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MEMORANDUM

TO: Senate Game and Fisheries Committee

FROM: Andy Hoover, Legislative Director

DATE: January 25, 2010

RE: SUPPORT FOR HOUSE BILL 181

On Tuesday, the Senate Game and Fisheries Committee is scheduled to consider House Bill 181, legislation related to the powers of search and seizure of officers of the Pennsylvania Game Commission. The American Civil Liberties Union of Pennsylvania supports HB 181. On behalf of the 16,000 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 of the United States Constitution and of our Commonwealth's own Declaration of Rights (Pa. Const., art. I, sec. 8).

HB 181 addresses this problem. The 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. In 2008, 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 a stronger standard that requires probable cause to conduct a stop, we recognize that HB 181 is an improvement on the current law governing the Game Commission.

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.