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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1332 Session of  
2014

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INTRODUCED BY KASUNIC, SOLOBAY, GORDNER AND FOLMER,  
APRIL 7, 2014

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REFERRED TO GAME AND FISHERIES, APRIL 7, 2014

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AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated  
2 Statutes, providing for the definition of "unmanned  
3 aircraft"; in game or wildlife protection, further providing  
4 for disturbance of game or wildlife; and, in hunting and  
5 furtaking, further providing for interference with lawful  
6 taking of wildlife or other activities permitted by this  
7 title prohibited.

8 The General Assembly of the Commonwealth of Pennsylvania.

9 hereby enacts as follows:

10 Section 1. Section 102 of Title 34 of the Pennsylvania  
11 Consolidated Statutes is amended by adding a definition to read:

12 § 102. Definitions.

13 Subject to additional definitions contained in subsequent  
14 provisions of this title which are applicable to specific  
15 provisions of this title, the following words and phrases when  
16 used in this title shall have the meanings given to them in this  
17 section unless the context clearly indicates otherwise:

18 \* \* \*

19 "Unmanned aircraft." An aircraft that is operated without  
20 the possibility of direct human intervention from within or on

1 the aircraft. The term includes the equipment associated with  
2 such unmanned aircraft that provides communication links and the  
3 components that control the unmanned aircraft.

4 \* \* \*

5 Section 2. Sections 2162 and 2302(a.1), (c) and (d) of Title  
6 34 are amended to read:

7 § 2162. Disturbance of game or wildlife.

8 (a) General rule.--It is unlawful for any person to drive or  
9 disturb game or wildlife except while engaged in the lawful  
10 activities set forth in this title. This section includes the  
11 activity where any person who is not engaged in the lawful  
12 activities set forth in this article intentionally drives or  
13 disturbs game or wildlife by means of an unmanned aircraft.

14 (b) Nonapplicability.--This section shall not apply to any  
15 owner of land, any member of the commission, the director, any  
16 representative of the commission, any duly accredited  
17 representative of the U.S. Fish and Wildlife Service, any member  
18 of the armed forces of the United States, any reserve component,  
19 element or component thereof or the Pennsylvania military forces  
20 or any other law enforcement officer engaged in any otherwise  
21 lawful action.

22 (c) Penalty.--A violation of subsection (a) shall be a  
23 summary offense of the first degree.

24 § 2302. Interference with lawful taking of wildlife or other  
25 activities permitted by this title prohibited.

26 \* \* \*

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

29 (1) drives or disturbs wildlife for the purpose of  
30 disrupting the lawful taking of wildlife where another person

1 is engaged in the process of lawfully taking wildlife or  
2 other permitted activities;

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

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

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

13 (5) interjects himself into the line of fire;

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

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

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

26 (9) uses an unmanned aircraft in a manner that  
27 interferes with another person's lawful taking of game or  
28 wildlife or other activities permitted by this article.

29 \* \* \*

30 (c) Exceptions.--

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

7           (2) The conduct declared unlawful in section (a.1)(9)  
8 does not include the activities by the following individuals  
9 who are engaged in any otherwise lawful action:

10           (i) Any representative of the commission.

11           (ii) Any duly accredited representative of the U.S.  
12 Fish and Wildlife Service.

13           (iii) Any law enforcement officer.

14           (iv) Any member of the armed forces of the United  
15 States, any reserve component, element or component  
16 thereof or the Pennsylvania military forces.

17 (d) Penalties.--

18           (1) A violation of [this section] subsection (a.1)(1)  
19 through (8) is a summary offense of the second degree.

20           (2) A violation of subsection (a.1)(9) shall be graded  
21 as follows:

22           (i) A first offense is a summary offense of the  
23 first degree.

24           (ii) A second or subsequent offense is a  
25 misdemeanor.

26 Section 3. This act shall take effect in 60 days.