

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1417 Session of 2011

INTRODUCED BY STABACK, CARROLL, D. COSTA, DENLINGER, DeWEESE, EVERETT, GABLER, GERGELY, GIBBONS, GILLESPIE, GRELL, HARHAI, HARKINS, HARRIS, HESS, KAVULICH, KOTIK, KULA, MAHONEY, MANN, MILLARD, MILLER, MULLERY, MURT, MYERS, PAYNE, PEIFER, PETRARCA, PYLE, READSHAW, K. SMITH, SWANGER, TALLMAN, VULAKOVICH, WHITE AND MALONEY, APRIL 28, 2011

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 25, 2011

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 30 (Fish) and 34
2 (Game) of the Pennsylvania Consolidated Statutes, in assault,
3 further providing for the offense of aggravated assault; in
4 enforcement, further providing for interference with officers
5 of the Pennsylvania Game Commission and of the Pennsylvania
6 Fish and Boat Commission; providing for the offense of
7 assaulting an officer; further providing for jurisdiction and
8 penalties and for disposition of fines and penalties; and, in
9 game or wildlife protection, further providing for killing
10 game or wildlife to protect person, for unlawful importation
11 of game or wildlife and, for unlawful taking and possession
12 of protected birds, FOR POSSESSION OR INTERFERENCE WITH
13 ACTIVE NESTS OR EGGS OF BIRDS, FOR UNLAWFUL SALE OF PROTECTED
14 BIRDS AND PLUMAGE AND FOR HUNTING OR FUR TAKING PROHIBITED
15 WHILE UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.



16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 2702(c) of Title 18 of the Pennsylvania
19 Consolidated Statutes is amended to read:

20 § 2702. Aggravated assault.

21 \* \* \*

22 (c) Officers, employees, etc., enumerated.--The officers,

1 agents, employees and other persons referred to in subsection

2 (a) shall be as follows:

3 (1) Police officer.

4 (2) Firefighter.

5 (3) County adult probation or parole officer.

6 (4) County juvenile probation or parole officer.

7 (5) An agent of the Pennsylvania Board of Probation and  
8 Parole.

9 (6) Sheriff.

10 (7) Deputy sheriff.

11 (8) Liquor control enforcement agent.

12 (9) Officer or employee of a correctional institution,  
13 county jail or prison, juvenile detention center or any other  
14 facility to which the person has been ordered by the court  
15 pursuant to a petition alleging delinquency under 42 Pa.C.S.  
16 Ch. 63 (relating to juvenile matters).

17 (10) Judge of any court in the unified judicial system.

18 (11) The Attorney General.

19 (12) A deputy attorney general.

20 (13) A district attorney.

21 (14) An assistant district attorney.

22 (15) A public defender.

23 (16) An assistant public defender.

24 (17) A Federal law enforcement official.

25 (18) A State law enforcement official.

26 (19) A local law enforcement official.

27 (20) Any person employed to assist or who assists any  
28 Federal, State or local law enforcement official.

29 (21) Emergency medical services personnel.

30 (22) Parking enforcement officer.

- 1           (23) A magisterial district judge.
- 2           (24) A constable.
- 3           (25) A deputy constable.
- 4           (26) A psychiatric aide.
- 5           (27) A teaching staff member, a school board member or  
6 other employee, including a student employee, of any  
7 elementary or secondary publicly funded educational  
8 institution, any elementary or secondary private school  
9 licensed by the Department of Education or any elementary or  
10 secondary parochial school while acting in the scope of his  
11 or her employment or because of his or her employment  
12 relationship to the school.
- 13          (28) Governor.
- 14          (29) Lieutenant Governor.
- 15          (30) Auditor General.
- 16          (31) State Treasurer.
- 17          (32) Member of the General Assembly.
- 18          (33) An employee of the Department of Environmental  
19 Protection.
- 20          (34) An individual engaged in the private detective  
21 business as defined in section 2(a) and (b) of the act of  
22 August 21, 1953 (P.L.1273, No.361), known as The Private  
23 Detective Act of 1953.
- 24          (35) An employee or agent of a county children and youth  
25 social service agency or of the legal representative of such  
26 agency.
- 27          (36) A public utility employee or an employee of an  
28 electric cooperative.
- 29          (37) A wildlife conservation officer or deputy wildlife  
30 conservation officer of the Pennsylvania Game Commission.

1           (38) A waterways conservation officer or deputy  
2           waterways conservation officer of the Pennsylvania Fish and  
3           Boat Commission.

4           \* \* \*

5           Section 2. Section 904(b) of Title 30 is amended to read:

6   § 904. Interference with officers.

7           \* \* \*

8           (b) [Bodily injury.--Any person who intentionally, knowingly  
9 or recklessly attempts to cause or causes serious bodily harm to  
10 an officer performing duties under the provisions of this title  
11 commits a felony of the second degree] Assaulting an officer.--  
12 Assaulting an officer as defined in 18 Pa.C.S. §§ 2702 (relating  
13 to aggravated assault) and 2702.1 (relating to assault of law  
14 enforcement officer) is an offense under this title and the  
15 penalties set forth in 18 Pa.C.S. §§ 2702 and 2702.1 shall  
16 apply.

17           \* \* \*

18           Section 3. Title 34 is amended by adding a section to read:

19   § 905.1. Assaulting an officer.

20           Assaulting an officer as defined in 18 Pa.C.S. §§ 2702  
21 (relating to aggravated assault) and 2702.1 (relating to assault  
22 of law enforcement officer) is an offense under this title and  
23 the penalties set forth in 18 Pa.C.S. §§ 2702 and 2702.1 shall  
24 apply.

25           Section 4. Sections 925(a), 927(b), 2141(e) (1), 2163(c) (2)  
26 ~~and~~, 2164(d) (2), 2165(B) (2), 2166(B) (2) AND 2501(B) of Title 34  
27 are amended to read:

28   § 925. Jurisdiction and penalties.

29           (a) Jurisdiction.--Notwithstanding the provisions of Title  
30 42 (relating to judiciary and judicial procedure), all



1 magisterial district judges shall have jurisdiction for all  
2 violations of this title which are classified as summary  
3 offenses and may accept guilty pleas and impose sentences for  
4 violations of this title classified as ungraded misdemeanors.

5 \* \* \*

6 § 927. Disposition of fines and penalties.

7 \* \* \*

8 (b) Penalty.--A person failing to forward fines in  
9 accordance with this section commits a misdemeanor [of the third  
10 degree].

11 § 2141. Killing game or wildlife to protect person.

12 \* \* \*

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

14 (1) Threatened or endangered species is a misdemeanor  
15 [of the third degree].

16 \* \* \*

17 § 2163. Unlawful importation of game or wildlife.

18 \* \* \*

19 (c) Penalties.--

20 \* \* \*

21 (2) A violation of this section relating to any  
22 endangered or threatened species is a misdemeanor [of the  
23 third degree]. Each bird, egg or game or wildlife involved in  
24 the violation constitutes a separate offense.

25 \* \* \*

26 § 2164. Unlawful taking and possession of protected birds.

27 \* \* \*

28 (d) Penalties.--

29 \* \* \*

30 (2) A violation of this section relating to birds which

1 are listed as threatened or endangered is, in addition to any  
2 other penalties, a misdemeanor [of the third degree].

3 \* \* \*

4 § 2165. POSSESSION OR INTERFERENCE WITH ACTIVE NESTS OR EGGS OF ←  
5 BIRDS.

6 \* \* \*

7 (B) PENALTIES.--

8 \* \* \*

9 (2) A VIOLATION OF THIS SECTION RELATING TO BIRDS WHICH  
10 ARE LISTED AS THREATENED OR ENDANGERED IS, IN ADDITION TO ANY  
11 OTHER PENALTIES, A MISDEMEANOR [OF THE THIRD DEGREE] FOR EACH  
12 ACTIVE NEST OR EGG POSSESSED.

13 \* \* \*

14 § 2166. UNLAWFUL SALE OF PROTECTED BIRDS AND PLUMAGE.

15 \* \* \*

16 (B) PENALTIES.--

17 \* \* \*

18 (2) A VIOLATION OF THIS SECTION RELATING TO BIRDS WHICH  
19 ARE LISTED AS THREATENED OR ENDANGERED IS, IN ADDITION TO ANY  
20 OTHER PENALTIES, A MISDEMEANOR [OF THE THIRD DEGREE] FOR EACH  
21 BIRD OR PART THEREOF.

22 \* \* \*

23 § 2501. HUNTING OR FURTAKING PROHIBITED WHILE UNDER INFLUENCE  
24 OF ALCOHOL OR CONTROLLED SUBSTANCE.

25 \* \* \*

26 (B) PENALTY.--A VIOLATION OF THE PROVISIONS OF THIS SECTION  
27 SHALL BE A MISDEMEANOR [OF THE THIRD DEGREE]. IN ADDITION TO ANY  
28 PENALTY, THE VIOLATOR SHALL BE DENIED THE RIGHT TO HUNT OR TRAP  
29 IN THIS COMMONWEALTH, WITH OR WITHOUT A LICENSE, FOR A PERIOD OF  
30 ONE YEAR.

1 \* \* \*

2 Section 5. This act shall take effect in 60 days.