

No. 2002-79

AN ACT

HB 2125

Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of enforcement officers and deputy game commission officers; authorizing licensed hunters to remove deer over baited areas in certain areas pursuant to Pennsylvania Game Commission regulations; and increasing the penalty for safety zone violations.

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

Section 1. Sections 901(a), 902, 2308(b) and 2505(b) of Title 34 of the Pennsylvania Consolidated Statutes are amended to read:

§ 901. Powers and duties of enforcement officers.

(a) Powers.—Any officer whose duty it is to enforce this title or any officer investigating any alleged violation of this title shall have the power and duty to:

(1) Enforce all laws of this Commonwealth relating to game or wildlife and arrest any person who has violated any of the provisions of this title while in pursuit of that person immediately following the violation.

(2) Go upon any land or water outside of buildings, posted or otherwise, in the performance of the officer's duty.

(3) Serve subpoenas issued under the provisions of this title.

(4) Carry firearms or other weapons, concealed or otherwise, in the performance of the officer's duties.

(5) Purchase and resell game or wildlife, or any part thereof, for the purpose of securing evidence.

(6) Stop and inspect or search, at any time, any means of transportation within this Commonwealth. Any officer who stops any means of transportation shall be in uniform and present a badge or other means of official identification and state the purpose of the inspection or search.

(7) Inspect and examine or search, at any time or place, any person or means of transportation or its attachment or occupants, or any clothing worn by any person, or any bag, clothing or container when the officer presents official identification and states the purpose of the inspection or search.

(8) Inspect and examine or search, at any time, any camp, tent, cabin, trailer or any means of transportation or its attachment being used when the officer presents official identification to the person in charge and states the purpose of the inspection or search.

(9) Secure and execute all warrants and search warrants for violations of this title or, with proper consent, to search or enter any

building, dwelling, house, tavern, hotel, boardinghouse, enclosure, vehicle or craft or any attachments thereto, to open, by whatever means necessary, any door, compartment, chest, locker, box, trunk, bag, basket, package or container and to examine the contents thereof and seize any evidence or contraband found therein.

(10) When making an arrest or an investigation or when found in the execution of a search warrant, seize and take possession of all game or wildlife or parts of game or wildlife which have been taken, caught, killed, had or held in possession, and seize all firearms, shooting or hunting paraphernalia, vehicles, boats, conveyances, traps, dogs, decoys, automotive equipment, records, papers, permits, licenses and all contraband or any unlawful device, implement or other appliance used in violation of any of the laws relating to game or wildlife.

(11) Administer any oaths required by the provisions of this title or relative to any violation of any law relating to game or wildlife and, where game or wildlife is found in a camp or in possession or under control of any individual or hunting party, question the person or persons, under oath, relative to the taking, ownership or possession of the game or wildlife.

(12) Operate or move any vehicle, permanently or temporarily equipped with a type of flashing or rotating red light or lights or audible device or both, approved by the commission, upon any street or highway within this Commonwealth when performing duties within the scope of employment.

(12.1) Operate any vehicle owned or leased by the Commonwealth and used for law enforcement purposes, equipped with flashing or rotating lights of such color and combination and audible devices as authorized in the definition of "emergency vehicle" in 75 Pa.C.S. § 102 (relating to definitions) and approved by the commission, upon any street or highway within this Commonwealth when performing duties within the scope of employment. Drivers of Commonwealth-owned or Commonwealth-leased vehicles equipped with lights and audible devices as authorized in this subchapter may exercise the privileges and shall be subject to the conditions as set forth in 75 Pa.C.S. § 3105 (relating to drivers of emergency vehicles).

(13) Demand and secure assistance when the officer deems it necessary.

(14) Demand and secure identification from any person.

(15) Enforce all the laws of this Commonwealth and regulations promulgated thereunder relating to fish, boats, parks and forestry and other environmental matters, under the direction of those agencies charged with the administration of these laws.

(16) Require the holder of any license or permit required by this title or by commission regulation to sign the holder's name on a separate piece of paper in the presence of the requesting officer.

(17) When acting within the scope of the officer's employment, pursue, apprehend or arrest any individual suspected of violating any provision of Title 18 (relating to crimes and offenses) or any other offense classified as a misdemeanor or felony. The officer shall also have the power to serve and execute warrants issued by the proper authorities for offenses referred to in this paragraph and to serve subpoenas issued for examination. All powers as provided for in this paragraph will be limited by such administrative procedure as the director, with the approval of the commission, shall prescribe. The regulations shall be promulgated within 90 days of the effective date of this paragraph.

(18) When acting within the scope of the officer's employment and under the procedures outlined by the executive director, to use a facsimile in the enforcement of the provisions of this title and the regulations promulgated hereunder.

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§ 902. Deputy Game Commission officers.

Except for the powers conferred under section 901(a)(12.1), (17) and (18) (relating to powers and duties of enforcement officers), deputy Game Commission officers shall, unless further restricted by the director, exercise all the powers and perform all the duties conferred by this title on Game Commission officers, except deputy wildlife conservation officers shall not be authorized to issue citations or field acknowledgments of guilt for violations and shall provide the information to the wildlife conservation officer. Retired wildlife conservation officers, retired waterways conservation officers, State park rangers, State forest rangers or current or retired State or municipal police officers shall exercise all powers and duties conferred on deputy Game Commission officers, including the right to issue citations and field acknowledgments of guilt for violations.

§ 2308. Unlawful devices and methods.

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(b) Exceptions.—The provisions of subsection (a) shall not apply to:

(1) Any archery sight or firearm's scope which contains and uses any mechanical, photoelectric, ultraviolet or solar-powered device to solely illuminate the sight or crosshairs within the scope. No archery sight or firearm's scope shall contain or use any device, no matter how powered, to project or transmit any light beam, infrared beam, ultraviolet light beam, radio beam, thermal beam, ultrasonic beam, particle beam or other beam outside the sight or scope onto the target.

(2) (i) Any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).

(ii) *Any licensed hunter in cities of the first class, while hunting on private property and using a bow and arrow or crossbow, using bait to attract deer for removal as provided by commission regulations.*

(iii) Any licensed hunter in special regulation areas, other than counties of the second class, using bait to attract deer for removal as provided by commission regulations.

(3) Any artificial or manufactured turkey blind consisting of all manmade materials of sufficient density to block the detection of movement within the blind from an observer located outside of the blind.

§ 2505. Safety zones.

(b) Penalty.—A violation of this section is a summary offense [of the fourth degree.] *punishable by a fine of not less than \$200 nor more than \$500. A second or subsequent offense within two calendar years is a summary offense punishable by a fine of not less than \$500 nor more than \$1,000.*

Section 2. This act shall take effect in 60 days.

APPROVED—The 28th day of June, A.D. 2002.

MARK S. SCHWEIKER