

No. 145

AN ACT

SB 1146

Amending the act of June 3, 1937 (P.L.1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," eliminating certain mandatory sentences and reducing certain maximum sentences.

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

Section 1. Section 825, act of June 3, 1937 (P.L.1225), known as "The Game Law," is amended to read:

Section 825. Shooting at Human Beings in Mistake.—It is unlawful for any person, while using a firearm of any kind, or a bow and arrow, to either shoot at, wound, or kill a human being in mistake for either game or a wild creature of any description: Provided, however, That no person shall be held to have violated the provisions of this section who, while actually shooting at any game or wild creature, shall accidentally shoot in the direction of or injure or kill another person.

Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and, upon conviction of such offense, shall be sentenced to pay the penalties herein provided:

(a) Shooting at Human Beings in Mistake. Every person who shall shoot at a human being in mistake, in violation of the provisions of this section, but who shall not injure the human being shot at, shall, upon conviction, for the first offense be sentenced to pay a fine of not less than one hundred dollars or more than three hundred dollars, and in addition to such fine shall be denied the right to hunt or trap in this Commonwealth, with or without a license, for a period of two years from the date of conviction, to be noted upon the record of conviction as part of the sentence.

(b) Wounding Human Beings in Mistake. Every person who shall, in violation of any provision of this section, wound, but not kill, such human being, shall, upon conviction, for the first offense be sentenced to pay a penalty to the party so injured of not less than two hundred dollars nor more than five hundred dollars, and ~~[shall.]~~ *may*, in addition to such cash penalty, be imprisoned in the county jail of the county in which the offense was committed for a period of not ~~[less than one year or]~~ more than ~~[three]~~ *two* years, and in addition thereto shall be denied the right to hunt or trap anywhere in this Commonwealth, with or without a license, for a period of five years, from the date of such conviction, to be noted upon the record of conviction as a part of the sentence.

(c) Killing Human Beings in Mistake. Every person who shall, in violation of any of the provisions of this section, kill a human being in

mistake, shall upon conviction, for the first offense be sentenced to pay a penalty to the personal representative of the deceased of not less than five hundred dollars or more than one thousand dollars, and [shall] *may*, in addition to such cash penalty imposed, *be sentenced to* suffer imprisonment in the jail of the county in which the offense is committed for a period of not [less than two years or] more than [five] *three* years, and such person, in addition thereto, shall be denied the right to hunt or trap anywhere within this Commonwealth, with or without a license, for a period of ten years after the date of such conviction, to be noted upon the record of his conviction as a part of the sentence.

(d) *Additional Penalties.* Every person convicted of either or any of the before-mentioned offenses, who shall for any reason fail to pay the cash penalty imposed by this section for the specified offenses committed, shall for the first offense, in addition to any other term of imprisonment imposed by this section, undergo an imprisonment of one day in jail for each dollar of penalty imposed: Provided, That no term of imprisonment *suffered in lieu of any cash penalty imposed by this section shall exceed one year.*

Every person who shall hunt or trap or attempt to hunt or trap, with or without a license, in this Commonwealth, contrary to any sentence imposed for violation of any provision of this section, shall, upon conviction, be sentenced to undergo imprisonment in the county jail of the county in which the conviction is secured for a period of not [less than three months or] more than six months.

APPROVED—The 23rd day of June, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 145.



Secretary of the Commonwealth.