

No. 2007-26

## AN ACT

HB 881

Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for killing game or wildlife to protect property, for provisions relating to unlawful devices and methods and for exceptions to unlawful use of lights while hunting.

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

Section 1. Sections 2121(c), 2308(b)(1) and 2310(b) and (c) of Title 34 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2121. Killing game or wildlife to protect property.

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(c) Definition.—As used in this subchapter, the word “person” shall be limited to any person cultivating, as a primary means of gaining a livelihood, any lands for general or specialized crop purposes, truck farming or fruit orchard or nursery being regularly maintained, as either the owner, lessee or a member of the family of the owner or lessee assisting with the cultivation of the land, or a domiciled member of the household of the owner or lessee or an employee of the owner or lessee, regularly and continuously assisting in the cultivation of the land *or other person as authorized by commission permit.*

§ 2308. Unlawful devices and methods.

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

(1) (i) 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]

(ii) *Except as otherwise provided under subparagraph (iii), 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.*

(iii) (A) *A flashlight or spotlight may be mounted on a firearm to take furbearers if the sole source of power for the flashlight or spotlight is contained within the flashlight or spotlight or on the person.*

(B) *For the purposes of this subparagraph, a flashlight or spotlight mounted on a firearm shall not include a device that projects a beam of laser light to indicate the intended point of impact for one or more projectiles discharged from the firearm.*

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§ 2310. Unlawful use of lights while hunting.

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

(1) (i) A person on foot [may use an artificial light normally carried on the person to take raccoons, skunks, opossum or foxes.] *who uses a flashlight or spotlight held in the hand, worn on the head or mounted on a firearm to take furbearers, if the sole source of power for the flashlight or spotlight is contained within the flashlight or spotlight or on the person.*

(ii) *For the purposes of this paragraph, a flashlight or spotlight mounted on a firearm shall not include a device that projects a beam of laser light to indicate the intended point of impact for one or more projectiles discharged from the firearm.*

(2) 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).

(c) Penalties.—A violation of this section is a summary offense of the fifth degree. In addition thereto, if *any person is hunting game or wildlife or if any attempt is made to take any game or wildlife [or if any firearm or implement capable of killing or wounding game or wildlife is possessed]*, the person or persons shall be sentenced to the additional penalties of:

(1) For each endangered or threatened species, a fine of \$1,000 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.

(2) For each elk or bear, a fine of \$800 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.

(3) For each deer, a fine of \$500 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.

(4) For each bobcat or otter, a fine of \$300 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.

(5) For each turkey or beaver, a fine of \$200 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of two years.

(6) For each other bird or animal, a fine of \$100 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of one year.

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Section 2. This act shall apply to offenses committed on or after the effective date of this section.

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

APPROVED—The 3rd day of July, A.D. 2007.

EDWARD G. RENDELL