



1 similar purposes] upon which there exists an agricultural  
2 commodity, immediately following such destruction; or

3 (3) where the presence of the game or wildlife on any  
4 [cultivated lands or fruit orchards] lands upon which there  
5 exists an agricultural commodity is just cause for reasonable  
6 apprehension of additional imminent destruction.

7 Lands divided by a public highway shall not be construed as  
8 detached lands. Any person who wounds any game or wildlife shall  
9 immediately make a reasonable effort to find and kill the game  
10 or wildlife. Every person shall comply with all other  
11 regulations in this subchapter pertaining to the method and  
12 manner of killing, reporting the killing and the disposition of  
13 game or wildlife and their skins and carcasses.

14 (b) Protected game or wildlife.--Before any game or  
15 wildlife, which may be designated by regulation of the  
16 commission, or any bird or animal classified as threatened or  
17 endangered may be killed, every reasonable effort shall be made  
18 to live trap and transfer such game or wildlife. The trapping  
19 and transfer shall be done in cooperation with a representative  
20 of the commission.

21 [(c) Definition.--As used in this subchapter the word  
22 "person" shall be limited to any person cultivating, as a  
23 primary means of gaining a livelihood, any lands for general or  
24 specialized crop purposes, truck farming or fruit orchard or  
25 nursery being regularly maintained, as either the owner, lessee  
26 or a member of the family of the owner or lessee assisting with  
27 the cultivation of the land, or a domiciled member of the  
28 household of the owner or lessee or an employee of the owner or  
29 lessee, regularly and continuously assisting in the cultivation  
30 of the land.]

1       (c) Definitions.--As used in this subchapter, the following  
2 words and phrases shall have the meanings given to them in this  
3 subsection:

4       "Agricultural commodity." The term as it is defined under  
5 section 2 of the act of December 19, 1974 (P.L.973, No.319),  
6 known as the Pennsylvania Farmland and Forest Land Assessment  
7 Act of 1974, and which is being produced or prepared for market.

8       "Person." An individual who owns, leases from or is employed  
9 or is contracted by the owner of land upon which there exists an  
10 agricultural commodity. The term includes a domiciled member of  
11 the household and a family member of an owner or lessee.

12       Section 2. Section 2902 of Title 34 is amended to read:

13       § 2902. General categories of permits.

14       (a) Federal permits.--Federal permits, which may be further  
15 restricted by addendum, when countersigned by the director shall  
16 become valid in this Commonwealth.

17       (b) Permits relating to lands.--The director may issue  
18 permits relating to lands owned by the commission as provided in  
19 Chapter 7 (relating to property and buildings).

20       (c) Other permits.--The director may issue other permits,  
21 with or without charge, as required to control the taking of  
22 game or wildlife for scientific study or any other purpose  
23 consistent with this title.

24       (d) Deer control permits [in cities of the first class].--

25               (1) The director shall issue a permit to control deer  
26 within 30 days of receipt of an application by a [city of the  
27 first class] local government unit or by any department,  
28 agency, board or commission of a [city of the first class]  
29 local government unit or by a common interest community. The  
30 commission may promulgate regulations to control the

1 activities which may be performed under authority of the  
2 permit issued under this subsection.

3 (2) A permit for controlling deer issued to a [city of  
4 the first class] local government unit or to any department,  
5 agency, board or commission of a [city of the first class]  
6 local government unit or a common interest community shall  
7 not be limited by or subject to any requirement that includes  
8 public hunting or controlled hunting by licensed hunters.

9 (3) Activity to control deer or other game or wildlife  
10 conducted by a [city of the first class] local government  
11 unit or any department, agency, board or commission of a  
12 [city of the first class] local government unit or by a  
13 common interest community shall not be construed to  
14 constitute "hunting" or "take" as defined in section 102  
15 (relating to definitions).

16 (4) A [city of the first class] local government unit or  
17 any department, agency, board or commission of a [city of the  
18 first class] local government unit or a common interest  
19 community that is issued a permit to control deer may conduct  
20 deer control activity at any time or times during the term of  
21 the permit regardless of season.

22 (5) It is unlawful for any person to interfere with or  
23 disrupt any activities conducted by a [city of the first  
24 class] local government unit or any department, agency, board  
25 or commission of a [city of the first class] local government  
26 unit or by a common interest community under a permit issued  
27 under this section. A violation of this subsection is a  
28 summary offense of the second degree. This subsection shall  
29 not be construed to prohibit a [city of the first class]  
30 local government unit from enforcing local statutes or from

1 seeking damages suffered by such [city] local government unit  
2 as a result of such interference or disruption.

3 (e) Definitions.--As used in this section, the following  
4 words and phrases shall have the meanings given to them in this  
5 subsection:

6 "Common interest community." A cooperative, a condominium, a  
7 planned community or other multiunit/dwelling community where an  
8 individual by virtue of an ownership or leasehold interest in  
9 any portion of real estate is or may become obligated by  
10 covenant, easement or agreement imposed upon the individual's  
11 interest in real estate to pay any amount for real estate  
12 property taxes, insurance, maintenance, repair, improvement,  
13 management, administration or regulation of any part of the real  
14 estate other than the portion or interest owned solely by the  
15 individual.

16 "Local government unit." Any city, borough, township or town  
17 or any home rule municipality, optional plan municipality,  
18 optional charter municipality or similar general purpose unit of  
19 government which may be created or authorized by statute.

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