

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 147 Session of 2019

INTRODUCED BY LAUGHLIN, BREWSTER, STREET AND YAW, FEBRUARY 1, 2019

AS AMENDED ON SECOND CONSIDERATION, OCTOBER 28, 2019

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, in Pennsylvania Game Commission, further providing
3 for accountability; and, in hunting and furtaking, further
4 providing for hunting on Sunday prohibited and for trespass
5 on private property while hunting- AND PROVIDING FOR HUNTING <--
6 ON SUNDAY WITHOUT WRITTEN PERMISSION.

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

9 Section 1. Section 328 of Title 34 of the Pennsylvania
10 Consolidated Statutes is amended by adding a subsection to read:

11 § 328. Accountability.

12 * * *

13 (f) Financial analysis.--

14 (1) Within 180 days of the effective date of this
15 subsection, the Legislative Budget and Finance Committee
16 shall prepare a financial analysis of fees, fines, penalties,
17 royalties, Federal and State appropriations and other sources
18 of revenue received by the commission and of expenditures,
19 including annual operating costs, investments, land purchases

1 and capital projects to carry out the financial analysis
2 under this subsection:

3 (i) The commission shall provide records, financial
4 statements and other documents reflecting the revenue and
5 expenditures subject to the financial analysis under this
6 subsection.

7 (ii) The commission shall respond to inquiries and
8 requests for information from the Legislative Budget and
9 Finance Committee in a timely manner.

10 (iii) The Legislative Budget and Finance Committee
11 shall include its most recent performance audit under
12 section 522(b) (relating to appropriation and audit of
13 moneys).

14 (2) The financial analysis shall be submitted to the
15 president pro tempore of the Senate, chair of the Game and
16 Fisheries committee of the Senate, speaker of the House of
17 Representatives and the chair of the Game and Fisheries
18 Committee of the House of Representatives. The financial
19 analysis shall be public information.

20 Section 2. Section 2303(b.1) of Title 34 is amended by
21 adding a paragraph to read:

22 § 2303. Hunting on Sunday prohibited.

23 * * *

24 (b.1) Exceptions.--Subsection (a) shall not apply to:

25 * * *

26 (4) Hunting on three Sundays each calendar year, as
27 follows:

28 (i) One day of Sunday hunting shall be instituted by
29 the commission during the deer rifle season.

30 (ii) One day of Sunday hunting shall be instituted

1 by the commission during the Statewide deer archery
2 season.

3 (iii) One day of Sunday hunting as determined by the
4 commission shall be instituted by the commission.

5 AUTHORITY TO HUNT ON ANY SUNDAY INSTITUTED BY THE COMMISSION <--
6 UNDER THIS PARAGRAPH SHALL NOT APPLY TO ANY PERSON REQUIRED
7 TO SECURE A HUNTING LICENSE WHO ATTEMPTS TO HUNT ON PRIVATE
8 LAND WITHOUT OBTAINING WRITTEN PERMISSION OF THE LANDOWNER,
9 AN AGENT OF THE LANDOWNER OR LESSEE.

10 * * *

11 Section 3. Section 2314 of Title 34 is amended to read:

12 § 2314. Trespass on private property while hunting.

13 [(a) General rule.--Any person who while violating any
14 provision of this title or any regulations promulgated under
15 this title and who in addition is found to be trespassing as
16 defined in 18 Pa.C.S. § 3503 (relating to criminal trespass)
17 shall be in violation of this section.]

18 (b) Penalty.--A violation of this section:

19 (1) A violation of this section is a summary offense of
20 the fifth degree.

21 (2) A second or subsequent violation of this section
22 within a seven-year period is a summary offense of the fifth
23 degree and may result in forfeiture of the privilege to hunt
24 or take game or wildlife anywhere within this Commonwealth
25 for a period of one year.]

26 (a) General rule.--A person, while engaged in hunting or
27 furtaking, commits an offense if, knowing that the person is not
28 licensed or privileged to do so, the person:

29 (1) enters or remains on any land of another without
30 authorization to do so, when the land is posted in a manner

1 prescribed by law or reasonably likely to come to the
2 person's attention or is fenced or enclosed in a manner
3 manifestly designed to exclude trespassers; or

4 (2) enters or remains on any land of another without
5 authorization and defies an order not to enter or to leave
6 that has been personally communicated to the person by the
7 owner of the land or other authorized person.

8 (B) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO AN <--
9 UNARMED PERSON WHO ENTERS ONTO POSTED PROPERTY FOR THE SOLE
10 PURPOSE OF RETRIEVING A HUNTING DOG.

11 ~~(b)~~ (C) Penalty.--An offense under this section shall be <--
12 graded as follows:

13 (1) A person who violates subsection (a)(1) commits a
14 summary offense of the third degree.

15 (2) A person who violates subsection (a)(2) commits a
16 misdemeanor.

17 (3) A person who commits a second or subsequent
18 violation of this section within a seven-year period commits
19 a misdemeanor, and the second or subsequent violation shall
20 result in forfeiture of the privilege to hunt or take game or
21 wildlife anywhere within this Commonwealth for a period of
22 one year.

23 (D) ENFORCEMENT.--THE DIRECTOR SHALL AUTHORIZE THE POLICE <--
24 DEPARTMENT OF EACH MUNICIPAL CORPORATION TO ASSIST IN THE
25 ENFORCEMENT OF THIS SECTION AS NECESSARY, IN ADDITION TO THOSE
26 UNDER SECTION 903 (RELATING TO DELEGATION OF ENFORCEMENT
27 POWERS).

28 SECTION 4. TITLE 34 IS AMENDED BY ADDING A SECTION TO READ: <--
29 § 2315. HUNTING ON SUNDAY WITHOUT WRITTEN PERMISSION.

30 (A) GENERAL RULE.--A PERSON REQUIRED TO SECURE A HUNTING

1 LICENSE TO HUNT COMMITS AN OFFENSE IF, WHILE ENGAGED IN HUNTING
2 ON SUNDAY, THE PERSON ENTERS PRIVATE LAND WITHOUT OBTAINING
3 WRITTEN PERMISSION OF THE LANDOWNER, AN AGENT OF THE LANDOWNER
4 OR LESSEE.

5 (B) PENALTY.--A PERSON WHO VIOLATES SUBSECTION (A) COMMITS A
6 SUMMARY OFFENSE OF THE THIRD DEGREE.

7 Section 4 5. This act shall take effect ~~immediately~~ IN 90 <--
8 DAYS.