

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 881 Session of 2007

INTRODUCED BY HALUSKA, BELFANTI, FLECK, GEIST, GOODMAN, HENNESSEY, HERSHEY, HESS, HORNAMAN, KIRKLAND, KORTZ, KOTIK, KULA, LEVDANSKY, MAHONEY, PYLE, READSHAW, ROHRER, SOLOBAY, STABACK, SURRA, WALKO, YOUNGBLOOD, PHILLIPS, PRESTON, FABRIZIO, JAMES, GIBBONS, DeLUCA, SIPTROTH, GERGELY, DENLINGER AND CALTAGIRONE, MARCH 22, 2007

SENATOR McILHINNEY, GAME AND FISHERIES, IN SENATE, AS AMENDED, JUNE 19, 2007

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, further providing FOR KILLING GAME OR WILDLIFE TO <—
3 PROTECT PROPERTY, for PROVISIONS RELATING TO UNLAWFUL DEVICES <—
4 AND METHODS AND FOR exceptions to unlawful use of lights
5 while hunting.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. ~~Section~~ SECTIONS 2121(C), 2308(B)(1) AND 2310(b) <—
9 and (c) of Title 34 of the Pennsylvania Consolidated Statutes
10 are amended to read:

11 § 2121. KILLING GAME OR WILDLIFE TO PROTECT PROPERTY. <—

12 * * *

13 (C) DEFINITION.--AS USED IN THIS SUBCHAPTER THE WORD
14 "PERSON" SHALL BE LIMITED TO ANY PERSON CULTIVATING, AS A
15 PRIMARY MEANS OF GAINING A LIVELIHOOD, ANY LANDS FOR GENERAL OR
16 SPECIALIZED CROP PURPOSES, TRUCK FARMING OR FRUIT ORCHARD OR

1 NURSERY BEING REGULARLY MAINTAINED, AS EITHER THE OWNER, LESSEE
2 OR A MEMBER OF THE FAMILY OF THE OWNER OR LESSEE ASSISTING WITH
3 THE CULTIVATION OF THE LAND, OR A DOMICILED MEMBER OF THE
4 HOUSEHOLD OF THE OWNER OR LESSEE OR AN EMPLOYEE OF THE OWNER OR
5 LESSEE, REGULARLY AND CONTINUOUSLY ASSISTING IN THE CULTIVATION
6 OF THE LAND OR OTHER PERSON AS AUTHORIZED BY COMMISSION PERMIT.

7 § 2308. UNLAWFUL DEVICES AND METHODS.

8 * * *

9 (B) EXCEPTIONS.--THE PROVISIONS OF SUBSECTION (A) SHALL NOT
10 APPLY TO:

11 (1) (I) ANY ARCHERY SIGHT OR FIREARM'S SCOPE WHICH
12 CONTAINS AND USES ANY MECHANICAL, PHOTOELECTRIC,
13 ULTRAVIOLET OR SOLAR-POWERED DEVICE TO SOLELY ILLUMINATE
14 THE SIGHT OR CROSSHAIRS WITHIN THE SCOPE. [NO]

15 (II) EXCEPT AS OTHERWISE PROVIDED UNDER SUBPARAGRAPH
16 (III), NO ARCHERY SIGHT OR FIREARM'S SCOPE SHALL CONTAIN
17 OR USE ANY DEVICE, NO MATTER HOW POWERED, TO PROJECT OR
18 TRANSMIT ANY LIGHT BEAM, INFRARED BEAM, ULTRAVIOLET LIGHT
19 BEAM, RADIO BEAM, THERMAL BEAM, ULTRASONIC BEAM, PARTICLE
20 BEAM OR OTHER BEAM OUTSIDE THE SIGHT OR SCOPE ONTO THE
21 TARGET.

22 (III) (A) A FLASHLIGHT OR SPOTLIGHT MAY BE MOUNTED
23 ON A FIREARM TO TAKE FURBEARERS, IF THE SOLE SOURCE
24 OF POWER FOR THE FLASHLIGHT OR SPOTLIGHT IS CONTAINED
25 WITHIN THE FLASHLIGHT OR SPOTLIGHT OR ON THE PERSON.

26 (B) FOR THE PURPOSES OF THIS SUBPARAGRAPH, A
27 FLASHLIGHT OR SPOTLIGHT MOUNTED ON A FIREARM SHALL
28 NOT INCLUDE A DEVICE THAT PROJECTS A BEAM OF LASER
29 LIGHT TO INDICATE THE INTENDED POINT OF IMPACT FOR
30 ONE OR MORE PROJECTILES DISCHARGED FROM THE FIREARM.

1 * * *

2 § 2310. Unlawful use of lights while hunting.

3 * * *

4 (b) Exceptions.--The provisions of subsection (a) shall not
5 apply to:

6 (1) (I) A person on foot [may use an artificial light <—
7 normally carried on the person to take raccoons, skunks,
8 opossum or foxes.] who uses a flashlight or spotlight
9 held in the hand ~~or worn on the head~~, WORN ON THE HEAD OR <—
10 MOUNTED ON A FIREARM TO TAKE FURBEARERS, if the sole
11 source of power for the light is contained in the light <—
12 or on the person to take furbearers. THE FLASHLIGHT OR <—
13 SPOTLIGHT IS CONTAINED WITHIN THE FLASHLIGHT OR SPOTLIGHT
14 OR ON THE PERSON.

15 (II) FOR THE PURPOSES OF THIS PARAGRAPH, A
16 FLASHLIGHT OR SPOTLIGHT MOUNTED ON A FIREARM SHALL NOT
17 INCLUDE A DEVICE THAT PROJECTS A BEAM OF LASER LIGHT TO
18 INDICATE THE INTENDED POINT OF IMPACT FOR ONE OR MORE
19 PROJECTILES DISCHARGED FROM THE FIREARM.

20 (2) Any political subdivision, its employees or agents,
21 which has a valid deer control permit issued under section
22 2902(c) (relating to general categories of permits).

23 (c) Penalties.--A violation of this section is a summary
24 offense of the fifth degree. In addition thereto, if any person
25 is hunting game or wildlife or if any attempt is made to take
26 any game or wildlife [or if any firearm or implement capable of
27 killing or wounding game or wildlife is possessed], the person
28 or persons shall be sentenced to the additional penalties of:

29 (1) For each endangered or threatened species, a fine of
30 \$1,000 and forfeiture of the privilege to hunt or take game

1 or wildlife anywhere within this Commonwealth for a period of
2 ten years.

3 (2) For each elk or bear, a fine of \$800 and forfeiture
4 of the privilege to hunt or take game or wildlife anywhere
5 within this Commonwealth for a period of five years.

6 (3) For each deer, a fine of \$500 and forfeiture of the
7 privilege to hunt or take game or wildlife anywhere within
8 this Commonwealth for a period of three years.

9 (4) For each bobcat or otter, a fine of \$300 and
10 forfeiture of the privilege to hunt or take game or wildlife
11 anywhere within this Commonwealth for a period of three
12 years.

13 (5) For each turkey or beaver, a fine of \$200 and
14 forfeiture of the privilege to hunt or take game or wildlife
15 anywhere within this Commonwealth for a period of two years.

16 (6) For each other bird or animal, a fine of \$100 and
17 forfeiture of the privilege to hunt or take game or wildlife
18 anywhere within this Commonwealth for a period of one year.

19 * * *

20 Section 2. This act shall apply to offenses committed on or
21 after the effective date of this section.

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