

No. 2003-63

## AN ACT

SB 586

Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and penalties; providing for suspension of licenses; and further providing for unlawful taking or possession of game or wildlife, for denial or revocation of license and for license costs and fees.

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

Section 1. Sections 925(b), 929 and 2307(e) of Title 34 of the Pennsylvania Consolidated Statutes are amended to read:

§ 925. Jurisdiction and penalties.

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(b) Fines and penalties for violations.—In addition to any other requirements of this title, the following fines and penalties shall be imposed for violations of this title:

(1) Misdemeanor of the first degree, not less than \$2,000 nor more than \$10,000 and may be sentenced to imprisonment up to six months.

(2) Misdemeanor of the second degree, not less than \$1,000 nor more than \$5,000 and may be sentenced to imprisonment up to six months.

(3) Misdemeanor of the third degree, not less than \$500 nor more than \$2,500 and may be sentenced to imprisonment up to six months.

(4) Summary offense of the first degree, [**\$800**] *not less than \$500 nor more than \$1,500.*

(5) Summary offense of the second degree, [**\$500**] *not less than \$300 nor more than \$800.*

(6) Summary offense of the third degree, [**\$300**] *not less than \$200 nor more than \$500.*

(7) Summary offense of the fourth degree, [**\$200**] *not less than \$100 nor more than \$300.*

(8) Summary offense of the fifth degree, [**\$100**] *not less than \$75 nor more than \$200.*

(9) Summary offense of the sixth degree, [**\$75**] *not less than \$50 nor more than \$100.*

(10) Summary offense of the seventh degree, [**\$50**] *not less than \$25 nor more than \$75.*

(11) Summary offense of the eighth degree, \$25.

In addition to the imposition of any fines, costs of prosecution shall also be assessed pursuant to 42 Pa.C.S. §§ 1725.1 (relating to costs) and 3571 (relating to Commonwealth portion of fines, etc.).

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§ 929. Revocation, *suspension* or denial of license, permit or registration.

(a) General rule.—Except as otherwise provided in this title, any hunting or furtaking license, special license or permit or registration granted under the authority of this title may be revoked *or suspended* by the commission when the holder of the license, permit or registration is convicted of an offense under this title or has acted contrary to the intent of the [license, special license,] registration or permit, with each offense constituting a separate violation subject to separate revocation. The commission may refuse to grant to that person any [new license, special license or] permit or registration and may deny any privilege granted by these documents for a period not exceeding five years unless otherwise provided in this title.

(a.1) Remedial hunter education course.—A person whose privilege to hunt with or without a license anywhere in this Commonwealth is revoked or suspended under a provision of this title requiring mandatory revocation or suspension shall, in order to obtain restoration, present evidence of the successful completion of a remedial hunter education course as provided by the director and approved by the commission prior to obtaining a license. This course may be taken no earlier than three months prior to the end of the period of revocation. The commission shall promulgate regulations establishing the curriculum, administration and any associated fees of such a remedial course, which fees shall bear a reasonable relationship to the costs of providing the course and the course materials.

(a.2) Vision examination and drug and alcohol education program.—A person whose privilege to hunt with or without a license anywhere in this Commonwealth is revoked or suspended under section 2522(c) (relating to shooting at or causing injury to human beings), in order to obtain restoration, shall present evidence of having taken a vision examination under section 2522(c) and, if required by the commission, present evidence of having successfully completed an alcohol and drug education program under section 2522(h).

(b) Regulations.—The commission may promulgate regulations specifying the procedures to be followed in revoking any hunting and furtaking privileges, licenses, permits and registrations granted under the provisions of this title.

§ 2307. Unlawful taking or possession of game or wildlife.

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(e) Penalties.—A violation of this section relating to:

(1) Threatened or endangered species is a misdemeanor of the second degree.

(2) Elk or bear is a summary offense of the first degree.

(3) Deer is a summary offense of the second degree.

**(3.1) *Deer killed as a result of negligence or carelessness as provided for in section 2306(c) (relating to killing game or wildlife by mistake) is a summary offense punishable by a fine of not less than \$100 nor more than \$500.***

- (4) Bobcat or otter is a summary offense of the third degree.
- (5) Wild turkey or beaver is a summary offense of the fourth degree.
- (6) Any other game or wildlife is a summary offense of the fifth degree.

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Section 2. Section 2706 of Title 34 is amended by adding a subsection to read:

§ 2706. Resident license and fee exemptions.

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***(e) Military personnel hunting licenses.—Resident military personnel hunting licenses shall be issued by the commission or county treasurer to persons who satisfy all of the following requirements:***

- (1) Are residents of this Commonwealth.***
- (2) Are on active and full-time duty in the United States Armed Forces.***
- (3) Are assigned to a facility outside this Commonwealth.***
- (4) Are on temporary leave in this Commonwealth.***

***Such persons shall comply with the regulations of the commission.***

Section 3. Sections 2709(a) and 2741 of Title 34 are amended to read:  
§ 2709. License costs and fees.

(a) License costs.—Any person who qualifies under the provisions of this chapter shall be issued the applicable license upon payment of the following costs and the issuing agent's fee:

- (1) (i) Junior resident hunting - \$5.
- (ii) Junior resident combination hunting and furtaker - \$8.
- (2) (i) Adult resident hunting - \$19.
- (ii) ***Resident military personnel hunting - \$1.***
- (3) (i) Senior resident hunting - \$12.
- (ii) Senior lifetime resident hunting - \$50.
- (iii) Senior lifetime resident combination hunting and furtaker - \$100.
- (4) Bear hunting:
  - (i) Resident - \$15.
  - (ii) Nonresident - \$35.
- (5) Antlerless deer:
  - (i) Resident, including resident military, resident disabled veteran and landowner - \$5.
  - (ii) Nonresident - \$25.
- (6) Archery deer:
  - (i) Resident - \$15.
  - (ii) Nonresident - \$25.
- (7) Muzzleloader deer:
  - (i) Resident - \$10.
  - (ii) Nonresident - \$20.
- (8) (Reserved).

- (9) Adult nonresident hunting - \$100.
- (10) (i) Junior nonresident hunting - \$40.  
(ii) Junior nonresident combination hunting and furtaker - \$50.
- (11) Seven-day nonresident small game - \$30.
- (12) Junior resident furtakers - \$5.
- (13) Adult resident furtakers - \$19.
- (14) (i) Senior resident furtakers - \$12.  
(ii) Senior lifetime resident furtaker - \$50.
- (15) Adult nonresident furtaker - \$80.
- (16) Junior nonresident furtaker - \$40.
- (17) Resident disabled veteran hunting or furtaker under section 2706(b) (relating to disabled veterans) - no cost.
- (18) Replacement license - \$5. Antlerless deer and bear licenses shall be replaced by the original issuing agent only.
- (19) Owners or possessors of land open to public hunting under section 2706(d) (relating to owners or possessors of land open to public hunting) - \$3.
- (20) Migratory game bird hunting license:
  - (i) Resident - \$2.
  - (ii) Nonresident - \$5.
- (21) Elk hunting license:
  - (i) Resident - \$25.
  - (ii) Nonresident - \$250.

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§ 2741. Denial or revocation of licenses.

(a) Grounds for denial.—A hunting or furtaking license shall be refused any person who:

(1) Has been denied the privilege to secure that license in any manner by this title.

(2) Has been certified to the commission by a licensed medical authority or by any court of this Commonwealth having jurisdiction to be mentally or physically unfit or addicted to alcohol or controlled substances to the degree that the person is unfit to exercise any of the privileges of this title.

(b) Violations.—In addition to any penalty and costs imposed by this title, the commission may revoke any hunting or furtaking license and deny any person the privilege to secure a license or to hunt or take furbearers anywhere in this Commonwealth, with or without a license, if the licensee or person:

(1) Has either been convicted or signed an acknowledgment of guilt of violating any of the provisions of this title for such periods as are specified in this subchapter.

(2) Has been accused of having violated any of the *following* provisions [of Chapter 25 (relating to protection of property and

persons)] even though such person has not been convicted of a violation of [that chapter.] *these sections:*

*Section 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance).*

*Section 2505 (relating to safety zones).*

*Section 2509 (relating to damage to property).*

*Section 2522 (relating to shooting at or causing injury to human beings).*

*Section 2523 (relating to rendering assistance after incidents).*

(c) Authority of court.—Any district justice or court having jurisdiction in any case coming before it involving any of the offenses contained in this title may revoke a hunting or furtaking license and deny the privilege to secure a license or to hunt or take furbearers anywhere in this Commonwealth, with or without a license, as set forth in this title.

Section 4. This act shall take effect as follows:

(1) The addition of 34 Pa.C.S. § 2706(e) shall take effect July 1, 2004.

(2) The remainder of this act shall take effect in 60 days.

APPROVED—The 30th day of December, A.D. 2003.

EDWARD G. RENDELL