

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 359 Session of 2017

INTRODUCED BY ENGLISH, KORTZ, SCHWEYER, McNEILL, GODSHALL, MILLARD, IRVIN, READSHAW, SAYLOR, DeLUCA, D. COSTA, WHEELAND, GILLEN AND GABLER, FEBRUARY 7, 2017

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JANUARY 23, 2018

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, IN ENFORCEMENT, FURTHER PROVIDING FOR POWERS AND <--
3 DUTIES OF ENFORCEMENT OFFICERS AND FOR SUSPENSION OF
4 PRIVILEGES PENDING PAYMENT OF PENALTIES; in hunting and
5 furtaking, further providing for killing game or wildlife by
6 mistake; and, in hunting and furtaking licenses, further
7 providing for period of revocation.

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

10 Section 1. ~~Section~~ SECTIONS 901(B.1), 930 AND 2306(a) and <--
11 (b) of Title 34 of the Pennsylvania Consolidated Statutes are
12 amended to read:

13 § 901. POWERS AND DUTIES OF ENFORCEMENT OFFICERS. <--

14 * * *

15 (B.1) EXCEPTION TO THE PROHIBITION OF INTERCEPTION AND
16 DISCLOSURE OF COMMUNICATIONS.--AN OFFICER WHOSE DUTY IT IS TO
17 ENFORCE THIS TITLE AND WHO HAS RECEIVED TRAINING ON THE USE OF
18 [BODY CAMERAS] AN ELECTRONIC, MECHANICAL OR OTHER DEVICE WHICH
19 HAS BEEN APPROVED UNDER 18 PA.C.S. § 5706(B)(4) (RELATING TO

1 EXCEPTIONS TO PROHIBITIONS IN POSSESSION, SALE, DISTRIBUTION,
2 MANUFACTURE OR ADVERTISEMENT OF ELECTRONIC, MECHANICAL OR OTHER
3 DEVICES) IN A COURSE APPROVED BY THE PENNSYLVANIA STATE POLICE
4 SHALL BE [DEFINED AS A LAW ENFORCEMENT OFFICER FOR THE PURPOSE
5 OF 18 PA.C.S. § 5704(16) (III) (RELATING TO EXCEPTIONS TO
6 PROHIBITION OF INTERCEPTION AND DISCLOSURE OF COMMUNICATIONS)]
7 AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER AS DEFINED UNDER 18
8 PA.C.S. § 5702 (RELATING TO DEFINITIONS). SUCH OFFICERS MAY WEAR
9 [BODY CAMERAS] AN ELECTRONIC, MECHANICAL OR OTHER DEVICE IN THE
10 PERFORMANCE OF THEIR OFFICIAL DUTIES. THIS SUBSECTION SHALL NOT
11 APPLY TO A DEPUTY GAME COMMISSION OFFICER OR DEPUTY WILDLIFE
12 CONSERVATION OFFICER.

13 * * *

14 § 930. SUSPENSION OF PRIVILEGES PENDING PAYMENT OF PENALTIES.

15 [ALL] (A) GENERAL RULE.--NOTWITHSTANDING SUBSECTION (B), ALL
16 PRIVILEGES GRANTED BY THIS TITLE SHALL AUTOMATICALLY BE
17 SUSPENDED IF A DEFENDANT FAILS TO RESPOND TO A CITATION OR
18 SUMMONS WITHIN 60 DAYS OR FAILS TO PAY ALL PENALTIES IN FULL
19 WITHIN 180 DAYS FOLLOWING CONVICTION.

20 (B) PAYMENT PLAN.--IF A DEFENDANT IS ENROLLED IN A PAYMENT
21 PLAN TO REPAY PENALTIES MANDATED BY A COURT OF COMPETENT <--
22 JURISDICTION AND THE DEFENDANT IS MAKING REGULAR PAYMENTS UNDER <--
23 THE PAYMENT PLAN IN ACCORDANCE WITH THE COURT'S MANDATE, THE <--
24 PRIVILEGES OF THIS TITLE MAY NOT BE SUSPENDED.

25 § 2306. Killing game or wildlife by mistake.

26 (a) General rule.--Any person who, while hunting or trapping
27 for game or wildlife which may be lawfully taken, by accident or
28 mistake kills or attempts to kill any game or wildlife other
29 than [bears, elk or] threatened or endangered species, contrary
30 to the provisions of this title, shall pay restitution pursuant

1 to subsection (b) to an officer of the commission.

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

4 (1) Each deer - \$25.

5 (2) Each turkey - \$20.

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

8 (4) Each bear - \$100.

9 (5) Each elk - \$100.

10 * * *

11 Section 2. Section 2742 of Title 34 is amended by adding a
12 subsection to read:

13 § 2742. Period of revocation.

14 * * *

15 (c) Clemency from revocation.--The commission shall not
16 revoke the privilege to hunt or take game or wildlife anywhere
17 in this Commonwealth for an unlawful taking or possession of
18 game or wildlife violation if all of the following conditions
19 are met:

20 (1) The unlawful taking or possession of game or
21 wildlife violation is the person's first unlawful taking or
22 possession of game or wildlife offense.

23 (2) The person complies with all of the procedural
24 requirements set forth in section 2306(b)(1), (2) or (3)
25 (relating to killing game or wildlife by mistake) concerning
26 removal of entrails, tagging, reporting, delivery of carcass
27 and providing a written, sworn statement.

28 (3) The unlawful taking of game or wildlife violation
29 occurs during:

30 (i) an open season within the applicable wildlife

1 management unit for the species involved; or

2 (ii) a closed season within the applicable wildlife
3 management unit for the species involved, but only if
4 there was an open season within an adjacent wildlife
5 management unit for the same species.

6 (4) The person pleads guilty to the applicable unlawful
7 taking or possession of game or wildlife violation charged.

8 (5) The unlawful taking or possession of game or
9 wildlife violation does not involve a threatened or
10 endangered species.

11 (6) there are no relevant aggravating circumstances
12 present concerning the unlawful taking or possession of game
13 or wildlife violation.

14 Section 3. This act shall take effect in 60 days.