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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 359 Session of  
2017

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INTRODUCED BY ENGLISH, KORTZ, SCHWEYER, McNEILL, GODSHALL,  
MILLARD, IRVIN, READSHAW AND SAYLOR, FEBRUARY 7, 2017

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REFERRED TO COMMITTEE ON GAME AND FISHERIES, FEBRUARY 7, 2017

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AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated  
2 Statutes, in hunting and furtaking, further providing for  
3 killing game or wildlife by mistake; and, in hunting and  
4 furtaking licenses, further providing for period of  
5 revocation.

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

8 Section 1. Section 2306(a) and (b) of Title 34 of the  
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 2306. Killing game or wildlife by mistake.

11 (a) General rule.--Any person who, while hunting or trapping  
12 for game or wildlife which may be lawfully taken, by accident or  
13 mistake kills or attempts to kill any game or wildlife other  
14 than [bears, elk or] threatened or endangered species, contrary  
15 to the provisions of this title, shall pay restitution pursuant  
16 to subsection (b) to an officer of the commission.

17 (b) Restitution.--Restitution for killing or an attempted  
18 killing by accident or mistake shall be as follows:

19 (1) Each deer - \$25.

1 (2) Each turkey - \$20.

2 (3) Each other wild bird or wild animal, other than [a  
3 bear, elk or] an endangered or threatened species - \$15.

4 (4) Each bear - \$100.

5 (5) Each elk - \$100.

6 \* \* \*

7 Section 2. Section 2742 of Title 34 is amended by adding a  
8 subsection to read:

9 § 2742. Period of revocation.

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11 (c) Clemency from revocation.--The commission shall not  
12 revoke the privilege to hunt or take game or wildlife anywhere  
13 in this Commonwealth for an unlawful taking or possession of  
14 game or wildlife violation if all of the following conditions  
15 are met:

16 (1) The unlawful taking or possession of game or  
17 wildlife violation is the person's first unlawful taking or  
18 possession of game or wildlife offense.

19 (2) The person complies with all of the procedural  
20 requirements set forth in section 2306(b)(1), (2) or (3)  
21 (relating to killing game or wildlife by mistake) concerning  
22 removal of entrails, tagging, reporting, delivery of carcass  
23 and providing a written, sworn statement.

24 (3) The unlawful taking of game or wildlife violation  
25 occurs during:

26 (i) an open season within the applicable wildlife  
27 management unit for the species involved; or

28 (ii) a closed season within the applicable wildlife  
29 management unit for the species involved, but only if  
30 there was an open season within an adjacent wildlife

1           management unit for the same species.

2           (4) The person pleads guilty to the applicable unlawful  
3 taking or possession of game or wildlife violation charged.

4           (5) The unlawful taking or possession of game or  
5 wildlife violation does not involve a threatened or  
6 endangered species.

7           (6) there are no relevant aggravating circumstances  
8 present concerning the unlawful taking or possession of game  
9 or wildlife violation.

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