

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 181 Session of 2009

INTRODUCED BY CUTLER, KORTZ, DALLY, BOYD, CAUSER, DENLINGER, GEIST, HESS, HICKERNELL, KRIEGER, MENSCH, MOUL, PALLONE, PHILLIPS, PICKETT, PYLE, RAPP, READSHAW, SONNEY, STERN, SWANGER, TRUE, VULAKOVICH, MARSHALL, CALTAGIRONE AND HOUGHTON, FEBRUARY 2, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 12, 2009

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, further providing for powers and duties of
3 enforcement officers and for resisting or interfering with an
4 officer.

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

7 Section 1. Section 901(a) (2), (3), (6), (7), (8) and (14) of
8 Title 34 of the Pennsylvania Consolidated Statutes are amended
9 and the section is amended by adding a subsection to read:

10 § 901. Powers and duties of enforcement officers.

11 (a) Powers.--Any officer whose duty it is to enforce this
12 title or any officer investigating any alleged violation of this
13 title shall have the power and duty to:

14 * * *

15 (2) Go upon any land or water outside of buildings,
16 except curtilage, posted or otherwise, in the performance of
17 the officer's duty.

1 (3) Serve subpoenas issued under the provisions of this
2 title or any other statute the officer is authorized to
3 enforce.

4 * * *

5 (6) Stop [and inspect or search, at any time,] ~~vehicles~~ ←
6 ~~or~~ any means of transportation within this Commonwealth under
7 reasonable suspicion or under the administrative procedures
8 for road check points. Any officer who stops any means of
9 transportation shall be in uniform and present a badge or
10 other means of official identification and state the purpose
11 of the [inspection or search] stop.

12 (7) [Inspect and examine or search, at any time or
13 place,] SEARCH any person or means of transportation or its ←
14 attachment or occupants, or any clothing worn by any person,
15 or any bag, clothing or container [when] UNDER PROBABLE ←
16 CAUSE, CONSENT, EXIGENT CIRCUMSTANCES OR OTHER ESTABLISHED
17 EXCEPTIONS TO WARRANT REQUIREMENTS, PROVIDED THAT IF ANY
18 PERSON IS PRESENT the officer presents A BADGE OR OTHER MEANS ←
19 OF official identification and states the purpose of the
20 [inspection or] search.] ~~Search any means of transportation~~ ←
21 ~~or its attachment under probable cause, consent, exigent~~
22 ~~circumstances or other exceptions to warrant requirements~~
23 ~~established by legal precedent.~~

24 (8) [Inspect and examine or search, at any time, any
25 camp, tent, cabin, trailer or any means of transportation or
26 its attachment being used when the officer presents official
27 identification to the person in charge and states the purpose
28 of the inspection or search.] Conduct administrative
29 inspections of persons, licenses and permits, firearms,
30 ammunition and other implements of taking, game bags, game,

1 meat poles, tags, clothing, waterfowl blinds, decoys, tree
2 stands, immediate hunting locations, ~~boats, ATVs or other~~ ←
3 ~~vehicles~~ OR ANY MEANS OF TRANSPORTATION OR ITS ATTACHMENTS ←
4 used as blinds OR AS HUNTING LOCATIONS, and any coolers or ←
5 containers possessed at a hunting location when prima facie
6 evidence of hunting exists. ANY OFFICER CONDUCTING AN ←
7 ADMINISTRATIVE INSPECTION SHALL, IF ANY PERSON IS PRESENT,
8 PRESENT A BADGE OR OTHER MEANS OF OFFICIAL IDENTIFICATION AND
9 STATE THE PURPOSE OF THE INSPECTION.

10 * * *

11 (14) Demand and secure identification from any person
12 who is the subject of an official investigation or
13 investigative detention, supported by reasonable suspicion of ←
14 a violation of any statutes the officer is authorized to
15 enforce, IF THE OFFICER PRESENTS A BADGE OR OTHER MEANS OF ←
16 OFFICIAL IDENTIFICATION.

17 * * *

18 (c) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection:

21 "Officer's employment." The period of time during which a
22 wildlife conservation officer is currently engaged in an
23 activity the officer is employed to perform at the time of the
24 engagement and in places the officer is authorized to perform
25 the activity.

26 Section 2. Section 904(b) (1) of Title 34 is amended to read:

27 § 904. Resisting or interfering with an officer.

28 * * *

29 (b) Failure to produce identification upon demand.--

30 (1) A person who refuses to provide identification upon

1 demand of an officer whose duty it is to enforce this title
2 after having been told by the officer that the person is the
3 subject of an official investigation or investigative
4 detention, supported by reasonable suspicion ~~of a violation~~ ←
5 of any statutes the officer is authorized to enforce, commits
6 a summary offense of the fifth degree.

7 * * *

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