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MEMORANDUM

TO: The House of Representatives of Pennsylvania
FROM: Andy Hoover, Legislative Director, ACLU of PA
DATE: May 7, 2009
RE: SUPPORT FOR HOUSE BILL 181

The House of Representatives will soon be considering House Bill 181, legislation related to the powers of search and seizure of officers of the Pennsylvania Game Commission. This bill has already passed the House Game and Fisheries Committee and the House Appropriations Committee with zero votes in opposition. The American Civil Liberties Union of Pennsylvania supports HB 181. On behalf of the 15,000 members of the ACLU of PA, I ask you to please vote “yes” on this legislation.

Under current law, officers of the Pennsylvania Game Commission have extensive power to conduct stops and searches. Their power of search-and-seizure is greater than that of police officers, and regulation of that authority presently fails to afford Pennsylvanians the full protection of the Fourth Amendment and of our Commonwealth's own Declaration of Rights (Pa. Const., art. I, sec. 8).

HB 181 partially remedies this problem. This bill requires reasonable suspicion for commission officers to conduct stops. It requires probable cause for officers to conduct vehicle searches. Under HB 181, an officer would need reasonable suspicion before asking a person for identification. All of these provisions are improvements of current law. Hunters do not give up their right to be free of unreasonable searches-and-seizures simply because they hunt.

HB 181 follows current case law. Last year the Pennsylvania Supreme Court upheld a law requiring only reasonable suspicion before a law enforcement officer can conduct a vehicle stop. *Commonwealth v. Chase*, 960 A.2d 108, 118 (Pa. 2008) While the ACLU of PA supports HB 181, we disagreed with the court's ruling in that case and believe that HB 181 would be stronger if it included a probable cause requirement for conducting stops.

The ACLU of PA receives many complaints about unreasonable searches and stops by game commission officers. We are always pleased when weaknesses in the law can be corrected through legislation, rather than by litigation. Please vote “yes” on House Bill 181.