATION
16 HUNTING AND FURTAKING LICENSE, INCLUDING ARCHERY AND
17 MUZZLELOADER PRIVILEGES, TO RESIDENTS WHO HAVE REACHED OR
18 WILL REACH THEIR 65TH BIRTHDAY IN THE YEAR OF THE APPLICATION
19 FOR THE LICENSE. THE COMMISSION SHALL DEVELOP, IMPLEMENT AND
20 ADMINISTER A SYSTEM TO PROVIDE TAGS, REPORT CARDS AND
21 APPLICATIONS TO THOSE RESIDENTS WHO HOLD A SENIOR LIFETIME
22 RESIDENT HUNTING LICENSE ISSUED UNDER THIS PARAGRAPH. THE
23 SYSTEM SHALL REQUIRE THE APPLICANT OR LICENSE HOLDER TO PAY
24 ANY APPROVED FEE ASSESSED BY THE ISSUING AGENT.

25 (7.1) JUNIOR RESIDENT COMBINATION HUNTING AND FURTAKER
26 LICENSE, INCLUDING ARCHERY AND MUZZLELOADER PRIVILEGES, TO
27 RESIDENTS WHO HAVE REACHED OR WILL REACH THEIR 12TH BIRTHDAY
28 IN THE CALENDAR YEAR OF APPLICATION FOR A LICENSE BUT WHO
29 HAVE NOT REACHED THEIR 17TH BIRTHDAY PRIOR TO THE DATE OF THE
30 APPLICATION FOR THE LICENSE AND WHO PRESENT A WRITTEN

1 REQUEST, CONTAINING THE SIGNATURE OF A PARENT OR GUARDIAN,
2 FOR THE ISSUANCE OF A LICENSE. THE ACTUAL PRIVILEGES GRANTED
3 TO THE HOLDER OF A JUNIOR RESIDENT COMBINATION LICENSE SHALL
4 NOT BE EXERCISED UNTIL THAT PERSON IN FACT IS 12 YEARS OF
5 AGE.

6 * * *

7 (11.1) JUNIOR NONRESIDENT COMBINATION HUNTING AND
8 FURTAKER LICENSE, INCLUDING ARCHERY AND MUZZLELOADER
9 PRIVILEGES, TO NONRESIDENTS WHO HAVE REACHED OR WILL REACH
10 THEIR 12TH BIRTHDAY IN THE CALENDAR YEAR OF APPLICATION FOR A
11 LICENSE BUT WHO HAVE NOT REACHED THEIR 17TH BIRTHDAY PRIOR TO
12 THE DATE OF THE APPLICATION FOR THE LICENSE AND WHO PRESENT A
13 WRITTEN REQUEST, CONTAINING THE SIGNATURE OF A PARENT OR
14 GUARDIAN, FOR THE ISSUANCE OF A LICENSE. THE ACTUAL
15 PRIVILEGES GRANTED TO THE HOLDER OF A JUNIOR NONRESIDENT
16 COMBINATION LICENSE SHALL NOT BE EXERCISED UNTIL THAT PERSON
17 IN FACT IS 12 YEARS OF AGE.

18 * * *

19 SECTION 6. SECTION 2709 OF TITLE 34 IS AMENDED TO READ:

20 § 2709. LICENSE COSTS AND FEES.

21 (A) LICENSE COSTS.--ANY PERSON WHO QUALIFIES UNDER THE
22 PROVISIONS OF THIS CHAPTER SHALL BE ISSUED THE APPLICABLE
23 LICENSE UPON PAYMENT OF THE FOLLOWING COSTS AND THE ISSUING
24 AGENT'S FEE:

25 (1) (I) JUNIOR RESIDENT HUNTING - \$5.

26 (II) JUNIOR RESIDENT COMBINATION HUNTING AND
27 FURTAKER - \$8.

28 (2) ADULT RESIDENT HUNTING - [\$12] \$19.

29 (3) (I) SENIOR RESIDENT HUNTING - [\$10] \$12.

30 (II) SENIOR LIFETIME RESIDENT HUNTING - \$50.

1 (III) SENIOR LIFETIME RESIDENT COMBINATION HUNTING
2 AND FURTAKER - \$100.

3 (4) BEAR HUNTING:

4 (I) RESIDENT - [\$10] \$15.

5 (II) NONRESIDENT - [\$25] \$35.

6 (5) ANTLERLESS DEER[,]:

7 (I) RESIDENT, INCLUDING RESIDENT MILITARY, RESIDENT
8 DISABLED VETERAN AND LANDOWNER - \$5.

9 (II) NONRESIDENT - \$25.

10 (6) ARCHERY DEER - [\$5.]:

11 (I) RESIDENT - \$15.

12 (II) NONRESIDENT - \$25.

13 (7) MUZZLELOADER DEER - [\$5.]:

14 (I) RESIDENT - \$10.

15 (II) NONRESIDENT - \$20.

16 (8) [(DELETED BY AMENDMENT)] RESERVED.

17 (9) ADULT NONRESIDENT HUNTING - [\$80] \$100.

18 (10) (I) JUNIOR NONRESIDENT HUNTING - \$40.

19 (II) JUNIOR NONRESIDENT COMBINATION HUNTING AND
20 FURTAKER - \$50.

21 (11) SEVEN-DAY NONRESIDENT SMALL GAME - [\$15] \$30.

22 (12) JUNIOR RESIDENT FURTAKERS - \$5.

23 (13) ADULT RESIDENT FURTAKERS - [\$12] \$19.

24 (14) (I) SENIOR RESIDENT FURTAKERS - [\$10] \$12.

25 (II) SENIOR LIFETIME RESIDENT FURTAKER - \$50.

26 (15) ADULT NONRESIDENT FURTAKER - \$80.

27 (16) JUNIOR NONRESIDENT FURTAKER - \$40.

28 (17) RESIDENT DISABLED VETERAN HUNTING OR FURTAKER UNDER
29 SECTION 2706(B) (RELATING TO DISABLED VETERANS) - NO COST.

30 (18) REPLACEMENT LICENSE - \$5. ANTLERLESS DEER AND BEAR

LICENSES SHALL BE REPLACED BY THE ORIGINAL ISSUING AGENT
ONLY.

(19) OWNERS OR POSSESSORS OF LAND OPEN TO PUBLIC HUNTING
UNDER SECTION 2706(D) (RELATING TO OWNERS OR POSSESSORS OF
LAND OPEN TO PUBLIC HUNTING) - \$3.

(20) MIGRATORY GAME BIRD HUNTING LICENSE [- ISSUING
AGENT FEE ONLY.]:

(I) RESIDENT - \$2.

(II) NONRESIDENT - \$5.

(B) REFUNDS.--EXCEPT AS PROVIDED IN SECTION 501 (RELATING TO
REFUND OF MONEYS PAID ERRONEOUSLY OR UNJUSTLY), LICENSE FEES ARE
NOT REFUNDABLE.

(C) AGENT FEE.--ISSUING AGENTS SHALL BE ENTITLED TO AND MAY
RETAIN AS FULL COMPENSATION FOR THEIR SERVICES AN ADDITIONAL SUM
OF [75¢] \$1 FOR EACH LICENSE OR REPLACEMENT LICENSE.

~~Section 2. This act shall take effect in 60 days.~~ <—

SECTION 7. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

(1) THE AMENDMENT OR ADDITION OF 34 PA.C.S. §§ 328, 522,
901 AND 2307 SHALL TAKE EFFECT IMMEDIATELY.

(2) THE AMENDMENT OF 34 PA.C.S. §§ 521, 925, 926, 931,
2705 AND 2709 SHALL TAKE EFFECT JULY 1, 1999.

(3) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

(4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
DAYS.