

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1036 Session of
2015

INTRODUCED BY AUMENT, FOLMER, MENSCH, RAFFERTY AND WARD,
OCTOBER 22, 2015

REFERRED TO GAME AND FISHERIES, OCTOBER 22, 2015

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, in hunting and furtaking, further providing for the
3 offense of trespass on private property while hunting.

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

6 Section 1. Section 2314 of Title 34 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 2314. Trespass on private property while hunting.

9 [(a) General rule.--Any person who while violating any
10 provision of this title or any regulations promulgated under
11 this title and who in addition is found to be trespassing as
12 defined in 18 Pa.C.S. § 3503 (relating to criminal trespass)
13 shall be in violation of this section.

14 (b) Penalty.--A violation of this section:

15 (1) A violation of this section is a summary offense of
16 the fifth degree.

17 (2) A second or subsequent violation of this section
18 within a seven-year period is a summary offense of the fifth

1 degree and may result in forfeiture of the privilege to hunt
2 or take game or wildlife anywhere within this Commonwealth
3 for a period of one year.]

4 (a) General rule.--A person, while engaged in hunting or
5 furtaking, commits an offense if, knowing that the person is not
6 licensed or privileged to do so, the person:

7 (1) enters or remains on land of another person without
8 authorization to do so, when the land is posted in a manner
9 prescribed by law or reasonably likely to come to the
10 person's attention or is fenced or enclosed in a manner
11 manifestly designed to exclude trespassers; or

12 (2) enters or remains on land of another person without
13 authorization and defies an order not to enter or to leave
14 that has been personally communicated to the person by the
15 owner of the land or other authorized person.

16 (b) Penalty.--An offense under this section shall be graded
17 as follows:

18 (1) A person who violates subsection (a)(1) commits a
19 misdemeanor of the third degree and shall, upon conviction,
20 be sentenced to imprisonment for not more than one year and a
21 fine of not less than \$250.

22 (2) A person who violates subsection (a)(2) commits a
23 misdemeanor of the second degree and shall, upon conviction,
24 be sentenced to imprisonment for not more than two years and
25 a fine of not less than \$500 nor more than \$5,000.

26 (3) Additional penalties.--In addition to the applicable
27 penalty under paragraph (1) or (2), a second or subsequent
28 violation of this section within a seven-year period shall
29 result in forfeiture of the privilege to hunt or take game or
30 wildlife anywhere within this Commonwealth for a period of

1 one year.

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