

No. 1979-31

AN ACT

HB 568

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," increasing penalties imposed on the owners of dogs chasing small game during closed season and extending to owners and trainers of raccoon hounds the same privileges granted to owners and trainers of fox hounds during the closed training season.

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

Section 1. Section 718, act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," is amended to read:

Section 718. Dogs Pursuing Small Game in Close Season.—Any dog pursuing or following upon the track of any small game during what is known as the close season for game, is hereby declared to be a public nuisance, and may be killed by any officer of the Commonwealth whose duty it is to protect the game or wild birds, or the owner or lessee of land whereon it is found, or by an employe of such owner or lessee, unless such dog shall wear a collar having attached thereto a metallic tag, or plate upon which shall be plainly inscribed, in English, the name and address of the owner of such dog, and also a dog license tag as provided by the laws of the Commonwealth.

Any dog thus wearing a collar, inscribed and tagged as before mentioned, pursuing small game during the close season, may be killed by any officer of the State whose duty it is to protect the game of the State, or by the owner or lessee of any land upon which such dog may be found, or by any employe of either the owner or lessee, when such dog is seen upon the track of such game, or is in the act of injuring or killing, or has injured or killed, such game, after notice in writing, from that particular person, or from the director, has been given to the owner or reputed owner or person in control of such dog, to the effect that the dog in question is in the habit of destroying or pursuing or following upon the track of game contrary to this section.

Any person who shall permit his dog or a dog under his control to pursue small game during the close season, shall be liable, without notice of any kind, to a penalty of **[ten dollars]** *twenty-five dollars* and costs of prosecution for each day small game may be pursued in violation of this section, and to an additional penalty of five dollars for each animal or bird injured or killed by such dog without the aid or direction of its master.

Section 2. Section 719 of the act, amended August 1, 1963 (P.L.443, No.234), is amended to read:

Section 719. Training of Dogs on Certain **[Game]** *Wildlife*; Exception for Fox **[Hunting]** *and Raccoon*.—Except as otherwise provided in this

act, or in defense of person or property, it is unlawful for the owner of any dog or a dog under **[his control] the control of any person**, to permit such dog to chase, pursue, or follow upon the track of any wild bird or wild animal either day or night, between the first day of April and the thirty-first day of July next following: Provided, however, That the commission, upon receipt of a petition **to train dogs on fox or raccoon** signed by two hundred and fifty (250) or more residents of a county, who held hunting licenses of the previous year, or who are farmers or sheep raisers, whether licensed to hunt or not, shall by resolution, **[notice of which shall be published as required by this act,]** designate any county, or part thereof, in which **[hunting foxes with dogs] training of dogs on fox or raccoon** at any time, either day or night, shall be lawful throughout the entire year and each year thereafter, except for such sixty-day period as the commission may designate, when complying with the provisions of this act relative to hunting licenses or permits. Whenever it shall be determined by license holders of the previous year or farmers or sheep raisers whether licensed to hunt or not that a change is desirable in the closed period for **training of dogs on fox [hunting] or raccoon**, then such change shall be accomplished by petition to the commission as provided above.

[During the hours from sunrise to nine o'clock postmeridian, eastern standard time, dogs] Dogs, when accompanied by and under control of their owner or handler, may be trained upon **[any] fox and game** in this Commonwealth, except elk, deer, or bear, or wild turkey, **either day or night**, from the first day of August to the thirty-first day of March next following, unless said period be further restricted by resolution of the commission, so long as no firearms usually raised at arm's length and fired from the shoulder are carried and no injury is inflicted upon said animals or birds, **except that during the foregoing period, and under the conditions stipulated, it shall be lawful to train dogs upon raccoons from sunrise to midnight, eastern standard time]**: Provided, however, (a) That it shall be unlawful to train dogs on Sunday, unless the consent of the owner of the land where such training is being done has first been secured, but no such consent shall be required in the case of State and National forest lands, and (b) that the commission may by resolution change the **[daily hours] time of day or night** designated in this section **[to make adjustment for time changes or time designations established by Federal law or any regulations promulgated under Federal law] for training dogs**.

"Under control" is hereby defined to mean within call except when actually on a trail or track of **fox or** legal game.

Any person who shall train a dog or dogs, or permit a dog or dogs under his control, to pursue or follow upon the track of any small game, **or other bird or] or fox, or other wild bird or wild** animal, except elk, deer or bear, contrary to the foregoing provisions, shall, upon conviction, be sentenced to pay a fine of **[ten dollars] twenty-five dollars** and costs of prosecution for each offense.

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

APPROVED—The 5th day of July, A. D. 1979.

DICK THORNBURGH