

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2293 Session of 2012

INTRODUCED BY PEIFER, J. EVANS, STABACK, AUMENT, BEAR, BRENNAN, CALTAGIRONE, CARROLL, D. COSTA, CREIGHTON, CRUZ, CUTLER, DALEY, DePASQUALE, EMRICK, EVERETT, FABRIZIO, FLECK, GEIST, GEORGE, GERGELY, GIBBONS, GILLESPIE, GROVE, HAHN, HALUSKA, HANNA, HARHART, HARKINS, HELM, HENNESSEY, HESS, HORNAMAN, KAVULICH, M. K. KELLER, KIRKLAND, KNOWLES, KOTIK, KULA, MAHER, MAHONEY, MAJOR, MALONEY, MASSER, McGEEHAN, MILLARD, MILLER, MIRABITO, MOUL, MULLERY, MURPHY, MURT, PASHINSKI, PICKETT, QUINN, ROCK, SONNEY, STURLA, SWANGER, TAYLOR AND VULAKOVICH, APRIL 2, 2012

REFERRED TO COMMITTEE ON GAME AND FISHERIES, APRIL 2, 2012

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
 2 Statutes, further providing for classification of offenses
 3 and penalties and for revocation, suspension or denial of
 4 license, permit or registration; and providing for serious
 5 poaching incidents and for taking or possessing by illegal
 6 methods.

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

9 Section 1. Section 923(a) (1), (2) and (3) and (b) of Title
 10 30 of the Pennsylvania Consolidated Statutes are amended and the
 11 section is amended by adding a subsection to read:

12 § 923. Classification of offenses and penalties.

13 (a) General rule.--The following penalties shall be imposed
 14 for violations of this title:

15 (1) For a summary offense of the first degree, a fine of
 16 [~~\$200~~] \$250 or imprisonment not exceeding 90 days.

1 (2) For a summary offense of the second degree, a fine
2 of [\$100] \$150 or imprisonment not exceeding 20 days.

3 (3) For a summary offense of the third degree, a fine of
4 [\$50] \$75.

5 * * *

6 (b) Additional fine.--In addition to the penalties in
7 subsection (a), a fine of [\$20] not less than \$20 nor more than
8 \$50 may be imposed for each fish taken, caught, killed,
9 possessed or sold in violation of this title or for each illegal
10 device used by an angler while in the act of fishing. In
11 computing the number of fish taken, caught, killed, possessed or
12 sold, the number immediately returned unharmed to the water
13 where they were taken shall be omitted.

14 * * *

15 (c.1) Additional penalty for serious poaching incidents.--In
16 addition to the penalties in subsections (a) and (b), a person
17 convicted or acknowledging guilt of violating section 2109
18 (relating to serious poaching incidents) or 2110 (relating to
19 taking or possessing by illegal methods) shall be assessed the
20 costs incurred by the commission for the replacement of the
21 species involved in the violation in an amount determined by
22 regulation of the commission. Replacement costs may only be
23 assessed for violations relating to threatened or endangered
24 species and any other species of fish designated by the
25 commission.

26 * * *

27 Section 2. Section 928(a), (b) and (d) of Title 30 are
28 amended to read:

29 § 928. Revocation, suspension or denial of license, permit or
30 registration.

1 (a) Revocation or denial.--Any fishing license, special
2 license or permit or privilege, including boating privileges,
3 granted under the authority of this title may be revoked by the
4 commission, in its discretion, when the holder of the license,
5 permit or privilege is convicted of or pleads guilty to an
6 offense under this title. Further, the commission, in its
7 discretion, may refuse to grant to that person any new fishing
8 license, special license or permit or privilege for a period not
9 exceeding [two] five years.

10 (b) Suspension.--The commission shall for a period of one
11 year suspend the privilege of operating a watercraft on the
12 waters of this Commonwealth of any individual who is convicted
13 of a violation of section 5502 (relating to operating watercraft
14 under influence of alcohol or controlled substance) or 5502.1
15 (relating to homicide by watercraft while operating under
16 influence) or [an adjudication of delinquency] is adjudicated
17 delinquent based on section 5502 or 5502.1. If an individual is
18 imprisoned for violating section 5502 or 5502.1, the period of
19 suspension imposed under this subsection may not commence until
20 the date of the individual's release from prison.

21 * * *

22 (d) Penalty.--A person commits a [summary offense of the
23 first degree] misdemeanor of the third degree if he performs an
24 act for which a fishing license, special license, permit or boat
25 registration is required or exercises a privilege, including the
26 privilege to operate a watercraft on the waters of this
27 Commonwealth, while the license, permit or privilege is
28 suspended or revoked. A person commits a misdemeanor of the
29 [third] second degree if he commits a second or subsequent
30 violation of a suspension or revocation during its term.

1 * * *

2 Section 3. Title 30 is amended by adding sections to read:

3 § 2109. Serious poaching incidents.

4 (a) Prohibited conduct.--It shall be unlawful to do any of
5 the following from any waters of this Commonwealth, boundary
6 waters or lands:

7 (1) During the closed season, take, catch, kill or
8 possess fish having a replacement cost in excess of \$500.

9 (2) Take, catch, kill or possess three or more times the
10 daily limit of fish.

11 (b) Grading.--Any person violating subsection (a) commits a
12 misdemeanor of the second degree.

13 § 2110. Taking or possessing by illegal methods.

14 (a) Prohibited conduct.--It shall be unlawful to take,
15 catch, kill or possess fish by illegal methods, including seines
16 or gill nets, explosives, chemicals, spears, gigs, pitch forks,
17 bats or other devices not normally used for fishing, from any
18 waters of this Commonwealth, boundary waters or lands.

19 (b) Grading.--The following shall apply:

20 (1) Any person violating subsection (a) relating to a
21 single fish commits a summary offense of the second degree.

22 (2) Any person violating subsection (a) relating to two
23 or more fish, up to and including the legal daily limit,
24 commits a summary offense of the first degree.

25 (3) Any person violating subsection (a) relating to more
26 than the legal daily limit of fish, or a second or subsequent
27 violation of subsection (a), commits a misdemeanor of the
28 second degree.

29 Section 4. The amendment or addition of the following
30 provisions shall apply to violations occurring on or after the

1 effective date of this section:

2 (1) 30 Pa.C.S. § 923(a)(1), (2) and (3), (b) and (c.1).

3 (2) 30 Pa.C.S. § 928(a), (b) and (d).

4 (3) 30 Pa.C.S. § 2109.

5 (4) 30 Pa.C.S. § 2110.

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