

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES  
GAME AND FISHERIES COMMITTEE

MAIN CAPITOL BUILDING  
MAJORITY CAUCUS ROOM  
HARRISBURG, PENNSYLVANIA

THURSDAY, FEBRUARY 7, 2008  
9:00 A.M.

PUBLIC HEARING ON  
HOUSE BILL 2205

BEFORE :

HONORABLE EDWARD STABACK, MAJORITY CHAIRMAN  
HONORABLE SAM ROHRER, MINORITY CHAIRMAN  
HONORABLE MARC GERGELY  
HONORABLE GARY HALUSKA  
HONORABLE MICHAEL HANNA  
HONORABLE DEBERAH KULA  
HONORABLE MICHAEL MCGEEHAN  
HONORABLE HARRY READSHAW  
HONORABLE CHRIS SAINATO  
HONORABLE DAN SURRA  
HONORABLE EDWARD WOJNAROSKI  
HONORABLE GARTH EVERETT  
HONORABLE KEITH GILLESPIE  
HONORABLE ROB KAUFFMAN  
HONORABLE MARK KELLER  
HONORABLE DAVID MILLARD  
HONORABLE DAN MOUL  
HONORABLE MICHAEL PEIFER  
HONORABLE SCOTT PERRY  
HONORABLE BRAD ROAE  
HONORABLE TODD ROCK

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ALSO PRESENT: JULIE FOLEY

TRACY L. MARKLE,  
COURT REPORTER/NOTARY PUBLIC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX

<u>NAME</u>	<u>PAGE</u>
RICHARD PALMER	7, 63, 66
MELODY ZULLINGER	41
ANDREW PAGE	47
CHARLIE BOLGIANO	52
JAMES SLINSKY	54

1    ---oOo---

2                    CHAIRMAN STABACK:    Okay.  I'm going to be  
3 calling the hearing of the House Game and Fisheries  
4 Committee to order.  I want to thank everyone here this  
5 morning for their attendance, especially those who are  
6 set to offer testimony.  The subject of today's hearing  
7 is House Bill 2205.  The legislation addresses the  
8 Penalty Section of Title 34, along with related  
9 provisions.  As the members will see in their packets,  
10 it is a long and complicated bill with many changes to  
11 the Code.

12                                        But, in general, for the first time in over  
13 five years, the penalties for poaching game animals  
14 ought to be re-examined as are those for buying and  
15 selling game parts and trophies.  I sponsored the Bill  
16 in response to a deep concern in the outdoor community,  
17 especially among sportsmen, that the punishment for  
18 taking game illegally has not kept patient the  
19 seriousness of the crime over the penalties of  
20 surrounding states.

21                                        Pennsylvania is becoming the land of  
22 opportunity for criminals who have little fear from our  
23 State's Game Law penalties.  With that being said, we  
24 will begin the hearing with a presentation from the  
25 Pennsylvania Game Commission.  But before turning the

1 mike over to him, I would like the members of the  
2 Committee to identify themselves and the districts that  
3 they represent; and I will start that process.

4 Ed Staback, I am the Chairman of the  
5 Committee. I represent the upper portion, the  
6 mid-valley portions of Lackawanna County and the  
7 southern portion of Wayne County, the 115th District.

8 Starting on my far left (indicating).

9 REPRESENTATIVE ROCK: Good morning. My  
10 name's Todd Rock; I represent the 90th District of  
11 Franklin County.

12 REPRESENTATIVE ROAE: Hi. Brad Roae, the  
13 Central and Eastern portions of Crawford County,  
14 District No. 6.

15 REPRESENTATIVE ROHRER: Good morning. I'm  
16 Sam Rohrer, Republican Chairman of the Game and Fish  
17 Committee. I represent Berks County and Southern Berks.

18 REPRESENTATIVE SURRA: Representative Dan  
19 Surra; I represent the 75th Legislative District, which  
20 includes all Dauphin County and the Northwestern  
21 portions of Clearfield County.

22 REPRESENTATIVE MAHONEY: Representative Tim  
23 Mahoney from the 51st District, Fayette County.

24 REPRESENTATIVE KULA: Deberah Kula from the  
25 52nd District, Fayette County and a portion of

1 Westmoreland County.

2 REPRESENTATIVE MCGEEHAN: Mike McGeehan; I  
3 represent the outdoorsmen's paradise of Philadelphia.

4 REPRESENTATIVE HANNA: Representative Mike  
5 Hanna; I represent all of Clinton County and a part of  
6 Centre County.

7 REPRESENTATIVE MILLARD: Dave Millard; I  
8 represent the 109th District, Columbia County.

9 REPRESENTATIVE READSHAW: Harry Readshaw,  
10 the 36th District, Allegheny County.

11 REPRESENTATIVE HALUSKA: Gary Haluska from  
12 the 73rd District of Cambria County.

13 REPRESENTATIVE PEIFER: Mike Peifer; I  
14 represent the 139th District, which is Pike, White and  
15 Monroe Counties.

16 REPRESENTATIVE WOJNAROSKI: Ed Wojnaroski,  
17 71st District of Cambria County.

18 REPRESENTATIVE SAINATO: Chris Sainato; I  
19 represent the 9th Legislative District. That's Lawrence  
20 and a section of Beaver County.

21 REPRESENTATIVE EVERETT: Garth Everett,  
22 Lycoming County.

23 REPRESENTATIVE MOUL: Dan Moul, Adams and  
24 Franklin Counties.

25 REPRESENTATIVE KAUFFMAN: Rob Kauffman,

1 Franklin and Cumberland Counties.

2 REPRESENTATIVE KELLER: Mark Keller, the  
3 86th District, Perry and part of Franklin.

4 REPRESENTATIVE GILLESPIE: Keith Gillespie,  
5 47th District, York County.

6 REPRESENTATIVE PERRY: Scott Perry, the  
7 great 92nd, York and Cumberland County.

8 CHAIRMAN STABACK: Everyone, thank you very  
9 much. The first to offer testimony this morning, as I  
10 said, will be the Pennsylvania Game Commission. Here  
11 representing the Commission is Mr. Richard Palmer, the  
12 Director of the Bureau of Wildlife Protection and Jason  
13 Raup, the Assistant Counsel.

14 Gentlemen, proceed whenever you're ready.

15 RICHARD PALMER: Good morning, Chairman  
16 Staback, Chairman Rohrer, and members of the House Game  
17 and Fisheries Committee.

18 As you've indicated, my name is Rich Palmer  
19 and I am the Director of the Bureau of Wildlife  
20 Protection. Jason Raup is the Assistant Counsel for the  
21 Pennsylvania Game Commission and will assist me with  
22 answering any questions following my testimony on House  
23 Bill 2205 on behalf of the Pennsylvania Game  
24 Commission.

25 Also present are Game Commission Executive

1 Director Carl Roe, and Commissioners James Delaney and  
2 Dave Schreffler.

3           The display that you see presented here  
4 today represents the types of trophy animals or  
5 threatened and endangered species that are being stolen  
6 from the citizens of the Commonwealth every year. The  
7 Pennsylvania Game Commission wishes to recognize  
8 Chairman Staback's leadership in initiating this  
9 historic legislation and thank him for allowing us to be  
10 part of the collaborative process in developing House  
11 Bill 2205.

12           As you are aware, increasing penalties for  
13 serious violations is one of the operational objectives  
14 within the Pennsylvania Game Commission's strategic  
15 plan, and we welcome the opportunity to work with the  
16 Committee to accomplish that objective.

17           This Bill is the first comprehensive piece  
18 of legislation to increase Game and Wildlife Code  
19 Penalties since 1987, and we believe it will  
20 significantly enhance wildlife protection within the  
21 Commonwealth. We also believe that there will be  
22 widespread public support for this legislation as  
23 indicated by surveys that showed 96 percent of  
24 Pennsylvania's citizens feel that wildlife protection is  
25 a vitally important function.



1           The citizens of the Commonwealth have  
2           historically recognized the need to protect wildlife,  
3           and the Commonwealth's first law regarding wildlife was  
4           enacted by the legislature in 1721. Several other laws  
5           were enacted over the next 174 years, such as the first  
6           comprehensive wildlife act in 1873. Unfortunately,  
7           there was little impact with these laws due to lack of  
8           enforcement and the continued exploitation resulted in  
9           unprecedented population declines.

10           By 1895, the depletion of Pennsylvania's  
11           wildlife had reached a crisis stage. Some species had  
12           become extinct and others had been extirpated from the  
13           Commonwealth. This dramatic depletion of wildlife was  
14           due to habitat loss, caused by the demand for natural  
15           resources of a growing nation, commercial market hunting  
16           to supply the extensive demand for wildlife and a lack  
17           of any enforcement dedicated to wildlife.

18           The Pennsylvania State Sportsmen's  
19           Association petitioned the legislature to create an  
20           agency to manage and protect Pennsylvania's wildlife,  
21           and the Pennsylvania Game Commission was created.  
22           Additional statutes were enacted by the legislature and  
23           enforced by officers of the Commission solely dedicated  
24           to the protection of wildlife. These protective  
25           actions, combined with restoration efforts, eventually

1 resulted in increasing wildlife populations.

2           The Commonwealth places a high value on  
3 wildlife, as evidenced by the Constitutional provisions  
4 in Article 1, Section 27 of the Pennsylvania  
5 Constitution, which elevates the management of natural  
6 resources, including wildlife, for current and future  
7 generations to a Constitutional right of citizens.

8           This brief review of Pennsylvania's wildlife  
9 management and protection history is important to  
10 remember as we begin to consider the need for an  
11 increase in penalties that this bill provides. Many  
12 people do not understand that many of the threats to  
13 wildlife that existed at the turn of the century, such  
14 as an illegal commercial market for wildlife, are still  
15 threats today. Poaching is prevalent throughout the  
16 Commonwealth, not only in rural areas but in suburban  
17 and even urban areas as well, with significant  
18 violations and chronic offenders prosecuted each year.  
19 In fact, over a thousand prosecutions a year have been  
20 made for the past three years directly relating to  
21 poaching of big game species. The current statutory  
22 undervaluation of wildlife due to low penalties can  
23 create a public and judicial sentiment that these crimes  
24 are not important, and are counterproductive for  
25 wildlife protection efforts, as they do not create an

1 effective deterrent to chronic offenders.

2 I would like to share with you a synopsis of  
3 some case histories to illustrate why we believe that  
4 the current penalties are not an effective deterrent to  
5 chronic poachers. Unfortunately, these are just a few  
6 of the cases that we have encountered. We do have an  
7 information packet that we will be distributing that has  
8 far more detail on these aggravated poaching offenses in  
9 the section containing Game Commission news releases for  
10 your review.

11 This rifle (indicating) was seized December  
12 21st, 2007 from subjects attempting to poach a deer at  
13 night. The rifle has a homemade silencer attached,  
14 indicating that it is primarily used for poaching. The  
15 two subjects who were apprehended in this case had been  
16 previously charged seven times by six different  
17 officers, and one of the subjects was currently on  
18 hunting license revocation.

19 One chronic offender was charged and  
20 convicted of fifty violations over an 11-year period.  
21 Forty of these crimes were for poaching wildlife,  
22 primarily whitetail deer with trophy class antlers.  
23 This subject had his hunting license privileges revoked  
24 from the initial violations, but continued to poach for  
25 an additional 11 years while on license revocation,

1 accruing additional revocation until 2060. Fines  
2 assessed and license revocation had no deterrent effect  
3 on this subject, and he did not stop committing wildlife  
4 crimes until he was incarcerated for other criminal  
5 offenses. A second chronic offender was charged with 86  
6 counts of unlawful taking of wildlife, primarily deer  
7 and turkey, resulting from a search warrant served by  
8 officers while investigating information received from  
9 the public about this 10-point buck poached at night.  
10 Over a hundred pounds of antlers, 54 turkey beards and a  
11 diary of criminal activities detailing the poaching of  
12 over 300 big game animals over a 22-year period were  
13 seized during the search. This chronic poacher began  
14 his criminal activities at 13 years old. The subject is  
15 on license revocation until 2094, but is still suspected  
16 in current poaching. The concerned citizens who  
17 reported the initial information that started this case  
18 were appalled that the law does not provide any jail  
19 sentence for this amount of illegally taken wildlife.

20           Yet another chronic poacher was charged with  
21 killing 126 bucks; however, under current law, this  
22 egregious offense could only be charged as summary  
23 offenses with no possibility of imprisonment. Some of  
24 the antlers seized in this case and depicted in this  
25 photograph are on display here today. How many of these

1 magnificent deer would have provided lawful hunters with  
2 days of enjoyment spent hunting them and possibly a  
3 trophy of a lifetime?

4 Poaching does not just occur at night and  
5 out of season. In one in-season killing spree, five  
6 poachers killed 29 deer over the limit in two days. The  
7 current law does not have stringent enough penalties to  
8 serve as an effective deterrent to these type of  
9 aggravated poaching offenses. One poaching ring killed  
10 or wounded almost fifty deer in a six-township area in a  
11 period of several weeks. Most disturbingly, this case  
12 was a classic example of what we have called thrill  
13 killing, where the poachers involved did not make any  
14 effort to retrieve or utilize any of these deer. They  
15 simply shot them for entertainment and let them go to  
16 waste where they fell. This type of aggravated offense  
17 certainly has an impact on local populations.

18 Poachers from West Virginia and Maryland  
19 were charged with 37 counts for shooting trophy  
20 whitetail deer and removing only the heads or antlers.  
21 Yet another chronic poacher charged with 11 counts of  
22 unlawful taking in 2006, had previously been convicted  
23 of poaching offenses in 1989, 1992, 1994, 1995, 2000,  
24 2001 and 2004. The offender had not paid the previous  
25 fines when charged with the most recent offenses, and

1 was currently on license revocation. This is yet  
2 another clear example that the current penalties and  
3 license revocation are not an effective deterrent.

4           One officer investigated a chronic poacher  
5 he had convicted in two previous years for killing  
6 trophy bucks at night with a crossbow and a spotlight.  
7 Each time, the officer had to return the crossbow and  
8 the spotlight to the poacher after the prosecution was  
9 completed, including the most recent conviction. The  
10 arresting officer expects the crossbow and the spotlight  
11 he has seized three separate times and had to return  
12 will continue to be used in future poaching by the  
13 subject.

14           The causes of poaching vary, but the myth  
15 that most poachers are committing their offenses to  
16 provide food is in reality not even a fraction of a  
17 percentage of all the cases prosecuted. Often, modern  
18 poaching is done by criminals driving \$30,000 vehicles,  
19 using expensive night-vision technology, illegal  
20 silencers on the firearms, and often military style  
21 rifles. Most commonly, the causes are simply greed,  
22 obsessive behavior in collecting antlers; and in some  
23 cases, poachers take great pride in their infamous  
24 status in the local community. A disturbing and  
25 increasingly common cause of killing is simply for

1 thrill, with no intention of making use of any part of  
2 the animal.

3 An Agency news release from February 1st,  
4 2008, details a multi-year investigation and prosecution  
5 of four subjects who killed for thrill by finding a herd  
6 of deer in a field and turning lights on them, then all  
7 four would shoot indiscriminately into the herd killing  
8 or wounding as many deer as possible, and then simply  
9 driving onto the next field to do it again. This  
10 criminal activity had been ongoing for several months,  
11 and the arresting officers suspect that the deer that  
12 they were able to prosecute this group for was only a  
13 small fraction of the animals that they had actually  
14 killed or wounded.

15 A lesser known cause of poaching is the  
16 illegal commercialization of wildlife in the black  
17 market trade. Similar to the commercial market hunting  
18 that had devastated wildlife populations by the turn of  
19 the century, the modern black market trade is growing  
20 and can have the same devastating effects to local  
21 wildlife populations. The scale of the illegal  
22 commercialization of wildlife is staggering. The  
23 Coalition Against Wildlife Trafficking lists some  
24 estimates of the global illegal market at 10 billion  
25 dollars. The organization also states that the

1 unchecked demand of the market is driving many species  
2 to the brink of extinction. The black market wildlife  
3 trade is often linked to organized crime and involves  
4 many of the same criminals and smuggling routes as  
5 trafficking in weapons and narcotics.

6 In Pennsylvania, the most common species and  
7 animal parts sold on the black market are venison,  
8 velvet antler, fully developed antlers, black bear  
9 gallbladders, paws, skulls, claws and hides, as well as  
10 protected bird feathers and talons from eagles, owls,  
11 hawks and song birds. One criminal sold Game Commission  
12 undercover officers over ninety black bear gallbladders  
13 during an 18-month investigation, the majority of which  
14 were poached. Almost 400 whitetail deer have been  
15 purchased by undercover officers in recent  
16 investigations and over 300 other pieces of wildlife  
17 have been purchased from the black market that range  
18 from otters and bears to chipmunks and protected birds.

19 Empirical evidence from enforcement  
20 statistics suggests that increased penalties do have a  
21 deterrent effect. Prosecutions decreased by over 2000  
22 violations or almost 20 percent from 1986 to 1988, when  
23 the legislature last increased penalties in 1987. Black  
24 market criminals have told undercover officers that they  
25 deal in wildlife rather than other contraband because



1 there is no imprisonment for dealing in wildlife,  
2 regardless of how much they sell. Poachers from other  
3 states have confessed to officers that they come to  
4 Pennsylvania to poach because although the risk of  
5 getting caught is perceived to be higher, the fines are  
6 usually lower and there is no possibility of jail time  
7 as in their home states.

8 This (indicating) slide shows some of our  
9 neighboring states misdemeanor and felony violations as  
10 compared to Pennsylvania's. What is important to note  
11 is that in New York, Delaware, Virginia, West Virginia,  
12 and Maryland, almost all wildlife violations are  
13 misdemeanor offenses; while in Pennsylvania, the vast  
14 majority of our offenses are graded merely as summary  
15 offenses, with the only misdemeanor and therefore  
16 possibility of imprisonment for poaching being limited  
17 to threatened and endangered species. This is a  
18 dramatic disparity that we believe this legislation will  
19 correct.

20 To make the point more visible, this  
21 (indicating) slide compares the penalties specifically  
22 for poaching a deer at night with a light. Please note  
23 that this offense is graded as a misdemeanor with a  
24 penalty of potential imprisonment in every state except  
25 Pennsylvania where it is a summary offense with only a

1 300 to \$800 penalty and no possibility of imprisonment.  
2 While it may appear that West Virginia has a lower  
3 monetary penalty on the bottom end of the sliding scale,  
4 it should also be noted that they have a mandatory ten  
5 days in jail. My counterpart in West Virginia tells me  
6 that this aspect of the statute provides far more  
7 deterrent than the monetary aspects of the penalty.  
8 Currently in Pennsylvania, a poacher could kill a  
9 hundred deer and still not have any chance of being  
10 imprisoned.

11 This (indicating) slide shows a comparison  
12 of the penalties for killing a black bear in closed  
13 season. Again, you can see the inequity in  
14 Pennsylvania's current summary offense penalty of 500 to  
15 \$1500 with no possibility of imprisonment to all the  
16 other applicable states where the same offense is graded  
17 as a misdemeanor with possible imprisonment in every  
18 other state.

19 Also note that in West Virginia, a third  
20 offense results in a felony conviction with a 5,000 to  
21 \$10,000 penalty, a minimum of one year in jail with up  
22 to a maximum of five years and lifetime hunting license  
23 revocation. Currently in Pennsylvania, a poacher could  
24 kill three bears and can only be charged with a summary  
25 offense with no chance of imprisonment, and possibly

1 receive a minimum penalty of \$1500. As you contemplate  
2 that disparity, keep in mind that on the black market a  
3 single bear can be worth several thousand dollars, and  
4 the current penalty is often viewed by commercial  
5 poachers as merely a cost of doing business.

6           As a point of reference to justify why we  
7 need to increase penalties in Pennsylvania, consider  
8 that in 1913 the fine for unlawfully killing a deer was  
9 \$100 and was a significant deterrent at that time.  
10 According to the State Data Center, if adjusted for  
11 inflation to have the same financial impact to a  
12 poacher, the penalty would have to be \$2,123 in order to  
13 be equitable to the 1913 penalty. Currently, the  
14 penalty for unlawfully taking a deer in Pennsylvania is  
15 on a sliding scale that is only 300 to \$800, and the  
16 most frequently applied penalty is only \$300.

17           We frequently receive input from the hunting  
18 and non-hunting public requesting more severe penalties  
19 for major violations. Other state wildlife agencies  
20 have indicated that the judicial system tends to treat  
21 wildlife violations more seriously when the penalties  
22 equal other theft offenses, and poaching is the theft of  
23 the Commonwealth's citizens' property and should be  
24 penalized accordingly.

25           If we make this comparison with Title 18

1 Crimes Code theft offense penalties, a theft of property  
2 worth over \$200 is a misdemeanor of the first degree and  
3 punishable by up to five years in prison; and if the  
4 property is worth over \$2,000 dollars, the offense is  
5 graded as a felony of the third degree with a penalty of  
6 up to seven years in prison. We believe that this  
7 legislation provides an equitable penalty structure to  
8 other theft offenses when the big game is killed over  
9 the bag limit, out of season, or at night with a light,  
10 in that it grades those offenses as a misdemeanor of the  
11 third degree with up to six months in prison and a 1500  
12 to \$3,000 penalty. For an aggravated offense or chronic  
13 offender that would poach three or more big game animals  
14 over the bag limit, out of season, or at night with a  
15 light, the offense would be graded as a felony of the  
16 third degree with imprisonment of 12 to 36 months and a  
17 10,000 to \$15,000 fine.

18 In addition to putting aggravated offenses  
19 on par with other theft offenses, including the  
20 possibility of imprisonment, this legislation will also  
21 create additional deterrence by providing for the  
22 forfeiture of firearms and other equipment, except  
23 vehicles registered by the Department of Transportation.  
24 The increase in the penalties will be equitable with  
25 surrounding states, and would make the offenses

1 described in these case histories misdemeanor or felony  
2 offenses, making Pennsylvania less attractive to  
3 poachers from other states. We believe that a  
4 significant deterrent to poaching and the black market  
5 trade will be accomplished and become a significant  
6 advancement for the protection of wildlife in  
7 Pennsylvania.

8           This slide shows the current level of  
9 offense in Pennsylvania, as well as the imprisonment  
10 structure of the legislation. As you can see, the  
11 current code does contain some misdemeanors; however, in  
12 relation to poaching, they only apply to threatened and  
13 endangered species. The other misdemeanor offenses are  
14 hunting under the influence, assaulting an officer, and  
15 hunting-related shooting incidents.

16           The next slide shows the application of  
17 these penalties to specific poaching offenses. Poaching  
18 a deer at night with a light, over the bag limit or out  
19 of season will be upgraded from a summary offense with a  
20 \$300 to \$800 penalty and no possibility of imprisonment  
21 to a misdemeanor of the third degree with a penalty of  
22 1500 to \$3,000 and up to six months imprisonment.  
23 Poaching three or more big game animals at night with a  
24 light, over the limit or out of season will result in a  
25 felony of the third degree with 12 to 36 months

1 imprisonment and \$10,000 to \$15,000 in fines.

2           In addition, the legislation extends the  
3 "look back" period for chronic offenders from the  
4 current two years to ten years and provides for the  
5 application of the felony offense for the third big game  
6 animal killed at night with a light, over the bag limit  
7 or out of season. Again, we believe that this structure  
8 is comparable to the grading of theft offenses in Title  
9 18 Crimes Code and provides equity for the theft of  
10 wildlife, which is what poaching is.

11           Other comparisons to Crimes Code offenses  
12 can be made as well. For example, under Title 18 PA  
13 Crimes Code, shooting a cat is a misdemeanor of the  
14 first degree with a minimum fine of \$1,000 and up to two  
15 years in prison. For a second offense, the grading  
16 escalates to a felony of the third degree with  
17 imprisonment of up to seven years. We believe that it  
18 is, therefore, equitable that poaching a whitetail deer,  
19 the State mammal, be graded as a misdemeanor of the  
20 third degree and punishable by up to six months in jail.  
21 The grading of the offenses for poaching three of the  
22 State's mammals should also result in a felony of the  
23 third degree with imprisonment of 12 to 36 months.

24           The final comparison can be made in the  
25 grading of offenses for agricultural vandalism that is a

1 minimum of a misdemeanor of the third degree if the  
2 damage is less than \$500 and a maximum of a felony of  
3 the third degree if the damage is in excess of \$5,000.  
4 To put this comparison in perspective, I'll use the  
5 example of the thrill killing. Currently, if the  
6 criminals would shoot three horses or three cows, they  
7 could be charged with a felony of the third degree and  
8 the possibility of imprisonment for up to seven years  
9 under Title 18 of the Pennsylvania Crimes Code. We  
10 believe that it is then reasonable that if the same  
11 thrill killers would shoot three elk, the offense should  
12 be upgraded compatibly as a felony of the third degree  
13 with imprisonment of 12 to 36 months. The fact that  
14 wildlife is public property and not personal property  
15 should make it no less valuable in the statutory  
16 construction of penalties.

17           This concludes my testimony, and I thank you  
18 for the opportunity to testify before the Committee  
19 today. Game Commission staff will be handing out a  
20 three-ring binder of information related directly to  
21 this testimony and the need to increase penalties for  
22 serious wildlife violations for your review, as well as  
23 an actual piece of evidence from one of the case  
24 histories that I've detailed today. It is a notebook  
25 that details the poaching of several hundred big game

1 animals that were seized during the service of a search  
2 warrant. We would like to have that notebook back after  
3 the hearing. We encourage you to read some of the  
4 articles provided in the handout and get a sense of the  
5 issue at the national level, as well as to review some  
6 of the Game Commission's news releases on major poaching  
7 prosecutions for a higher level of detail on the types  
8 of cases we frequently encounter with aggravated  
9 poaching and chronic offenders.

10 I have provided the criminal records of two  
11 chronic poachers as a testament of the need to increase  
12 penalties and therefore create deterrence to poaching  
13 resulting in enhanced protection of wildlife.

14 Again, I would like to thank Chairman  
15 Staback and his staff for all their hard work on this  
16 bill. I'd be happy to try to answer any questions that  
17 the members may have at this time.

18 CHAIRMAN STABACK: Rich, I first want to  
19 thank you for, certainly, your presentation. Obviously,  
20 it was a product of a lot of hard work and research; and  
21 I think you presented the case very well from what the  
22 Bill is trying to do, combat poaching and illegal trade  
23 of animals with penalties that will act as a deterrent  
24 first and secondly as a proper punishment.

25 As you alluded to, hunters in the public



1 perception of the sport suffer from these criminal acts.  
2 And in the sporting community that I have heard from  
3 that encouraged me to write the Bill, they know that  
4 poaching is the black eye for the sport and all the  
5 illegal activities that are outlined in the Bill. The  
6 growth of the black market trade in Pennsylvania in game  
7 animal parts is shocking and, in my view, deserve tough  
8 penalties that are included in the Bill.

9           Now, Rich, when you and I started this  
10 process, we spoke at length about other states and what  
11 has been done elsewhere to try to combat the problems  
12 that we are facing, the problems that existed in those  
13 states at the time, including poaching and illegal kills  
14 for black market trading.

15           Can you talk a little bit more about those  
16 states, in particular the major hunting states, and what  
17 they did and especially what part in the scheme of  
18 things felonies played, if you will?

19           RICHARD PALMER: Yes, Mr. Chairman. In the  
20 process of doing all of the research associated with  
21 this project, what we found out is there are several  
22 states that have experienced the same problems that  
23 Pennsylvania's experiencing to different degrees, both  
24 with the commercial poaching as well as extensive  
25 unlawful taking of wildlife out of season. Most of

1 these states over varying periods of time have pursued  
2 legislation to increase their penalties again to create  
3 the deterrents. Quite frankly, wildlife officers no  
4 matter where you go are spread extremely thin. We have  
5 136 full-time districts out there that handle 67  
6 counties in all of Pennsylvania. We believe that, as  
7 most of these other states then did, creating the  
8 deterrent effect is probably one of the most beneficial  
9 things that we can do.

10           The other states that have felonies that we  
11 specifically talked with and researched some of their  
12 legislation in making some of the recommendations that  
13 we've made were New York that has felonies for  
14 commercialization of wildlife above a certain amount of  
15 money; West Virginia, of course, kind of what I  
16 presented today, multiple bears, the three strikes and  
17 you're out philosophy, the third bear becomes a felony  
18 in West Virginia. Wyoming has felonies; Illinois has  
19 felonies; Virginia has felonies; Florida has felonies;  
20 California has felonies; Colorado has, what I believe to  
21 be, probably one of the most deterrent felonies on the  
22 books, where in Colorado if you shoot any big game  
23 animal and you're going to take simply its antlers or  
24 simply its head and leave the rest of that animal  
25 laying, that is a felony for one offense; and I think

1 that is a significant deterrent in Colorado.

2 Idaho also has felonies; Nevada has  
3 felonies; and Texas has felonies. And similar to West  
4 Virginia, some of the felonies in Texas carry a  
5 mandatory prison sentence of at least 180 days.

6 CHAIRMAN STABACK: Rich, in the course of  
7 your investigation of these hunting states, those that  
8 have felonies on the books, since they adopted felony  
9 offenses, did they realize any kind of dramatic drop in  
10 the violations where felonies were involved?

11 RICHARD PALMER: Specifically, the states  
12 that have told me that it has been very effective for  
13 them were Colorado and Montana; but a lot of their  
14 violations were being done by outfitters and being done  
15 by non-resident hunters, that when it was upgraded to  
16 the felony level of offenses, people started to take it  
17 seriously.

18 CHAIRMAN STABACK: Okay. Thank you, Rich.  
19 Representative Rohrer.

20 REPRESENTATIVE ROHRER: Thank you, Mr.  
21 Chairman, Rich. The presentation, I think seeing all  
22 that data in the pictures is quite alarming, because  
23 those are obviously -- the ones you reported on there  
24 are the ones that you know of; is that right?

25 RICHARD PALMER: Correct.

1                   REPRESENTATIVE ROHRER:  It's obviously  
2 likely that there are considerably some that you do not  
3 know of that, absent numbers, those being issued.  Just  
4 a couple of -- I'm sure a lot of members will have  
5 questions, but just two things I want to have put before  
6 you right now.  There is the presence of the Interstate  
7 Wildlife Violator's Compact, which has had some  
8 discussion here before.  How does that impact what is  
9 attempting to be done in this Bill if that were in place  
10 as well as partnered with that?  Just talk about the  
11 inter-relationship of that existing --

12                   RICHARD PALMER:  The Interstate Wildlife  
13 Violator's Compact has been an initiative at the  
14 national level that has been growing over a number of  
15 years.  What that Violator Compact does, in a very  
16 simplified version, is that if someone loses their  
17 hunting license in one state for a violation, there is a  
18 reciprocal hunting license revocation in all of the  
19 other member states of the Compact, very similar to your  
20 driver's license reciprocity agreements for those type  
21 of revocations.

22                   We do believe that that is a significant  
23 deterrent.  We do believe that that is something that  
24 Pennsylvania should look at at sometime.  We're very  
25 supportive of that effort as we have attempted

1 legislation twice in the past to gain that.

2           However, we think that it is somewhat  
3 different from this Bill. This Bill is dealing with the  
4 penalties and the criminal aspects, and we think that it  
5 may be better to take on Wildlife Violator Compact maybe  
6 as a separate piece of legislation so we don't cloud the  
7 issue on this particular Bill.

8           REPRESENTATIVE ROHRER: And I wasn't  
9 suggesting that it should.

10          RICHARD PALMER: Sure.

11          REPRESENTATIVE ROHRER: Because I think  
12 they're different. I just wanted a clarification made  
13 on the interconnection of that. Obviously, what is in  
14 the Bill talks about toughening the penalties, either  
15 fines or imprisonment classification. I didn't see much  
16 there. Just talk to me a little bit about the idea of  
17 the issue of forfeitures, that kind of thing and  
18 relative to the hunter's or the person's right to  
19 acquire a license. More specifically, obviously, in  
20 some ways using -- if someone is using an illegal weapon  
21 during poaching, you obviously don't -- you even showed  
22 there, you've seized some of those. Is there any  
23 prohibition that there would not be a taking of other  
24 firearms that the individual may own that wouldn't have  
25 been used in the commission of the crimes? Is that

1 aspect a concern?

2           RICHARD PALMER: Correct. To give you the  
3 full history, most state wildlife laws do contain  
4 forfeiture positions especially for firearms and other  
5 equipment directly used in the commission of an offense.  
6 Pennsylvania had some of that language for specific  
7 offenses for using a light to hunt with for example.  
8 However, with some Commonwealth Court decisions early,  
9 it was decided that in Commonwealth versus Reeves that  
10 we didn't have enough due-process provisions within that  
11 particular section of the statute; so this legislation  
12 is an attempt to try to correct that and follow the  
13 Court's direction and develop those due-process  
14 procedures as they indicated that we needed to do.

15           To answer your question specifically, we  
16 know that -- and there's a difference between a seizure  
17 and a confiscation. An officer can seize a piece of  
18 evidence that is needed to prosecute a defender. What  
19 happens is, we have to give that back at the conclusion  
20 of the prosecution. Currently we cannot forfeit that  
21 property.

22           We believe that this piece of legislation  
23 will correct that for very specific offenses and  
24 specifically to answer that question, will that affect  
25 any other firearms that the individual owns? No. The

1 firearm involved must be used in the commission of the  
2 offense.

3 REPRESENTATIVE ROHRER: All right. I  
4 appreciate that. And that, obviously, is one of our  
5 concerns. I think that is clear in the legislation that  
6 is your intent. Okay.

7 Mr. Chairman, that's all I have for right  
8 now. Thank you.

9 CHAIRMAN STABACK: Representative Roae.

10 REPRESENTATIVE ROAE: Thank you, Mr. Palmer.  
11 Thank you, Chairman Staback. I just wanted to let you  
12 know I appreciate you looking into this and taking this  
13 matter into your hands. Tracking this poaching in Adams  
14 County has been a problem, maybe not as much as in the  
15 northern tier, but we have poachers there as well. You  
16 could double everything, as far as I'm concerned, and  
17 you would still have my vote.

18 So thank you for your time in this. I  
19 appreciate it.

20 RICHARD PALMER: Thank you.

21 CHAIRMAN STABACK: Representative Haluska.

22 REPRESENTATIVE HALUSKA: Thank you, Mr.  
23 Chairman. Thank you, Richard.

24 I sat down with one of my hunting partners,  
25 and he's one of our local Magistrates and went through

1 this. And I just need a couple of clarifications; and  
2 if you can't do it now, maybe you can get in touch with  
3 me and put it in writing.

4 Referring to Section 925(f), Nonpayment of  
5 Fines and Costs; unless otherwise provided in this  
6 title, each person who fails to pay for any fines and  
7 costs imposed may enter agreement before the Magisterial  
8 District Judge and be imprisoned until the fines and  
9 costs are paid in full. The Court may imprison a person  
10 for the number of days equal to one day for each \$40 of  
11 the unpaid balance of the fines and costs, not to exceed  
12 24 months. And then his question basically is, it's not  
13 real clear, if the Defendant is in prison for the amount  
14 equal to \$40 per day, is this considered time served or  
15 does the Court still have the right to collect the fine?  
16 It's not clear to the Magistrate.

17 RICHARD PALMER: The \$40 a day is also  
18 current. That's not something new. Just to explain  
19 that part. What the new part is, is that currently we  
20 can only sentence -- or the judge can only sentence  
21 someone for nonpayment of fines at \$40 a day for a  
22 maximum of 120 days. Some of the violations that I  
23 showed you here, some of those cases might be 20 or  
24 \$25,000 in fines. Again, keep in mind that a lot of the  
25 people involved in this high-end poaching activity are



1 also involved in other criminal activity. Some of these  
2 guys, quite honestly, look at sitting 120 days in jail  
3 to work off a \$20,000 fine --

4 REPRESENTATIVE HALUSKA: So it's not clear,  
5 the way you have it written, it's not clear to the  
6 Magistrates if there's money due at the end of the  
7 incarceration or not; and that's what needs cleaned up.

8 RICHARD PALMER: Okay. We'll take a look at  
9 that.

10 REPRESENTATIVE HALUSKA: Okay. The other  
11 one, it's Section 2306, Unlawful Devices; a shotgun with  
12 more than a two shell capacity in the magazine. This  
13 could be explorable for perhaps, you know, while  
14 hunting, any recorded call electronically amplified  
15 indicator of a call, like electronic turkey call maybe,  
16 hunting over bait, contraband, any gun or wildlife -- or  
17 any game or wildlife or any taking killed or possessed  
18 by any person contrary to this section is contraband.  
19 Perceived person shall automatically forfeit to the  
20 Commission to be disposed of at the discretion of the  
21 Director. Any firearm, crossbow, equipment or device  
22 unlawfully used contrary to this section shall be  
23 subject to a forfeiture as provided in this title.

24 The question concerning forfeiture,  
25 equipment pertaining to this Section 2308, can it be a

1 four-wheeler or a vehicle? For example, if a defendant  
2 has used a four-wheeler to place a salt block or bait,  
3 to this section -- that's the one question. If somebody  
4 were to use a four-wheeler to take bait out and say --  
5 or, you know, they were putting a salt block out, now is  
6 that a case where they would forfeit their vehicle?

7 RICHARD PALMER: That section would allow  
8 the confiscation of a vehicle, specifically the level of  
9 how much activity that particular vehicle was used in  
10 the commission of the offense. I think it does become  
11 fact specific and we would have to monitor that as well.

12 REPRESENTATIVE HALUSKA: And that's one  
13 question he had. That's a pretty severe penalty for  
14 somebody that's planting a salt block that has an \$8,000  
15 quad and then, you know, it gets confiscated in the  
16 process or a vehicle.

17 RICHARD PALMER: I think what our intent  
18 with that is, is where it's currently being used  
19 directly in the commission of the offense --

20 REPRESENTATIVE HALUSKA: That's another gray  
21 area, as the Magistrate sees, as a problem. Just one  
22 more question. Does the Section 2525 still apply,  
23 Possession of a Firearm for Protection? Basically, we  
24 passed a law last year that he sees that this may try to  
25 supercede that law, that if you have a carry permit you

1 can carry a pistol, you know, in a bow season or  
2 whatever; and he sees, you know, some conflicting laws  
3 here which are going to supercede the other one.

4 RICHARD PALMER: There's certainly no  
5 intention to supercede that law. I'm not quite  
6 understanding his question. I'd want to follow up with  
7 that.

8 REPRESENTATIVE HALUSKA: Right.

9 RICHARD PALMER: But there's no intent  
10 whatsoever to supercede legislator changes last year to  
11 allow the personal protection to carry that during any  
12 of the activities of the code.

13 REPRESENTATIVE HALUSKA: Right. And his  
14 last comment was, the recommended forfeiture would be  
15 for more serious offenses, being misdemeanors and  
16 felonies, obviously.

17 So thank you.

18 RICHARD PALMER: Thank you.

19 CHAIRMAN STABACK: Rich, two points of  
20 clarification. I think it needs to be noted, if I'm  
21 correct, that under a Felony 3 violation under Title 34,  
22 that does not mean anyone is charged with a Felony 3  
23 under 34 loses his right to own firearms. That is true  
24 under Title 34, right?

25 RICHARD PALMER: That is correct, Mr.

1 Chairman. This amendment and then this draft  
2 legislation has not addressed that issue. We've not  
3 pursued that issue. We've not even recommended that  
4 issue. This simply amends the game wildlife code. Any  
5 loss of firearms would have to be amended under the  
6 Uniform Firearms Act in Title 18 by making that  
7 particular felony one of the enumerated offenses.  
8 There's a number of other felonies out there right now  
9 that are not enumerated offenses under that section, so  
10 this legislation would not affect --

11 CHAIRMAN STABACK: Okay. One other point of  
12 clarification. When we are talking about forfeiture of  
13 equipment, whether it be guns or an SUV -- not an SUV,  
14 but an ATV or a boat or what have you that is  
15 confiscated as evidence for a violation of Title 34,  
16 does not simply allow the Game Commission to go ahead  
17 and sell that item, right? To do that, for that item to  
18 be forfeited by the Commission, you would need an order  
19 of the Court; is that true?

20 RICHARD PALMER: Absolutely. There's a full  
21 procedure detailed in Section 941 of this Bill that we  
22 reviewed and compared to other forfeiture proceedings as  
23 well as previous court decisions, and we believe that  
24 that provides for a full hearing and due process before  
25 that permit confiscation can take place.

1                   CHAIRMAN STABACK:   Okay.  I'm sure there  
2  were some who believed that to be confiscated that  
3  simply meant that the items that you confiscated were  
4  yours to keep and dispose of.  And that is not the case?

5                   RICHARD PALMER:  No, sir; that's not the  
6  case.

7                   CHAIRMAN STABACK:  Okay.  Representative  
8  Gergely.

9                   REPRESENTATIVE GERGELY:  Thank you, Mr.  
10  Chairman.  Good morning.  Chairman Rohrer referred  
11  briefly to the Interstate Wildlife Violator's Compact,  
12  and I think we need to further discuss that, although  
13  you may not believe that -- and this, we want to address  
14  this first and I would agree with that.  If an offender  
15  from Pennsylvania poaches in Colorado currently, those  
16  offenses don't affect his ability to buy a license in  
17  Pennsylvania; is that correct?

18                  RICHARD PALMER:  That is correct,  
19  Representative.

20                  REPRESENTATIVE GERGELY:  And I think part of  
21  my election my first term in 2003, the last time the  
22  legislature legitimately brought this issue up, which  
23  was probably 2002, since then, 39 states have joined  
24  that Compact.  And I would almost bet that everyone that  
25  you referred to on your summary charts is a part of

1 that.

2 RICHARD PALMER: To my knowledge, that is  
3 correct. Pennsylvania is one of only 8 states that is  
4 either not a member of that Compact or does not have  
5 pending legislation. And if you monitor the map,  
6 usually a color-coded map by state, Pennsylvania and New  
7 Jersey are some of the last states in the entire  
8 northeast that are not members.

9 REPRESENTATIVE GERGELY: So, theoretically,  
10 I'm a western Pennsylvania guy, an Ohio hunter could  
11 come in, poach in Pennsylvania, have no penalty for that  
12 poaching in Ohio; is that correct?

13 RICHARD PALMER: If they were convicted in  
14 Pennsylvania they would; but if they were convicted in  
15 Ohio, there's no reciprocity there.

16 REPRESENTATIVE GERGELY: That same person  
17 could go to West Virginia and poach, that Ohio resident,  
18 and still have that penalty when he returns to Ohio; is  
19 that correct?

20 RICHARD PALMER: That's correct.

21 REPRESENTATIVE GERGELY: I think to this  
22 Committee, as we move forward, this Bill will increase  
23 these fines and violations I think with the additional  
24 revenues that are being made available to this  
25 Commission, that we absolutely have to look at the

1 Compact. I think we're behind again. I think  
2 Pennsylvania's behind. We're one of only eight states  
3 that doesn't participate in this. And I think also for  
4 our hunters who may commit an offense in other states,  
5 there's a field acknowledgment issue, also, that they  
6 could be held in Colorado and Wyoming. And as you  
7 referred to Colorado, they're one of the first that  
8 initiated the Compact, right?

9 RICHARD PALMER: That's correct.

10 REPRESENTATIVE GERGELY: That's correct. So  
11 I just want to make it clear that I'm supportive of  
12 this, but I think we're not taking these issues far  
13 enough. We can't be one of the top hunting states in  
14 the country and not have reciprocity with other states  
15 in terms of violating, when you're talking about thrill  
16 hunters, when you're talking about these guys that are  
17 coming in and poaching for the bear carcasses, etc. and  
18 so on in the open market, we're failing our own state  
19 with that and our wildlife.

20 RICHARD PALMER: If I may add one more  
21 comment to that, the western states right now,  
22 Pennsylvania's the number two hunting license state next  
23 to Texas. We export hunters everywhere. The western  
24 states are begging us to join this Compact to create  
25 some deterrence for them as well at a certain time. I

1 think the reason you're seeing so much support from the  
2 sportsmen on this, and rightfully so, as these states  
3 dwindle down as all these member states join, is  
4 Pennsylvania going to become one of the last states  
5 where people convicted everywhere else can hunt? Do we  
6 become the poachers' paradise then?

7 REPRESENTATIVE GERGELY: I agree with you.  
8 That's the concern I have with the surrounding states  
9 having all joined. We don't need to beat Texas on this  
10 issue.

11 Thank you.

12 RICHARD PALMER: Thank you, sir.

13 REPRESENTATIVE HALUSKA: Mr. Chairman, can I  
14 comment on what Marc just got done saying? Behind you.

15 CHAIRMAN STABACK: Yes, Gary.

16 REPRESENTATIVE HALUSKA: Being on the  
17 Committee for going on 14 years, some 8 years ago we met  
18 with the Game Commission and tried to get a good point  
19 of sale so that they would be able to join the Compact  
20 to be able to interface with these other states. So  
21 here we are some 8 years later and we're still not in  
22 the point of sale, and that was the deal of the  
23 Committee back then when the Game Commission gets their  
24 act together and gets their point of sale, then the  
25 Compact would be something, because Representative Lynch



1 brought that up some years ago; so that's pretty much,  
2 Marc, why we haven't gotten there yet, because we don't  
3 have really the capabilities to track these people.

4 CHAIRMAN STABACK: Okay, Rich, there are no  
5 other members that have questions. On that note, I just  
6 want to thank both you and our Assistant Counsel for  
7 your presentation. I'm sure it clarified a number of  
8 concerns that members of the Committee and the audience  
9 have regarding the Bill.

10 Again, thank you for being here.

11 RICHARD PALMER: Thank you again for the  
12 opportunity, Mr. Chairman.

13 CHAIRMAN STABACK: Our next presenter will  
14 be Melody Zullinger, the Executive Director of the  
15 Pennsylvania Federation of Sportsmen's Clubs and Ed  
16 Wentzler of United Bow Hunters.

17 Okay. Whenever you're ready.

18 MELODY ZULLINGER: Good morning. As you  
19 just mentioned, with me today is Ed Wentzler with United  
20 Bow Hunters. I've kind of gotten this cold that's been  
21 going around; so in case my voice dies, Ed's going to  
22 kind of take over for me.

23 Good morning, Chairman Staback, Chairman  
24 Rohrer, and members of the Committee. My name is Melody  
25 Zullinger, and I'm the Executive Director of the

1 Pennsylvania Federation of Sportsmen's Clubs. PFSC  
2 currently represents almost 100,000 sportsmen and women  
3 and conservationists.

4 First, I'd like to take the time to  
5 congratulate Chairman Staback on receiving the 2007  
6 Legislator of the Year Award from the National  
7 Association of Firearm Retailers. Chairman Staback's  
8 leadership role on gun issues has helped to protect the  
9 livelihood of law-abiding firearm retailers and owners  
10 throughout Pennsylvania, and we appreciate your active  
11 role on these issues. Thank you.

12 CHAIRMAN STABACK: Thank you.

13 MELODY ZULLINGER: Our organization  
14 wholeheartedly supports increasing fines and penalties  
15 for violations of the Game Code, and we are encouraged  
16 by your interest in this issue. For many of us, there  
17 is no price that can be put on the value of our wildlife  
18 resources, but this proposal is certainly a good start.  
19 Poaching of big game animals, especially deer, continues  
20 to be a problem and appears to be one that's on the  
21 increase. While we will not address the actual level or  
22 cost of the increases and will leave that up to you and  
23 law enforcement, we do have several suggestions that we  
24 would like you to consider.

25 We understand there have been increasing

1 incidents of parents and/or grandparents encouraging  
2 youth hunters to engage in illegal activities, such as  
3 shooting from vehicles. Adult hunters that assist youth  
4 hunters in committing such activity should be subject to  
5 increased penalties and mandatory license revocations.  
6 Considering that you recently implemented legislation  
7 for youth mentored hunting, and we commend you for that,  
8 we believe a strong message needs to be sent to some  
9 hunters that encourage or assist youth hunters in Game  
10 Law violations will not be tolerated. That would  
11 certainly help our image with non-hunters, also. Please  
12 consider either increasing the penalties, or perhaps  
13 doubling them, including mandatory license revocations  
14 for those adults who chose to lead our youth in the  
15 wrong direction.

16 Another area of concern we feel should be  
17 looked at is the penalty for assaulting a Wildlife  
18 Conservation Officer. Currently, the penalty is a  
19 Second Degree Misdemeanor. It is a felony to willfully  
20 tease a police dog, yet assaulting a WCO is only a  
21 misdemeanor?

22 To put this in a better perspective, look at  
23 it this way, with the new proposal, breaking an eagle  
24 egg is an M-2, Misdemeanor 2 penalty, with a 3,000 to  
25 \$5,000 fine; shooting a turkey at night is a Misdemeanor

1 3 with a 1500 to \$3,000 fine; shooting three turkeys  
2 would be a Felony 3 penalty with a \$10,000 and \$15,000  
3 fine, yet assaulting an Officer is only a Misdemeanor 2  
4 which would be a penalty of 3,000 to \$5,000. Therefore,  
5 one eagle egg has the same value as one Conservation  
6 Officer. Three turkeys are at least three times as  
7 valuable as one Conservation Officer.

8           While, as I've stated above, it is hard to  
9 put a dollar value on our wildlife resources, it's  
10 totally unreasonable to put the value of our  
11 Conservation Officers lower than the value of a couple  
12 turkeys. We believe assaulting a Conservation Officer  
13 should be raised to the level of a felony so they have,  
14 at the least, the same protection a police dog has.

15           Although increased penalties should provide  
16 an obvious deterrent, we believe that this legislative  
17 proposal should also, as perhaps a companion bill,  
18 include allowing Pennsylvania to join the Interstate  
19 Compact agreement to ensure that non-resident violators'  
20 penalties can be collected. This Interstate Compact  
21 proposal has been considered before, and we believe this  
22 would be a prime opportunity to implement such a  
23 program. It gives the Pennsylvania Game Commission the  
24 ability to collect thousands of dollars in fine money  
25 that it currently cannot collect from out-of-state

1 hunters, and it also serves notice to non-resident  
2 violators that their actions will not be tolerated in  
3 our Commonwealth, as well as providing assurance to  
4 other states that those who've willfully violate the PA  
5 Wildlife laws and have their privileges suspended here  
6 do not go into their state to do the same.

7           Below, you'll see a short letter from the  
8 Pennsylvania Deer Association just reiterating their  
9 support of this legislation, also. And as I'm sure Ed  
10 will relay, too, their organization supports it, as does  
11 the Pennsylvania National Wild Turkey Federation, Fences  
12 Forever, and Quality Care Management. For most of us,  
13 we have not had time to officially take this back to our  
14 full membership; but all the feedback we are getting is  
15 we'll support the legislation.

16           Again, we thank you for moving this  
17 legislative effort forward and giving us the opportunity  
18 to speak here today. Thank you.

19           ED WENTZLER: I would only like to add,  
20 Chairman, that the UBP agrees with everything in Mel's  
21 report. As she mentioned, we have not had time to do a  
22 full sampling of our membership; but I can tell you that  
23 the phone calls and e-mails that I'm getting certainly  
24 indicate it's going to be very close to unanimous.

25           Thank you.

1           CHAIRMAN STABACK: Well, thank you both for  
2 being here, for your comments and, Mel, especially your  
3 comments representing the Federation, also your kind  
4 words of congratulations. I appreciate that. Your  
5 comments on the Wildlife Violators' Compact certainly  
6 are understood. I will just reiterate what  
7 Representative Haluska touched on earlier, that until  
8 the Game Commission is up and running with the point of  
9 sale technology to get involved with any kind of  
10 agreement now would be at best premature. We understand  
11 the point of sale is getting closer and that at some  
12 point in time we're going to have to deal, you know,  
13 with the Compact itself.

14           I promise you this, we will revisit the  
15 Bill, especially in that section dealing with the  
16 assaulting of a WCO and perhaps make the changes that  
17 you're recommending.

18           Okay.

19           MELODY ZULLINGER: Thank you.

20           CHAIRMAN STABACK: On that, thank you both  
21 again for being here.

22           ED WENTZLER: Thank you.

23           CHAIRMAN STABACK: Next we have the Humane  
24 Society of the United States. Mr. Andrew Page is the  
25 Director of the Hunting Campaign.

1                   ANDREW PAGE: Good morning, Chairman  
2 Staback, Chairman Rohrer, members of the House Game and  
3 Fisheries Committee, thank you for this opportunity to  
4 testify today in support of House Bill 2205. My name is  
5 Andrew Page. This is Heidi Prescott and Sarah Smeade  
6 (phonetic). The Humane Society of the United States is  
7 the Nation's largest animal protection organization. We  
8 have over 10 million members nationwide, including over  
9 half a million in Pennsylvania.

10                   On behalf of the Humane Society of the  
11 United States and its Pennsylvania membership, I thank  
12 Chairman Staback for leading this effort to increase  
13 penalties for poaching and urge the Committee to support  
14 House Bill 2205. In a unique alliance, the SHUS joins  
15 the Pennsylvania Game Commission and the State's hunting  
16 community in support of this Bill. The union of these  
17 often diverging groups is evidence of both the need to  
18 address rampant poaching in Pennsylvania and the wide  
19 support for such a goal.

20                   In an October 11th, 2007 Time Magazine  
21 article, wildlife officials estimated that for every  
22 wild animal killed legally another is killed illegally.  
23 With tens of millions of animals legally hunted each  
24 year, the number of animals cows they poached is  
25 staggering. Wildlife belongs to all people, but

1 poachers step into Pennsylvania's back yard to exploit  
2 animals for their own personal gain or thrill knowing  
3 they will most likely not be caught.

4           With each enforcement officer covering  
5 hundreds of square miles, the most effective tool in  
6 stopping poaching must include adequate deterrents.  
7 Simply put, the cost of being caught must outweigh the  
8 risk and profit of poaching. Pennsylvania is second  
9 only to Texas in hunting licenses sold, yet the State  
10 has some of the lowest penalties for wildlife  
11 violations. Currently, there is no possibility for jail  
12 time unless the violation involves threatened or  
13 endangered species. The lack of strong penalties for  
14 poaching can be seen in a number of recent repeat  
15 offenders. For example, authorities convicted a Blair  
16 County poacher of 50 game law violations over 40 years.  
17 Recently, authorities charged a Clinton County poacher  
18 with illegally killing an elk. Prior to this incident,  
19 the same individual paid fines for a number of  
20 convictions for illegally killing elk. And the PTCA  
21 expressly warned the man of the implications of his  
22 actions. Even with knowledge that he would not be  
23 caught, he illegally poached yet another elk anyway. In  
24 addition to failing to act as a deterrent, low penalties  
25 for poaching sends a message to poachers and to the



1 wider public that wildlife has little or no value.

2           In Pennsylvania, a person may receive the  
3 same penalty for illegally killing deer as they might  
4 for illegally parking their car. While poaching is on  
5 the rise in both urban and rural areas, hunters have an  
6 added interest in stopping wildlife violations. The  
7 number of hunters has been declining for several  
8 decades, and increasing the preservation of hunting  
9 depends on the opinion of nonhunters. When the public  
10 learns of poaching instances such as the killing of  
11 Cubby, a black bear considered by all to be a favorite  
12 resident of Kidder Township, they sometimes attribute  
13 this to all hunters. Similar to unsporting practices  
14 like can hunts or pigeon shoots, the unethical behavior  
15 of a few leaves many individuals to withdraw their  
16 support for any hunting.

17           Finally, although not included in HB 2205,  
18 the HSUS urges the Committee to consider supporting  
19 future legislation allowing Pennsylvania to join the  
20 Interstate Wildlife Violator's Compact. This Compact  
21 equips law enforcement with the tools to stop  
22 individuals convicted of poaching in one state from  
23 receiving the privileges of hunting in another.

24           Again, although the Humane Society of the  
25 United States, the PGC and hunters often disagree about

1 Bills before the Pennsylvania legislature, this is  
2 supported by all of us. The HSUS urges the Committee to  
3 pass these long-overdue measures to increase penalties  
4 for poaching.

5 On behalf of the HSUS and our membership  
6 representing over 550,000 Pennsylvanians, I thank you  
7 for providing me this opportunity to submit this  
8 testimony.

9 CHAIRMAN STABACK: Well, thank you, Andrew,  
10 for the comments and the perspective of the Humane  
11 Society. I certainly agree with your description that  
12 when an issue presents itself like stiffer penalties for  
13 wildlife violations, that the Humane Society can agree  
14 strongly with Pennsylvania Sportsmen and their  
15 organizations. And that partnership, although it may  
16 seem like an odd couple, certainly should be persuasive,  
17 in my view.

18 Now, Andy, I'm not sure whether or not you  
19 can do this for the Committee or not. But can you, in  
20 any way, get involved with the cruelty to animal  
21 language that currently exists in Title 18, for example,  
22 the penalties? The Game Commission has made mention of  
23 the fact that the penalties for cruelty to a dog or a  
24 cat or the multiple killing of dogs and cats, the  
25 penalties for that violation in Title 18 is

1 substantially stiffer than it is for the killing of wild  
2 animals.

3 Now, do you agree that it seems that  
4 penalties for domestic animals should be higher than  
5 those for the killing of wild animals or at the very  
6 best or the very least, I should say, should they be on  
7 the same level?

8 ANDREW PAGE: Yeah, I agree that they should  
9 be on the same level. We've been working really hard in  
10 a number of states to increase penalties for animal  
11 cruelty and animal fighting. Today, I believe, 35  
12 states have felony animal cruelty statutes. And  
13 recently we've been working really hard on animal  
14 fighting, those individuals who are participating in  
15 fighting dogs or game roosters. And the states that had  
16 lower penalties -- the states that had misdemeanor  
17 penalties for animal fighting, tended to be the magnets  
18 for this type of activity; so those states where the  
19 risk outweighs the reward -- the reward outweighs the  
20 risk, became magnets for those types of activities.

21 CHAIRMAN STABACK: Are there any other  
22 questions left or right or behind us? No?

23 Andy, thank you for being here. We  
24 appreciate it.

25 ANDREW PAGE: Thank you.

1                   CHAIRMAN STABACK: Thanks very much. Now,  
2 our final presenter is Unified Sportsmen of  
3 Pennsylvania, Charles Bolgiano, Legislative Liaison to  
4 USP, and James Slinsky, Consultant to the USP.

5                   Gentlemen, begin whenever you're ready.

6                   CHARLES BOLGIANO: Good morning, Mr.  
7 Chairman. Thank you for giving us the opportunity to  
8 testify today. When we were first informed on this  
9 Bill, we were given the understanding that it would  
10 address increased penalties for big game species in  
11 order to combat serious big game offenses. That sounds  
12 as appealing to us as the instrument to help stop  
13 serious crime and wildlife that we have seen and been  
14 aware of and warranted attention.

15                   If that was the intent of House Bill 2205,  
16 we would be fully supportive. However, we have concerns  
17 about portions of this Bill, which we need to address.  
18 During past years, concerns were expressed by a number  
19 of legislators that a number of hunting license  
20 revocations should be held in check. Now with a sharply  
21 declining hunter base, we want to express our concern  
22 that House Bill 2205 may cause an increase in number of  
23 revocations. If this would happen, it would be cause  
24 for alarm and one that we hope would prompt this  
25 Committee to address. In any event, such a possibility

1 should be closely monitored periodically.

2           On a few items contained in House Bill 2205,  
3 not intended to be all-exclusive we note the  
4 following: On Page 16, line 10, on unlawful use of  
5 lights while hunting, we see a problem. Since the  
6 hunting hours were extended to one half-hour after  
7 sunset, darkness has begun or it may already be dark. A  
8 hunter who shoots a deer before the season closes and is  
9 advised to recover that deer, the hunter, in all  
10 probability, must use a light to locate the kill. We  
11 have a serious problem with a law that carries a stiff  
12 penalty that is a handicap to an ethical hunter who  
13 wants to recover his or her trophy. On Page 15, Line  
14 11, a mistaken kill is a fifth degree summary offense.  
15 The fine has been increased from 25 to \$100 or more,  
16 providing no forgiveness under any condition for an  
17 illegal kill does not seem logical. On Page 27, Line  
18 25, for not properly signing a hunting license, is a  
19 summary offense of the 8th degree, a \$25 fine with no  
20 lenience defined or mentioned. The point that we want  
21 to make is that House Bill 2205 is not just an increase  
22 in big game penalties, but it runs the gamut of many  
23 items that will affect honest and ethical hunters, with  
24 many of those items of questionable validity or good  
25 policy.

1           We ask this Committee to carefully evaluate  
2 the Bill to provide stiffer penalties for serious game  
3 law violations only. Other less serious violations  
4 could be addressed in a separate Bill if necessary.

5           Now I'll turn it over to Jim Slinsky who is  
6 a Consultant to Unified Sportsmen.

7           JAMES SLINSKY: Good morning, Chairman  
8 Staback and members of the Committee. I do want to  
9 thank you for this opportunity to address this Committee  
10 and this critical piece of legislation. I must admit I  
11 feel a little bit uncomfortable at this point in the  
12 discussion. The legislation's only been in my hands for  
13 a few days, and the subject matter is relatively new to  
14 me. If the topic were deer management, I would need  
15 only minutes to prepare and I could speak intelligently.  
16 Commercial poaching, fines and penalties, misdemeanors,  
17 felonies, license revocation, property forfeiture,  
18 imprisonment, you know, are topics that are not totally  
19 foreign to me, but truthfully this is not in my area of  
20 intense study over the last decade or so. With that  
21 said, after reading the Bill a few times and the  
22 summaries, I do have some concerns that I believe should  
23 be evaluated. The Bill is lengthy and confusing to some  
24 of us with many numbers, dollar amounts, and new  
25 nomenclature. I want to suggest a possible alternative

1 to this rather lengthy and complex Bill, split it into  
2 two bills. The priority we face right now is the growth  
3 of what is being called commercial poaching. This  
4 despicable activity deserves your undivided attention  
5 and warrants strong deterrents and aggressive  
6 enforcement. You can call it the Commercial Poaching  
7 Act of 2008; and if written concisely, it can pass both  
8 Houses easily with minimal debate. Under two bills, the  
9 second phase can be executed in an expeditious manner  
10 with far less confusion and discussion. I have read  
11 that the fines and penalties for all other violations  
12 have not been updated for 20 years. Let us be perfectly  
13 honest, many in the law enforcement community will argue  
14 greater fines and jail sentences do not truly deter  
15 criminal activity. As Ronald Reagan would say, people  
16 are basically good, but prone to evil. It is always  
17 hoped that increased fines and penalties will be  
18 effective, but the logic and behavior of some segments  
19 of our society can be perplexing. We all realize the  
20 State is making a statement by addressing the concerns  
21 of the Agency. There are few alternatives but to get  
22 tough and take action.

23 Another aspect of this legislation that is  
24 lacking is the shooting of game animals in self-defense  
25 and the defense of ones property. Granted, I haven't

1 heard of anyone recently being attacked by a turkey, but  
2 black bear can be problematic. Every year, there are  
3 altercations between black bear and campers. Often,  
4 black bear drift into neighborhoods and come  
5 uncomfortably close to children and adults. There  
6 should be a distance threshold at which a human being  
7 can take action without fear of prosecution or  
8 incarceration. I've had bear in my yard at 50 yards  
9 and closer, and I'm getting concerned. I should not be  
10 under any legal obligation to figure out exactly what  
11 that bear has on his mind before taking action. A  
12 parallel thought, if an unknown human being enters my  
13 home, I should also not be under any obligation to run  
14 or determine what his intentions are. I should be  
15 permitted to take action without fear of a poaching  
16 violation. Equally important as self-defense is the  
17 right to defend ones property from destructive wildlife.  
18 Every person in this room instinctively knows you were  
19 born with the right to protect yourself, your family,  
20 and your property. It's a God-given right, and the  
21 Pennsylvania Constitution confirms that inalienable  
22 right. However, that reality is not acknowledged  
23 anywhere in Title 34. Actually, Title 34 is in  
24 contradiction to the Pennsylvania Constitution. In  
25 recent years, we've had property owners destroy elk in



1 defense of their property. In almost all cases, these  
2 individuals were cited for killing a big game animal out  
3 of season. Under this new Bill and the old, that  
4 qualifies as a poaching violation. The Agency has  
5 attempted to vigorously prosecute these individuals to  
6 the fullest extent of the law. Our citizens have  
7 incurred thousands of dollars in legal fees to assert  
8 their Constitutional rights. This is inherently wrong,  
9 and any new legislation addressing poaching should  
10 include definitive language protecting the rights of our  
11 citizens in property protection incidents. I am not a  
12 fan of property seizure. If someone commits an illegal  
13 act, by all means they should endure the consequences.  
14 However, private property is just that, private  
15 property. In poaching cases, confiscation of the tools  
16 utilized to commit the crimes and the equipment used to  
17 process the contraband should be seized without debate.  
18 However, other unrelated private property should not be  
19 subject to seizure. I don't mean an individual can  
20 petition the court to return unjustly seized property, I  
21 mean it should not be subject to seizure at the time of  
22 arrest.

23           We must not lose sight of another inherent  
24 American right, the punishment should fit the crime and  
25 stop. Aggressive property procedure is totally resented

1 by our citizens as excessive abuse of power executed for  
2 the purpose of invoking fear and intimidation upon our  
3 citizens. There is a profit incentive for the State to  
4 seize property. Commercial poaching cases are entirely  
5 different from individual poaching cases and property  
6 seizure guidelines should reflect those differences.

7           Lastly, some thought should be given to, if  
8 the Agency and hunters are ready, for prime-time.  
9 Prosecuting individuals for felonies is not an area that  
10 our Agency has had a great deal of training. Felonies  
11 with jail sentences are an entirely different game than  
12 summary offenses. States that have a venture into this  
13 arena have also updated the training of their officers  
14 to reflect the complexities and severity of the  
15 punishment. Additionally, our hunters are ripping mad  
16 at the Agency for their deer management fiasco. Few are  
17 openly willing to address the Agency's concerns on any  
18 issue at this time, when hunters have been asking the  
19 Agency to address their concerns over the past five  
20 years.

21           Timing is everything, and the timing of this  
22 Bill will send mixed messages to our sporting class  
23 about the role of the legislature in resolving the many  
24 issues between hunters and the Agency. None of the  
25 above should be interpreted as Jim Slinsky is soft on

1 poaching or any criminal activity. Quite the contrary.  
2 I have a number of former friends and acquaintances that  
3 I have totally severed any contact with because of small  
4 wildlife infractions. I have zero tolerance for  
5 criminal activity. We have a problem with commercial  
6 poaching, and we should do all we can to curtail it.  
7 However, no matter how reprehensible the crime, I can't  
8 stop myself from returning to some fundamental  
9 principles in American society. Even criminals have  
10 rights. Criminals are people, and people make mistakes.  
11 The Unified Sportsmen of Pennsylvania condemns all  
12 criminal activity within our wildlife and hunting  
13 community and supports appropriate action be taken  
14 without violating the principles of cruel and unusual  
15 punishment.

16           Please allow me to close with one of my  
17 all-time favorite quotes from Lyndon Johnson, We should  
18 not judge legislation by the good it will do if it is  
19 properly enforced, we should judge legislation by the  
20 harm it will do if it is not properly enforced.

21           Chairman Staback, Committee, thank you for  
22 your time and this invitation to discuss this critical  
23 piece of legislation.

24           CHAIRMAN STABACK: Charlie, Jim, I want to  
25 thank you both for your comments and for the efforts you

1 put in here today and for your time. It took you some  
2 time to prepare your remarks. You certainly gave the  
3 Bill a lot of study, and your views are very much  
4 appreciated. I assure you the Bill is not written in  
5 stone. There are places that amendments may be needed  
6 to clarify. It's intended to make sure there's no  
7 inadvertent consequences of provisions of the Bill as it  
8 was written with an intent that I think everyone agrees  
9 on.

10 With that in mind, your suggestions  
11 certainly are going to be taken to heart and I will get  
12 back to you both with information on the points that you  
13 made.

14 Are there any questions to the left or right  
15 of me? Behind me? Representative Roae.

16 REPRESENTATIVE ROAE: I don't have a  
17 question as much as a comment, and it's intended as a  
18 follow-up with Chairman Staback. I think the points  
19 that you mentioned really are, from my perspective, very  
20 valid and worth considering; and I know Chairman Staback  
21 as he has evidenced, said this is not in stone from his  
22 perspective and I appreciate his serious commitment to  
23 look at these and other things, because I think what you  
24 ended with is correct, anytime we make policy, we have  
25 to really think through very carefully what are the

1 implications of improperly enforced? And that doesn't  
2 mean that something will be done with enforcement  
3 intentionally doing something that's not right. It's  
4 just the nature of law. And so I think that is a good  
5 way probably to end with the comment. And from my  
6 perspective and the staff, we're going to take a look at  
7 those things and sure make what it is intended to do is,  
8 in fact, what is done in a more -- so thank you very  
9 much.

10 CHAIRMAN STABACK: Representative Millard.

11 REPRESENTATIVE MILLARD: Thank you, Mr.  
12 Chairman. Chairman Staback mentioned the fact that we  
13 don't want to create a law or upgrade the law with  
14 unintended consequences. My question is directed to Mr.  
15 Slinsky. You mentioned in your testimony that shooting  
16 animals in self-defense of one's property. Can you name  
17 an instance of that? The Game Commission is here --

18 JAMES SLINSKY: Yeah, there's been a number  
19 of instances. I think there's a case right now, the Art  
20 Gavlock case in Clinton County where he did kill an elk,  
21 he shot an elk in his yard. It allegedly destroyed his  
22 trees. And he took that action. He called the Game  
23 Commission. They came in and picked the body up. They  
24 did send him a citation, and he went to the Magistrate  
25 and he argued at the Magistrate level that he was

1 protecting his property. But we don't have those --  
2 that's not -- protecting your property is not written  
3 into Title 34. You know, he was deemed a poacher,  
4 basically, because he was shooting -- he shot an elk out  
5 of season. And, you know, these infractions, whether it  
6 be before or after shooting hours, out of season, at  
7 night, they all fall into the category of poachers.  
8 Now, the man's not a poacher. He was, in his eyes, in  
9 his beliefs, in his heart, he was defending his  
10 property; but he was prosecuted on a poacher violation  
11 is what he was doing. He lost at the Magistrate level  
12 and, of course, now he has to incur additional expenses  
13 to appeal that case to take it to the next level to  
14 assert his Constitutional rights, and that's the  
15 pattern. Basically, that's the pattern; because in  
16 Title 34, there's no language about, you know, well, the  
17 bear was 7 feet away from me, I'm sorry; you know, I  
18 shot it. We don't have those languages. We don't have  
19 that exception, so it's always when you act in  
20 protection of yourself or your property, it's deemed a  
21 poaching violation and you go through the system, which  
22 could be very, very expensive, very expensive to go  
23 through.

24 REPRESENTATIVE MILLARD: Thank you. That's  
25 something that certainly this Committee will be taking a

1 look at. Thank you.

2 CHAIRMAN STABACK: Representative Haluska.

3 REPRESENTATIVE HALUSKA: Thank you, Chairman  
4 Staback. This is more or less -- I kind of think  
5 Richard could probably answer this better. I understand  
6 when the Game Commission is taken to court, the Attorney  
7 General handles those cases; is that true?

8 RICHARD PALMER: Representative Haluska,  
9 when we are sued, that is correct, the Attorney  
10 General's Office does represent us.

11 REPRESENTATIVE HALUSKA: Now, in this  
12 particular case that Jim's talking about, when this  
13 gentleman takes it to the next step, it would be the  
14 District Attorney on your behalf that will prosecute  
15 that?

16 RICHARD PALMER: The District Attorney for  
17 the county that the offense was committed in or that  
18 District Attorney can appoint special counsel.

19 REPRESENTATIVE HALUSKA: So either way,  
20 basically, the Game Commission does not have to  
21 supply --

22 RICHARD PALMER: In the case in question  
23 we're talking about, the District Attorney has actually  
24 appointed a special prosecutor which is the Assistant  
25 Counsel to the Game Commission, Jason Raup.

1           REPRESENTATIVE HALUSKA:   Okay.   But you  
2   don't have to go outside and hire an attorney?

3           RICHARD PALMER:   No.

4           REPRESENTATIVE HALUSKA:   Okay.   Thank you.

5           CHAIRMAN STABACK:   Any other questions,  
6   left, right, behind me?

7           REPRESENTATIVE HANNA:   Yes, Chairman  
8   Staback.   Representative Hanna behind you.   It's not as  
9   much as a question as just based on the last little  
10   exchange there and the mention of the Clinton County  
11   case.   I didn't want to pass up an opportunity to  
12   suggest that one of the things that we need to do more  
13   of is protect property from wildlife damage.   And we  
14   have various bills, one of which this Committee has  
15   already acted on to protect property from elk damage,  
16   which could have been helpful in the case that you cited  
17   in Clinton County and perhaps other cases that have  
18   involved elk damage.

19           JAMES SLINSKY:   The Bob Floyd case.   There's  
20   been a number of them.

21           REPRESENTATIVE HANNA:   All right.   And there  
22   are protections for that property provided in the Bill  
23   that we passed out of this Committee and we need to get  
24   passed by the full House and by the Senate as well on  
25   its way to the Governor.   But I just didn't want to pass



1 up this opportunity, Chairman Staback, to say that we  
2 really need to work on those Bills that we have that  
3 would protect people's property from wildlife so that  
4 then we don't have these conflicts that cause these  
5 questionable cases of whether or not we have a poaching  
6 incident or an incident of someone protecting their  
7 personal property.

8           JAMES SLINSKY: Right. If I could just  
9 elaborate for everyone's benefit for a moment.  
10 Magistrates can't make a decision on Constitutional  
11 issues. That's not their job. They looked at Title 34.  
12 The elk was killed; it's not in season. It wasn't  
13 during elk season. It was shot in the yard and so  
14 forth. The fact that the homeowner calls and tries to  
15 defend himself and explain the circumstances becomes  
16 irrelevant. It was shot out of season. Then the  
17 Magistrate, they don't decide a Constitutional issue; so  
18 inevitably, you know, it's a guilty verdict and fines  
19 are paid and so forth and the lawyer's paid and we go on  
20 to the next phase; and there's just something wrong with  
21 that process, that just is not fair to our citizens to  
22 go through that. They are asserting their  
23 Constitutional rights by protecting their property, so  
24 certainly hearings and investigations in the event that  
25 someone is taking advantage of this type of scenario and

1 didn't act prudently, certainly, you know, there should  
2 be a process. But to be found guilty of poaching and  
3 have to go through the whole system is a little bit  
4 elaborate and expensive.

5 CHAIRMAN STABACK: There being no other  
6 questions, gentlemen, I want to thank you both for being  
7 with us today. You're excused

8 CHARLIE BOLGIANO: Thank you.

9 JAMES SLINSKY: Thank you.

10 CHAIRMAN STABACK: Mr. Palmer.

11 RICHARD PALMER: Yes, sir.

12 CHAIRMAN STABACK: I'll give you the last  
13 word, if you have something else you'd like to add.

14 RICHARD PALMER: Just as a point of order, I  
15 would like to clarify one piece.

16 CHAIRMAN STABACK: Sure.

17 RICHARD PALMER: Thank you for the  
18 opportunity to respond, Mr. Chairman. Just as a point  
19 of clarification, I would add that this particular Bill  
20 is not amending the sections, but there are provisions  
21 in the Game and Wildlife Code that do address when  
22 wildlife can be killed to protect yourself or another  
23 from harm, as well as there are existing provisions  
24 within the Code, too, for the protection of property.  
25 Neither one of those sections were amended with this

1 Bill, but -- and they are not in the package because  
2 they're not amended sections; but I just wanted to  
3 clarify that there are two separate sections of the Code  
4 that address both those issues.

5 CHAIRMAN STABACK: On that note, that  
6 concludes today's hearing.

7 REPRESENTATIVE HANNA: Mr. Chairman, if I  
8 could. I'm sorry. It's Representative Hanna behind you  
9 again. I just -- on that clarification, I'd like a  
10 further clarification. I hope that's not a suggestion  
11 that you don't support the elk deterrent legislation  
12 that's designed to protect property.

13 RICHARD PALMER: I'm not aware of that  
14 legislation in detail, Representative Hanna. Obviously,  
15 we want to work with landowners. The whole concept here  
16 is to find a happy medium where we can allow landowners  
17 to protect their property and prevent property damage  
18 for them as well as, you know, protect the wildlife and  
19 keep it from being killed needlessly when that could be  
20 worked out.

21 REPRESENTATIVE HANNA: I would hope that  
22 there would be an opportunity for you to, perhaps,  
23 discuss this within the Agency because we worked  
24 extensively with the Agency and I thought had their full  
25 support in drafting that legislation and getting it to

1 the point where it is now; so I would hope that you  
2 would continue to support that legislation so we could  
3 give you the tools that you asked for so that you can  
4 help landowners protect their property from wildlife  
5 damage.

6 RICHARD PALMER: We'd be happy to work with  
7 you.

8 REPRESENTATIVE HANNA: Thank you.

9 CHAIRMAN STABACK: We'll try again. That  
10 concludes today's hearing. I want to thank all of you  
11 who testified for your time and effort. Just a  
12 reminder, next week the Committee will be meeting again  
13 on Wednesday and Thursday at 205 Ryan Office Building at  
14 9 a.m. and we will be taking the annual reports from  
15 both the Game Commission and the Pennsylvania Fish &  
16 Boat Commission. We will take a report from the Game  
17 Commission first on Wednesday and then on Thursday from  
18 Fish & Boat at 9 a.m.

19 Until then, this meeting is adjourned.

20 (The hearing concluded at 10:33 a.m.)

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this is a correct transcript of the same.

-----  
Tracy L. Markle,  
Court Reporter/Notary