



Pennsylvania Federation of Sportsmen's Clubs

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Providing leadership and advocacy for the enhancement of fish and wildlife resources for the benefit of all hunters, anglers and conservationists.

House Game & Fisheries Committee

Hearing on Increasing Penalties

2-7-08

Good morning Chairman Staback, Chairman Rohrer, and members of the Committee. My name is Melody Zullinger and I am the Executive Director of the Pennsylvania Federation of Sportsmen's Clubs (PFSC). PFSC represents almost 100,000 sportsmen, women and conservationists.

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

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

We understand there have been increasing incidents of parents and or grandparents encouraging youth hunters to engage in illegal activities, such as shooting from vehicles. Adult hunters that assist youth hunters in committing such acts should be subject to increased penalties and mandatory license revocations. Considering that you recently implemented legislation for youth mentored hunting (and we commend you for that), we believe a strong message needs to be sent to some hunters that encouraging or assisting youth hunters in game law violations will not be tolerated. That would certainly help our image with non-hunters, also. Please consider either increasing the penalties – or perhaps doubling them – including mandatory license revocations – for those adults who chose to lead our youth in the wrong direction.

Another area of concern we feel should be looked at is the penalty for assaulting a Wildlife Conservation Officer. Currently the penalty is a 2nd degree misdemeanor. It is a felony to willfully tease a police dog, yet assaulting a WCO is only a misdemeanor?

TITLE 34

§ 905. Assaulting an officer:

A person who attempts to cause or causes bodily injury to an officer making an arrest or investigation for a violation of this title or performing any duties required by this title commits a misdemeanor of the second degree.

TITLE 18

§ 5511.2. Police animals:

(a) Illegal to taunt police animals.--It shall be unlawful for any person to willfully or maliciously taunt, torment, tease, beat, kick or strike a police animal. Any person who violates any of the provisions of this subsection commits a felony of the third degree.

To put this in better perspective, look at it this way:

Section 2163 and 2165 would make breaking an eagle egg an M-2 Penalty - \$3,000 - \$5,000

Section 2310 would make shooting a turkey at night an M-3 Penalty - \$1,500 - \$3,000

Section 2321 would make shooting 3 turkeys an F-3 Penalty - \$10,000 - \$15,000

Section 905 of PA Code 34 presently makes assaulting an Officer an M-2 which will be a penalty of \$3,000 - \$5,000.

Therefore, one eagle egg has the same value as one Conservation Officer.

Three turkeys are at least three times as valuable as one Conservation Officer.

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

Although increased penalties should provide an obvious deterrent, we believe that this legislative proposal should also, as perhaps a companion bill, include allowing Pennsylvania to join the interstate compact agreement to insure that non-resident violators' penalties can be collected. This interstate compact proposal has been considered before, and we believe this would be a prime opportunity to implement such a program. It gives the Pennsylvania Game Commission the ability to collect thousands of dollars in fine money that it currently cannot collect from out of state hunters, and it also serves notice to non-resident violators that their actions will not be tolerated in our Commonwealth, as well as providing assurance to other states that those who've willfully violated PA's wildlife laws and had their privileges suspended here, do not go into their state to do the same.

Again, we support this legislative initiative and look forward to working with you to secure its passage. Thank you.

Following is a comment from the PA Deer Assoc.

From the Pennsylvania Deer Association:

Members of the House Game and Fish Committee:

We want to thank you for this chance to comment on the subject of Penalty Increases. With our current deer management program we have created a male deer population that most of the PA. Hunters have never seen before. We have always felt that poaching has been a major problem in our state but now it has become our number one problem. How do we stop the problem? Hit the poachers in their pocket book. We are in favor of this stronger legislation and hope that it will move forward quickly.

Thank You,

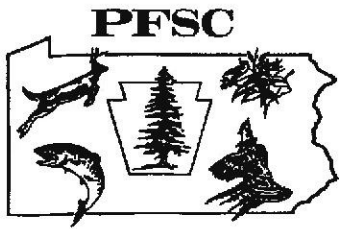
PA. Deer Association (P.D.A.)

Mike Creamer, President

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Date: November 13, 2002

To: Senator Helfrick and Representative Bruce Smith

From: Melody Zullinger, Executive Director
PA Federation of Sportsmen's Clubs, Inc.

Subject: HB 2246 Interstate Compact Legislation

The PFSC has long expressed concerns about the difficulties of collecting fine monies from non-resident license buyers. We believe the concept of an interstate wildlife violator compact is a good one, and we support HB 2246, sponsored by Representative Lynch.

Over one third of the states in the country have similar legislation. There are many benefits to be achieved from such legislation. Consider the following:

- In years past, we've supported legislation which increased the monetary amount of fines for both the PA Game Commission and the PA Fish & Boat Commission. We agreed that larger fines serve as significant deterrents to most violators, as do license revocations. An interstate compact is one of the best ways to increase the effectiveness of our past efforts.
- We supported past legislative initiatives that eliminated the issuance of field acknowledgments for residents, which were considered to be a burden on our residents as well as conservation officers. An interstate compact would now relieve a similar burden on our conservation officers, as well as our residents who hunt in other states. Conservation officers would spend less time processing such violators, which we believe would be cost effective to both the PGC and PFBC.
- Reciprocity for license revocations should also result in fewer violations by non-residents as well as residents. Violators will know they can no longer move from one state to another without any liability following them.
- Joining in with the other states participating in an interstate compact would send the message to all hunters, resident and non-resident alike, that Pennsylvania will not tolerate habitual violators of our hunting, trapping, fishing and boating regulations.

This legislation is long overdue. We believe it can be a tool to improving the efficiency of both the PGC and the PFBC, as well as being an asset to Pennsylvania's sportsmen. It offers further protection to the resources of our Commonwealth and it tells everyone that we, the sportsmen and women of Pennsylvania, hold our outdoor heritage in the highest regard. It is our hope that you and your colleagues will move swiftly to see that this proposal becomes law. Thank you.