

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 67 Session of 2023

INTRODUCED BY LAUGHLIN, ROBINSON AND BREWSTER, FEBRUARY 21, 2023

AS AMENDED ON THIRD CONSIDERATION, JUNE 5, 2024

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, IN PENNSYLVANIA GAME COMMISSION, FURTHER PROVIDING <--
3 FOR ORGANIZATION OF COMMISSION; IN GAME OR WILDLIFE
4 PROTECTION, FURTHER PROVIDING FOR REPORT TO COMMISSION
5 OFFICER AND FOR SURRENDER OF CARCASS TO COMMISSION OFFICER;
6 in hunting and furtaking, repealing provisions relating to
7 hunting on Sunday prohibited, providing for hunting on Sunday
8 and further providing for the offense of trespass on private
9 property while hunting and for hunting on Sunday without
10 written permission; AND, IN SPECIAL LICENSES AND PERMITS, <--
11 PROVIDING FOR AGRICULTURE ACCESS PERMIT LIST.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 ~~Section 1. Section 2303 of Title 34 of the Pennsylvania <--
15 Consolidated Statutes is repealed:~~

16 SECTION 1. SECTION 301(A) AND (B) INTRODUCTORY PARAGRAPH OF <--
17 TITLE 34 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED
18 AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

19 § 301. ORGANIZATION OF COMMISSION.

20 (A) COMPOSITION.--THE INDEPENDENT ADMINISTRATIVE COMMISSION
21 KNOWN AS THE PENNSYLVANIA GAME COMMISSION SHALL CONSIST OF
22 [NINE] 10 COMPETENT CITIZENS OF THIS COMMONWEALTH WHO SHALL BE
23 WELL INFORMED ON THE SUBJECT OF WILDLIFE CONSERVATION AND

1 RESTORATION AND WHO SHALL BE APPOINTED BY THE GOVERNOR, BY AND
2 WITH THE ADVICE AND CONSENT OF A MAJORITY OF THE ELECTED MEMBERS
3 OF THE SENATE.

4 (B) QUALIFICATIONS.--[THE] ONE MEMBER OF THE COMMISSION
5 SHALL BE KNOWN AS THE AGRICULTURAL COMMISSIONER AT LARGE. THE
6 AGRICULTURAL COMMISSIONER AT LARGE SHALL REPRESENT THE INTEREST
7 OF AGRICULTURAL COMMODITIES THAT PERTAIN TO NORMAL AGRICULTURAL
8 OPERATIONS AND WILDLIFE. THE REMAINING MEMBERS OF THE COMMISSION
9 SHALL BE APPOINTED FROM THE VARIOUS GEOGRAPHICAL SECTIONS OF
10 THIS COMMONWEALTH SO THAT ONE AND ONLY ONE SHALL BE A RESIDENT
11 OF EACH OF THE FOLLOWING DISTRICTS:

12 * * *

13 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
14 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
15 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

16 "AGRICULTURAL COMMISSIONER AT LARGE." AN INDIVIDUAL WHO
17 RAISES AN AGRICULTURAL COMMODITY AND WHO OWNS OR LEASES A NORMAL
18 AGRICULTURAL OPERATION.

19 "AGRICULTURAL COMMODITY." AS DEFINED IN SECTION 2 OF THE ACT
20 OF JUNE 10, 1982 (P.L.454, NO.133), ENTITLED "AN ACT PROTECTING
21 AGRICULTURAL OPERATIONS FROM NUISANCE SUITS AND ORDINANCES UNDER
22 CERTAIN CIRCUMSTANCES."

23 "NORMAL AGRICULTURAL OPERATION." AS DEFINED IN SECTION 2 OF
24 THE ACT OF JUNE 10, 1982 (P.L.454, NO.133), ENTITLED "AN ACT
25 PROTECTING AGRICULTURAL OPERATIONS FROM NUISANCE SUITS AND
26 ORDINANCES UNDER CERTAIN CIRCUMSTANCES."

27 SECTION 2. SECTIONS 2122 AND 2125 OF TITLE 34 ARE AMENDED TO
28 READ:

29 § 2122. REPORT TO COMMISSION OFFICER.

30 ANY PERSON WHO KILLS ANY GAME OR WILDLIFE, OTHER THAN

1 RACCOONS, UNDER THE PROVISIONS OF THIS SUBCHAPTER SHALL, WITHIN
2 24 HOURS, REPORT, ORALLY OR IN WRITING, THE KILLING TO AN
3 OFFICER OF THE COMMISSION. THE REPORT SHALL SET FORTH THE DATE,
4 TIME AND PLACE OF THE KILLING, THE NUMBER OF SPECIES KILLED
5 [AND], THE SEX OF THE SPECIES[.] AND THE LOCATION OF EACH
6 CARCASS. THE COMMISSION SHALL ESTABLISH A SELF-REPORTING SYSTEM
7 THAT ALLOWS A PERSON ASSIGNED TO REMOVE DEER FOR CROP DAMAGE
8 PURPOSES TO REPORT EACH HARVEST TO AN OFFICER OF THE COMMISSION
9 VIA A TOLL-FREE TELEPHONE NUMBER, ONLINE APPLICATION OR PUBLICLY
10 ACCESSIBLE INTERNET WEBSITE.

11 § 2125. SURRENDER OF CARCASS [TO COMMISSION OFFICER].

12 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBCHAPTER, THE ENTIRE
13 CARCASS, INCLUDING THE HEAD AND HIDE[.] OF ALL BIG GAME ANIMALS
14 AND THE ENTIRE CARCASS OF ANY OTHER GAME OR WILDLIFE, OTHER THAN
15 RACCOONS, LESS ENTRAILS, SHALL BE MADE AVAILABLE, UNLESS
16 OTHERWISE DIRECTED BY AN OFFICER OF THE COMMISSION, INTACT[,
17 LESS ENTRAILS,] TO ANY COMMISSION OFFICER CALLING FOR THEM[.] OR
18 DELIVERED TO A PROCESSOR FOR FINAL DISPOSITION. AS USED IN THIS
19 SECTION, THE TERM "PROCESSOR" MEANS A LOCATION SPECIFIED BY THE
20 COMMISSION THAT IS WILLING TO ACCEPT DONATIONS OF ANIMALS TAKEN
21 UNDER THIS CHAPTER.

22 SECTION 3. SECTION 2303 OF TITLE 34 IS REPEALED:

23 [§ 2303. Hunting on Sunday prohibited.

24 (a) General rule.--Except as otherwise provided in this
25 title, it is unlawful for any person to hunt for any furbearer
26 or game on Sunday.

27 (b) Construction of section.--This section shall not be
28 construed to prohibit:

29 (1) The training of dogs.

30 (2) The participation in dog trials as provided for in

1 this title.

2 (3) The removal of lawfully taken game or wildlife from
3 traps or the resetting of the traps on Sunday.

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

5 (1) The hunting of foxes.

6 (2) The hunting of coyotes.

7 (3) Any hunting which occurs on noncommercial regulated
8 hunting grounds holding a valid permit under section 2928(b)
9 (2) (relating to regulated hunting grounds permits).

10 (4) Hunting on three Sundays each calendar year, as
11 follows:

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

14 (ii) One day of Sunday hunting shall be instituted
15 by the commission during the Statewide deer archery
16 season.

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

19 Authority to hunt on any Sunday instituted by the commission
20 under this paragraph shall not apply to any person required
21 to secure a hunting license who attempts to hunt on private
22 land without obtaining written permission of the landowner,
23 an agent of the landowner or lessee.

24 (c) Penalty.--A violation of this section is a summary
25 offense of the fifth degree.]

26 Section ~~2~~ 4. Title 34 is amended by adding a section to
27 read:

28 § 2303.1. Hunting on Sunday.

29 (a) General rule.--The commission may institute Sunday
30 hunting by regulation promulgated in accordance with section

<--

1 2102 (relating to regulations).

2 (b) Applicability.--Authority to hunt for big game on any <--
3 Sunday instituted by the commission under subsection (a) shall
4 not apply to any person required to secure a hunting license who
5 attempts to hunt on private land without obtaining written
6 permission of the landowner, an agent of the landowner or a
7 lessee.

8 (c) Lawful hunting.--It shall be lawful for a person to hunt
9 for any furbearer or game on Sunday on and after the publication
10 of the final regulation under subsection (a).

11 Section 3 5. Sections 2314(a), (b) and (c) and 2315(a) of <--
12 Title 34 are amended to read:

13 § 2314. Trespass on private property while hunting.

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

17 (1) enters or remains on any land of another without
18 authorization to do so, when the land is posted in a manner
19 prescribed by law or reasonably likely to come to the
20 person's attention [or is fenced or enclosed in a manner
21 manifestly designed to exclude trespassers; or];

22 (2) enters or remains on any land of another without
23 authorization and defies an order not to enter or to leave
24 that has been personally communicated to the person by the
25 owner of the land or other authorized person[.];

26 (3) enters or remains on any land of another without
27 authorization to do so, when the land is fenced or enclosed
28 in a manner manifestly designed to exclude trespassers; or

29 (4) subject to subsection (b), enters or remains on any
30 land of another without authorization to do so when notice

1 against trespass is given by the placement of identifying
2 purple paint marks on trees or posts on the property, which
3 are:

4 (i) vertical lines of not less than eight inches in
5 length and not less than one inch in width;

6 (ii) placed in a manner so that the bottom of the
7 mark is not less than three feet from the ground and not
8 more than five feet from the ground; and

9 (iii) placed at locations that are readily visible
10 to a person approaching the property and no more than 100
11 feet apart.

12 (b) Applicability.--

13 (1) This section shall not apply to an unarmed person
14 who enters onto posted property for the sole purpose of
15 retrieving a hunting dog.

16 (2) Subsection (a) (4) shall not apply in a county of the
17 first class or a county of the second class.

18 (c) Penalty.--An offense under this section shall be graded
19 as follows:

20 (1) A person who violates subsection (a) (1), (3) or (4)
21 commits a summary offense of the [third degree.] second
22 degree and shall MAY result in forfeiture of the privilege to <--
23 hunt or take game or wildlife anywhere within this
24 Commonwealth for a period of up to one year.

25 (2) A person who violates subsection (a) (2) commits a
26 misdemeanor[.] and shall result in forfeiture of the
27 privilege to hunt or take game or wildlife anywhere within
28 this Commonwealth for a period of three years.

29 (3) A person who commits a second or subsequent
30 violation of this section within a seven-year period commits

1 a misdemeanor, and the second or subsequent violation shall
2 result in forfeiture of the privilege to hunt or take game or
3 wildlife anywhere within this Commonwealth for a period of
4 [one year] five years.

5 * * *

6 § 2315. Hunting on Sunday without written permission.

7 (a) General rule.--A person required to secure a hunting
8 license to hunt commits an offense if, while engaged in hunting
9 on Sunday under section [2303(b.1)(4) (relating to hunting on
10 Sunday prohibited)] 2303.1 (relating to hunting on Sunday), the
11 person enters private land without obtaining written permission
12 of the landowner, an agent of the landowner or lessee.

13 * * *

14 SECTION 6. TITLE 34 IS AMENDED BY ADDING A SECTION TO READ: <--

15 § 2931. AGRICULTURE ACCESS PERMIT LIST.

16 (A) PERMIT LIST.--THE COMMISSION SHALL CREATE THE
17 AGRICULTURE ACCESS PERMIT LIST TO CONNECT LICENSED HUNTERS WITH
18 PRIVATE AGRICULTURAL LANDOWNERS FOR THE PURPOSE OF CROP DAMAGE
19 MEDIATION.

20 (B) APPLICATIONS.--AN INDIVIDUAL MAY SUBMIT AN APPLICATION
21 FOR PLACEMENT ON THE LIST AND A PERMIT UNDER THIS SECTION IN A
22 FORM AND MANNER DETERMINED BY THE COMMISSION. THE COMMISSION
23 SHALL PROVIDE AN APPLICANT WITH THE OPTION OF APPLYING FOR
24 PLACEMENT ON THE LIST AND A PERMIT UNDER THIS SECTION WHEN THE
25 APPLICANT IS PURCHASING THE APPLICANT'S HUNTING LICENSE. THE
26 FOLLOWING SHALL APPLY:

27 (1) BY SELECTING THE OPTION SPECIFIED UNDER THIS
28 SUBSECTION, THE APPLICANT SHALL GIVE THE COMMISSION THE RIGHT
29 TO SHARE THE INFORMATION AUTHORIZED UNDER SUBSECTION (D) UPON
30 APPROVAL OF THE APPLICATION.

1 (2) THE APPLICANT MAY REAPPLY FOR PLACEMENT ON THE LIST
2 AND A PERMIT UNDER THIS SECTION BASED ON THE CRITERIA UNDER
3 SUBSECTION (C).

4 (C) CRITERIA.--IN ORDER TO BE ELIGIBLE FOR PLACEMENT ON THE
5 LIST AND A PERMIT UNDER THIS SECTION, AN APPLICANT SHALL MEET
6 ALL OF THE FOLLOWING CRITERIA AT THE TIME OF SUBMISSION OF THE
7 APPLICATION UNDER SUBSECTION (B):

8 (1) HAS NOT COMMITTED AN OFFENSE UNDER THIS TITLE IN THE
9 PRIOR SEVEN YEARS.

10 (2) BE 18 YEARS OF AGE OR OLDER.

11 (3) FURNISH PROOF OF A VALID HUNTING LICENSE AND TAGS
12 FOR THE GAME OR WILDLIFE THAT THE APPLICANT WILL BE HUNTING
13 ON THE ELIGIBLE HUNTING GROUNDS.

14 (D) RETENTION OF RECORDS.--THE COMMISSION SHALL RETAIN ALL
15 OF THE FOLLOWING:

16 (1) THE NAME OF EACH APPLICANT AND CORRESPONDING RECORDS
17 CONTAINING EACH APPLICANT'S NAME, TELEPHONE NUMBER AND
18 MUNICIPALITY.

19 (2) EACH APPLICATION APPROVED UNDER SUBSECTION (E).

20 (3) EACH APPLICATION DISAPPROVED UNDER SUBSECTION (E)
21 AND REASONS FOR THE DISAPPROVAL. NOTWITHSTANDING THE ACT OF
22 FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW
23 LAW, OR ANY OTHER PROVISION OF LAW, THE COMMISSION MAY NOT
24 PUBLICLY DISCLOSE THE REASONS FOR THE DISAPPROVAL OF AN
25 APPLICATION.

26 (E) NOTICE.--THE COMMISSION SHALL, VIA TELEPHONE, FIRST
27 CLASS MAIL OR EMAIL, NOTIFY AN APPLICANT WHO HAS BEEN APPROVED
28 OR DISAPPROVED FOR PLACEMENT ON THE LIST AND A PERMIT UNDER THIS
29 SECTION.

30 (F) DURATION.--THE COMMISSION SHALL ISSUE A PERMIT UNDER

1 THIS SECTION IN ACCORDANCE WITH THE DURATION OF THE LICENSE
2 PERIOD UNDER SECTION 2707 (RELATING TO LICENSE PERIODS). UPON
3 THE EXPIRATION OF THE LICENSE PERIOD, THE COMMISSION SHALL
4 REMOVE EACH PERMITTEE FROM THE LIST.

5 (G) LANDOWNERS.--A PRIVATE AGRICULTURAL LANDOWNER MAY
6 REQUEST THE LIST FROM THE COMMISSION, INCLUDING EACH PERMITTEE'S
7 NAME, TELEPHONE NUMBER, MUNICIPALITY AND COUNTY PREFERENCE.

8 (H) GUIDELINES.--A PERMITTEE SHALL ADHERE TO GUIDELINES
9 SPECIFIED BY A PRIVATE AGRICULTURAL LANDOWNER WHEN CONDUCTING
10 HUNTING ACTIVITIES ON THE LANDOWNER'S PROPERTY IF THE GUIDELINES
11 ARE IN ACCORDANCE WITH THE COMMISSION'S REGULATIONS, INCLUDING
12 ALL OF THE FOLLOWING:

13 (1) SPECIFIC DAYS ACCESS IS ALLOWED TO THE PROPERTY.

14 (2) SPECIFIC GAME SPECIES OR SEX OF GAME SPECIES THAT
15 ARE AVAILABLE FOR HARVEST.

16 (I) BOUNDARIES.--THE BOUNDARIES OF THE PREMISES COVERED BY A
17 PERMIT UNDER THIS SECTION AS ELIGIBLE HUNTING GROUNDS SHALL BE
18 GROUNDS WHICH ARE OWNED BY A PRIVATE AGRICULTURAL LANDOWNER WHO
19 ENTERED INTO AN AGREEMENT WITH A PERMITTEE TO CONDUCT HUNTING
20 ACTIVITIES ON THE LANDOWNER'S LAND.

21 (J) TERMINATION OF ACCESS.--A PRIVATE AGRICULTURAL LANDOWNER
22 MAY TERMINATE AN AGREEMENT SPECIFIED UNDER SUBSECTION (I) FOR
23 ANY REASON AT ANY TIME IF THE LANDOWNER PROVIDES 24 HOURS'
24 NOTICE OF THE TERMINATION TO A PERMITTEE. UPON THE PRIVATE
25 AGRICULTURAL LANDOWNER PROVIDING NOTICE UNDER THIS SUBSECTION,
26 THE PERMITTEE SHALL CEASE HUNTING ACTIVITIES ON THE LANDOWNER'S
27 LAND.

28 (K) REMOVAL FROM LIST.--A PERMITTEE SHALL RELINQUISH THE
29 PERMITTEE'S PLACEMENT ON THE LIST AND PERMIT UNDER THIS SECTION
30 IF THE PERMITTEE:

1 Pa.C.S. § 2303.1.

2 (2) This section shall take effect immediately.

3 (3) The remainder of this act shall take effect in 60
4 days.