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MEMORANDUM

TO: The Senate of Pennsylvania

FROM: Andy Hoover, Legislative Director

DATE: September 26, 2010

RE: SUPPORT FOR HOUSE BILL 181

In the near future, it is likely that the Senate will vote on House Bill 181, addressing the power of Pennsylvania Game Commission officers to conduct stops and searches. HB 181 is an improvement on current law, and the American Civil Liberties Union of Pennsylvania supports the bill. On behalf of the 18,000 members of the ACLU of Pennsylvania, I urge you to please vote “yes” on HB 181.

Under current law, Game Commission officers can stop and search someone at anytime and without cause. HB 181 alters that extreme power by aligning commission officers’ powers with those of the police. If HB 181 becomes law, commission officers would need reasonable suspicion that a crime has occurred to stop a vehicle and to ask a person for identification. Commission officers would need to meet the probable cause standard to conduct a search. This legislation ensures that sportsmen are free from unreasonable searches and seizures, a right guaranteed by both the federal and state constitutions. Current law presumes that sportsmen are potential criminals simply because they hunt or fish. HB 181 fixes this problem in law without litigation.

This legislation is all the more crucial due to recent changes in state laws on hunting. On September 7, new laws went into effect that increased the grading and punishment for illegal hunting, or poaching. As more people face felony charges for poaching, it is our belief that the law enforcement powers of the Game Commission will come under greater scrutiny. Passing HB 181 will save the commonwealth from challenges in criminal and civil court.

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.