

No. 306

AN ACT

HB 1482

Amending the act of June 3, 1937 (P.L.1225, No.316), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," further providing for killing game which destroys property and providing penalties.

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

Section 1. The second paragraph of subsection (1) and subsections (3), (4), (5), (6) and (7) of section 724, act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," are amended to read:

Section 724. Killing Game Destroying Property.—(1) * * *

The word "person" as used in this clause shall mean any person actually residing upon and cultivating, as a means of gaining a livelihood, any lands for general farm purposes, commercial trucking, or fruit orchard or nursery being regularly maintained for commercial purposes, as either the owner or lessee of such lands, or a member of his family actually residing upon and regularly assisting in the cultivation thereof, or an employe of such owner or lessee hired on a monthly or annual basis and regularly assisting in the cultivation thereof, and where such owner or lessee shall, upon request of any representative of the commission, produce satisfactory evidence that material damage has been done within fifteen (15) days *prior to date of such killing* and that there was just cause for reasonable apprehension of additional imminent destruction, provided **[that such lands are open to public hunting and]** that no saltlick, bait, or other artificial means have been used to lure said animals or birds onto such lands.

* * *

(3) Any **[rabbit, squirrel, raccoon, woodchuck, or the birds commonly known as blackbirds,]** *game bird or game animal* may be legally killed under the foregoing provisions, provided a report is made as hereinafter required and other conditions stipulated are complied with.

(4) The provisions of this section shall be construed to permit the killing of **[those birds or animals enumerated herein,]** *any game bird or game animal* upon detached lands being cultivated for like purposes in common with lands upon which the actual residence of the operator is maintained, provided the killing thereof is reported and the carcasses are cared for as **[hereinafter]** stipulated *in subsection (5) of this section*, but no such *game* birds or *game* animals killed on *any land upon which the general public is prohibited from hunting or* any such detached land shall be retained for food.

(5) The person killing any such *game* animal or *game* bird, except woodchucks, **[and] raccoons**, red squirrels and the birds commonly known as blackbirds, shall within twelve (12) hours after killing, either orally or in writing, report such killing to the nearest game protector or the office of the commission at Harrisburg, setting forth the date and time of killing, the species killed, and **[in the case of elk, or deer, or bear] the sex thereof, and shall [, except in the case of red squirrels or the birds commonly known as blackbirds,]** immediately after killing remove the entrails and transfer the carcass to a place of safekeeping to be turned over to any **[game protector] representative of the commission** upon demand, except as **[hereinafter specified] otherwise provided in subsection (6) of this section.**

(6) One elk, or deer, or bear **[so] legally killed under authority of this section**, and reported in accordance with the **[foregoing] provisions of subsection (5) of this section**, may be retained for food, provided **[all] such animal was killed upon lands where such person resides and that such lands are open to public hunting.** All portions of the carcass generally considered edible shall be consumed only within the household of a person residing upon such lands and having a legal right to kill the same. **The hide and head of any such animal so killed shall immediately be surrendered to any representative of the commission upon demand.** No additional animals shall be retained for food until the entire carcass of the animal previously retained has been entirely consumed under the foregoing provisions. Any additional elk, or deer, or bear legally killed under the provisions of this section, so long as there is any unconsumed or edible portion of an elk, or a deer, or a bear retained within the household of any person legally entitled to possess the same under the provisions of this section, shall be turned over to a **[game protector] representative of the commission** as hereinbefore specified.

(7) It **[is] shall be** unlawful for any person **[not] legally entitled to kill game birds and game animals** under the provisions of this section to **[hunt for, chase, kill, or attempt to kill, or to deliver, or transport, ship, purchase,]** barter, exchange or give away any **[bird or animal,] such game birds or game animals so killed**, or any **[portion] part** thereof; **[killed under the provisions of this section,] or to cause or permit any such elk, or deer, or bear killed and retained for food, or any part thereof, to be disposed of in any manner except as provided in subsection (6) of this section;** or to fail or refuse to report **[such] the killing of any game bird or game animal** within the specified *period of time*; or to fail *or refuse* to remove the entrails and properly care for the carcass of **[an] any game animal or game bird** so killed ~~as required under the provisions of subsection (5) of this section;~~ **or to fail or refuse to immediately surrender the carcass of any such game birds or game animals upon demand of any representative of the commission which**

may not legally be retained for human consumption under any circumstances or when such game birds or game animals are killed on any lands which the general public is prohibited from hunting thereon, or when killed upon detached lands; or to kill a deer or elk at any time within the area enclosed with fencing supplied by the commission under provisions of section 1301 of this act.

Any person violating any of the several provisions of this section shall be liable for the fines hereinafter provided.

Section 2. Section 731 of the act is amended by adding clauses to read:

Section 731. Penalties.—Any person violating any of the provisions of the sections of this article shall, upon conviction, be sentenced to pay the following fines and costs of prosecution for each offense:

* * *

(u) For failing or refusing to immediately surrender the carcass of any game bird or game animal killed for crop damage as required by provisions of section 724 of this article, one hundred dollars (\$100) for each big game animal, and twenty-five dollars (\$25) for each small game bird or game animal.

(v) For failing or refusing to immediately surrender the hide and head of any elk, or deer, or bear killed for crop damage as required by provisions of subsection (6) of section 724 of this article, one hundred dollars (\$100).

(w) For disposing of any game bird or game animal killed as a protection to property contrary to the provisions of section 724 of this article, one hundred dollars (\$100) for each deer or part thereof, two hundred dollars (\$200) for each elk or bear or part thereof, and twenty-five dollars (\$25) for each other game bird or game animal or part thereof; or for retaining any additional big game animal for food until the entire carcass of such animal previously retained for food has been entirely consumed, one hundred dollars (\$100) for each animal or part thereof in excess.

(x) For killing any deer or elk at any time within the area enclosed with fencing supplied by the commission under provisions of section 1301 of this act, one hundred dollars (\$100) for each deer and two hundred dollars (\$200) for each elk.

* * *

APPROVED—The 13th day of December, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 306.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T".

Secretary of the Commonwealth.