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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2935 Session of  
1998

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INTRODUCED BY FORCIER, NOVEMBER 16, 1998

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REFERRED TO COMMITTEE ON RULES, NOVEMBER 16, 1998

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AN ACT

1 Amending Titles 30 (Fish) and 34 (Game) of the Pennsylvania  
2 Consolidated Statutes, providing for trespassing and  
3 penalties.

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

6 Section 1. Title 30 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 729. Trespassing on lands or waters of this Commonwealth.

9 (a) General rule.--No person shall, knowing that he is not  
10 licensed or privileged to do so:

11 (1) enter or remain on any lands or waters of this  
12 Commonwealth;

13 (2) enter or remain on any lands or waters of this  
14 Commonwealth when the lands or waters are posted in a manner  
15 prescribed by law or reasonably likely to come to the  
16 person's attention or are fenced or enclosed in a manner  
17 manifestly designed to exclude trespassers or to confine fish  
18 or animals; or

1           (3) enter or remain on any lands or waters of this  
2 Commonwealth and defy an order not to enter or to leave that  
3 has been personally communicated to him by the commission,  
4 the executive director, a waterways conservation officer, a  
5 deputy waterways conservation officer or other authorized  
6 person.

7           (b) Penalties.--Any person who violates this section commits  
8 an offense, which offense shall be graded as follows:

9           (1) A violation of subsection (a)(1) constitutes a  
10 summary offense and is punishable by imprisonment for a term  
11 of not more than 90 days and a fine of not less than \$100 nor  
12 more than \$300.

13           (2) A violation of subsection (a)(2) constitutes a  
14  misdemeanor of the third degree and is punishable by  
15 imprisonment for a term of not more than one year and a fine  
16 of not less than \$250 nor more than \$2,500.

17           (3) A violation of subsection (a)(3) constitutes a  
18  misdemeanor of the second degree and is punishable by  
19 imprisonment for a term of not more than two years and a fine  
20 of not less than \$500 nor more than \$5,000.

21           Section 2. Title 34 of the Pennsylvania Consolidated  
22 Statutes is amended by adding a section to read:

23 § 742. Trespassing on lands or waters.

24           (a) General rule.--No person shall, knowing that he is not  
25 licensed or privileged to do so:

26           (1) enter or remain on any lands or waters;

27           (2) enter or remain on any lands or waters when the  
28 lands or waters are posted in a manner prescribed by law or  
29 reasonably likely to come to the person's attention or are  
30 fenced or enclosed in a manner manifestly designed to exclude

1 trespassers or to confine fish or animals; or

2 (3) enter or remain on any lands or waters and defy an  
3 order not to enter or to leave that has been personally  
4 communicated to him by the commission, the director, an  
5 officer or other authorized person.

6 (b) Penalties.--Any person who violates this section commits  
7 an offense, which offense shall be graded as follows:

8 (1) A violation of subsection (a)(1) constitutes a  
9 summary offense and is punishable by imprisonment for a term  
10 of not more than 90 days and a fine of not less than \$100 nor  
11 more than \$300.

12 (2) A violation of subsection (a)(2) constitutes a  
13 misdemeanor of the third degree and is punishable by  
14 imprisonment for a term of not more than one year and a fine  
15 of not less than \$250 nor more than \$2,500.

16 (3) A violation of subsection (a)(3) constitutes a  
17 misdemeanor of the second degree and is punishable by  
18 imprisonment for a term of not more than two years and a fine  
19 of not less than \$500 nor more than \$5,000.

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