

No. 1980-171

AN ACT

HB 893

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 restricting the use of spotlights, headlights or other artificial lights and changing the penalty.

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

Section 1. Subsection (b) of section 704, act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," amended June 7, 1968 (P.L.148, No.83) and March 1, 1974 (P.L.87, No.22), is amended to read:

Section 704. Unlawful Methods of Hunting.—* * *

(b) Unlawful Manner of Hunting Big Game
and Regulating Spotlighting

Except as otherwise provided in this act it is unlawful to kill, or attempt to kill, any big game except through the use of a gun propelling one all-lead or lead alloy or soft-nosed or expanding bullet or ball, other than one fired from a .25 calibre or less rim-fire cartridge, at a single discharge, or through the use of a bow and arrow, or to take an elk in any manner except through the method known as still hunting.

It is unlawful for any person, or one or more of a group of persons together *or cooperating with each other in any manner*, to throw or cast the rays of a spotlight, headlight, or other artificial light on any highway or in any field, woodland, or forest between midnight and sunrise, *or at any time while having in his or their possession or under their control a firearm, bow or other weapon or implement whereby any big game could be killed* unless otherwise excepted, or at any time upon any *house, barn or other outbuilding used in connection therewith. It is unlawful at any time for any person, or one or more of a group of persons together or cooperating with each other in any manner, to throw or cast the rays of a spotlight, headlight or other artificial light upon any big game* while having in his or their possession or under their control a firearm, *bow or other weapon or implement* whereby any big game could be killed, even though such animal be not shot at, injured or killed. The provisions of this paragraph shall not apply if it shall be proven that the headlights of a motor vehicle operated by the defendant or defendants, while traveling on a highway in the usual way, cast a light upon such animal on or adjacent to such highway, and there was no attempt or intent to locate such animal.

* * *

Section 2. Clauses (n) and (t) of section 731 of the act, clause (n) amended October 17, 1974 (P.L.743, No.250), and clause (t) added June 7, 1968 (P.L.148, No.83), are amended 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.

* * *

(n) For making use of, or taking advantage of, any vehicle, trailer, conveyance, headlight, or spotlight, or artificial light or battery or other contrivance or device to spot or locate or hunt for, or catch or take or kill or wound, any elk, deer or bear while having in his or their possession or under their control a firearm, *bow* or other *weapon* or implement whereby any elk, bear or deer could be killed, even though such animal be not shot at, injured or killed, each person, upon conviction, shall be sentenced to pay a penalty of four hundred dollars (\$400) for each elk, four hundred dollars (\$400) for each bear, two hundred dollars (\$200) for each deer, plus costs of prosecution, and in addition thereto, the forfeiture of such vehicle, trailer, headlight, spotlight, firearm, or other contrivance and all paraphernalia used when any elk, bear or deer is shot at, wounded or killed; or for setting, laying, or preparing for use, or using, any set-gun for the purpose, or evident purpose, of taking, killing, or wounding or attempting to take, kill, or wound, any elk, deer, bear, or other wild bird or wild animal, contrary to the provisions of this article, each person, upon conviction, shall be sentenced to pay a penalty of four hundred dollars (\$400) for each elk, four hundred dollars (\$400) for each bear, two hundred dollars (\$200) for each deer, one hundred dollars (\$100) for each other wild bird or wild animal, and in addition thereto, the forfeiture of such set-gun or other device or contrivance and all paraphernalia used;

* * *

(t) [Whoever in an attempt to locate any big game, casts] *For casting* the rays of a spotlight, headlight, or other artificial light upon any *highway*, field, woodland[, forest, building, barn or other outbuilding,] or *forest* between the hours of midnight and sunrise, or at any time while having in his or their possession or under their control a firearm, bow or other weapon or implement whereby any big game could be killed, or at any time upon any house, barn or other outbuilding used in connection therewith shall, [be guilty of an unlawful act and] upon conviction, [thereof in a summary proceeding shall] be sentenced to pay a fine of [ten dollars (\$10) or in default thereof, to undergo imprisonment for a period of five days] *twenty-five dollars (\$25)*.

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

APPROVED—The 16th day of October, A. D. 1980.

DICK THORNBURGH