

No. 1980-174

AN ACT

HB 1150

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," increasing the penalty of the owner of dogs injuring or killing deer and elk.

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

Section 1. Section 717, act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," amended June 11, 1963 (P.L.115, No.74), is amended to read:

Section 717. Dogs Pursuing, *Injuring or Killing* Elk or Deer; Liability of Owners.—Any dog pursuing or following upon the track of an elk or deer is hereby declared to be a public nuisance. Such dog may be killed by any person when in such close pursuit as to endanger the life of any deer or elk, or found in the act of *injuring or* killing any deer or elk; or by any officer whose duty it is to protect the game of the State, upon affidavit made by any person acquainted with the facts that said dog is in the habit of pursuing elk or deer, or did kill or injure an elk or deer, within a period of three months before the date of such affidavit.

Any person who kills a licensed dog shall notify the owner or a game protector within five days after such killing. The person killing the dog, or a game protector to whom such report has been made, shall disclose to the owner, the time, place and circumstances of such killing, the location of the dog's remains, and shall return to the owner all equipment found on the dog, including collar, name plate, license tag and any other personal property within ten days after the conclusion of prosecution hereunder, or immediately upon receipt of notice from the commission or its representative that no prosecution is contemplated.

Any person who kills a dog and fails to report the same to the owner or to a game protector as required in this section, shall, upon conviction in a summary proceeding, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution for each dog so killed.

The owner or person harboring or in control of a dog, either killed in conformity with the law or proven to have pursued or injured, or killed an elk or deer, contrary to the provisions of this section, shall be liable to penalty of fifty dollars (\$50.00) for each elk *or deer pursued* and [twenty-five dollars (\$25.00)] one hundred dollars (\$100.00) for each *elk or deer* [pursued, or] injured or killed.

When the owner or person harboring or in control of a dog shall neglect or refuse to take such action as may be necessary to prevent such dog from running elk or deer, after notice, in writing, from an officer whose duty it is to protect game, to the effect that the dog in question is in the habit of pursuing elk or deer, he shall be liable to double the amount as fixed before for the first offense.

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

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

DICK THORNBURGH