

Senate Game and Fisheries Committee

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BILL SUMMARY

House Bill 181, Printer's No. 1851

Prime Sponsor: Cutler

SYNOPSIS:

This legislation amends Title 34 (Game) by clarifying the law enforcement powers and duties of Game Commission Wildlife Conservation Officers and Deputy Conservation Officers.

BILL ANALYSIS:

HB 181 establishes the standards under which Game Commission officers may operate in the performance of their duties. The legislation neither expands nor decreases the powers of Commission officers, but codifies controlling precedents from the United States Supreme Court and Pennsylvania appellate courts on the issues of stopping vehicles, conducting administrative searches, and providing information to a Commission officer. The legislation also creates a definition for what constitutes the employment of an officer.

HB 181 will amend Title 34 Section 901 (relating to powers and duties of enforcement officers) to further define when, where, and for what purpose officers may stop, search, and inspect persons, vehicles and property in the performance of their duties by placing into statute certain determinations established in case law.

The bill clarifies the following powers/duties:

- Officers may only stop any means of transportation under reasonable suspicion or under administrative procedures for road check points, and must state the purpose of the stop. Display of a badge or other official identification is required under present law.

- Officers may only search persons, their clothing, their bags/containers, and any means of transportation or attachments under probable cause, by consent, due to exigent circumstances or by other established exceptions to warrant requirements, and must state the purpose of the search and display a badge or other official identification.
- Where there is evidence of hunting, officers are authorized to conduct administrative inspections of persons, licenses/permits, firearms, ammunition, game, game bags, tags, clothing, decoys, tree stands, coolers/containers and any means of transportation used as a blind or hunting location, and must state the purpose of the inspection and display a badge or other official identification.
- An officer may only demand and secure identification from a person who is the subject of an official investigation or investigative detention, supported by reasonable suspicion of a violation of the Game Code, if the officer presents a badge or other official identification. Additionally, the bill further defines the scope of an officer's employment.

Finally, the bill restricts an officer in the course of official duties from going upon curtilage.

EXISTING LAW:

Currently Title 34 provides an overly broad and vague description of the enforcement powers of Game Commission officers.

EFFECTIVE DATE:

This bill shall take effect in 60 days.