

## Mentored Youth Trapping Language for Legislative Change

### § 102. Definitions.

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

"Accompany or accompaniment." For the general purposes of this title and section 2711(a)(8)(i), (v) and (vi), accompaniment shall mean that the accompanied person be in such close proximity to the person providing accompaniment that verbal instructions and guidance can be easily understood without the aid or use of an electronic or sound amplification device. For the limited purpose section 2711(a)(8)(iv), accompaniment shall mean the accompanied person be within arm's reach and subject to the immediate control of the person providing accompaniment at all times while the person is in possession of firearm, bow and arrow, raptor, trap or any other device of any description usable for the purpose of hunting or taking game or wildlife.

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"Furtaking." Any act or furtherance of the taking or killing of any furbearer, or any part or product thereof, and includes, but is not limited to, chasing, tracking, calling, pursuing, lying in wait, trapping, shooting at, including shooting at a furbearer facsimile, or wounding with any device or implement, or using any personal property, including dogs, or the property of others, of any nature, in furtherance of any of these purposes, or aiding, abetting or conspiring with another person in that purpose.

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~~[§ 2363. Trapping exception for certain persons:~~

~~Except for section 2704(e) (relating to furtaker's certificate of training), the remaining provisions of this title shall not be construed to prevent or prohibit any person under 12 years of age from trapping furbearers. Persons covered by this section shall not use any firearm other than a .22 caliber rimfire rifle or sidearm and then only when accompanied by an adult.]~~

### § 2701. License requirements.

(a) General rule.--Except in defense of person or property or pursuant to exemptions authorized in this title ~~[or by regulation of the commission for implementing a mentored hunting program]~~, every person, prior to engaging in any of the privileges granted by

this title, shall first obtain the applicable license subject to any conditions or other requirements imposed by this title.

(b) Only one license valid.--Only one full-term or distinct hunting license and furtaking license shall be valid during any full-term license year. The issuance of any replacement license or the purchase of a second or subsequent license of any class shall immediately and automatically invalidate any license and harvest tags of the same kind which had been previously issued.

~~[(e) Exception. Any person who has never held a hunting license in Pennsylvania or any other state may participate in the hunting and trapping activities authorized under this title or commission regulations without compliance with subsection (a) or section 2704 (relating to eligibility for license) if that person satisfies all of the following requirements:~~

~~(1) The person who participates in the hunting or trapping activities must always be in sight of and close enough to a licensed hunter who is at least 18 years of age to clearly hear and understand instructions communicated to the person through normal conversation without the aid of any device. The licensed hunter shall have a valid hunting license for the game or wildlife they are hunting or qualify for license and fee exemptions under section 2706 (relating to resident license and fee exemptions).~~

~~(2) The unlicensed person may not possess, convey or use any firearm, bow or any other device that may be used to harvest game or furbearers.~~

~~(3) The unlicensed person must be in compliance with section 2524 (relating to protective material required) and with any regulations promulgated by the commission related to protective material.~~

~~(4) The unlicensed person who participates in any hunting party shall be listed on any required hunting roster and shall count as a member of the hunting party for purposes of section 2324 (relating to roster of parties hunting big game) and commission regulations relating to big game animal hunting roster and parties hunting small game.~~

~~(5) For the purposes of this section, at no time shall a licensed hunter accompany more than one unlicensed person.]~~

#### § 2704. Eligibility for license.

(a) General rule.--~~[Persons meeting the requirements of this title who have reached or will reach their 12th birthday in the calendar year of application or who are older, whose hunting and furtaking privileges are valid and who shall meet the application requirements set forth in this title and pay the prescribed license cost and issuance fee shall be eligible to obtain the applicable hunting or furtaking license]~~ Persons whose hunting and furtaking privileges are valid, who meet the application requirements set forth in this title and regulations set by the commission,



and who pay the prescribed license cost and issuance fee shall be eligible to obtain the applicable hunting and furtaking license.

(b) Hunter and furtaker education.--~~[Persons who have not held a hunting license lawfully issued to them in this Commonwealth or another state or nation or have not hunted under the exceptions in section 2706 (relating to resident license and fee exemptions) or do not possess a certificate of training approved by the director prior to the enactment of this title shall be required to attain accreditation in a hunter education program approved by the director before a hunting license is issued to them. The provisions of this subsection shall not apply to a person who presents:~~

~~(1) Evidence of service in the armed forces of the United States or in the United States Coast Guard and discharge or separation under honorable conditions within six months of the date of application.~~

~~(2) Evidence that the person is currently serving in the armed forces of the United States or in the United States Coast Guard.]~~

Persons who are 12 years of age or older or who will reach the age of 12 within the license year of application, shall be required to attain accreditation in a hunter or furtaker education program approved by the director before a hunting or furtaking license is issued to them. The provisions of this subsection shall not apply to persons who:

(1) Participate in an apprentice license hunting or furtaking program established by regulation of the commission.

(i) Apprentice junior hunting or furtaking license.

(A) No hunter or furtaker education required. Apprentice junior hunting and furtaking licenses are available to persons under 18 years of age at the time of application who do not hold a valid certificate of training in a hunter or furtaker education program approved by the director.

(B) Program safety standards. Holders of an apprentice junior hunting or furtaking license shall comply with applicable safety standards established by the act or by regulation of the commission.

(C) Program eligibility limited. Apprentice junior hunting or furtaking licenses are available to eligible youth applicants under 12 years of age for an unrestricted number of years. Apprentice junior hunting or furtaking licenses are available to eligible youth applicants 12 years of age or older, but under 18 years of age, for up to a total of three license years. Previous participation in the apprentice junior hunting or furtaking license program while under 12 years of age shall reduce the applicant's eligibility by the applicable number of years of participation up to three license years.

(ii) Apprentice adult hunting or furtaking license.

(A) No hunter or furtaker education required. Apprentice adult hunting or furtaking licenses are available to persons 18 years of age or older at the time of application who do not hold a valid certificate of training in a hunter or furtaker education program approved by the director.

(B) Program safety standards. Holders of an apprentice adult hunting or furtaking license shall comply with applicable safety standards established by the act or by regulation of the commission.

(C) Program eligibility limited. Apprentice adult hunting or furtaking licenses are available to eligible adult applicants for up to a total of three license years. Previous participation in the apprentice hunting or furtaking program while under 18 years of age shall reduce the applicant's eligibility by the applicable number of years of participation up to three license years.

(2) Present evidence of current service in any branch of the United States Armed Forces as defined in 10 U.S. Code § 101(a)(4) (relating to definitions), or previous service and discharge or separation under honorable conditions within six months of the date of application.

(3) Present evidence of having held either a valid certificate of training in a hunter education program approved by the director or a valid hunting or furtaking license lawfully issued to them in another state or nation.

~~[(e) — Furtaker's certificate of training. No resident or nonresident furtaker's license shall be issued to any applicant unless the applicant presents to the agent authorized to issue the license any one of the following:~~

~~(1) — Evidence that the applicant has held a trapping or furtaker's license issued by another state or nation.~~

~~(2) — A certificate of training issued under this section.~~

~~(3) — A certification signed by the applicant on the furtaker's license application that the applicant completed a voluntary trapping course sponsored by the commission or that the applicant has previously hunted or trapped furbearers within the last five years.~~

~~The provisions of this section shall not apply to those persons under 12 years of age who trap furbearers under the direct supervision of an adult licensed furtaker 18 years of age or older.]~~

(d) Duties of commission.--

(1) The commission shall provide for a course of instruction, approved by the director, in the safe and ethical [utilization] use of firearms and traps or other devices used



for taking furbearers. The commission may cooperate with any reputable association or organization in presentation of this course.

(2) The commission may designate any person who the commission determines to be competent to give instruction in the handling of firearms, traps or other devices to act as an instructor. The appointed person shall give the course of instruction and shall issue to each person who successfully completes the course of instruction a certificate of training in the handling of firearms, traps or other devices. No charge shall be made for the course of instruction, except as may be provided by this title or by regulations promulgated under this title.

(3) The commission shall furnish information on the requirements of the furtaker's education program which shall be distributed, free of charge, to applicants for furtaker licenses by the persons appointed and authorized to issue the licenses.

~~[(4) The provisions of this section shall not apply to those persons under 12 years of age who trap furbearers under the direct supervision of an adult licensed furtaker 18 years of age or older.]~~

(e) Compliance by certification.--The requirements of subsection (b) ~~or (e)~~ shall be deemed met by a certification signed by the applicant on the license application stating that the applicant has held accreditation in a hunter or furtaker education program approved by the director or a license issued by the Commonwealth or another state or nation in a prior year but is unable to produce evidence of holding such license.

(f) Courses combined.--Subject to the approval of the commission, the director may combine the courses of instruction in hunter education and furtaker's training into one comprehensive course.

(g) Hunter education in public schools.--Upon request of the commission, all public school districts in this Commonwealth shall make a school facility under their control available for the purpose of conducting a hunter education course. Classes may occur as an after-school or weekend function or any other day when school is not in session. The commission shall, to the best of its ability, work with the school to schedule classes for a time that best suits both the school and the commission. All classes shall comply with curriculum standards and program policies established by the director. The commission shall compensate the school for the actual cost incurred by the school related to the commission's use of the facility. Fees may not be charged to the public for the service under this section.

#### § 2711. Unlawful acts concerning licenses.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person to:

(1) Hunt or take any game or wildlife by any means or manner or device, including the use of dogs, without first securing and personally signing the required license. ~~[The required license must be carried on person when hunting, furtaking or taking any game or wildlife within this Commonwealth.]~~

(2) Procure a license in a name other than the person's legal name, furnish an address other than his legal place of residence and domicile or make any false or misleading statement whatsoever in securing a license.

(3) Lend or transfer in any manner whatsoever a license or game or wildlife ~~[kill]~~ harvest tag to any other person regardless of the purpose.

(4) Issue, acquire, possess, or aid, assist or conspire, either for that person or any other person, in procuring any hunting or furtaking license or privilege for which that person is not legally entitled thereto.

(5) Possess while hunting or taking game or wildlife or going to or from hunting or taking game or wildlife any report card, license tag, license stamp or game or wildlife kill tag belonging to another.

(6) Except as provided under section 2705 (relating to classes of licenses), receive a hunting or furtaking license under any circumstances if under 12 years of age.

(7) Receive a hunting or furtaking license without presenting a written request executed by a parent or legally constituted guardian if under 17 years of age.

(8) ~~[Use firearms of any kind or a bow and arrow for the purpose of hunting any game or wildlife or attempting to take or kill any game or wildlife by hunting or trapping if under 12 years of age or when hunting or trapping any game or wildlife or attempting to hunt or trap any game or wildlife if between 12 and 14 years of age, unless accompanied by a parent or a person 18 years of age or older serving in loco parentis or as guardian or some other family member 18 years of age or older or when hunting if between 14 and 16 years of age, unless accompanied by a person 18 years of age or older. For the purpose of this paragraph "accompany" means close enough that verbal instructions and guidance can be easily understood. The provisions of this paragraph shall not apply to section 2363 (relating to trapping exception for certain persons).]~~ Hunt or trap game or wildlife while in possession of a firearm, bow and arrow, raptor, trap or any other device of any description usable for the purpose of hunting or taking game or wildlife while unaccompanied as set forth in this paragraph.

(i) Persons that are 12 to 15 years of age that possess a valid junior hunting or furtaking license or meet a valid license exemption under section 2706(a) of the act shall be accompanied by a person 18 years of age or older with or without a hunting or furtaking license.



(ii) Persons that are 16 years of age or older that possess a valid junior hunting or furtaking license or meet a valid license exemption under section 2706(a) of the act are not required to be accompanied.

(iii) Persons that are 18 years of age or older that possess a valid adult hunting or furtaking license or meet a valid license exemption under section 2706(a) of the act are not required to be accompanied.

(iv) Persons that are 16 years of age or younger that possess a valid apprentice junior hunting or furtaking license or meet a valid license exemption under section 2706 of the act shall be accompanied by a person 21 years of age or older that possesses a valid hunting or furtaking license.

(v) Persons that are 18 years of age or older that possess a valid apprentice adult hunting or furtaking license or meet a valid license exemption under section 2706 of the act shall be accompanied by a person 21 years of age or older that possesses a valid hunting or furtaking license.

(vi) All other persons shall be accompanied by a person 21 years of age or older who possesses an adult hunting or furtaking license.

(9) Deleted by 2011, Dec. 15, P.L. 441, No. 107, § 1, effective in 60 days [Feb. 13, 2012].

(10) Hunt or take, or aid, assist or attempt to hunt or take, furbearers or take any game or wildlife anywhere in this Commonwealth, either with or without a license, or make application, receive or attempt or conspire to receive any license required by this chapter, during any period that these privileges have been denied or withdrawn by this title, by the director or by a magisterial district judge or court of competent jurisdiction.

(11) Conspire to or duplicate, reproduce, alter, forge or counterfeit any permit, license, tag or stamp required by this title.

(12) While exercising any of the privileges granted by any license provided for in this title, refuse or fail to satisfactorily provide positive identification or proof of license to any landowner upon whose land that person may be occupying or to any officer whose duty it is to enforce this title.

(13) Violate any regulations promulgated under the authority of this subchapter.

~~[(a.1) Exemption. For the sole purpose of implementing and enhancing a mentored hunting program within this Commonwealth, the commission may establish regulations exempting certain limited hunting activities from the prohibitions specified in subsection (a)(1), (3), (5) and (8). Such exemption shall include a provision limiting a mentored person participating in a mentored hunting program to the receipt of no more than one antlerless deer license in each~~

license year. A person 17 years of age or older may participate in a mentored hunting program as a mentored hunter in no more than three licensing years.]

(b) Penalties.--A violation of this subchapter relating to:

(1) Subsection (a)(1) insofar as it relates to hunting or furtaking without a valid license or licenses required is a summary offense of the third degree.

(2) ~~[Subsection (a)(1) insofar as it relates to signing a license is a summary offense of the eighth degree.~~

(3) Subsection (a)(1) insofar as it relates to signing a license, (a)(2), (3), (4), (5), (6), (7), (8) or (12) is a summary offense of the fifth degree.

~~[(4) Subsection (a)(6), (7) or (8) is a summary offense of the seventh degree.~~

~~(5)~~ (3) Subsection (a)(10) or (11) is a summary offense of the first degree and ~~[may]~~ shall result in forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.

~~[(6)]~~ (4) Any of the other provisions of this subchapter or the regulations promulgated thereunder is a summary offense of the fifth degree.

(c) Separate offenses.--Each day of violation or each illegal act constitutes a separate offense.