

## No. 250

## AN ACT

## SB 1259

Amending the act of June 3, 1937 (P.L.1225, No.316), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," changing penalties for unlawful and mistaken acts relating to deer, elk, bear, wild birds and wild animals.

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

Section 1. Section 506, act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," amended December 1, 1971 (P.L.584, No.153) and March 22, 1974 (No.41), is amended to read:

Section 506. Penalties.—Any person violating any of the provisions of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

For taking, killing, wounding, possessing, or transporting from one locality to another within this State, or for attempting to take, kill, or wound, contrary to this article, or any rules and regulations relative to the taking of game, fur-bearing animals, nongame birds, or any other wild birds or wild animals adopted by the commission:

(a) Each elk, [**two hundred dollars (\$200)**] *four hundred dollars (\$400)*, and in the discretion of the court, six months imprisonment;

(b) Each deer, [**one hundred dollars (\$100)**] *two hundred dollars (\$200)*;

(c) Each bear, [**two hundred dollars (\$200)**] *four hundred dollars (\$400)*;

(d) Each wild turkey *fifty dollars (\$50)*; and each ruffed grouse, ringneck pheasant, quail, partridge, or woodcock, swan, wild goose, brant or wild duck, twenty-five dollars (\$25);

(e) Each raccoon, twenty-five dollars (\$25);

(f) Each bobcat or wildcat, fifty dollars (\$50);

(g) For each other bird or animal, ten dollars (\$10).

For violating any of the provisions of this article not above specifically provided for, or for violating any of the rules and regulations of the commission adopted under the provisions of this article, twenty-five dollars (\$25) and costs of prosecution for each offense.

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution.

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution, and in addition thereto shall, in the discretion of the court, suffer imprisonment one day for each dollar of fine imposed.

Section 2. Section 710 of the act, amended June 24, 1939 (P.L.810, No.361), is amended to read:

Section 710. Killing **[Game] or Attempting to Kill Wild Bird or Animal** by Mistake.—Each individual who may, by mistake, kill or **[during the regular open hunting season by mistake]** attempt to kill, any wild bird or *wild* animal, contrary to the provisions of this act, or any rules and regulations of the commission, may, within twenty-four hours **following such mistake**, pay **[one-fourth of the penalty imposed by law for the illegal killing of any bird or animal to a legally authorized representative of the commission,]** **to any game protector, by field acknowledgment of guilt, a reduced penalty for such mistake killing or attempted killing as hereinafter provided in this section**, if such individual **[, to the best of his ability,]** shall **[at once] immediately after such mistake killing**, remove the entrails of any animal **or bird so killed** and deliver the carcass **[of any bird or animal so killed]** to any game protector or his residence for disposition as hereinafter provided, and shall, within twenty-four hours after such killing, or attempted killing, make and deliver to such officer to whom such penalty was paid a statement in writing, under oath, explaining when and where and how such mistake was made.

**Penalties for such mistake killing or attempted mistake killing shall be imposed as follows:**

- (1) Each deer, twenty-five dollars (\$25);**
- (2) Each bear, fifty dollars (\$50);**
- (3) Each elk, fifty dollars (\$50);**
- (4) Each other wild bird or wild animal, one-fourth of the penalty otherwise imposed by this act for the illegal killing or attempted killing of such other wild bird or wild animal.**

Said portion of the penalty and the sworn statement, together with the officer's report, shall be forwarded to the director as quickly as possible for review. If after investigation the director is not satisfied said killing, or attempted killing, was done by mistake, but was caused by negligence or carelessness, he shall order the defendant to be prosecuted in the regular manner, and the amount so deposited shall be applied toward the payment of the full penalty and any costs of prosecution as provided in this act.

Section 3. The act is amended by adding sections to read:

**Section 706.1. Possession or Transportation of Deer Accidentally Killed by Motor Vehicle on Road or Highway.—It shall be unlawful for any person at any time to possess or transport deer or any part thereof which was accidentally killed by a motor vehicle on any road or highway unless authorized by written permission by the commission. The provisions of this section shall only be applicable when it is clearly evident through a visual inspection or investigation conducted by any officer having authority to enforce the game laws, that any deer or part**

*thereof found in possession of or<sup>1</sup> being transported by any person was in fact accidentally killed by a motor vehicle on a road or a highway.*

*The provisions of this section shall not be applicable under any circumstances when any person is charged with violating any other section or sections of this act involving deer nor shall this section be used or accepted as a defense in any legal proceeding involving such cases.*

*Any person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of one hundred dollars (\$100) and costs of prosecution for each deer or any part thereof. Upon failure of any person convicted to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of the fine imposed and costs of prosecution.*

*Section 706.2. Live Deer Taken From the Wild.—It shall be unlawful for any person at any time to capture, possess, transport, or have in captivity any live deer taken from the wild within this Commonwealth under any circumstances unless authorized in writing by the commission.*

*Any person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of fifty dollars (\$50) and costs of prosecution for each deer. Upon failure of any person convicted to immediately pay the fine imposed and costs of prosecution, he shall be imprisoned one day for each dollar of the fine imposed and costs of prosecution.*

Section 4. Clauses (n) and (q) of section 731 of the act, clause (n) amended June 13, 1961 (P.L.306, No.182), and clause (q) amended December 1, 1971 (P.L.584, No.153), are amended to read:

Section 731. Penalties.—Any person violating any of the provisions of the sections of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

\* \* \*

(n) For making use of, or taking advantage of, any vehicle, trailer, conveyance, headlight, or spotlight, or artificial light or battery or other contrivance or device to spot or locate or hunt for, or catch or take or kill or wound, any elk, deer or bear *while having in his or their possession or under their control a firearm or other implement whereby any elk, bear or deer could be killed, even though such animal be not shot at, injured or killed, each person, upon conviction, shall be sentenced to pay a penalty of four hundred dollars (\$400) for each elk, four hundred dollars (\$400) for each bear, two hundred dollars (\$200) for each deer, plus costs of prosecution, and in addition thereto, the forfeiture of such vehicle, trailer, headlight, spotlight, firearm, or other contrivance and all paraphernalia used when any elk, bear or deer is shot at, wounded or killed;* or for setting, laying, or preparing for use, or using, any set-gun

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<sup>1</sup> "or" omitted in original.

for the purpose, or evident purpose, of taking, killing, or wounding or attempting to take, kill, or wound, any elk, deer, bear, or other wild bird or wild animal, contrary to the provisions of this article, **[one hundred dollars (\$100) for each person concerned; and the forfeiture of such vehicle, trailer, headlight, spotlight, or other contrivance and all paraphernalia used;]** *each person, upon conviction, shall be sentenced to pay a penalty of four hundred dollars (\$400) for each elk, four hundred dollars (\$400) for each bear, two hundred dollars (\$200) for each deer, one hundred dollars (\$100) for each other wild bird or wild animal, and in addition thereto, the forfeiture of such set-gun or other device or contrivance and all paraphernalia used;*

\* \* \*

(q) Except as otherwise herein provided, for hunting, or chasing, or catching, or taking, or killing, or wounding, or receiving, or delivering, or transporting, or shipping or using or concealing or assisting to take, kill, wound, transport or conceal, or having in possession, or attempting to hunt for, catch, take, kill, wound, or transport contrary to this article, or regulations adopted thereunder by the commission, or for violating any of the provisions of this article relating to the shipping or transportation or removal out of this Commonwealth, or relating to the buying or selling or bartering of the whole, or any substantial part or parts of:

I. Each elk, **[two hundred dollars (\$200)] four hundred dollars (\$400)**, and in the discretion of the court six months' imprisonment.

II. Each deer, **[one hundred dollars (\$100)] two hundred dollars (\$200)** during any deer season; at any other time, for the first offense, **[one hundred dollars (\$100)] two hundred dollars (\$200)** and the person convicted shall be denied the right to hunt or trap anywhere in this Commonwealth, with or without a license, for a period of three years; and for the second and each subsequent offense, **[two hundred dollars (\$200)] three hundred dollars (\$300)** and the person convicted shall be denied the right to hunt or trap anywhere in this Commonwealth, with or without a license, for a period of three years. When the convicted person has been denied the right to hunt or trap anywhere in this Commonwealth for a period of one year, the commission upon good cause shown may grant the right to hunt or trap anywhere in this Commonwealth to the person convicted.

III. Each bear, **[two hundred dollars (\$200)] four hundred dollars (\$400)** during any bear season; at any other time, **[two hundred dollars (\$200)] four hundred dollars (\$400)** and the person convicted shall be denied the right to hunt or trap anywhere in this Commonwealth, with or without a license, for a period of five years. When the convicted person has been denied the right to hunt or trap anywhere in this Commonwealth for a period of one year, the commission upon good

cause shown may grant the right to hunt or trap anywhere in this Commonwealth to the person convicted.

IV. Each wild turkey *fifty dollars (\$50)*; and each ruffed grouse, pheasant, quail, partridge, or woodcock, swan, wild goose, brant, or wild duck, twenty-five dollars (\$25).

V. Each raccoon, twenty-five dollars (\$25).

VI. Each bobcat or wildcat, fifty dollars (\$50).

VII. Each other wild bird or wild animal, ten dollars (\$10).

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Section 5. Subsection (h) of section 943 of the act, amended June 13, 1961 (P.L.306, No.182), is amended to read:

Section 943. Penalties.—Any person violating any of the provisions of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

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(h) Except as otherwise herein provided, for hunting, or trapping, or catching, or killing, or wounding, or driving, or molesting, or removing, or attempting to hunt for, or trap, or catch, or kill, or wound, or drive, or molest, or remove any wild birds or wild animals within the limits of a State Game Refuge, or an Auxiliary State Game Refuge, or a State Game Farm, or a State Game Propagation area, or a special preserve contrary to the provisions of this article, or for violating any of the provisions of this article not hereinbefore specifically provided, for:

I. Each elk, [**two hundred dollars (\$200)**] *four hundred dollars (\$400)*;

II. Each deer, [**one hundred dollars (\$100)**] *two hundred dollars (\$200)*;

III. Each bear, [**two hundred dollars (\$200)**] *four hundred dollars (\$400)*;

IV. Each wild turkey, *fifty dollars (\$50)*, each ruffed grouse, ringneck pheasant, quail, partridge, or woodcock, swan, wild goose, brant, or wild duck, twenty-five dollars (\$25);

V. Each raccoon, twenty-five dollars (\$25);

VI. Each other wild bird or wild animal, ten dollars (\$10).

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Section 6. This act shall take effect in thirty days.

APPROVED—The 17th day of October, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly  
No. 250.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large, prominent initial "C".

*Secretary of the Commonwealth.*