

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

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, OCTOBER 1, 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 UNLAWFUL TAKE and for taking or possessing
6 by illegal methods; AND FURTHER PROVIDING FOR LAKE ERIE
7 FISHING PERMITS.



8 The General Assembly of the Commonwealth of Pennsylvania

9 hereby enacts as follows:

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

13 § 923. Classification of offenses and penalties.

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

1 (1) For a summary offense of the first degree, a fine of
2 [\$200] \$250 or imprisonment not exceeding 90 days.

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

5 (3) For a summary offense of the third degree, a fine of
6 [\$50] \$75.

7 * * *

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

16 * * *

17 (c.1) Additional penalty for serious ~~poaching incidents~~ ←
18 UNLAWFUL TAKE.--In addition to the penalties in subsections (a) ←
19 and (b), a person convicted or acknowledging guilt of violating
20 section 2109 (relating to serious ~~poaching incidents~~ UNLAWFUL ←
21 TAKE) or 2110 (relating to taking or possessing by illegal
22 methods) shall be assessed the costs incurred by the commission
23 for the replacement of the species involved in the violation in
24 an amount determined by regulation of the commission CONSISTENT ←
25 WITH THE VALUES ESTABLISHED BY THE AMERICAN FISHERIES SOCIETY OR
26 OTHER RECOGNIZED PROFESSIONAL FISHERIES ORGANIZATION.
27 Replacement costs may only be assessed for violations relating
28 to FEDERALLY LISTED threatened or endangered species and any ←
29 other species of fish designated by the commission.

30 * * *

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

3 § 928. Revocation, suspension or denial of license, permit or
4 registration.

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

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

25 * * *

26 (d) Penalty.--A person commits a [summary offense of the
27 first degree] misdemeanor of the third degree if he performs an
28 act for which a fishing license, special license, permit or boat
29 registration is required or exercises a privilege, including the
30 privilege to operate a watercraft on the waters of this

1 Commonwealth, while the license, permit or privilege is
2 suspended or revoked. A person commits a misdemeanor of the
3 [third] second degree if he commits a second or subsequent
4 violation of a suspension or revocation during its term.

5 * * *

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

7 § 2109. Serious ~~poaching incidents~~ UNLAWFUL TAKE. ←

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

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

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

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

17 § 2110. Taking or possessing by illegal methods.

18 (a) Prohibited conduct.--It shall be unlawful to take,
19 catch, kill or possess fish by ~~illegal methods, including seines~~ ←
20 ~~or gill nets, explosives, chemicals, spears, gigs, pitch forks,~~
21 ~~bats or other devices not normally used for fishing,~~ ANY METHOD ←

22 NOT SPECIFICALLY AUTHORIZED BY LAW OR REGULATION from any waters
23 of this Commonwealth, boundary waters or lands.

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

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

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

30 (3) Any person violating subsection (a) relating to more

1 than the legal daily limit of fish, or a second or subsequent
2 violation of subsection (a), commits a misdemeanor of the
3 second degree.

4 SECTION 4. SECTION 2907.2(F.1) OF TITLE 30 IS AMENDED TO
5 READ:

6 § 2907.2. LAKE ERIE FISHING PERMITS.

7 * * *

8 (F.1) LAKE ERIE PERMITS.--THE PROCEEDS FROM THE FEES FOR THE
9 SPECIAL LAKE ERIE FISHING PERMITS AS PROVIDED FOR UNDER SECTION
10 2715(A.1) (4) (RELATING TO LICENSE, PERMIT AND ISSUING AGENT
11 FEES) AND \$6 OF THE FEES FOR THE COMBINATION TROUT/SALMON
12 PERMITS AND LAKE ERIE PERMITS AS PROVIDED FOR UNDER SECTION
13 2715(A.1) (5) SHALL BE DEPOSITED INTO A RESTRICTED ACCOUNT WITHIN
14 THE FISH FUND [THROUGH DECEMBER 31, 2014]. THE RESTRICTED
15 ACCOUNT SHALL BE USED TO PROVIDE PUBLIC FISHING ACCESS OR TO
16 PROTECT OR IMPROVE FISH HABITAT ON OR AT LAKE ERIE, PRESQUE ISLE
17 BAY AND THEIR TRIBUTARIES, INCLUDING WATERS THAT FLOW INTO THOSE
18 TRIBUTARIES.

19 * * *

20 Section ~~4~~ 5. The amendment or addition of the following
21 provisions shall apply to violations occurring on or after the
22 effective date of this section:

23 (1) 30 Pa.C.S. § 923(a) (1), (2) and (3), (b) and (c.1).

24 (2) 30 Pa.C.S. § 928(a), (b) and (d).

25 (3) 30 Pa.C.S. § 2109.

26 (4) 30 Pa.C.S. § 2110.

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

28 IMMEDIATELY.