

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1859 Session of  
2009

INTRODUCED BY STABACK, PEIFER, BAKER, BELFANTI, BEYER,  
CALTAGIRONE, CARROLL, CASORIO, CREIGHTON, DALLY, FAIRCHILD,  
GEIST, GERGELY, GILLESPIE, GOODMAN, HALUSKA, HORNAMAN,  
KAUFFMAN, KORTZ, KOTIK, LEVDANSKY, LONGIETTI, McCALL,  
MICOZZIE, MOUL, MURT, PYLE, ROCK, SIPTROTH, SOLOBAY, SWANGER,  
VULAKOVICH, WALKO, WANSACZ, MARSHALL AND STURLA,  
JULY 14, 2009

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 30, 2010

## AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated  
2 Statutes, in preliminary provisions, further providing for  
3 definitions; in enforcement, REPEALING THE OFFENSE OF  
4 ASSAULTING AN OFFICER, further providing ~~for the offense of~~  
5 ~~assaulting an officer~~, for jurisdiction and penalties, for  
6 revocation, suspension or denial of license, permit or  
7 registration and for determination of second or subsequent  
8 convictions; in game or wildlife protection, further  
9 providing for endangered or threatened species; in hunting  
10 and furtaking, further providing for killing game or wildlife  
11 by mistake, for unlawful taking or possession of game or  
12 wildlife, for unlawful use of lights while hunting, for  
13 buying and selling game, for trespass on private property  
14 while hunting, for unlawful killing or taking of big game and  
15 for additional penalty for poaching; and, in hunting and  
16 furtaking licenses, further providing for unlawful acts  
17 concerning licenses.

18 The General Assembly of the Commonwealth of Pennsylvania  
19 hereby enacts as follows:

20 Section 1. The definitions of "closed season," "open season"  
21 and "violation" in section 102 of Title 34 of the Pennsylvania  
22 Consolidated Statutes are amended to read:

1 § 102. Definitions.

2 Subject to additional definitions contained in subsequent  
3 provisions of this title which are applicable to specific  
4 provisions of this title, the following words and phrases when  
5 used in this title shall have the meanings given to them in this  
6 section unless the context clearly indicates otherwise:

7 \* \* \*

8 "Closed season." The periods of the calendar year and the  
9 [shooting] hours during which it is unlawful to take game or  
10 wildlife.


11 \* \* \*

12 "Open season." The indicated periods of the calendar year  
13 and the daily [shooting] hours during which game or wildlife may  
14 be legally hunted, taken or killed and includes both the first  
15 and the last day of the season or period of time designated by  
16 this title or by regulation of the commission.

17 \* \* \*


18 "Violation." [A] Any act in violation of a provision of this  
19 title [and a violation of a] or any regulation promulgated by  
20 the commission which implements or otherwise pertains to any  
21 provision of this title.

22 \* \* \*

23 SECTION 2. SECTION 905 OF TITLE 34 IS REPEALED: 

24 [§ 905. ASSAULTING AN OFFICER.

25 A PERSON WHO ATTEMPTS TO CAUSE OR CAUSES BODILY INJURY TO AN  
26 OFFICER MAKING AN ARREST OR INVESTIGATION FOR A VIOLATION OF  
27 THIS TITLE OR PERFORMING ANY DUTIES REQUIRED BY THIS TITLE  
28 COMMITS A MISDEMEANOR OF THE SECOND DEGREE.]

29 Section ~~2~~ 3. Sections ~~905~~, 925, 929(a) and (b), 932, 2167,   
30 2306, 2307(b) and (e), 2310(a)(2) and (c), 2312(a) and (d), 2314

1 and 2321 of Title 34 are amended to read:

2 ~~§ 905. Assaulting an officer.~~ ←

3 ~~[A] Any person who intentionally, knowingly or recklessly~~  
4 ~~attempts to cause or causes serious bodily injury to an officer~~  
5 ~~making an arrest or investigation for a violation of this title~~  
6 ~~or performing any duties required by this title commits a~~  
7 ~~[misdemeanor] felony of the second degree.~~

8 § 925. Jurisdiction and penalties.

9 (a) Jurisdiction.--Notwithstanding the provisions of Title  
10 42 (relating to judiciary and judicial procedure), all  
11 magisterial district judges shall have jurisdiction for all  
12 violations of this title which are classified as summary  
13 offenses and may accept guilty pleas and impose sentences for  
14 violations of this title classified as misdemeanors.

15 (b) Fines and penalties for violations.--In addition to any  
16 other requirements of this title, the following fines and  
17 penalties shall be imposed for violations of this title:

18 ~~(1) Felony of the second degree, not more than \$25,000~~ ←  
19 ~~and may be sentenced to imprisonment up to 60 months.~~

20 ~~(2) (1) Felony of the third degree, not more than~~ ←  
21 ~~\$15,000 and may be sentenced to imprisonment up to 36 months.~~

22 [(1)] ~~(3)~~ (2) Misdemeanor of the first degree, not [less ←  
23 than \$2,000 nor] more than \$10,000 and may be sentenced to  
24 imprisonment up to [six] 18 months.

25 [(2)] ~~(4)~~ (3) Misdemeanor of the second degree, not ←  
26 [less than \$1,000 nor] more than \$5,000 and may be sentenced  
27 to imprisonment up to [six] 12 months.

28 [(3)] ~~(5)~~ (4) Misdemeanor [of the third degree,] not ←  
29 [less than \$500 nor] more than [\$2,500] \$3,000 and may be  
30 sentenced to imprisonment up to six months.

1           [(4)] ~~(6)~~ (5) Summary offense of the first degree, not      ←  
2       less than [\$500] \$1,000 nor more than \$1,500 and may be  
3       sentenced to imprisonment up to three months.

4           [(5)] ~~(7)~~ (6) Summary offense of the second degree, not      ←  
5       less than [\$300] \$400 nor more than \$800 and may be sentenced  
6       to imprisonment up to one month.

7           [(6)] ~~(8)~~ (7) Summary offense of the third degree, not      ←  
8       less than [\$200] \$250 nor more than \$500.

9           [(7)] ~~(9)~~ (8) Summary offense of the fourth degree, not      ←  
10       less than [\$100] \$150 nor more than \$300.

11          [(8)] ~~(10)~~ (9) Summary offense of the fifth degree, not      ←  
12       less than [\$75] \$100 nor more than \$200.

13          [(9)] ~~(11)~~ (10) Summary offense of the sixth degree,      ←  
14       [not less than \$50 nor more than \$100] \$75.

15          [(10)] ~~(12)~~ (11) Summary offense of the seventh degree,      ←  
16       [not less than \$25 nor more than \$75] \$50.

17          [(11)] ~~(13)~~ (12) Summary offense of the eighth degree,      ←  
18       \$25.

19       (b.1) Costs of prosecution for violations.--In addition to  
20       the imposition of any fines and penalties, costs of prosecution  
21       shall [also] be assessed pursuant to 42 Pa.C.S. §§ 1725.1  
22       (relating to costs) [and], 3571 (relating to Commonwealth  
23       portion of fines, etc.) and section 1403 of the act of August 9,  
24       1955 (P.L.323, No.130), known as The County Code, and as  
25       otherwise deemed appropriate by the court.

26       (c) Penalty for undesignated violations.--A person who  
27       violates any provision of this title for which a particular  
28       penalty is not [applicable] designated commits:

29           (1) A misdemeanor of the [third] second degree if the  
30       violation involves an endangered or threatened species and no

1 more severe penalty is fixed.

2 (2) A summary offense of the fifth degree for any other  
3 violation.

4 (d) [Second and subsequent offenses.--Where game or wildlife  
5 is taken, killed, wounded, possessed, transported, purchased,  
6 concealed or sold and the offense is a second or subsequent  
7 offense in a two-year period, one and one-half times the amount  
8 of fine shall be imposed.]Enhanced penalties for certain  
9 violations.--If applicable, one or more of the following may  
10 apply to certain offenses:

11 (1) An additional fine of one and one-half times the  
12 amount of the applicable fine may be imposed when the offense  
13 is a second or subsequent offense within a seven-year period  
14 or during the same criminal episode and no penalties for  
15 second or subsequent offenses are prescribed for the  
16 violation under this title.

17 (2) An additional fine of \$500 may be imposed when the  
18 offense involves the unlawful taking of big game or  
19 threatened or endangered species and a witness report was  
20 instrumental in securing a successful conviction. Any  
21 additional fines imposed under this paragraph shall be  
22 directed to the commission to compensate any witness whose  
23 report directly results in a successful conviction. If  
24 applicable, each witness, up to a maximum of two, shall be  
25 compensated \$250 for each additional \$500 imposed.

26 (e) Installment payment of fines.--Upon a plea and proof  
27 that person is unable to pay any fine and costs imposed under  
28 this title, a court may, in accordance with 42 Pa.C.S. § 9758  
29 (relating to fine), permit installment payments it considers  
30 appropriate to the circumstances of the [defendant] person, in

1 which case its order shall specify when each installment payment  
2 is due.

3 (f) Nonpayment of fines and costs.--Unless otherwise  
4 provided in this title, each person who fails to pay [the fine]  
5 any fines and costs imposed may, after a hearing before a  
6 magisterial district judge, be imprisoned until the [fine is]  
7 fines and costs are paid in full. The court may imprison the  
8 person for a number of days equal to one day for each \$40 of the  
9 unpaid balance of the [fine] fines and costs not to exceed [120  
10 days] six months.

11 (g) [Community public service] Adjudication alternative  
12 program inapplicable.--The provisions of 42 Pa.C.S. § 1520  
13 (relating to [community public service] adjudication alternative  
14 program) shall not be applied as an adjudication alternative for  
15 any violation or offense under this title.

16 (h) Separate offenses.--Where game or wildlife is unlawfully  
17 taken, killed, wounded, possessed, transported, purchased,  
18 concealed or sold, each bird or animal or part thereof involved  
19 in the violation constitutes a separate offense.

20 (i) Replacement costs.--In addition to the fines and costs  
21 imposed for violations pursuant to subsection (b), the costs  
22 incurred by the commission for the replacement of the species  
23 involved in the violation shall be assessed by the magisterial  
24 district judge in such amount as is fixed by regulation of the  
25 commission. Replacement costs shall only be assessed for  
26 violations relating to threatened or endangered species of North  
27 American game or wildlife and such other species of Pennsylvania  
28 game or wildlife as designated by the commission.

29 (j) Title 18 inapplicable.--Title 18 (relating to crimes and  
30 offenses) is inapplicable to this title insofar as it relates

1 to:

2 (1) intent, willfulness of conduct or fines and  
3 imprisonment for convictions of summary offenses and  
4 misdemeanors; or

5 (2) criminal records under 18 Pa.C.S. Ch. 91 (relating  
6 to criminal history record information) for misdemeanors  
7 under section 2522(b) (1) (relating to shooting at or causing  
8 injury to human beings).

9 (K) IMPACT ON OTHER LAWS.--A FELONY UNDER THIS TITLE SHALL  
10 NOT BE DEEMED TO CONSTITUTE A FELONY FOR THE PURPOSE OF ANY  
11 OTHER LAW RELATING TO DISQUALIFICATION FROM EMPLOYMENT, LOSS OF  
12 SUFFRAGE OR FOR ANY OTHER PURPOSE. ←

13 § 929. Revocation, suspension or denial of license, permit or  
14 registration.

15 (a) General rule.--Except as otherwise provided in this  
16 title, any hunting or furtaking license, special license or  
17 permit or registration granted under the authority of this title  
18 may be denied, revoked or suspended by the commission when the  
19 holder of the license, permit or registration is convicted of an  
20 offense under this title or has acted contrary to the intent of  
21 the registration or permit, with each offense constituting a  
22 separate violation subject to separate revocation. The  
23 commission may refuse to grant to that person any permit or  
24 registration and may deny any privilege granted by these  
25 documents for a period not exceeding five years unless otherwise  
26 provided in this title.

27 \* \* \*

28 (b) Regulations.--The commission may promulgate regulations  
29 specifying the procedures to be followed in denying, revoking or  
30 suspending any hunting and furtaking privileges, licenses,

1 permits and registrations granted under the provisions of this  
2 title.

3 § 932. Determination of second or subsequent [convictions]  
4 offenses.

5 Any person convicted or pleading guilty or signing an  
6 acknowledgment of guilt under any provisions of this title who,  
7 within the past [two] seven years, was convicted or pleaded  
8 guilty or signed an acknowledgment of guilt for violating any of  
9 the provisions of this title or the former laws relating to game  
10 or wildlife then in force shall be sentenced under this title as  
11 a second or subsequent offender. Any acceptance of Accelerated  
12 Rehabilitative Disposition within the past seven years of the  
13 present violation shall be considered for the purposes of  
14 determining a second or subsequent offense.

15 § 2167. Endangered or threatened species.

16 (a) Changes to list.--The commission may, by regulation, add  
17 or remove any wild bird or wild animal native to this  
18 Commonwealth to or from the Pennsylvania native list of  
19 endangered or threatened species.

20 (b) Possession, transportation, capturing or killing.--  
21 Except as otherwise provided in this title, it is unlawful for  
22 any person, acting either for himself or as the representative  
23 of another, to bring into or remove from this Commonwealth, or  
24 to possess, transport, capture or kill, or attempt, aid, abet or  
25 conspire to capture or kill, any wild bird or wild animal, or  
26 any part thereof, or the eggs of any wild bird, which are  
27 endangered or threatened species. It is the duty of every  
28 officer having authority to enforce this title to seize all wild  
29 birds or wild animals, or any part thereof, or the eggs of any  
30 wild bird, which have been declared endangered or threatened. [A



1 violation of this subsection is a misdemeanor of the third  
2 degree. All wild birds or wild animals, or any part thereof, or  
3 the eggs seized which are found to be in violation of this  
4 subsection are contraband.]

5 (c) Purchase, sale, barter or exchange.--Except as otherwise  
6 provided in this title, it is unlawful for any person, acting  
7 either for himself or as a representative of another, at any  
8 time to buy, sell, barter or exchange, or to offer for sale or  
9 barter, or to have in possession for sale or barter, or to aid,  
10 abet or conspire in the possession, sale, barter or exchange, or  
11 to give away any endangered or threatened species or subspecies  
12 of wild birds or wild animals, or parts thereof. It is the duty  
13 of every officer having authority to enforce this title to seize  
14 all endangered or threatened wild birds or wild animals, or any  
15 part thereof. [A violation of this subsection is a misdemeanor  
16 of the second degree. All wild birds or wild animals, or any  
17 part thereof, found to be in violation of this subsection are  
18 contraband.] This subsection shall not be construed to permit  
19 any individual or agency other than the commission to sell the  
20 skins or parts of game or wildlife or the plumage or parts of  
21 birds killed as a protection to crops or accidentally killed  
22 upon the highways or seized as contraband.

23 (d) Penalties.--A violation of this section shall be graded  
24 as follows:

25 (1) A first violation is a misdemeanor of the second  
26 degree and may result in forfeiture of the privilege to hunt  
27 or take wildlife anywhere within this Commonwealth for a  
28 period of seven years.

29 (2) A second violation within a seven-year period or  
30 during the same criminal episode as the first violation is a

misdemeanor of the first degree and may result in the  
forfeiture of the privilege to hunt or take wildlife anywhere  
within this Commonwealth for a period of ten years.

(3) A third or subsequent violation within a seven-year  
period or during the same criminal episode as the first or  
second violation is a felony of the third degree and may  
result in the forfeiture of the privilege to hunt or take  
wildlife anywhere within this Commonwealth for a period of 15  
years.

§ 2306. Killing game or wildlife by mistake.

(a) General rule.--Any person who, while hunting or trapping for game or wildlife which may be lawfully taken, by accident or mistake kills or attempts to kill any game or wildlife other than bears, elk or threatened or endangered species, contrary to the provisions of this title, shall pay restitution pursuant to subsection (b) to an officer of the commission. [The person shall immediately remove all the entrails of any edible game or wildlife, deliver the entire carcass, less entrails, to any commission officer in the county in which killed for disposition and make a written sworn statement explaining when, where and how the accident or mistake occurred.]

(b) Restitution.--Restitution for killing or an attempted killing by accident or mistake shall be as follows:

(1) Each deer - \$25.

(2) Each turkey - \$20.

(3) Each other wild bird or wild animal, other than a bear, elk or an endangered or threatened species - \$15.

(c) [Additional action.--If the officer receiving the payment and written statement after further review and investigation is not satisfied the killing or attempted killing

1 was an accident or a mistake but was caused by negligence or  
2 carelessness or if the person fails to pay the prescribed  
3 restitution within ten days, the officer shall cause the person  
4 to be prosecuted for the unlawful killing or attempted killing  
5 of game or wildlife, and, if convicted, any amount paid shall be  
6 applied to the payment of the penalty and costs.] Procedural  
7 requirements.--Any person claiming a mistake kill or attempted  
8 kill of game or wildlife pursuant to this section shall:

9       (1) Immediately remove all of the entrails of any edible  
10 game or wildlife and, if big game, tag the animal in the  
11 manner prescribed under section 2323 (relating to tagging and  
12 reporting big game kills).

13       (2) Within 24 hours after the killing or attempted  
14 killing, report the same to the appropriate commission  
15 regional office by telephone or electronic communication.

16       (3) Within 24 hours after the killing or attempted  
17 killing, deliver the entire carcass, less entrails, to any  
18 commission officer in the county in which killed for  
19 disposition and provide a written, sworn statement to the  
20 commission officer explaining when, where and how the  
21 accident or mistake occurred.

22       (4) Within ten days after the killing or attempted  
23 killing, provide the commission officer full payment of  
24 restitution.

25 § 2307. Unlawful taking or possession of game or wildlife.

26 \* \* \*

27       (b) [(Reserved)] Hunting before and after lawful hunting  
28 hours.--It is unlawful for any person to take, injure, kill,  
29 possess or transport or knowingly aid, abet, assist, attempt or  
30 conspire in any manner to take, injure, kill, possess or

1 transport any game or wildlife or any part thereof which was  
2 taken within 30 minutes prior to the commencement of lawful  
3 hunting hours or within 30 minutes after the cessation of lawful  
4 hunting hours.

5 \* \* \*

6 (e) Penalties.--A violation of this section relating to:

7 (1) Threatened or endangered species is a misdemeanor of  
8 the second degree.

9 (2) Elk or bear is a summary offense of the first  
10 degree.

11 (3) Deer is a summary offense of the second degree.

12 [(3.1) Deer killed as a result of negligence or  
13 carelessness as provided for in section 2306(c) (relating to  
14 killing game or wildlife by mistake) is a summary offense  
15 punishable by a fine of not less than \$100 nor more than  
16 \$500.]

17 (4) Bobcat or otter is a summary offense of the third  
18 degree.

19 (5) Wild turkey or beaver is a summary offense of the  
20 fourth degree.

21 (6) Any other game or wildlife is a summary offense of  
22 the fifth degree.

23 \* \* \*

24 § 2310. Unlawful use of lights while hunting.

25 (a) General rule.--Except as set forth in subsection (b), it  
26 is unlawful for any person or group of persons to engage in any  
27 of the following activities to any degree:

28 \* \* \*

29 (2) [Aid] Intentionally, knowingly or recklessly OR  
30 KNOWINGLY act, aid, assist or conspire either in the killing



1 or taking or in an attempt to kill, take, possess, transport  
2 or conceal any game or wildlife or a part thereof which has  
3 been killed or taken by use of any artificial light.

4 \* \* \*

5 (c) Penalties.--[A violation of this section is a summary  
6 offense of the fifth degree. In addition thereto, if any person  
7 is hunting game or wildlife or if any attempt is made to take  
8 any game or wildlife, the person or persons shall be sentenced  
9 to the additional penalties of:

10 (1) For each endangered or threatened species, a fine of  
11 \$1,000 and forfeiture of the privilege to hunt or take game  
12 or wildlife anywhere within this Commonwealth for a period of  
13 ten years.

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

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

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

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

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

30 (1) A violation of subsection (a)(1) is a summary

1 offense of the fifth degree.

2 (2) A violation of subsection(a) (2) or (3) relating to:

3 (i) Threatened or endangered species shall be graded  
4 as follows:

5 (A) A first offense is a misdemeanor of the  
6 second degree and may result in forfeiture of the  
7 privilege to hunt or take game or wildlife anywhere  
8 in this Commonwealth for a period of seven years.

9 (B) A second offense within a seven-year period  
10 or during the same criminal episode as the first  
11 offense is a misdemeanor of the first degree and may  
12 result in forfeiture of the privilege to hunt or take  
13 game or wildlife anywhere within this Commonwealth  
14 for a period of ten years.

15 (C) A third OR subsequent violation within a  
16 seven-year period or during the same criminal episode  
17 of a first or second offense is a felony of the third  
18 degree and may result in forfeiture of the privilege  
19 to hunt or take wildlife within this Commonwealth FOR  
20 A PERIOD OF 15 YEARS.

←

←

21 (ii) Big game animals shall be graded as follows:

22 (A) A first offense or a second offense during  
23 the same criminal episode is a misdemeanor and may  
24 result in forfeiture of the privilege to hunt or take  
25 game or wildlife anywhere within this Commonwealth  
26 for a period of five years.

27 (B) A second offense within a seven-year period  
28 or a third or fourth offense during the same criminal  
29 episode is a misdemeanor of the first degree and may  
30 result in the forfeiture of the privilege to hunt or

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

3           (C) A fifth or subsequent offense during the  
4           same criminal episode or a third offense within a  
5           seven-year period is a felony of the third degree and  
6           may result in forfeiture of the privilege to hunt or  
7           take game or wildlife anywhere within this  
8           Commonwealth for a period of 15 years.

9           (iii) A violation of subsection (a)(2) where the  
10          species is a single white-tailed deer or a single wild  
11          turkey is a summary offense of the first degree and may  
12          result in forfeiture of the privilege to hunt or take  
13          wildlife anywhere within this Commonwealth for a period  
14          of three years. A second violation of subsection (a)(2)  
15          where the species is a single white-tailed deer or a  
16          single wild turkey within a seven-year period is a  
17          misdemeanor and may result in forfeiture of the privilege  
18          to hunt or take wildlife anywhere within this  
19          Commonwealth for a period of five years. A third offense  
20          within a seven-year period where the species is a single  
21          white-tailed deer or a single wild turkey is a  
22          misdemeanor of the first degree and may result in the  
23          forfeiture of the privilege to hunt or take wildlife  
24          anywhere within this Commonwealth for a period of ten  
25          years.

26          (iv) Any other game or wildlife is a summary offense  
27          of the first degree and may result in the forfeiture of  
28          the privilege to hunt or take game or wildlife anywhere  
29          within this Commonwealth for a period of three years.

30          \* \* \*

1 § 2312. Buying and selling game.

2 (a) General rule.--Unless otherwise provided, it is unlawful  
3 for any person to buy, sell or barter, or aid, abet, assist or  
4 conspire to buy, sell or barter, or offer for sale or barter, or  
5 have in possession or transport for sale or barter, any game or  
6 the edible parts of game or any protected bird or animal or  
7 parts of any protected bird or animal.

8 \* \* \*

9 (d) Penalty.--A violation of this section relating to:

10 [(1) Elk or bear is a summary offense of the first  
11 degree and results in forfeiture of the privilege to hunt or  
12 take wildlife anywhere within this Commonwealth for a period  
13 of five years.

14 (2) Deer is a summary offense of the second degree and  
15 results in forfeiture of the privilege to hunt or take game  
16 or wildlife anywhere within this Commonwealth for a period of  
17 three years.

18 (3) Bobcat or otter is a summary offense of the third  
19 degree and results in forfeiture of the privilege to hunt or  
20 take game or wildlife anywhere within this Commonwealth for a  
21 period of three years.

22 (4) Wild turkey or beaver is a summary offense of the  
23 fourth degree and results in forfeiture of the privilege to  
24 hunt or take game or wildlife anywhere within this  
25 Commonwealth for a period of two years.

26 (5) Each other wild bird or wild animal is a summary  
27 offense of the fifth degree and results in forfeiture of the  
28 privilege to hunt or take game or wildlife anywhere within  
29 this Commonwealth for a period of one year.]

30 (1) Threatened or endangered species shall be graded as



1 follows:

2 (i) A first offense is a misdemeanor of the second  
3 degree and may result in forfeiture of the privilege to  
4 hunt or take game or wildlife anywhere within this  
5 Commonwealth for a period of seven years.

6 (ii) A second offense within a seven-year period or  
7 during the same criminal episode is a misdemeanor of the  
8 first degree and may result in forfeiture of the  
9 privilege to hunt or take game or wildlife anywhere  
10 within this Commonwealth for a period of ~~15~~ TEN years. ←

11 (iii) A third or subsequent violation of this  
12 section within a seven-year period or during the same  
13 criminal episode is a felony of the third degree and may  
14 result in forfeiture of the privilege to hunt or take  
15 wildlife anywhere within this Commonwealth for a period  
16 of 15 years.

17 (2) Big game animals shall be graded as follows:

18 (i) A first offense or a second offense during the  
19 same criminal episode is a misdemeanor and may result in  
20 forfeiture of the privilege to hunt or take game or  
21 wildlife anywhere within this Commonwealth for a period  
22 of five years.

23 (ii) A second offense within a seven-year period or  
24 a third or fourth offense during the same criminal  
25 episode is a misdemeanor of the first degree and may  
26 result in the forfeiture of the privilege to hunt or take  
27 game or wildlife anywhere within this Commonwealth for a  
28 period of ten years.

29 (iii) A fifth or subsequent offense during the same  
30 criminal episode or third offense within a seven-year

1 period is a felony of the third degree and may result in  
2 forfeiture of the privilege to hunt or take game or  
3 wildlife anywhere within this Commonwealth for a period  
4 of 15 years.

5 (3) The selling and buying of venison up to 20 pounds  
6 and the buying and selling of other game or wildlife is a  
7 summary offense of the first degree and may result in the  
8 forfeiture of the privilege to hunt or take game or wildlife  
9 anywhere within this Commonwealth for a period of three  
10 years.

11 § 2314. Trespass on private property while hunting.

12 (a) General rule.--Any person who while violating any  
13 provision of this title or any regulations promulgated under  
14 this title and who in addition is found to be trespassing as  
15 defined in 18 Pa.C.S. § 3503 (relating to criminal trespass)  
16 shall be in violation of this section.

17 (b) Penalty.--A violation of this section:

18 (1) [For a first offense is a summary offense.] A  
19 violation of this section is a summary offense of the fifth  
20 degree.

21 (2) [For a second or subsequent offense within one year  
22 of the prior offense is a summary offense and upon conviction  
23 will result in an immediate revocation of the person's  
24 hunting and furtaking license and disqualification of the  
25 person from issuance of a future license for a period of one  
26 year from the date of revocation.] A second or subsequent  
27 violation of this section within a seven-year period is a  
28 summary offense of the fifth degree and may result in  
29 forfeiture of the privilege to hunt or take game or wildlife  
30 anywhere within this Commonwealth for a period of one year.

1 § 2321. Unlawful killing or taking of big game.

2 (a) General rule.--Except as provided in this title or by  
3 regulation of the commission, it is unlawful for any person to:

4 (1) [Kill or take or attempt or conspire to kill or take  
5 in any manner more than the lawful number of big game animals  
6 which may be taken in any license year] Take, injure, kill,  
7 possess or transport or knowingly, ~~intentionally or~~ ←  
8 ~~recklessly~~ OR INTENTIONALLY aid, abet, assist, attempt or ←  
9 conspire in any manner to take, injure, kill, possess or  
10 transport any big game animal during closed season.

11 (2) [Possess or transport in any manner any big game  
12 which was unlawfully killed or taken] Take, injure, kill,  
13 possess or transport or knowingly, ~~intentionally or~~ ←  
14 ~~recklessly~~ OR INTENTIONALLY aid, abet, assist, attempt or ←  
15 conspire in any manner to take, injure, kill, possess or  
16 transport any big game animal beyond established daily or  
17 season limits.

18 [(3) Assist, aid or abet or conspire to assist, aid or  
19 abet in any manner any other person in the violation of  
20 paragraph (1) or (2).]

21 (b) Exception.--This section shall not be construed to  
22 prohibit the transportation or possession of one or more big  
23 game animals which are lawfully killed and properly tagged.

24 (c) Evidence of unlawful killing.--Unless the head is  
25 attached in a natural manner and properly tagged as provided in  
26 section 2323 (relating to tagging and reporting big game kills),  
27 the possession, transportation or control of any big game or a  
28 part or parts of such big game shall be prima facie evidence  
29 that the big game was unlawfully killed within this  
30 Commonwealth. Under such circumstances, the person possessing,

1 transporting or controlling the big game shall immediately, upon  
2 demand of an officer of the commission, produce the head of the  
3 big game or the name and address of the person killing the big  
4 game or other satisfactory evidence that the carcass in  
5 possession or under the person's control is part of a lawfully  
6 taken big game.

7 (d) Penalty.--

8 [(1) A violation of this section relating to bear or elk  
9 is a summary offense of the first degree.

10 (2) A violation of this section relating to deer is a  
11 summary offense of the second degree.

12 (3) A violation of this section relating to wild turkey  
13 is a summary offense of the fourth degree.

14 (4) Each bird or animal or part thereof involved in a  
15 violation constitutes a separate offense.]

16 (1) (i) Except as otherwise provided in paragraph (2),  
17 a violation of this section or a second violation of this  
18 section during the same criminal episode is a misdemeanor  
19 and may result in forfeiture of the privilege to hunt or  
20 take wildlife anywhere within this Commonwealth for a  
21 period of five years.

22 (ii) A third or fourth violation of this section  
23 during the same criminal episode or a second violation of  
24 this section within a seven-year period is a misdemeanor  
25 of the first degree and may result in forfeiture of the  
26 privilege to hunt or take wildlife anywhere within this  
27 Commonwealth for a period of ten years.

28 (iii) A fifth or subsequent violation of this  
29 section during the same criminal episode or third offense  
30 within a seven-year period is a felony of the third

1 degree and may result in forfeiture of the privilege to  
2 hunt or take wildlife anywhere within this Commonwealth  
3 for a period of 15 years.

4 (2) (i) A violation of subsection (a)(1) or (2) where  
5 the species is a single white-tailed deer or a single  
6 wild turkey is a summary offense of the first degree and  
7 may result in forfeiture of the privilege to hunt or take  
8 wildlife anywhere within this Commonwealth for a period  
9 of three years. A second violation of subsection (a)(1)  
10 or (2) where the species is a single white-tailed deer or  
11 a single wild turkey within a seven-year period is a  
12 misdemeanor and may result in forfeiture of the privilege  
13 to hunt or take wildlife anywhere within this  
14 Commonwealth for a period of five years. A third offense  
15 within a seven-year period where the species is a single  
16 white-tailed deer or a single wild turkey is a  
17 misdemeanor of the first degree and may result in the  
18 forfeiture of the privilege to hunt or take wildlife  
19 anywhere within this Commonwealth for a period of ten  
20 years.

21 (ii) (A) A second violation of subsection (a)(1) or  
22 (2) during the same criminal episode where the  
23 species taken, injured, killed, possessed or  
24 transported is white-tailed deer or wild turkey is a  
25 misdemeanor and may result in forfeiture of the  
26 privilege to hunt or take wildlife anywhere within  
27 this Commonwealth for a period of five years.

28 (B) A third or fourth violation of subsection  
29 (a)(1) or (2) during the same criminal episode where  
30 the species is white-tailed deer or wild turkey is a

1 misdemeanor of the first degree and may result in  
2 forfeiture of the privilege to hunt or take wildlife  
3 anywhere within this Commonwealth for a period of ten  
4 years.

5 (C) A fifth or subsequent violation of  
6 subsection (a)(1) or (2) during the same criminal  
7 episode where the species is white-tailed deer or  
8 wild turkey is a felony of the third degree and may  
9 result in forfeiture of the privilege to hunt or take  
10 wildlife anywhere within this Commonwealth for a  
11 period of 15 years.

12 Section 3 4. Section 2329 of Title 34 is repealed:



13 [§ 2329. Additional penalty for poaching.

14 (a) Additional penalty.--A person who violates this chapter  
15 by illegally poaching any big game or threatened or endangered  
16 species shall, in addition to any other penalty imposed, be  
17 sentenced to pay a fine of \$200 for each big game animal or each  
18 threatened or endangered species illegally poached. Any fines  
19 collected under this subsection shall be paid over to the  
20 commission for use in maintaining the toll-free telephone number  
21 under subsection (b) and to compensate callers whose reports led  
22 to payment of a fine under this subsection. Each caller shall be  
23 compensated \$100 for each \$200 collected as a result of the  
24 caller's report.

25 (b) Report of violations.--The commission shall establish  
26 and maintain a toll-free telephone number to report poaching of  
27 big game or threatened or endangered species. Reports of  
28 poaching of big game or threatened or endangered species are  
29 confidential. No persons other than employees of the commission  
30 in the course of official duties in connection with poaching

1 reports shall have access to identifying information relating to  
2 the caller.]

3 Section ~~4~~ 5. Section 2711(a)(4) and (b) of Title 34 are  
4 amended to read:

5 § 2711. Unlawful acts concerning licenses.

6 (a) General rule.--Except as otherwise provided in this  
7 title, it is unlawful for any person to:

8 \* \* \*

9 (4) Issue, acquire or aid, assist or conspire, either  
10 for that person or any other person, in procuring any hunting  
11 or furtaking license for which that person is not legally  
12 entitled thereto.

13 \* \* \*

14 (b) Penalties.--A violation of this subchapter relating to:

15 [(1) Hunting by a nonresident without a valid license or  
16 licenses required by this title is a summary offense of the  
17 fourth degree.

18 (2) Furtaking by a nonresident without a valid furtaking  
19 license or licenses required by this title is a summary  
20 offense of the second degree.

21 (3) Hunting or furtaking by a resident without a valid  
22 license or licenses required by this title is a summary  
23 offense of the fifth degree.

24 (4) Subsection (a)(1) insofar as it relates to signing  
25 or displaying a license is a summary offense of the eighth  
26 degree.

27 (5) Subsection (a)(2), (3), (4), (5) or (9) is a summary  
28 offense of the fifth degree.

29 (6) Subsection (a)(6), (7) or (8) is a summary offense  
30 of the seventh degree.

1           (7) Subsection (a)(11) is a summary offense of the third  
2 degree. In addition to the imposition of any penalty, a  
3 convicted violator [shall] may incur a five-year [mandatory]  
4 revocation of the privilege to hunt or trap anywhere in this  
5 Commonwealth.

6           (8) Any of the other provisions of this subchapter or  
7 the regulations promulgated thereunder is a summary offense  
8 of the fifth degree.]

9           (1) Subsection (a)(1) insofar as it relates to hunting  
10 or furtaking without a valid license or licenses required is  
11 a summary offense of the third degree.

12           (2) Subsection (a)(1) insofar as it relates to signing  
13 or displaying a license is a summary offense of the eighth  
14 degree.

15           (3) Subsection (a)(2), (3), (4), (5), (9) or (12) is a  
16 summary offense of the fifth degree.

17           (4) Subsection (a)(6), (7) or (8) is a summary offense  
18 of the seventh degree.

19           (5) Subsection (a)(10) or (11) is a summary offense of  
20 the first degree and may result in forfeiture of the  
21 privilege to hunt or take game or wildlife anywhere within  
22 this Commonwealth for a period of five years.

23           (6) Any of the other provisions of this subchapter or  
24 the regulations promulgated thereunder is a summary offense  
25 of the fifth degree.

26           \* \* \*

27           Section ~~5~~ 6. The Pennsylvania Game Commission shall provide     ←  
28 public notice of the provisions within this measure. This notice  
29 shall be included within the NEXT EDITION OF THE Pennsylvania     ←  
30 Hunting and Trapping Digest ~~for 2010-2011~~, and summaries of the     ←



1 amendments shall be made available at each issuing agent.

2 Section ~~6~~ 7. This act shall take effect in 60 days.

