

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 476 Session of
1999

INTRODUCED BY FORCIER, SEYFERT, PESCI AND E. Z. TAYLOR,
FEBRUARY 9, 1999

REFERRED TO COMMITTEE ON GAME AND FISHERIES, FEBRUARY 9, 1999

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 commission lands or waters.

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 commission lands or waters;

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

17 (3) enter or remain on any commission lands or waters
18 and defy an order not to enter or to leave that has been

1 personally communicated to him by the commission, the
2 executive director, a waterways conservation officer, a
3 deputy waterways conservation officer or other authorized
4 person.

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

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

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

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

19 (c) Definition.--As used in this section, "commission lands
20 or waters" means any lands or waters owned, leased or otherwise
21 controlled by the commission.

22 Section 2. Title 34 is amended by adding a section to read:
23 § 742. Trespassing on commission 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 commission lands or waters;

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

1 exclude trespassers or to confine fish or animals; or

2 (3) enter or remain on any commission lands or waters
3 and defy an order not to enter or to leave that has been
4 personally communicated to him by the commission, the
5 director, an 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 (c) Definition.--As used in this section, "commission lands
21 or waters" means any lands or waters owned, leased or otherwise
22 controlled by the commission.

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