

No. 1992-45

AN ACT

HB 961

Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the disclosure of certain information; prohibiting interference with the lawful taking of wildlife or other activities permitted by the Pennsylvania Game Commission; and further providing for the information which must appear on identification tags which are attached to traps.

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

Section 1. Sections 325(c), 2302 and 2361(a)(12) of Title 34 of the Pennsylvania Consolidated Statutes are amended to read:

§ 325. Limitation on disclosure of certain records.

* * *

(c) Nonapplication.—The provisions of this section shall not apply to records and reports:

- (1) Required for prosecutions of any violations of this title.
- (2) Required for administrative proceedings held pursuant to the laws of this Commonwealth.
- (3) Required for the prosecution of any violation of any Federal laws or the laws of any state of the United States.
- (4) Required to be published to enforce the suspension or revocation of hunting and trapping privileges by the commission.
- (5) Authorized by action of the commission for the sole purpose of exercising legitimate governmental function or duty.
- (6) *Required to determine the identification of a trapper under section 2361(a)(12) (relating to unlawful acts concerning taking of furbearers), when such information is requested by a landowner, an agent of a landowner or a lessee of land.*

When such records and reports are made available by the commission for the limited purposes set forth in paragraphs (1) through [(5)] (6), they shall not be published, circulated or disclosed by the receiving agency for any purposes.

* * *

§ 2302. Interference with lawful [hunting or trapping] *taking of wildlife or other activities permitted by this title* prohibited.

(a) General rule.—Except as otherwise provided in this title, it is unlawful [to :

- (1) Interfere with the lawful hunting, trapping or taking of game or wildlife.
- (2) Disturb any game or wildlife, or engage in any activity or place any object or substance that may disturb or otherwise affect the behavior of any game or wildlife with the intent to hinder or prevent its lawful taking.

(3) Disturb or interfere with another person who is engaged in the lawful hunting, trapping or taking of game or wildlife or who is engaged in or preparing to hunt, trap or take any game or wildlife or prevent or hinder such person's enjoyment of the outdoors.

(4) Enter or remain upon public lands or upon private lands without permission of the owner or their agent, with intent to violate this section.

(5) Fail to obey the order of any officer whose duty it is to enforce any of the laws of this Commonwealth where such officer observes any conduct which violates this section, or has reasonable grounds to believe that any person intends to engage in such conduct.]

for another person at the location where the activity is taking place to intentionally obstruct or interfere with the lawful taking of wildlife or other activities permitted by this title.

(a.1) Activities which violate section.—A person violates this section when he intentionally or knowingly:

(1) drives or disturbs wildlife for the purpose of disrupting the lawful taking of wildlife where another person is engaged in the process of lawfully taking wildlife or other permitted activities;

(2) blocks, impedes or otherwise harasses another person who is engaged in the process of lawfully taking wildlife or other permitted activities;

(3) uses natural or artificial visual, aural, olfactory or physical stimuli to affect wildlife behavior in order to hinder or prevent the lawful taking of wildlife or other permitted activities;

(4) creates or erects barriers with the intent to deny ingress or egress to areas where the lawful taking of wildlife or other permitted activities may occur;

(5) interjects himself into the line of fire;

(6) affects the condition or placement of personal or public property intended for use in the lawful taking of wildlife or other permitted activities in order to impair its usefulness or prevent its use;

(7) enters or remains upon public lands or upon private lands without permission of the owner or their agent, with intent to violate this section; or

(8) fails to obey the order of any officer whose duty it is to enforce any of the laws of this Commonwealth where such officer observes any conduct which violates this section or has reasonable grounds to believe that any person intends to engage in such conduct.

(b) Enforcement and recovery of damages.—The commission or any person who is lawfully engaged in the taking, hunting or trapping of game or wildlife who is directly affected by a violation of this section may bring an action to restrain conduct declared unlawful in this section and to recover damages.

(c) Exceptions.—The conduct declared unlawful in this section does not include any activities arising from lawful activity by other land uses, including farming, mining, forestry practices, recreation or any other activities when it is evident that such activities are not intended to violate this section.

(d) Penalties.—A violation of this section is a summary offense of the second degree.

§ 2361. Unlawful acts concerning taking of furbearers.

(a) General prohibitions.—Except as otherwise provided in this title, it is unlawful for any person to:

* * *

(12) Set a trap of any description unless each device is marked with a durable identification tag attached to the trap or trap chain which, *at the option of the trapper*, must legibly set forth in English the first name, last name and legal home address of the person setting or tending the trap *or must bear a number issued by the commission. All information under this paragraph shall be subject to the provisions of section 325 (relating to limitation on disclosure of certain records).*

* * *

Section 2. This act shall take effect July 1, 1992.

APPROVED—The 28th day of May, A. D. 1992.

ROBERT P. CASEY