

No. 110

AN ACT

SB 306

Prohibiting the sale of articles made in whole or in part from the skin, hide, or other parts of wild birds or animals designated as rare or endangered species and providing penalties.

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

Section 1. Whenever used in this act, unless a contrary intention is evident from the context, the word "person" shall include individuals, copartnerships, associations, and corporations; the singular shall include the plural, and the masculine, and feminine and neuter. The word "each" shall include the whole or any substantial part or parts.

The term "endangered species" shall include all species and sub-species of wild birds and wild animals, which have been declared threatened with extinction by the Secretary, United States Department of the Interior, and appear on the Endangered Species List or the Native Endangered Species List as published in the Federal Register.

The term "rare species" shall include all species and sub-species of wild birds and wild animals, which are declared in such small numbers throughout their range by the Secretary, United States Department of the Interior, that they may become endangered if their environment worsens, and appear on a Rare Species List as published in the Federal Register.

Section 2. It shall be unlawful for any person acting either for himself, or as a representative of another, at any time to buy, sell, or barter, or to offer for sale or barter, or to manufacture for sale or barter, or to have in possession for sale or barter any article made in whole or in part from the skin, hide, or other parts of any endangered or rare species of wild birds or wild animals except as exempted in the act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law."

It shall be the duty of every police officer having the authority to enforce the laws of the Commonwealth to seize all such articles made in whole or in part from the skin, hide, or other parts of any endangered or rare species of wild birds or wild animals. All such articles which are subsequently found to be contraband shall be forfeited to the county wherein the offense occurred to be disposed of at the discretion of the court of common pleas.

Section 3. Any person violating this act shall, upon summary conviction for the first offense, be sentenced to pay a fine of up to four hundred dollars (\$400), and the costs of prosecution.

Each magistrate, alderman, and justice of the peace shall have the power of summary conviction in matters pertaining to any violations

under this act except in cases where that violation is designated a misdemeanor.

All summary proceedings under the provisions of this act shall be commenced by affidavit made within two years after the date of any violation before the nearest available magistrate, alderman or justice of the peace in any city, borough, incorporated town or township in the county.

Any magistrate, alderman, or justice of the peace on complaint made before him by affidavit charging any person with having violated any of the provisions of this act, shall issue his warrant, under his hand and seal, directed to any police officer having the authority to enforce the laws of the Commonwealth, and cause such person to be brought before him.

When any person is arrested without warrant, the officer making the arrest shall immediately, except on Sunday, take such person before a magistrate, alderman, or justice of the peace and make complaint by affidavit.

The magistrate, alderman, or justice of the peace, or the court in case of appeal shall in all cases hear the evidence and determine the guilt or innocence of the person accused. If such person is convicted under the provisions of this act and had in his possession any article made in whole or in part from the skin, hide, or other parts of any endangered or rare species of wild birds or wild animals, that article shall be declared contraband. In any case the person shall pay the fine prescribed, together with the costs of prosecution.

Section 4. Any person who commits a subsequent offense shall be deemed guilty of a misdemeanor, and, upon conviction of such offense, shall be sentenced to pay a fine of not less than two thousand dollars (\$2,000) nor more than four thousand dollars (\$4,000) or imprisonment not exceeding one year, or both.

Section 5. In order to provide an orderly and just implementation of the several provisions of this act, any person who shall have in his possession on the effective date of this act, any article made in whole or in part from the skin, hide, or other parts of any endangered or rare species of wild birds or wild animals, shall, with respect to such article or articles as are then in his possession, be exempt from the penalties and provisions of this act. The person shall, for a period of one year, be allowed to sell such articles to any other person, who also is exempt from the penalties and provisions of this act unless the article was made from one of the enumerated wild animals set forth in the act of July 30, 1971 (P.L.270, No.66), entitled "An act prohibiting the sale of certain wild animals or wild animal products." The burden of proof that such articles were obtained prior to this act shall be upon the person in whose possession such may be found.

Section 6. This act shall take effect immediately.

APPROVED—The 9th day of November, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 110.