

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.**

House Bill 1859

**PRINTER'S NO.**

3149

**AMOUNT**

\$500,000 to \$750,000  
Revenue Increase

**FUND**

Game

**DATE INTRODUCED**

July 14, 2009

**PRIME SPONSOR**

Representative Staback

**HISTORY OF BILL**Referred to GAME AND FISHERIES, July 14, 2009Reported as committed, July 15, 2009

First consideration, July 15, 2009

Re-committed to RULES, July 15, 2009Re-reported as committed, July 16, 2009Re-committed to APPROPRIATIONS, July 16, 2009Re-reported as committed, July 20, 2009

Second consideration, July 20, 2009

Third consideration and final passage, July 21, 2009 (196-3)

(Remarks see House Journal Page 1598-1600), July 21, 2009

In the Senate

Referred to GAME AND FISHERIES, July 23, 2009Reported as amended, Jan. 26, 2010

First consideration, Jan. 26, 2010

Re-referred to APPROPRIATIONS, March 10, 2010Re-reported as committed, May 4, 2010**DESCRIPTION AND PURPOSE OF BILL**

House Bill 1859 amends Title 34 (Game) to increase the fines and penalties for certain violations and to make changes regarding suspension, denial, and revocation of licenses. It adds a felony offense to the code for the first time. The bill increases the penalty for intentionally, knowingly or recklessly assaulting an enforcement officer from a second degree misdemeanor to a second degree felony. It specifies the penalties for second and third degree felonies. It also increases the penalty for violations involving an endangered or threatened species from a third to a second degree misdemeanor.

# **SENATE APPROPRIATIONS COMMITTEE**

## **FISCAL NOTE**

The bill specifies enhanced penalties as follows:

- 1) An additional fine of one and one-half times the applicable fine for a second or subsequent offense within a seven-year period or during the same criminal event;
- 2) An additional \$500 maximum fine if the offense involves big game or threatened or endangered species, and a witness report led to a successful conviction. The additional fine would be used to compensate the witness. Up to two witnesses shall be compensated \$250 for each additional \$500 imposed.

The bill increases the sentence for nonpayment of fines from 120 days to six months.

The Game Commission is allowed to deny a license. It may promulgate regulations regarding denial or suspension of hunting and furtaking licenses.

The bill increases penalties for violating provisions related to endangered species and establishes the length of time a license may be forfeited. It also specifies what must be done if a person mistakenly kills game or wildlife.

The bill makes using lights to hunt a fifth degree summary offense and increases penalties for using lights to hunt a threatened or endangered species, big game, or white-tailed deer.

The bill increases the penalty from a summary offense to a misdemeanor for unlawful taking, injuring, killing, possessing or transporting a big game animal during closed season or beyond established daily or season limits.

It increases the penalties for hunting without a license or improperly displaying a license. The penalty may include license revocation.

The Game Commission must give public notice of the changes to the Act. Notice shall be included in the PA Hunting and Trapping Digest for 2010-11. Summaries of the amendments shall be available at each issuing agent.

This bill will take effect in 60 days.

# **SENATE APPROPRIATIONS COMMITTEE**

## **FISCAL NOTE**

### **FISCAL IMPACT:**

The Game Commission currently receives about \$1.1 million in revenue from fines. The Commission estimates a maximum revenue increase of \$500,000 to \$750,000 annually from the increased fines specified in the bill. This estimate is based on the historical number of prosecutions for each of the affected violations and applying the maximum possible increase for each. However, the actual amount of increased revenue may be less due to two unknowns: a) how aggressively the judges impose the maximum fines and penalties and b) how much the increased fines and penalties may act as a deterrent on potential violators.