
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1200 Session of
2010

INTRODUCED BY ALLOWAY, KASUNIC, WOZNIAK, MUSTO, VOGEL,
TARTAGLIONE, PILEGGI AND O'PAKE, JANUARY 21, 2010

REFERRED TO GAME AND FISHERIES, JANUARY 21, 2010

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the
2 Interstate Wildlife Violator Compact; providing for the form
3 of the compact; imposing additional powers and duties on the
4 Governor and the Compact Administrator; and limiting the
5 applicability of suspension powers.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Interstate
10 Wildlife Violator Compact Act.

11 Section 2. Authority to execute compact.

12 The Governor of Pennsylvania, on behalf of this State, is
13 hereby authorized to execute a compact in substantially the
14 following form with any one or more of the states of the United
15 States and the General Assembly hereby signifies in advance its
16 approval and ratification of such compact:

17 Article I

18 Findings and Declaration of Policy and Purpose

19 (a) The participating states find that:

1 (1) Wildlife resources are managed in trust by the
2 respective states for the benefit of all residents and visitors.

3 (2) The protection of the wildlife resources of a state is
4 materially affected by the degree of compliance with state
5 statutes, rules, regulations and ordinances relating to the
6 management of such resources.

7 (3) The preservation, protection, management and restoration
8 of wildlife resources contributes immeasurably to the aesthetic,
9 recreational and economic values of a state.

10 (4) Wildlife resources are valuable without regard to
11 political boundaries; therefore, every person should be required
12 to comply with wildlife preservation, protection, management and
13 restoration statutes, rules, regulations and ordinances of the
14 participating states as a condition precedent to the continuance
15 or issuance of any license to hunt, trap, fish or otherwise
16 possess wildlife.

17 (5) The violation of wildlife laws interferes with the
18 management of wildlife resources and may endanger the safety of
19 people and property.

20 (6) The mobility of many wildlife law violators necessitates
21 the maintenance of channels of communication among the
22 participating states.

23 (7) In most instances, a person who is cited for a wildlife
24 violation in a state other than his home state is required to
25 post collateral or a bond to secure appearance for trial at a
26 later date, is taken into custody until the collateral or bond
27 is posted or is taken directly to court for an immediate
28 appearance.

29 (8) The purpose of the aforementioned enforcement practices
30 is to ensure compliance with the terms of the wildlife citation

1 by the cited person who, if permitted to continue on his way
2 after receiving the citation, could return to his home state and
3 disregard his duty under the terms of the citation.

4 (9) In most instances, a person receiving a wildlife
5 citation in his home state is permitted to accept the citation
6 from the officer at the scene of the violation and immediately
7 continue on his way after agreeing or being instructed to comply
8 with the terms of the citation.

9 (10) The aforementioned enforcement practices cause
10 unnecessary inconvenience and, at times, a hardship for the
11 person who is unable at the time to post collateral, furnish a
12 bond, stand trial or pay a fine and thus is compelled to remain
13 in custody until some alternative arrangement is made.

14 (11) The aforementioned enforcement practices consume an
15 undue amount of law enforcement time.

16 (b) It is the policy of the participating states to:

17 (1) Promote compliance with the statutes, rules, regulations
18 and ordinances relating to the management of wildlife resources
19 in their respective states.

20 (2) Recognize the suspension of wildlife license privileges
21 of any person whose license privileges have been suspended by a
22 participating state and treat such suspension as if it occurred
23 in their state.

24 (3) Allow a violator, except as provided in subsection (b)
25 of Article III of this compact, to accept a wildlife citation
26 and, without delay, proceed on his way regardless of his state
27 of residence: Provided, That the violator's home state is party
28 to this compact.

29 (4) Report to the appropriate participating state, as
30 provided in the compact manual, any conviction recorded against

1 any person whose home state was not the issuing state.

2 (5) Allow the home state to recognize and treat convictions
3 recorded against its residents which occurred in a participating
4 state as though they had occurred in the home state.

5 (6) Extend cooperation to its fullest extent among the
6 participating states for enforcing compliance with the terms of
7 a wildlife citation issued in one participating state to a
8 resident of another participating state.

9 (7) Maximize the effective use of law enforcement personnel
10 and information.

11 (8) Assist court systems in the efficient disposition of
12 wildlife violations.

13 (c) The purpose of this compact is to:

14 (1) Provide a means through which participating states may
15 join in a reciprocal program to effectuate the policies
16 enumerated in subsection (b) of Article I of this compact in a
17 uniform and orderly manner.

18 (2) Provide for the fair and impartial treatment of wildlife
19 violators operating within participating states in recognition
20 of the violator's right to due process and the sovereign status
21 of a participating state.

22 Article II

23 Definitions

24 Unless the context in which used clearly requires a different
25 meaning, as used in this compact:

26 (a) "Citation" means any summons, complaint, summons and
27 complaint, ticket, penalty assessment or other official document
28 issued to a person by a wildlife officer or other peace officer
29 for a wildlife violation which contains an order requiring the
30 person to respond.

1 (b) "Collateral" means any cash or other security deposited
2 to secure an appearance for trial in connection with the
3 issuance by a wildlife officer or other peace officer of a
4 citation for a wildlife violation.

5 (c) "Compliance" with respect to a citation means the act of
6 answering a citation through an appearance in a court or
7 tribunal or through the payment of fines, costs and surcharges,
8 if any.

9 (d) "Conviction" means a conviction, including any court
10 conviction, for any offense related to the preservation,
11 protection, management or restoration of wildlife which is
12 prohibited by state statute, rule, regulation or ordinance. The
13 term "conviction" shall also include the forfeiture of any bail,
14 bond or other security deposited to secure appearance by a
15 person charged with having committed any such offense, the
16 payment of a penalty assessment, a plea of nolo contendere or
17 the imposition of a deferred or suspended sentence by the court.

18 (e) "Court" means a court of law, including any district
19 justice court.

20 (f) "Home state" means the state of primary residence of a
21 person.

22 (g) "Issuing state" means the participating state which
23 issues a wildlife citation to the violator.

24 (h) "License" means any license, permit or other public
25 document which conveys to the person to whom it was issued, the
26 privilege of pursuing, possessing or taking any wildlife
27 regulated by statute, rule, regulation or ordinance of a
28 participating state.

29 (i) "Licensing authority" means the governmental agency
30 within each participating state that is authorized by law to

1 issue or approve licenses or permits to hunt, trap, fish or
2 otherwise possess wildlife.

3 (j) "Participating state" means any state which enacts
4 legislation to become a member of this wildlife compact.

5 (k) "Personal recognizance" means an agreement by a person
6 made at the time of issuance of the wildlife citation that such
7 person will comply with the terms of the citation.

8 (l) "State" means any state, territory or possession of the
9 United States, including the District of Columbia and the
10 Commonwealth of Puerto Rico.

11 (m) "Suspension" means any revocation, denial or withdrawal
12 of any or all license privileges, including the privilege to
13 apply for, purchase or exercise the benefits conferred by any
14 license.

15 (n) "Terms of the citation" means those conditions and
16 options expressly stated upon the citation.

17 (o) "Wildlife" means all species of animals, including, but
18 not limited to, mammals, birds, fish, reptiles, amphibians,
19 mollusks and crustaceans which are defined as "wildlife" and are
20 protected or otherwise regulated by statute, rule, regulation or
21 ordinance in a participating state. Species included in the
22 definition of "wildlife" vary from state to state and
23 determination of whether a species is "wildlife" for the
24 purposes of this compact shall be based on the law in the
25 issuing state.

26 (p) "Wildlife law" means any statute, rule, regulation or
27 ordinance developed and enacted for the management of wildlife
28 resources and the uses thereof.

29 (q) "Wildlife officer" means any individual authorized by a
30 participating state to issue or file a citation for a wildlife

1 violation.

2 (r) "Wildlife violation" means any cited violation of a
3 statute, rule, regulation or ordinance developed and enacted for
4 the management of wildlife resources and the uses thereof.

5 Article III

6 Procedures for Issuing State

7 (a) When issuing a citation for a wildlife violation, a
8 wildlife officer shall issue a citation to any person whose
9 primary residence is in a participating state in the same manner
10 as though the person were a resident of the issuing state and
11 shall not require such person to post collateral to secure
12 appearance, subject to the exceptions noted in subsection (b) of
13 Article III of this compact, if the officer receives the
14 recognizance of such person that he will comply with the terms
15 of the citation.

16 (b) Personal recognizance is acceptable if not prohibited by
17 law in the issuing state or by the compact manual and if the
18 violator provides adequate proof of identification to the
19 wildlife officer.

20 (c) Upon conviction or failure of a person to comply with
21 the terms of a wildlife citation, the appropriate official shall
22 report the conviction or failure to comply to the licensing
23 authority of the participating state in which the wildlife
24 citation was issued. The report shall be made in accordance with
25 procedures specified by the issuing state and shall contain
26 information as specified in the compact manual as minimum
27 requirements for effective processing by the home state.

28 (d) Upon receipt of the report of conviction or
29 noncompliance pursuant to subsection (c) of Article III of this
30 compact, the licensing authority of the issuing state shall

1 transmit to the licensing authority of the home state of the
2 violator the information in form and content as prescribed in
3 the compact manual.

4 Article IV

5 Procedures for Home State

6 (a) Upon receipt of a report from the licensing authority of
7 the issuing state reporting the failure of a violator to comply
8 with the terms of a citation, the licensing authority of the
9 home state shall notify the violator and shall initiate a
10 suspension action in accordance with the home state's suspension
11 procedures and shall suspend the violator's license privileges
12 until satisfactory evidence of compliance with the terms of the
13 wildlife citation has been furnished by the issuing state to the
14 home state licensing authority. Due process safeguards shall be
15 accorded.

16 (b) Upon receipt of a report of conviction from the
17 licensing authority of the issuing state, the licensing
18 authority of the home state shall enter such conviction in its
19 records and shall treat such conviction as though it occurred in
20 the home state for the purposes of the suspension of license
21 privileges.

22 (c) The licensing authority of the home state shall maintain
23 a record of actions taken and shall make reports to issuing
24 states as provided in the compact manual.

25 Article V

26 Reciprocal Recognition of Suspension

27 (a) All participating states shall recognize the suspension
28 of license privileges of any person by any participating state
29 as though the violation resulting in the suspension had occurred
30 in their state and could have been the basis for suspension of

1 license privileges in their state.

2 (b) Each participating state shall communicate suspension
3 information to other participating states in form and content as
4 contained in the compact manual.

5 Article VI

6 Applicability of Other Laws

7 Except as expressly required by the provisions of this
8 compact, nothing herein shall be construed to affect the right
9 of any participating state to apply any of its laws relating to
10 license privileges to any person or circumstance or to
11 invalidate or prevent any agreement or other cooperative
12 arrangement between a participating state and a nonparticipating
13 state concerning wildlife law enforcement.

14 Article VII

15 Board of Compact Administrators

16 (a) For the purpose of administering the provisions of this
17 compact and to serve as a governing body for the resolution of
18 all matters relating to the operation of this compact, a board
19 of compact administrators is established. The board shall be
20 composed of one representative from each of the participating
21 states to be known as the compact administrator. The compact
22 administrator shall be appointed by the head of the licensing
23 authority of each participating state and shall serve and be
24 subject to removal in accordance with the laws of the state he
25 represents. A compact administrator may provide for the
26 discharge of his duties and the performance of his functions as
27 a board member by an alternate. An alternate shall not be
28 entitled to serve unless written notification of his identity
29 has been given to the board.

30 (b) Each member of the board of compact administrators shall

1 be entitled to one vote. No action of the board shall be binding
2 unless taken at a meeting at which a majority of the total
3 number of the board's votes are cast in favor thereof. Action by
4 the board shall be only at a meeting at which a majority of the
5 participating states are represented.

6 (c) The board shall elect annually from its membership a
7 chairman and vice chairman.

8 (d) The board shall adopt bylaws not inconsistent with the
9 provisions of this compact or the laws of a participating state
10 for the conduct of its business and shall have the power to
11 amend and rescind its bylaws.

12 (e) The board may accept for any of its purposes and
13 functions under the compact any and all donations and grants of
14 moneys, equipment, supplies, materials and services, conditional
15 or otherwise, from any state and may receive, utilize and
16 dispose of same.

17 (f) The board may contract with or accept services of
18 personnel from any governmental or intergovernmental agency,
19 individual, firm or corporation or from any private nonprofit
20 organization or institution.

21 (g) The board shall formulate all necessary procedures and
22 develop uniform forms and documents for administering the
23 provisions of this compact. All procedures and forms adopted
24 pursuant to board action shall be contained in the compact
25 manual.

26 Article VIII

27 Entry into Compact and Withdrawal

28 (a) This compact shall become effective at such time as it
29 is adopted in a substantially similar form by two or more
30 states.

1 (b) (1) Entry into the compact shall be made by resolution
2 of ratification executed by the authorized officials of the
3 applying state and submitted to the chairman of the board.

4 (2) The resolution shall substantially be in the form and
5 content as provided in the compact manual and shall include the
6 following:

7 (A) A citation of the authority from which the state is
8 empowered to become a party to this compact;

9 (B) An agreement of compliance with the terms and provisions
10 of this compact; and

11 (C) An agreement that compact entry is with all states
12 participating in the compact and with all additional states
13 legally becoming a party to the compact.

14 (3) The effective date of entry shall be specified by the
15 applying state but shall not be less than 60 days after notice
16 has been given by the chairman of the board of compact
17 administrators or by the secretariat of the board of each
18 participating state that the resolution from the applying state
19 has been received.

20 (c) A participating state may withdraw from this compact by
21 official written notice to each member state but withdrawal
22 shall not become effective until 90 days after the notice of
23 withdrawal is given. The notice shall be directed to the compact
24 administrator of each member state. No withdrawal of any state
25 shall affect the validity of this compact as to the remaining
26 participating states.

27 Article IX

28 Amendments to the Compact

29 (a) This compact may be amended from time to time. Each
30 proposed amendment shall be presented in resolution form to the

1 chairman of the board of compact administrators and shall be
2 initiated by one or more participating states.

3 (b) Adoption of an amendment shall require endorsement by
4 all participating states and shall become effective 30 days
5 after the date of the last endorsement.

6 (c) Failure of a participating state to respond to the
7 compact chairman within 120 days after receipt of a proposed
8 amendment shall constitute endorsement thereof.

9 Article X

10 Construction and Severability

11 This compact shall be liberally construed so as to effectuate
12 the purposes stated herein. The provisions of this compact shall
13 be severable and if any phrase, clause, sentence or provision of
14 this compact is declared to be contrary to the constitution of
15 any participating state or of the United States, or the
16 applicability thereof to any government, agency, individual or
17 circumstance is held invalid, the validity of the remainder of
18 this compact shall not be affected thereby. If this compact
19 shall be held contrary to the constitution of any participating
20 state, the compact shall remain in full force and effect as to
21 the remaining states and in full force and effect as to the
22 participating state affected as to all severable matters.

23 Section 3. When and how compact becomes operative.

24 When the Governor shall have executed said compact on behalf
25 of this State and shall have caused a verified copy thereof to
26 be filed with the Secretary of the Commonwealth and when said
27 compact shall have been ratified by one or more other states and
28 when the Governor certifies to the General Assembly that the
29 Pennsylvania Fish and Boat Commission and the Pennsylvania Game
30 Commission are selling all fishing, hunting or furtaker licenses

1 through electronic means and a copy of that certification is
2 filed with the Secretary of the Commonwealth, then said compact
3 shall become operative and effective between this State and such
4 other state or states. The Governor is hereby authorized and
5 directed to take such action as may be necessary to complete the
6 exchange of official documents between this State and any other
7 state ratifying said compact.

8 Section 4. Compensation and expenses of compact administrator.

9 The compact administrator representing this State, as
10 provided for in Article VII of the Interstate Wildlife Violator
11 Compact, shall not be entitled to any additional compensation
12 for his duties and responsibilities as said administrator but
13 shall be entitled to reimbursement for reasonable expenses
14 actually incurred in connection with his duties and
15 responsibilities as said administrator in the same manner as for
16 expenses incurred in connection with other duties and
17 responsibilities of his office or employment.

18 Section 5. Limitation on reciprocal suspension recognition.

19 For purposes of reciprocal recognition of suspensions under
20 Article V of the compact:

21 (1) The Pennsylvania Fish and Boat Commission shall
22 report to other compact states and recognize suspensions for
23 offenses in other compact states that have the same elements
24 of the following offenses under 30 Pa.C.S. (relating to
25 fish):

26 (i) Assault upon or interference with a conservation
27 officer.

28 (ii) Persons sentenced as repeat offenders under 30
29 Pa.C.S. § 923(d) (relating to classification of offenses
30 and penalties) provided the repeated offenses committed

1 within a 12-month period include one or more summary
2 offenses of the first degree, misdemeanors or felonies.

3 (iii) Persons convicted of fishing while under
4 suspension or revocation.

5 (iv) Persons convicted of illegal taking of fish or
6 theft of fish from State hatchery waters, nursery waters
7 or refuge areas.

8 (v) Persons convicted of illegal sale or
9 commercialization of fish, reptiles or aquatic organisms.

10 (vi) Persons convicted of illegal use of explosives
11 or chemicals to take fish.

12 (vii) Persons convicted of offenses related to
13 endangered or threatened species.

14 (2) The Pennsylvania Game Commission shall report to
15 other compact states and recognize suspensions for offenses
16 in other compact states that have the same elements of the
17 following offenses under 34 Pa.C.S. (relating to game):

18 (i) Hunting or furtaking while on revocation.

19 (ii) Unlawful use of lights to take wildlife.

20 (iii) Buying and selling game.

21 (iv) Hunting or furtaking under the influence.

22 (v) Shooting at or causing injury to a human.

23 (vi) Counterfeit, alter or forge a license or tag.

24 (vii) Threatened or endangered species violations.

25 (viii) Assault/interference or bodily injury to a
26 wildlife conservation officer.

27 (ix) Illegal taking or possession of big game in
28 closed season.

29 (x) Accumulated wildlife violations for which the
30 penalty provided by 34 Pa.C.S. is no less than a summary

1 offense of the fourth degree and the violation is not the
2 only violation in a 24-month period.
3 Section 6. Effective date.
4 This act shall take effect immediately.