

No. 1984-37

## AN ACT

HB 686

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," further providing for prohibited property damage; providing for civil liability for property damage; prohibiting hunting or trapping in unharvested fields; and imposing penalties.

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

Section 1. Section 801 of the act of June 3, 1937 (P.L.1225, No.316), known as The Game Law, is amended to read:

Section 801. Property Damage Prohibited.—It is unlawful for any person while hunting or trapping for wild birds or animals of any kind *upon lands open to public hunting and trapping* to cause damage, or assist in causing damage, or injury, in any manner whatsoever, to either real or personal property of any kind, or to leave gates or bars open, or to break down, destroy or injure fences, or to tear down or scatter rail, post, wood or stone piles, or through carelessness or negligence to injure livestock of any kind.

The foregoing provision shall not be construed to prevent the removal of a mortally wounded bird or animal from its place of refuge in a rail, post, wood, or stone pile or fence, if permission has first been obtained from the owner or person in charge of such property, and provided such property is restored to the condition in which it was found.

**[Any person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars and costs of prosecution.]**

*Any person who shall cause damage to real or personal property, including crops of any kind, shall, upon conviction, be sentenced to pay the penalty prescribed in this section and, in addition thereto, shall be liable to pay, upon demand of the person having legal control of the property, the sum equal to the amount of the damages as shall be determined by a court of competent jurisdiction. The court may appoint a competent appraiser to determine the amount of such damage. The amount of the damage determined finally by the court shall be assessed against the defendant and paid to the court for disposition. The court shall deliver the amount collected to the person having legal control over the land where the damage occurred. The court appointed appraiser shall be entitled to a reasonable fee for services rendered which shall be assessed against the defendant as additional costs for delivery to the appraiser by the court.*

*Any person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of one hundred dollars and costs of prosecution.*

Section 2. The act is amended by adding a section to read:

***Section 804. Hunting in Unharvested Fields.—It shall be unlawful for any person, while on the property of others open to public hunting and trapping, to hunt or trap in or upon unharvested buckwheat, corn, sorghum or soybean fields without the permission of the owner or person in charge of such property.***

***Any person violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of fifty dollars and costs of prosecution.***

Section 3. The Pennsylvania Game Commission shall be required to prominently publish the provisions of this act in its publications and to issue such other notices as it determines to be necessary.

Section 4. This act shall take effect on September 1 following enactment.

APPROVED—The 4th day of April, A. D. 1984.

DICK THORNBURGH