

Memorandum 2014-18

**Fish and Game Law:
Proposed Division 5, Part 2 (Hunting)**

The Commission¹ is presently studying a proposed recodification of the Fish and Game Code.² The Commission has provisionally decided to divide the program-specific content of the new proposed Fish and Wildlife Code along these lines:

- Division 5. Hunting, Fishing, and Other Public Use
- Division 6. Biodiversity
- Division 7. Management of Public Lands and Facilities
- Division 8. Pollution Prevention and Response
- Division 9. Miscellaneous Provisions³

A staff draft of Part 1 of Division 5 (“General Provisions”), containing provisions generally applicable to hunting, fishing, or other public use, was presented at the Commission’s February 2014 meeting.⁴ This memorandum begins a presentation of provisions that would be contained in Part 2 of Division 5 (“Hunting”), for public review and comment.

Part 2 will likely be one of the longest statutory parts in the proposed recodification. The attached draft covers only the first title of Part 2, containing general provisions applicable solely to hunting (as distinguished from the general provisions in Part 1, applicable to hunting, fishing, *or* public use).

Consistent with previous practice in this study, the staff has taken a fairly conservative approach in preparing the attached draft. Much of the language

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. See Memorandum 2012-41.

3. See Minutes (Dec. 2013), p. 14.

4. See Memorandum 2014-8.

used in the draft is drawn verbatim from existing law. Where minor revisions to a provision have been proposed (typically to conform to standard legislative drafting practices, update cross-references, or correct clear defects), the revisions are individually described in the provision's corresponding Comment (which will be included in any final recommendation). Courts have generally treated Commission Comments as evidence of legislative intent, with regard to legislation enacted on the Commission's recommendation.

In some instances, the staff has proposed to significantly restate an existing provision, in order to improve its clarity. In those instances, a "Staff Note" following the restated provision sets out the existing language for comparison. The draft also includes Staff Notes inviting public comment on other questions about the meaning, effect, expression, or organization of the law. Staff Notes are intended to be temporary, and will not be included in any final recommendation.

Consistent with the general practice in this study, the staff is not yet recommending that the draft language be approved for inclusion in a tentative recommendation. Instead, we are presenting it for an initial evaluation by the Commission and as a prompt for public comment. Once the Commission has had a chance to offer any concerns or suggestions about the draft and consider any public comment that we might eventually receive, we will present the language in a more finished form, reflecting any decisions that the Commission has made, for inclusion in a tentative recommendation.

CONTENT OF DRAFT

Title 1 of Part 2 of Division 5 contains proposed recodification of existing code provisions that govern hunting in general, i.e., without regard to the type of animal hunted. Future titles in Part 2 will contain provisions that govern the hunting of specific animals.

Title 1 itself is divided into eight chapters:

Chapter 1. Prohibited Methods

Chapter 2. Other Prohibitions and Requirements

Chapter 3. Nonlead Ammunition

Chapter 4. Hunting Licenses

Chapter 5. Hunter Safety

- Chapter 6. Extended Hunting
- Chapter 7. Commercial Hunting Club
- Chapter 8. Cooperative Hunting Areas
- Chapter 9. Possession of Birds and Mammals After Season

CONCLUSION

The attached draft represents an initial attempt to consolidate general provisions of the existing Fish and Game Code that relate to hunting. There may be other provisions that should be located with those materials. If the staff discovers any similar provisions as this study proceeds, they can be added to the title presented in this draft.

The staff invites public comment on any of the issues raised in the draft.

In addition, the staff would appreciate comment on whether any of the provisions included in the attached draft present the kinds of problems with consistency, redundancy, or ambiguity as to program authority or funding sources that the Commission has been tasked with addressing.⁵ Because the Commission is new to fish and game law, it is important that subject matter experts assist in identifying such problems as the Commission proceeds through the code.

Respectfully submitted,

Steve Cohen
Staff Counsel

5. See 2012 Cal. Stat. res. ch. 108.

FISH AND WILDLIFE CODE

Staff Note: This is a preliminary staff draft of a proposed reorganization of specified provisions of the Fish and Game Code.

Statutory cross-references that cannot yet be adjusted (because the referenced provisions have not yet been reorganized) are set out in boldface type, for later attention.

A draft of an official Commission “Comment” follows each proposed section. Such Comments will be included in any final recommendation. They serve to indicate the source of each section and to describe how it compares with prior law. Courts have routinely held that the Commission’s Comments are evidence of legislative intent with regard to any legislation that implements a Commission recommendation. For guidance on the terminology used in Commission Comments, see the Comment following proposed Section 20 (attached to Memorandum 2013-12).

There is a “disposition table” at the end of this document. It summarizes, in tabular form, the disposition of every provision that has been included in this draft. If an existing provision would be repealed as unnecessary, the table indicates that provision as “omitted.”

Some provisions of this draft may be followed by a “Staff Note.” Staff Notes are intended to be temporary and will not be part of the Commission’s final recommendation. They serve to flag issues requiring special attention or treatment.

The Commission welcomes public comment on any issue relating to the content of this draft. The Commission is particularly interested in comments on any of the following matters:

- (1) Responses to any questions posed in “Staff Notes.”
- (2) Any inconsistency, obsolescence, ambiguity, or problems relating to program authority and funding, whether within the provisions of this draft or between the provisions of this draft and other provisions of law.
- (3) Provisions that should have been included in this draft but were not (or provisions included in this draft that should have been located elsewhere).
- (4) Technical drafting errors.

Comments should be directed to Steve Cohen at scohen@clrc.ca.gov.

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DIVISION 5. HUNTING, FISHING, AND OTHER PUBLIC USE

1

PART 2. HUNTING

2

TITLE 1. GENERAL PROVISIONS

3

CHAPTER 1. PROHIBITED METHODS

4

§ 6000. Shooting from vehicle

5

6000. It is unlawful to shoot at any game bird or mammal, including a marine mammal as defined in Section **4500**, from a powerboat, sailboat, motor vehicle, or airplane.

8

Comment. Section 6000 continues former Fish and Game Code Section 3002 without change.

9

§ 6005. Prohibited shotguns

10

6005. (a) It is unlawful to use or possess a shotgun larger than 10-gauge, or to use or possess a shotgun capable of holding more than six cartridges at one time to take any mammal or bird.

11

12

(b) A shotgun that has been modified with the insertion of a plug is deemed, for the purpose of this section, to have a cartridge capacity equal to the number of cartridges that can be loaded into the weapon as modified.

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(c) After a public hearing, the commission may adopt regulations relative to the ammunition capacity of shotguns for taking mammals or birds that are more restrictive than the limits provided in subdivision (a), or that it determines may be needed to conform to federal law.

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20

Comment. Subdivision (a) of Section 6005 continues the first sentence of former Fish and Game Code Section 2010 without change.

21

22

Subdivision (b) continues the third sentence of former Fish and Game Code Section 2010 without change, except as indicated below:

23

24

The following nonsubstantive change is made:

25

- The word “shotguns” is singularized.

26

27

Subdivision (c) restates the second sentence of former Fish and Game Code Section 2010 without substantive change.

28

29

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Staff Note. Subdivision (c) of proposed Section 6005 is intended to restate the second sentence of existing Section 2010 to improve its clarity, without changing its substantive effect. The existing sentence reads as follows:

31

32

33

“However, the commission may, after public hearing, adopt regulations relative to the ammunition capacity of shotguns for taking mammals or birds that are further restrictive or that it determines may be needed to conform to federal law.”

34

35

The staff invites comment on whether the proposed restatement would cause any substantive change in the meaning of the provision.

1 **§ 6010. Trap gun**

2 6010. (a) It is unlawful to set, cause to be set, or placed any trap gun.

3 (b) A “trap gun” is a firearm loaded with other than blank cartridges and
4 connected to a string or other contrivance with which contact will cause the
5 firearm to be discharged.

6 **Comment.** Section 6010 continues former Fish and Game Code Section 2007 without change,
7 except as indicated below:

8 The following nonsubstantive changes are made:

- 9 • Subdivision designations are added.
- 10 • The phrase “connect with a string” is revised to read “connected to a string.”
- 11 • The phrase “contrivance contact with which will cause” is revised to read “contrivance
12 with which contact will cause.”

13 ☞ **Staff Note.** In the first sentence of existing Section 2007, which would be continued by
14 subdivision (a) of proposed Section 6010, the intended meaning of the word “placed” is unclear.

15 (1) Is the term intended to have a different meaning than the word “set”? If so, what is the
16 distinction? If not, can the word “placed” be deleted from the provision?

17 (2) Does the provision make it unlawful to place a trap gun, or to cause a trap gun to be placed?

18 **The staff invites comment on these questions.**

19 **§ 6015. Poisoning**

20 6015. Notwithstanding Sections **4003, 4152, 4180, or 4180.1** of this code or
21 Section 14063 of the Food and Agricultural Code, no person, including an
22 employee of the federal, state, county, or municipal government, may poison or
23 attempt to poison any animal by using sodium fluoroacetate, also known as
24 Compound 1080, or sodium cyanide.

25 **Comment.** Section 6015 continues former Fish and Game Code Section 3003.2 without
26 change.

27 **§ 6020. Other prohibited methods of taking**

28 6020. (a) Except as otherwise provided in this code, it is unlawful to take a bird
29 or mammal with a net, pound, cage, trap, set line or wire, or poisonous substance,
30 or to possess a bird or mammal so taken, whether taken within or without this
31 state.

32 (b) In the absence of evidence that a bird or mammal was taken by means other
33 than a net, pound, cage, trap, set line or wire, or poisonous substance, proof of
34 possession of a bird or mammal is prima facie evidence that the bird or mammal
35 was taken with a net, pound, cage, trap, set line or wire, or poisonous substance.

36 (c) This section does not apply to any of the following:

37 (1) The lawful taking of a fur-bearing mammal, nongame bird, or nongame
38 mammal.

39 (1) The lawful taking of a mammal found to be injuring crops or property.

40 (2) The taking of a bird or mammal under a depredation permit.

41 (3) The taking of a bird or mammal by an employee of the department acting in
42 an official capacity.

1 (4) The taking of a bird or mammal in accordance with the conditions of a
2 scientific or propagation permit by the holder of that permit.

3 (5) The taking of a bird or mammal in accordance with an ongoing mining
4 operation mitigation plan approved by the department pursuant to subdivision (d).

5 (d)(1) Mitigation plans relating to mining operations approved by the
6 department shall, among other criteria, require avoidance of take, where feasible,
7 and include reasonable and practicable methods of mitigating the unavoidable take
8 of birds and mammals. When approving mitigation plans, the department shall
9 consider the use of the best available technology on a site-specific basis.

10 (2) Mitigation plans relating to mining operations approved by the department
11 shall include provisions that address circumstances where mining operations
12 contribute to bird deaths, including ponding of process solutions on heap leach
13 pads and exposure of process solution channels, solution ponds, and tailing ponds.

14 (3) The mine operator shall prepare a mitigation plan that shall be submitted to
15 the department for approval. For ongoing mining operations, the mitigation plan
16 shall result in an overall reduction in take of bird or mammal species. The
17 department shall provide an opportunity for public review and comment on each
18 mitigation plan during the department's approval process. The mitigation plan
19 shall be prepared on a site-specific basis and may provide for offsite mitigation
20 measures designed to reduce bird mortality. The mine operator shall submit
21 monthly monitoring reports on bird mortality to the department to aid in
22 evaluating the effectiveness of onsite mitigation measures.

23 (4) The department shall monitor and evaluate implementation of the mitigation
24 plan by the mine operator and require modification of the plan or other remedial
25 actions to be taken if the overall reduction in take of avian or mammal species
26 required pursuant to paragraph (3) is not being achieved.

27 (5) The mine operator shall reimburse the department for its direct costs to
28 provide appropriate notice of the mitigation plan to affected local government
29 entities and other affected parties. The mine operator shall provide the department
30 a limited number of copies, as determined by the department, of the mitigation
31 plan for public review.

32 **Comment.** Subdivision (a) of Section 6020 restates former Fish and Game Code Section
33 3005(a) without substantive change.

34 Subdivision (b) restates former Fish and Game Code Section 3005(c) without substantive
35 change.

36 Subdivision (c) restates former Fish and Game Code Section 3005(d) without substantive
37 change.

38 Subdivision (d) continues former Fish and Game Code Section 3005(b) without change, except
39 as indicated below:

40 The following nonsubstantive changes are made:

- 41 • The word "avian" is replaced with "bird" throughout."
- 42 • The phrase "mining operator" is replaced with "mine operator."

43 **Staff Notes.** (1) Subdivisions (a)-(c) of proposed Section 6020 are intended to restate
44 subdivisions (a), (c), and (d) of existing Section 3005 to improve their clarity, without changing
45 their substantive effect. The existing subdivisions read as follows:

1 “3005. (a) It is unlawful to take birds or mammals with any net, pound, cage, trap, set line or
2 wire, or poisonous substance, or to possess birds or mammals so taken, whether taken within or
3 without this state, except as provided in this code or, when relating to ongoing mining operations,
4 in accordance with a mitigation plan approved by the department.

5

6 (c) Proof of possession of any bird or mammal that does not show evidence of having been taken
7 by means other than a net, pound, cage, trap, set line or wire, or poisonous substance, is prima
8 facie evidence that the birds or mammals were taken in violation of this section.

9 (d) This section does not apply to the lawful taking of fur-bearing mammals, nongame birds,
10 nongame mammals, or mammals found to be injuring crops or property, to the taking of birds or
11 mammals under depredation permits, to taking by employees of the department acting in an
12 official capacity, or to taking in accordance with the conditions of a scientific or propagation
13 permit by the holder of that permit.”

14 **The staff invites comment on whether the proposed restatement would cause any**
15 **substantive change in the meaning of the provisions.**

16 (2) Existing Section 3005(d), which would be continued by proposed Section 6020(c), exempts
17 from application of the section various specified *takings* of mammals and birds, but does not
18 exempt *possession* of mammals or birds taken in any of those specified circumstances. That
19 possession, which would seem to necessarily follow from the taking, would therefore appear to
20 remain expressly prohibited by subdivision (a) of both sections.

21 **The staff invites comment on whether this distinction was intended to be drawn by the**
22 **existing provision.**

23 **§ 6025. Herding with vehicle**

24 6025. It is unlawful to pursue, drive, or herd any bird or mammal with any
25 motorized water, land, or air vehicle, including, but not limited to, a motor vehicle,
26 airplane, powerboat, or snowmobile, except in any of the following circumstances:

27 (a) On private property, by the landowner or tenant, to haze birds or mammals
28 for the purpose of preventing damage by that wildlife to private property.

29 (b) Pursuant to a permit from the department issued under regulations adopted
30 by the commission.

31 (c) In the pursuit of agriculture.

32 **Comment.** Section 6025 continues former Fish and Game Code Section 3003.5 without
33 change, except as indicated below:

34 The following nonsubstantive changes are made:

- 35 • In subdivision (a), the word “thereof” is deleted as superfluous.
- 36 • In subdivision (a), commas are added around the phrase “by the landowner or tenant.”
- 37 • In subdivision (b), the phrase “regulations as the commission may prescribe” is revised
38 to read “regulations adopted by the commission.”

39 **§ 6030. Remote use of computer or other device**

40 6030. (a) It is unlawful for any person to shoot, shoot at, or kill any bird or
41 mammal with any gun or other device accessed via an Internet connection in this
42 state.

43 (b) It is unlawful for any person, firm, corporation, partnership, limited liability
44 company, association, or other business entity to do either of the following:

45 (1) Own or operate a shooting range, site, or gallery located in the state for
46 purposes of the online shooting or spearing of any bird or mammal.

1 (2) Create, maintain, or utilize an Internet Web site, or a service or business via
2 any other means, from any location within the state for purposes of the online
3 shooting or spearing of any bird or mammal.

4 (c) It is unlawful to possess or confine any bird or mammal in furtherance of an
5 activity prohibited by this section.

6 (d) It is unlawful for any person in this state to import into, or export from, this
7 state any bird or mammal, or any part thereof, that is killed by any device accessed
8 via an Internet connection.

9 (e) Any bird or mammal, or any part thereof, that is possessed in violation of
10 this section shall be subject to seizure by the department.

11 (f) For the purposes of this section, “online shooting or spearing” means the use
12 of a computer or any other device, equipment, software, or technology, to
13 remotely control the aiming and discharge of any weapon, including, but not
14 limited to, any firearm, bow and arrow, spear, slingshot, harpoon, or any other
15 projectile device.

16 **Comment.** Section 6030 continues former Fish and Game Code Section 3003 without change,
17 except as indicated below:

18 The following nonsubstantive changes are made:

- 19 • In subdivision (b), the word “further” is deleted as superfluous.
- 20 • In paragraph (b)(2), the words “for the purposes of this section” are deleted as
21 superfluous.

22 **§ 6035. Unlawful entry onto land**

23 6035. It is unlawful to enter any land for the purpose of discharging any firearm
24 or taking or destroying any mammal or bird, including any waterfowl, on that
25 land, without having first obtained written permission from the owner, the owner’s
26 agent, or the person in lawful possession of that land, if any of the following is
27 true:

28 (a) The land belongs to or is occupied by another person and is either under
29 cultivation or enclosed by a fence.

30 (b) There are signs of any size and wording forbidding trespass or hunting or
31 both displayed along all exterior boundaries and at all roads and trails entering the
32 land, including land temporarily inundated by water flowing outside the
33 established banks of a river, stream, slough, or other waterway, at intervals not
34 less than three to the mile, which fairly advise a person about to enter the land that
35 the use of the land is so restricted.

36 **Comment.** Section 6035 restates former Fish and Game Code Section 2016 without
37 substantive change.

38 **Staff Notes.** (1) Proposed Section 6035 is intended to restate existing Section 2016 to
39 improve its clarity, without changing its substantive effect. The existing provision reads as
40 follows:

41 “2016. It is unlawful to enter any lands under cultivation or enclosed by a fence, belonging to, or
42 occupied by, another, or to enter any uncultivated or unenclosed lands, including lands
43 temporarily inundated by waters flowing outside the established banks of a river, stream, slough,
44 or other waterway, where signs forbidding trespass or hunting, or both, are displayed at intervals

1 not less than three to the mile along all exterior boundaries and at all roads and trails entering
2 those lands, for the purpose of discharging any firearm or taking or destroying any mammal or
3 bird, including any waterfowl, on those lands without having first obtained written permission
4 from the owner, or his or her agent, or the person in lawful possession of, those lands. Signs may
5 be of any size and wording that will fairly advise persons about to enter the land that the use of
6 the land is so restricted.”

7 **The staff invites comment on whether the proposed restatement would cause any**
8 **substantive change in the meaning of the provision.**

9 (2) Existing Section 2016 by its terms prohibits entering specified lands only for the purpose
10 of “discharging any firearm or taking or destroying any mammal or bird.” **The staff invites**
11 **comment on whether Section 6025 should be revised to include entering the specified lands**
12 **for the purpose of taking or destroying any reptile or amphibian.**

13 **§ 6040. Bird or mammal calls**

14 6040. It is unlawful to use any recorded or electrically amplified bird or
15 mammal call or sound, or recorded or electrically amplified imitation of a bird or
16 mammal call or sound, to assist in taking any bird or mammal, except nongame
17 birds and nongame mammals as permitted by regulations of the commission.

18 **Comment.** Section 6040 continues former Fish and Game Code Section 3012 without change,
19 except as indicated below:

20 The following nonsubstantive change is made:

- 21 • The words “calls,” “sounds,” and “imitations” are singularized.

22 **CHAPTER 2. OTHER PROHIBITIONS AND REQUIREMENTS**

23 **§ 6100. Failure to aid injured person**

24 6100. Every person who while taking any bird or mammal kills or injures
25 another person by the use of any firearm, bow and arrow, spear, slingshot, or other
26 weapon or device used in that taking and who knowingly either abandons that
27 person or fails to render to that injured person all necessary aid possible under the
28 circumstances is guilty of a felony.

29 **Comment.** Section 6100 continues former Fish and Game Code Section 3009 without change,
30 except as indicated below:

31 The following nonsubstantive change is made:

- 32 • The word “such” is replaced throughout with the word “that.”

33 **§ 6105. Required license or entitlement**

34 6105. Except as provided in this code or regulations adopted pursuant to this
35 code, it is unlawful to take any bird or mammal without a license or entitlement to
36 do so.

37 **Comment.** Section 6105 continues former Fish and Game Code Section 3007 without change,
38 except as indicated below:

39 The following nonsubstantive changes are made:

- 40 • The phrase “adopted pursuant thereto” is replaced with “adopted pursuant to this code.”

- The phrase “every person who takes any bird or mammal shall procure a license or entitlement therefor” is revised to read “it is unlawful to take any bird or animal without a license or entitlement to do so.”

Staff Note. Proposed Section 6105 is intended to restate existing Section 3007 to improve its clarity, without changing its substantive effect. The existing provision reads as follows:

“3007. Except as provided in this code or regulations adopted pursuant thereto, every person who takes any bird or mammal shall procure a license or entitlement therefor.”

The staff invites comment on whether the proposed restatement would cause any substantive change in the meaning of the provision.

§ 6110. Hunting at night

6110. (a) It is unlawful to take any bird or mammal, except a nongame mammal, between one-half hour after sunset and one-half hour before sunrise of the following day at the place of taking, except as otherwise provided in this code or under regulations adopted by the commission.

(b) The commission may adopt regulations prohibiting the taking of any nongame mammal between one-half hour after sunset and one-half hour before sunrise of the following day at the place of taking.

Comment. Section 6110 continues former Fish and Game Code Section 3000 without change, except as indicated below:

The following nonsubstantive changes are made:

- Subdivision designations are added.
- The phrase “under such regulations as the commission may adopt” is revised to read “under regulations adopted by the commission.”

§ 6115. Occupied buildings

6115. It is unlawful for any person, other than the owner, person in possession of the premises, or a person having the express permission of the owner or person in possession of the premises, while within 150 yards of an occupied dwelling house, residence, or other building, or within 150 yards of a barn or other outbuilding used in connection with an occupied dwelling house, residence, or other building, to either hunt or discharge a firearm or other deadly weapon while hunting. The 150-yard area is a “safety zone.”

Comment. Section 6115 restates former Fish and Game Code Section 3004(a) without substantive change.

Staff Notes. (1) Proposed Section 6115 is intended to restate existing Section 3004(a) to improve its clarity, without changing its substantive effect. The existing provision reads as follows:

“3004. (a) It is unlawful for any person, other than the owner, person in possession of the premises, or a person having the express permission of the owner or person in possession of the premises, to hunt or to discharge while hunting, any firearm or other deadly weapon within 150 yards of any occupied dwelling house, residence, or other building or any barn or other outbuilding used in connection therewith. The 150-yard area is a ‘safety zone.’”

The staff invites comment on whether the proposed restatement would cause any substantive change in the meaning of the provision.

1 (2) Must the “building” referenced in the phrase “occupied dwelling house, residence, or other
2 building” be a residential building? If not, could the phrase be revised to refer more simply to
3 conduct occurring within 150 yards of any occupied building? **The staff invites comment on this
4 issue.**

5 (3) What is the meaning of “occupied?” Does it mean that a person is in the building at the time
6 of the specified conduct, or simply that the building is generally in use? *Cf.* Pen. Code § 450(d),
7 relating to arson (“‘Inhabited’ means currently being used for dwelling purposes whether
8 occupied or not.”). **The staff invites comment on this issue.**

9 (4) Is there any intended substantive meaning to the declaration that the referenced “150 yard
10 area” is a “safety zone”? Could that statement be deleted without changing the meaning of the
11 provision? **The staff invites comment on this issue.**

12 § 6120. Public roads

13 6120. It is unlawful for any person to intentionally discharge a firearm or release
14 an arrow or crossbow bolt over or across any public road or other established way
15 open to the public in an unsafe and reckless manner.

16 **Comment.** Section 6120 continues former Fish and Game Code Section 3004(b) without
17 change, except as indicated below:

18 The following nonsubstantive change is made:

- 19 • The word “any” is replaced with “a” and “an.”

20 § 6125. Intoxication

21 6125. It is unlawful to take a bird or mammal with a firearm, BB device as
22 defined in Section 16250 of the Penal Code, crossbow, or bow and arrow, while
23 intoxicated.

24 **Comment.** Section 6125 continues former Fish and Game Code Section 3001 without change,
25 except as indicated below:

26 The following nonsubstantive changes are made:

- 27 • The words “birds,” “mammals,” “firearms,” “devices,” “and crossbows” are
28 singularized.
- 29 • The word with” preceding “bow and arrow” is deleted as superfluous.
- 30 • A comma is added after the word “arrow.”
- 31 • The phrase “when intoxicated” is replaced with “while intoxicated.”

32 **Staff Note.** The staff invites comment on whether a statutory definition of the term
33 “intoxicated” should be added to Section 6125, or whether the section should be revised to
34 prohibit the conduct specified while “under the influence” of any alcoholic beverage or
35 drug. *Cf.* Veh. Code § 23152(a), (e).

36 The staff specifically invites comment from the Department of Fish and Wildlife as to
37 whether the prosecution of Section 3001 as presently drafted has been problematic.

38 § 6130. Possession of loaded long gun in vehicle

39 6130. (a) It is unlawful to possess a loaded rifle or shotgun in any vehicle or
40 conveyance or its attachments that is standing on or along or is being driven on or
41 along any public highway or other way open to the public.

42 (b) A rifle or shotgun shall be deemed to be loaded for the purposes of this
43 section when there is an unexpended cartridge or shell in the firing chamber but
44 not when the only cartridges or shells are in the magazine.

1 (c) The provisions of this section shall not apply to peace officers or members of
2 the Armed Forces of this state or the United States, while on duty or going to or
3 returning from duty.

4 **Comment.** Section 6130 continues former Fish and Game Code Section 2006 without change,
5 except as indicated below:

6 The following nonsubstantive change is made:


- 7 • The word “which” is replaced with “that.”

8 **§ 6135. Hunting dogs**

9 6135. (a) It is unlawful for the owner of a dog engaged in hunting in an area
10 where the owner is authorized to hunt to fail to exercise physical control of the
11 dog, as required by this code or regulations adopted pursuant to this code.

12 (b) Dogs used for hunting that have been vaccinated for rabies in their county of
13 residence in conformity with state law regulating vaccinations in rabies areas are
14 not subject to rabies vaccination requirements of local ordinances outside their
15 county of residence.

16 **Comment.** Section 6135 restates former Fish and Game Code Section 3008 without
17 substantive change.

18  **Staff Note.** Subdivision (a) of proposed Section 6135 is intended to restate the first paragraph
19 of existing Section 3008 to improve its clarity, without changing its substantive effect. The
20 existing paragraph reads as follows:

21 “The physical control of a dog by its owner while the dog is engaged in hunting in an area where
22 the owner is otherwise authorized to hunt, shall be as required by this code or regulations made
23 pursuant thereto.”

24 **The staff invites comment on whether the proposed restatement would cause any**
25 **substantive change in the meaning of the provision.**

26 **§ 6140. Removal of hunting dog collar**

27 6140. (a) It is unlawful for a person to remove from a hunting dog any collar,
28 including an electronic or radio transmitting device, without possessing written
29 permission from the dog’s owner allowing the removal of the collar.

30 (b) As used in this section, “hunting dog” means a dog in the field actively
31 engaged in the taking of mammals or birds, or a dog actively being trained for the
32 taking of mammals or birds, that is located in an area where mammals or birds can
33 be taken, at that time and place, in accordance with existing law.

34 (c) This section does not apply to a law enforcement officer or an animal control
35 officer in the performance of his or her duty, or to a person who is assisting an
36 injured dog.

37 **Comment.** Section 6140 continues former Fish and Game Code Section 2011.5 without
38 change.

39 **§ 6145. Bounty**

40 6145. It is unlawful for any person, including state, federal, county, and city
41 officials or their agents, to authorize, offer or pay a bounty for any bird or

1 mammal. This section does not apply to any person with respect to the taking of
2 any bird or mammal on the private property of such person.

3 **Comment.** Section 6145 continues former Fish and Game Code Section 2019 without change.

4 **§ 6150. Bird or mammal in possession of another**

5 6150. (a) It is unlawful for any person to take, mutilate, or destroy any bird or
6 mammal lawfully in the possession of another.

7 (b) For the purpose of this section, a bird or mammal shall be deemed in
8 possession when it is actually reduced to physical possession or when it is
9 wounded or otherwise maimed and the person who wounded or otherwise maimed
10 it is in hot pursuit.

11 **Comment.** Section 6150 continues former Fish and Game Code Section 2011 without change.

12 **§ 6155. Capture or possession of live wild mammal or bird**

13 6155. (a) It is unlawful to capture any game mammal, game bird, nongame bird,
14 nongame mammal, or furbearer, or to possess or confine any live game mammal,
15 game bird, nongame bird, nongame mammal, or furbearer taken from the wild,
16 except as provided by this code or by regulations adopted pursuant to this code.
17 Any bird or mammal possessed or confined in violation of this section shall be
18 seized by the department.

19 (b) The commission may promulgate regulations permitting the temporary
20 confinement of game mammals, game birds, nongame birds, nongame mammals,
21 or furbearers for the purpose of treating the animals, if injured or diseased.

22 **Comment.** Section 6155 continues former Fish and Game Code Section 3005.5 without
23 change, except as indicated below:

24 The following nonsubstantive changes are made:

- 25 • Subdivision designations are added.
- 26 • The phrase “or regulations made pursuant thereto” is replaced with “or by regulations
27 adopted pursuant to this code.”

28 **CHAPTER 3. NONLEAD AMMUNITION**

29 **§ 6200. Take of big game or coyote in California condor range**

30 6200. (a) Nonlead centerfire rifle and pistol ammunition, as determined by the
31 commission, shall be required when taking big game, as defined in the
32 department’s mammal hunting regulations (14 Cal. Code Regs. 350), with rifle or
33 pistol, and when taking coyote, within the California condor range.

34 (b) For purposes of this section, “California condor range” means:

35 (1) The department’s deer hunting zone A South, but excluding Santa Cruz,
36 Alameda, Contra Costa, San Mateo, and San Joaquin Counties, areas west of
37 Highway 101 within Santa Clara County, and areas between Highway 5 and
38 Highway 99 within Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern
39 Counties.

1 (2) Areas within deer hunting zones D7, D8, D9, D10, D11, and D13.

2 (c) The requirements of this section shall remain in effect in the California
3 condor range unless and until the more restrictive nonlead prohibitions required
4 pursuant to Section 6220 are implemented.

5 **Comment.** Section 6200 continues former Fish and Game Code Section 3004.5(a) without
6 change, except as indicated below:

7 The following nonsubstantive changes are made:

- 8 • In subdivision (c), the word “subdivision” is replaced with “section.”
- 9 • In subdivision (c), a cross-reference to subdivision (b) of former Section 3004.5 is
10 updated.

11 **§ 6205. Taking of wildlife in general**

12 6205. (a) Except as provided in subdivision (c), and as soon as is practicable as
13 implemented by the commission pursuant to subdivision (b), but by no later than
14 July 1, 2019, nonlead ammunition, as determined by the commission, shall be
15 required when taking all wildlife, including game mammals, game birds, nongame
16 birds, and nongame mammals, with any firearm.

17 (b) The commission shall promulgate regulations by July 1, 2015, that phase in
18 the requirements of this chapter. The requirements of this chapter shall be fully
19 implemented statewide by no later than July 1, 2019. If any of the requirements of
20 this chapter can be implemented practicably, in whole or in part, in advance of
21 July 1, 2019, the commission shall implement those requirements. The
22 commission shall not reduce or eliminate any existing regulatory restrictions on
23 the use of lead ammunition in California condor range unless or until the
24 additional requirements for use of nonlead ammunition as required by this chapter
25 are implemented.

26 (c)(1) The prohibition in subdivision (a) shall be temporarily suspended for a
27 specific hunting season and caliber upon a finding by the director that nonlead
28 ammunition of a specific caliber is not commercially available from any
29 manufacturer because of federal prohibitions relating to armor-piercing
30 ammunition pursuant to Chapter 44 (commencing with Section 921) of Title 18 of
31 the United States Code.

32 (2) Notwithstanding a suspension pursuant to paragraph (1), nonlead
33 ammunition shall be used when taking big game mammals, nongame birds, or
34 nongame mammals in the California condor range, as defined in Section 6200.

35 **Comment.** Subdivision (a) of Section 6205 continues former Fish and Game Code Section
36 3004.5(b) without change, except as indicated below:

37 The following nonsubstantive change is made:

- 38 • Cross-references to former Section 3004.5(i) and (j) are updated.

39 Subdivision (b) continues former Fish and Game Code Section 3004.5(i) without change,
40 except as indicated below:

41 The following nonsubstantive change is made:

- 42 • The word “section” is replaced with “chapter” throughout.

43 Subdivision (c) continues former Fish and Game Code Section 3004.5(j) without change,
44 except as indicated below:

1 The following nonsubstantive change is made:

- 2 • Cross-references to former Section 3004.5(a) and (b) is updated.

3 **§ 6210. Certification**

4 6210. (a) The commission shall maintain, by regulation, a public process to
5 certify ammunition as nonlead ammunition, and shall define, by regulation,
6 nonlead ammunition as including only ammunition in which there is no lead
7 content, excluding the presence of trace amounts of lead. The commission shall
8 establish and annually update a list of certified ammunition.

9 (b) The list of certified ammunition shall include, but not be limited to, any
10 federally approved nontoxic shotgun ammunition.

11 **Comment.** Section 6210 continues former Fish and Game Code Section 3004.5(c) without
12 change.


13 **§ 6215. Providing reduced cost nonlead ammunition**

14 6215. (a) To the extent that funding is available, the commission shall establish
15 a process that will provide hunters with nonlead ammunition at no or reduced
16 charge. The process shall provide that the offer for nonlead ammunition at no or
17 reduced charge may be redeemed through a coupon sent to a permit holder with the
18 appropriate permit tag. If available funding is not sufficient to provide nonlead
19 ammunition at no charge, the commission shall set the value of the reduced charge
20 coupon at the maximum value possible through available funding, up to the
21 average cost within this state for nonlead ammunition, as determined by the
22 commission.

23 (b) The nonlead ammunition coupon program described in paragraph (1) shall
24 be implemented only to the extent that sufficient funding, as determined by the
25 Department of Finance, is obtained from local, federal, public, or other nonstate
26 sources in order to implement the program.

27 (c) If the nonlead ammunition coupon program is implemented, the commission
28 shall issue a report on the usage and redemption rates of ammunition coupons. The
29 report shall cover calendar years 2008, 2009, and 2012. Each report shall be issued
30 by June of the following year.

31 **Comment.** Section 6215 continues former Fish and Game Code Section 3004.5(d) without
32 change.

33  **Staff Note.** Were the reports required in proposed Section 6215(c) prepared? If so, can that
34 provision be omitted as obsolete?

35 **§ 6220. Report on California condors**

36 6220. The commission shall issue a report on the levels of lead found in
37 California condors. This report shall cover calendar years 2008, 2009, and 2012.
38 Each report shall be issued by June of the following year.

39 **Comment.** Section 6220 continues former Fish and Game Code Section 3004.5(e) without
40 change.

1 **Staff Note.** Were the reports required in proposed Section 6220 prepared? If so, can that
2 provision be omitted as obsolete?

3 **§ 6225. Punishment**

4 6225. (a) A person who violates any provision of this chapter is guilty of an
5 infraction punishable by a fine of five hundred dollars (\$500). A second or
6 subsequent offense shall be punishable by a fine of not less than one thousand
7 dollars (\$1,000) or more than five thousand dollars (\$5,000).

8 (b) This chapter does not apply to government officials or their agents when
9 carrying out a statutory duty required by law.

10 **Comment.** Subdivision (a) of Section 6225 continues former Fish and Game Code Section
11 3004.5(g) without change, except as indicated below:

12 The following nonsubstantive change is made:

- 13 • The word “section” is replaced with “chapter.”

14 Subdivision (b) of Section 6225 continues former Fish and Game Code Section 3004.5(h)
15 without change, except as indicated below:

16 The following nonsubstantive change is made:

- 17 • The word “section” is replaced with “chapter.”

18 **§ 6230. Notice**

19 6230. The department shall notify those hunters who may be affected by this
20 chapter.

21 **Comment.** Section 6230 continues former Fish and Game Code Section 3004.5(f) without
22 change, except as indicated below:

23 The following nonsubstantive change is made:

- 24 • The word “section” is replaced with “chapter.”

25 **CHAPTER 4. HUNTING LICENSES**

26 **Article 1. General Provisions**

27 **§ 6250. Eligibility**

28 6250. (a) No hunting license may be issued to any person unless that person
29 presents to the person authorized to issue that license any of the following:

30 (1) Evidence that the person has held a hunting license issued by this state in a
31 prior year.

32 (2) Evidence that the person holds a current hunting license, or a hunting license
33 issued in either of the two previous hunting years by another state or province.

34 (3) A certificate of completion of a course in hunter education, principles of
35 conservation, and sportsmanship, as provided in this article. A hunter education
36 instruction validation stamp shall be permanently affixed to certificates of
37 completion that have been issued before January 1, 2008.

38 (4) A certificate of successful completion of a hunter education course in
39 another state or province.

1 (5) Evidence of completion of a course in hunter education, principles of
2 conservation, and sportsmanship, which the commission may, by regulation,
3 require.

4 (b) The evidence required in subdivision (a) shall be forwarded to the
5 department with the license agent's report of hunting license sales as required
6 pursuant to Section **1055.5**.

7 (c) Subdivision (a) does not apply to any person purchasing a hunting license
8 under paragraph (5) of subdivision (a) of Section 6255. However, that license shall
9 not qualify as evidence required in subdivision (a) of this section.

10 **Comment.** Section 6250 continues former Fish and Game Code Section 3050 without change,
11 except as indicated below:

12 The following nonsubstantive changes are made:

- 13 • The words "he or she" are replaced with "that person" or "the person."
- 14 • In subdivision (c), a cross-reference to former Section 3031 is updated.

15 § 6255. Fees

16 6255. (a) Except as otherwise provided by law, a hunting license, granting the
17 privilege to take birds and mammals, shall be issued to any of the following:

18 (1) A resident of this state, 16 years of age or older, upon the payment of a base
19 fee of thirty-one dollars and twenty-five cents (\$31.25).

20 (2) A resident or nonresident, who is under 16 years of age on July 1 of the
21 licensing year, upon the payment of a base fee of eight dollars and twenty-five
22 cents (\$8.25), regardless of whether that person applies before or after July 1 of
23 that year.

24 (3) A nonresident, 16 years of age or older, upon the payment of a base fee of
25 one hundred eight dollars and fifty cents (\$108.50).

26 (4) A nonresident, 16 years of age or older, valid only for two consecutive days
27 upon payment of the fee set forth in paragraph (1). A license issued pursuant to
28 this paragraph is valid only for taking resident and migratory game birds, resident
29 small game mammals, fur-bearing mammals, and nongame mammals, as defined
30 in this code or in regulations adopted by the commission.

31 (5) A nonresident, valid for one day and only for the taking of domesticated
32 game birds and pheasants while on the premises of a licensed game bird club, or
33 for the taking of domesticated migratory game birds in areas licensed for shooting
34 those birds, upon the payment of a base fee of fifteen dollars (\$15).

35 (b) The base fees specified in this section are applicable to the 2004 license year,
36 and shall be adjusted annually thereafter pursuant to Section 2780.

37 (c) The commission shall adjust the amount of the fees specified in subdivision
38 (b), as necessary, to fully recover, but not exceed, all reasonable administrative
39 and implementation costs of the department and the commission relating to those
40 licenses.

41 **Comment.** Section 6255 continues former Fish and Game Code Section 3031 without change,
42 except as indicated below:

43 The following nonsubstantive changes are made:

- 1 • In subdivision (a), the phrase “Except as otherwise provided by law” is added.
- 2 • In subdivision (b), a cross-reference to former Section 713 is updated.

3 **§ 6260. Job Corps enrollees**

4 6260. For the purpose of obtaining a hunting license, enrollees in the Job Corps,
5 created by the Economic Opportunity Act of 1964 (Public Law 88-452), shall be
6 deemed to be residents of California.

7 **Comment.** Section 6260 continues former Fish and Game Code Section 3031.5 without
8 change.

9 **§ 6265. Term of license**

10 6265. A hunting license authorizes the person to whom it is issued to take birds
11 and mammals, in accordance with law, for a term of one year from July 1st to June
12 30th, or, if issued after the beginning of the term, for the remainder of the term.

13 **Comment.** Section 6265 continues former Fish and Game Code Section 3037 without change,
14 except as indicated below:

15 The following nonsubstantive change is made:

- 16 • The word “such” is replaced with “the.”

17 **§ 6270. Lifetime license**

18 6270. (a) In addition to Sections 5900 and 6255, and notwithstanding Section
19 6265, the department shall issue lifetime hunting licenses under this section. A
20 lifetime hunting license authorizes the taking of birds and mammals anywhere in
21 this state in accordance with the law for purposes other than profit for the life of
22 the person to whom issued, unless revoked for a violation of this code or
23 regulations adopted under this code. A lifetime hunting license is not transferable.
24 A lifetime hunting license does not include any special tags, stamps, or fees.

25 (b) A lifetime hunting license may be issued to residents of this state, as follows:

26 (1) To a person 62 years of age or over, upon payment of a base fee of three
27 hundred sixty-five dollars (\$365).

28 (2) To a person 40 years of age or over, and less than 62 years of age, upon
29 payment of a base fee of five hundred forty dollars (\$540).

30 (3) To a person 10 years of age or over, and less than 40 years of age, upon
31 payment of a base fee of six hundred dollars (\$600).

32 (4) To a person less than 10 years of age, upon payment of a base fee of three
33 hundred sixty-five dollars (\$365).

34 (c) Nothing in this section requires a person less than 16 years of age to obtain a
35 license to take birds or mammals except as required by law.

36 (d) Nothing in this section exempts an applicant for a license from meeting other
37 qualifications or requirements otherwise established by law for the privilege of
38 sport hunting.

39 (e) The base fees specified in this section are applicable commencing January 1,
40 2004, and shall be adjusted annually thereafter pursuant to Section 2780.

1 (f) The commission shall adjust the amount of the fees specified in subdivision
2 (b), as necessary, to fully recover, but not exceed, all reasonable administrative
3 and implementation costs of the department and the commission relating to those
4 licenses.

5 **Comment.** Section 6270 continues former Fish and Game Code Section 3031.2 without
6 change, except as indicated below:

7 The following nonsubstantive changes are made:

- 8 • Cross-references to former Sections 713, 714, 3031, and 3037 are updated.

9 **§ 6275. “Free Hunting Day”**

10 6275. (a) Notwithstanding Section 6255, the director may designate two days
11 per year as “Free Hunting Days.” One free hunting day may be established during
12 the fall hunting season, and the other free hunting day may be established during
13 the winter hunting season. The department shall publish the exact dates of the free
14 hunting days in annual publications of the department regarding current hunting
15 regulations.

16 (b) During a free hunting day, a California resident may hunt if accompanied by
17 a hunter who holds a valid hunting license issued by the State of California, has
18 held a valid hunting license for at least the last three consecutive years, is at least
19 21 years of age, and accompanies only one unlicensed hunter in the field at a time.
20 An unlicensed hunter shall participate in the free hunting days for only one license
21 year and shall complete a hunter education course approved by the department and
22 register with the department, or an agent of the department, prior to participating
23 in a free hunting day. While engaged in hunting activities, the unlicensed hunter
24 shall remain in close visual and verbal contact with the licensed hunter at all times
25 so that the licensed hunter is able to provide adequate direction and immediately
26 assume control of a firearm from the unlicensed hunter at any time.

27 (c) An unlicensed hunter who participates in a free hunting day shall have in his
28 or her possession all of the following:

29 (1) A certificate of completion of a course in hunter education as required in
30 paragraph (3) of subdivision (a) of Section 6250.

31 (2) Any required tags or report cards.

32 (3) Any required federal entitlements.

33 (4) Any required entry permits.

34 (d) Unlicensed hunters participating in free hunting days shall not take any
35 species that requires a draw or lottery to obtain a tag.

36 (e) An unlicensed hunter hunting pursuant to this section is subject to all of the
37 limitations, restrictions, conditions, statutes, rules, and regulations applicable to
38 the holder of a valid hunting license, except the requirement to possess a valid
39 hunting license.

40 (f) The department may adopt additional minimum requirements and restrictions
41 for a licensed hunter or unlicensed hunter participating in a free hunting day
42 pursuant to this section.

1 (g) This section shall not be implemented until the department’s Automated
2 License Data System is fully operational for at least one year.

3 **Comment.** Section 6275 continues former Fish and Game Code Section 3040 without change,
4 except as indicated below:

5 The following nonsubstantive change is made:

- 6 • Cross-references to former Sections 3031 and 3050 are updated.

7 **Staff Note.** The staff invites comment on whether subdivision (g) of this section is
8 **obsolete.**

9 Article 2. Military Personnel

10 § 6300. Disabled veteran or recovering service member

11 6300. (a) Pursuant to this section, the department shall issue to any disabled
12 veteran or recovering service member who has not been convicted of any violation
13 of this code a reduced fee hunting license that authorizes the licensee to take any
14 bird or mammal as authorized by this code and regulations adopted pursuant to
15 this code.

16 (b) The base license fee for a reduced fee hunting license shall be four dollars
17 (\$4) for the hunting license year beginning on July 1, 1995, and, for the following
18 years, this license fee may be annually reviewed and adjusted in accordance with
19 Section 2780.

20 (c) For the purposes of this section, the following terms have the following
21 meanings:

22 (1) “Disabled veteran” means a person having a 50 percent or greater service-
23 connected disability and an honorable discharge from military service.

24 (2) “Recovering service member” means a member of the military who meets
25 the definition of “recovering service member” in Section 1602(7) of the federal
26 National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

27 (d) A person applying for a reduced fee hunting license shall submit to the
28 department adequate documentation for the department to determine whether the
29 person is, in fact, eligible for a reduced fee hunting license. The department shall
30 not issue a reduced fee hunting license to any person unless it is satisfied that the
31 person has provided adequate documentation of eligibility for that license.

32 (e) A disabled veteran must submit the following documentation:

33 (1) Proof of an honorable discharge from military service.

34 (2) Proof of the disability described in paragraph (1) of subdivision (c), either by
35 certification from the United States Department of Veterans Affairs or by
36 presentation of a license issued pursuant to this section in the preceding license
37 year.

38 (f) A recovering service member must submit a letter to the department stating
39 that the person is a recovering service member as defined in subdivision (d), from
40 either that person’s commanding officer or a military medical doctor. The letter
41 may be submitted either in hard copy form or online.

1 **Comment.** Subdivision (a) of Section 6300 restates the first sentence of former Fish and Game
2 Code Section 3033(a) without substantive change.

3 Subdivision (b) continues the second sentence of former Fish and Game Code Section 3033(a)
4 without change, except as indicated below:

5 The following nonsubstantive changes are made:


- 6 • A cross-reference to former Section 713 is updated.

7 Subdivision (c) restates the first sentence of former Fish and Game Code Section 3033(b) and
8 the first sentence of former Fish and Game Code Section 3033(c) without substantive change.

9 Subdivision (d) continues former Fish and Game Code Section 3033(d) without change.

10 Subdivision (e) restates the second sentence of former Fish and Game Code Section 3033(b)
11 without substantive change.

12 Subdivision (f) restates the second sentence of former Fish and Game Code Section 3033(c)
13 without substantive change.

14  **Staff Note.** Proposed Section 6300 is intended to restate and reorganize existing Section 3033
15 to improve its clarity, without changing its substantive effect. The existing section reads as
16 follows:

17 “3033. (a) The department shall, upon application and payment of a fee, issue a reduced fee
18 hunting license, that authorizes the licensee to take any bird or mammal as otherwise authorized
19 pursuant to this code and regulations adopted pursuant thereto, to a disabled veteran, as defined in
20 subdivision (b), or to a recovering service member, as defined in subdivision (c), who has not
21 been convicted of any violation of this code. The base license fee for a reduced fee hunting
22 license shall be four dollars (\$4) for the hunting license year beginning on July 1, 1995, and, for
23 the following years, this license fee may be annually reviewed and adjusted in accordance with
24 Section 713.

25 (b) “Disabled veteran” means a person having a 50 percent or greater service-connected disability
26 and an honorable discharge from military service. The person shall be eligible upon presentation
27 of proof of an honorable discharge from military service and proof of the disability. Proof of the
28 disability shall be by certification from the United States Department of Veterans Affairs or by
29 presentation of a license issued pursuant to this section in the preceding license year.

30 (c) “Recovering service member” means a member of the military who meets the definition of
31 “recovering service member” in Section 1602(7) of the federal National Defense Authorization
32 Act for Fiscal Year 2008 (Public Law 110-181). A person shall be eligible for a reduced fee
33 hunting license pursuant to this subdivision upon the submission of a letter, online or in hardcopy,
34 to the department from that person’s commanding officer or from a military medical doctor
35 stating that the person is a recovering service member.

36 (d) A person applying for a reduced fee hunting license shall submit to the department adequate
37 documentation for the department to determine whether the person is, in fact, eligible for a
38 reduced fee hunting license. The department shall not issue a reduced fee hunting license to any
39 person unless it is satisfied that the person has provided adequate documentation of eligibility for
40 that license.

41 **The staff invites comment on whether the proposed restatement and reorganization**
42 **would cause any substantive change in the meaning of the provision.**

43 **§ 6305. Occupant of military medical facility**

44 6305. (a) Any member of the armed forces of the United States who is in a
45 military medical facility and who is at least 70 percent disabled shall, on
46 application, be issued a hunting permit by the department, in lieu of a hunting
47 license and appropriate tags, authorizing the taking of birds and mammals. If the
48 permit covers a period during which birds or mammals may only be taken or

1 shipped with appropriate tags, the department may issue those tags with the permit
2 or shall endorse the permit to authorize that taking and shipping without the tags.

3 (b) A permit issued pursuant to this section shall be valid only during the period
4 of time the permittee is in a military medical facility and is at least 70 percent
5 disabled.

6 (c) Certification by the commanding officer of the military medical facility shall
7 be sufficient proof of this period of time and extent of disability.

8 **Comment.** Section 6305 continues former Fish and Game Code Section 3038 without change,
9 except as indicated below:

10 The following nonsubstantive changes are made:

- 11 • Subdivision designations are added.
- 12 • In subdivision (a), the phrase “shall be issued a hunting permit, on application therefor,
13 by the department” is replaced with “shall, on application, be issued a hunting permit
14 by the department.”
- 15 • In subdivision (a), the word “such” is replaced with “those,” “that,” and “the.”
- 16 • In subdivision (b), the phrase “Such a permit” is replaced with “A permit issued
17 pursuant to this section.”
- 18 • In subdivision (b), the phrase “such person” is replaced with “the permittee.”
- 19 • In subdivision (b), the phrase “the medical facility” is replaced with “a military medical
20 facility.”
- 21 • In subdivision (b), the phrase “so disabled” is replaced with “is at least 70 percent
22 disabled.”

23 § 6310. Special hunt by military personnel

24 6310. Any organization conducting a special hunt by service members or
25 veterans residing in or assigned to a United States veterans or armed services
26 medical facility may apply to the commission for, and the commission may issue,
27 under terms and conditions it may impose, a permit to take birds and mammals
28 notwithstanding the provisions of Sections 6000 and 6130.

29 **Comment.** Section 6310 continues former Fish and Game Code Section 317 without change,
30 except as indicated below:

31 The following nonsubstantive changes are made:

- 32 • The words “for servicemen” are replaced with “by service members.”
- 33 • The superfluous words “such” and “as” are deleted.
- 34 • Cross-references to former Sections 2006 and 3002 are updated.

35 Article 3. Colorado River Hunting Licenses

36 § 6350. Qualification for license

37 6350. A special Colorado River hunting license may be issued to any person
38 holding a hunting license issued by the State of Arizona.

39 **Comment.** Section 6350 continues former Fish and Game Code Section 3061 without change.

40 § 6355. Additional qualification

41 6355. The department, in conformity with regulations adopted by the
42 commission, may issue a special Colorado River hunting license when the

1 commission finds and determines that under the laws of the State of Arizona
2 substantially similar licenses are authorized to be issued to licensees of the State of
3 California upon substantially the same terms and conditions as are provided in this
4 article for the issuance of licenses to licensees of the State of Arizona.

5 **Comment.** Section 6355 continues former Fish and Game Code Section 3060 without change,
6 except as indicated below:

7 The following nonsubstantive changes are made:

- 8 • The phrase “such regulations as the commission may prescribe” is replaced with
9 “regulations adopted by the commission.”
- 10 • The word “licenses” is singularized.
- 11 • The phrase “provided for in this article as to the issuance of licenses” is replaced with
12 “provided in this article for the issuance of licenses.”

13 **§ 6360. Allowed take**

14 6360. A special Colorado River hunting license shall entitle the holder of the
15 license to take only migratory waterfowl and only in, on, or along the Colorado
16 River in accordance with the applicable state and federal laws and regulations or
17 orders made pursuant to those laws and regulations.

18 **Comment.** Section 6360 continues former Fish and Game Code Section 3062 without change,
19 except as indicated below:

20 The following nonsubstantive changes are made:

- 21 • The words “holder thereof” are replaced with “holder of the license.”
- 22 • The words “pursuant thereto” are replaced with “pursuant to those laws and
23 regulations.”

24 **§ 6365. Fee and term**

25 6365. (a) The fee for a special Colorado River hunting license shall be two
26 dollars (\$2).

27 (b) The license shall be valid until the end of the calendar year in which it is
28 issued.

29 **Comment.** Section 6365 continues former Fish and Game Code Section 3063 without change,
30 except as indicated below:

31 The following nonsubstantive changes are made:

- 32 • Subdivision designations are added.
- 33 • The word “such” is replaced with “the.”

34 **CHAPTER 5. HUNTER SAFETY**

35 **§ 6400. Legislative declaration**

36 6400. (a) It is the intent of the Legislature in enacting this chapter to ensure the
37 health and safety of its citizens engaged in activities requiring the use of hunting
38 implements.

39 (b) The Legislature finds and declares that individuals who engage in hunting
40 should possess an adequate understanding of hunter safety practices, principles of
41 conservation, and sportsmanship.

1 (c) It is also the intent of the Legislature that persons engaged in hunting be
2 mindful of their responsibilities to others, toward wildlife, and toward their natural
3 environment. The department shall take all steps necessary to carry out the
4 provisions of this chapter.

5 **Comment.** Section 6400 continues former Fish and Game Code Section 3049 without change,
6 except as indicated below:

7 The following nonsubstantive change is made:

- 8 • The word “article” is replaced with “chapter.”

9 **Staff Note.** The staff invites comment on whether any equivalent gender-neutral term
10 can be substituted for the term “sportsmanship” as used in subdivision (b) of Section 6400.

11 **§ 6405. Hunter instruction**

12 6405. (a) The department shall provide for a course of instruction in hunter
13 education, principles of conservation, and sportsmanship, and for this purpose may
14 cooperate with any reputable association or organization having as one of its
15 objectives the promotion of hunter safety, principles of conservation, and
16 sportsmanship.

17 (b) The department may designate as a hunter education instructor any person
18 found by it to be competent to give instruction in the courses required in this
19 chapter.

20 (c) A hunter education instructor shall issue to a person that completes a course
21 of instruction in hunter safety, principles of conservation, and sportsmanship a
22 certificate of completion as provided by the department.

23 (d) The department shall prescribe a minimum level of skill and knowledge to
24 be required of all hunter education instructors, and may limit the number of
25 students per instructor in all required classes.

26 (e) The department may revoke the certificate of any instructor when, in the
27 opinion of the department, it is in the best interest of the state to do so.

28 (f) In order to recruit and retain hunter education instructors, the department
29 shall offer special hunting opportunities to qualified hunter education instructors
30 by providing a limited number of existing tags and other hunting opportunities.
31 The department may provide these tags and hunting opportunities through any of
32 the following methods:

33 (1) The private lands management program described in **Article 5 (commencing**
34 **with Section 3400) of Chapter 2.**

35 (2) The Shared Habitat Alliance for Recreational Enhancement (SHARE)
36 program described in **Article 3 (commencing with Section 1570) of Chapter 5 of**
37 **Division 2.**

38 (3) Entering into cooperative agreements with federal, state, and local agencies
39 that hold title to, or administer, lands or waters.

40 (4) Entering into cooperative agreements with landowners or tenants seeking
41 depredation permits for game mammals as described in Section **4188.**

1 (5) Authorizing a maximum of 15 tags from the annual tag quota, as determined
2 by the department.

3 (g) The department shall determine eligibility criteria for hunter education
4 instructors seeking the hunting opportunities offered pursuant to subdivision (f).
5 The department shall offer hunting opportunities to eligible hunter education
6 instructors only by random drawing.

7 (h) The department may adopt regulations to implement this section.

8 **Comment.** Subdivision (a) of Section 6405 continues former Fish and Game Code Section
9 3051(a) without change.

10 Subdivision (b) continues the first sentence of former Fish and Game Code Section 3051(b)
11 without change, except as indicated below:

12 The following nonsubstantive change is made:

- 13 • The word “article” is replaced with “chapter.”

14 Subdivision (c) restates the second sentence of former Fish and Game Code Section 3051(b)
15 without substantive change.

16 Subdivision (d) continues former Fish and Game Code Section 3051(c) without change.

17 Subdivision (e) continues former Fish and Game Code Section 3051(d) without change.

18 Subdivision (f) continues former Fish and Game Code Section 3051(e)(1) without change,
19 except as indicated below:

20 The following nonsubstantive change is made:

- 21 • Cross-references to Article 5 (commencing with Section 3400) of Chapter 2 of Part 1
22 of Division 4 of the former Fish and Game Code and to Article 3 (commencing with
23 Section 1570) of Chapter 5 of Division 2 of the former Fish and Game Code are
24 updated.

25 The first sentence of subdivision (g) continues the first sentence of former Fish and Game
26 Code Section 3051(e)(2) without change, except as indicated below:

27 The following nonsubstantive changes are made:

- 28 • The phrase “hunting opportunities” is replaced with “the hunting opportunities.”
- 29 • A cross-reference to former Section 3051(f) is updated.

30 The second sentence of subdivision (g) restates the second sentence of former Fish and Game
31 Code Section 3051(e)(2) without substantive change.

32 **Staff Notes.** (1) Subdivision (c) of proposed Section 6405 is intended to restate the second
33 sentence of existing Section 3051(b) to improve its clarity, without changing its substantive
34 effect. The existing sentence reads as follows:

35 “A person so appointed shall give that course of instruction, and, upon completion thereof, shall
36 issue to the person instructed a certificate of completion as provided by the department in hunter
37 safety, principles of conservation, and sportsmanship.”

38 **The staff invites comment on whether the proposed restatement would cause any
39 substantive change in the meaning of the provision.**

40 (2) The second sentence of subdivision (g) of proposed Section 6405 is intended to restate
41 the second sentence of existing Section 3051(e)(2) to improve its clarity, without changing its
42 substantive effect. The existing sentence reads as follows:

43 “The department shall select hunter education instructors who meet these criteria for
44 opportunities pursuant to this subdivision only by random drawing.”

45 **The staff invites comment on whether the proposed restatement would cause any
46 substantive change in the meaning of the provision.**

47 (3) **The staff invites comment on whether any equivalent gender-neutral term can be
48 substituted for the term “sportsmanship” as used in subdivisions (a) and (b) of Section 6405.**

1 § 6410. Fee and expenses

2 6410. Persons receiving instruction from a hunter education instructor may not
3 be charged a fee for service provided by the instructor, but may be charged a fee to
4 cover costs incurred by the instructor in teaching the class. A record of incurred
5 costs shall be kept for inspection by the department. Costs may include, but are not
6 limited to range fees, ammunition, and transportation of students.

7 **Comment.** Section 6410 continues former Fish and Game Code Section 3052 without change,
8 except as indicated below:

9 The following nonsubstantive changes are made:

- 10 • In subdivision (a), the words “completion thereof” are replaced with “completion of the
- 11 course of instruction.”
- 12 • In subdivision (c), a cross-reference to former Section 3031 is updated.

13 **Staff Note.** Proposed Section 6410 is intended to restate existing Section 3052 to improve its
14 clarity, without changing its substantive effect. The existing provision reads as follows:

15 “No fee shall be charged for the instructor’s service, however, a fee to cover the cost of giving
16 such instructions may be charged each person participating and receiving such instructions. A
17 record of such expenses shall be kept for inspection by the department. Such expenses may
18 include, but not be limited to, such items as range fees, ammunition and transportation of
19 students.”

20 **The staff invites comment on whether the proposed restatement would cause any**
21 **substantive change in the meaning of the provision.**

22 § 6415. Loss or destruction of certificate

23 6415. In the case of loss or destruction of a certificate of completion, a duplicate
24 certificate may be issued by the instructor who issued the original certificate, or,
25 by an instructor of the sponsoring organization having adequate records to
26 establish successful completion of the course, or by the department if verified by
27 adequate records to establish successful completion of the course. An
28 administrative fee of three dollars (\$3) shall be charged for the issuance of a
29 duplicate certificate, for the hunting license year commencing on July 1, 1990,
30 and, for the following years as adjusted pursuant to Section 2780.

31 **Comment.** Section 6415 continues former Fish and Game Code Section 3053 without change,
32 except as indicated below:

33 The following nonsubstantive changes are made:

- 34 • The word “certificate” is replaced with “certificate of completion.”
- 35 • The superfluous word “prescribed “ is deleted.
- 36 • A cross-reference to former Section 713 is updated.

37 § 6420. Material for instructors

38 6420. The department shall furnish information on hunter safety, principles of
39 conservation, and sportsmanship that shall be distributed free of charge to persons
40 designated as hunter education instructors for instructional purposes.

41 **Comment.** Section 6420 continues former Fish and Game Code Section 3054 without change.

1

CHAPTER 6. EXTENDED HUNTING

2 § 6450. Authority of commission

3 6450. (a) Whenever after due investigation the commission finds that game
4 mammals, other than deer, fur-bearing mammals, or resident game birds have
5 increased in numbers in any area, district, or portion thereof other than a refuge or
6 preserve established by statute, to the extent that a surplus exists, or to the extent
7 that the mammals or birds are damaging public or private property, or are
8 overgrazing their range, the commission may by regulation do any of the
9 following:

10 (1) Provide for a special hunting season for the mammals or birds, additional to,
11 or concurrent with any other open season specified by law.

12 (2) Provide for increased bag limits.

13 (3) Remove sex restrictions specified by law.

14 (4) Establish a license fee for special hunting and designate the number of
15 special licenses to be issued, the area in which the special hunting will be
16 permitted, the number and sex of animals or birds that may be killed by each
17 holder of a special license, and the conditions and regulations to govern the special
18 hunting.

19 (b) Cooperative hunting areas, as described in Section 6600, may be established
20 in connection with any area opened to hunting under the provisions of this chapter.

21 **Comment.** Paragraphs (1)-(3) of subdivision (a) of Section 6450 continue former Fish and
22 Game Code Section 325 without change, except as indicated below:

23 The following nonsubstantive changes are made:

- 24 • Paragraph designations are added.
- 25 • The word “and” is replaced with “or.”
- 26 • The words “areas, districts, or portions” are singularized.
- 27 • The phrase “to such an extent” is replaced with “to the extent.”
- 28 • The phrase “the commission may provide by regulation” is replaced with “the
29 commission may by regulation do any of the following.”

30 Paragraph (4) of subdivision (a) continues former Fish and Game Code Section 329 without
31 change, except as indicated below:

32 The following nonsubstantive changes are made:

- 33 • The words “The regulation may fix” are replaced with “Establish.”
- 34 • The words “such hunting” are replaced with “the special hunting.”

35 Subdivision (b) continues former Fish and Game Code Section 330 without change, except as
36 indicated below:

37 The following nonsubstantive changes are made:

- 38 • Cross-references to former Sections 1570 to 1572 are updated.
- 39 • The word “article” is replaced with “chapter.”
- 40 • The superfluous word “foregoing” is deleted.

41 **Staff Note.** Existing Section 330, which would be continued by subdivision (c) of proposed
42 Section 6450, contains a reference to “cooperative hunting areas, as described in Sections 1570 to
43 1572.” The versions of Sections 1570, 1571, and 1572 that described cooperative hunting areas
44 were repealed in 2003, with the provisions of the repealed sections continued, largely without

1 substantive change, in existing Section 1575. Existing Section 1575 would be continued in the
2 proposed law by proposed Section 6600.

3 **The staff invites comment on whether the inclusion of a reference to proposed Section**
4 **6600 in subdivision (c) of proposed Section 6450 is appropriate.**

5 **§ 6455. Required hearing**

6 6455. (a) Prior to making a regulation pursuant to Section 6450, the commission
7 at an open meeting shall publicly announce the contents of the proposed
8 regulation, and fix a time and place for a hearing on the proposed regulation in
9 each county that would be affected by the regulation. The time for the hearing
10 shall be at least 21 days after the announcement, and the place shall be the county
11 seat of each affected county.

12 (b) Employees of the department that are necessary or are requested by any
13 interested group of persons, shall be present at a hearing.

14 **Comment.** Subdivision (a) of Section 6455 restates former Fish and Game Code Section 326
15 without substantive change.

16 Subdivision (b) continues the first sentence of former Fish and Game Code Section 328
17 without change, except as indicated below:

18 The following nonsubstantive changes are made:

- 19 • The superfluous word “such” is deleted.
- 20 • The phrase “as may be necessary” is replaced with “that are necessary.”

21 **Staff Note.** Subdivision (a) of proposed Section 6455 is intended to restate existing Section
22 326 to improve its clarity, without changing its substantive effect. The existing provision reads as
23 follows:

24 “326. Prior to the making of such a regulation the commission at an open meeting shall publicly
25 announce the contents of the proposed regulation and fix a time and place at which a hearing on
26 the proposed order shall be held. The time shall be not less than 21 days from the day of the
27 meeting and the place shall be the county seat of each of the counties affected.”

28 **The staff invites comment on whether the proposed restatement would cause any**
29 **substantive change in the meaning of the provision.**

30 **§ 6460. Notice of hearing**

31 6460. (a) Notice of a hearing held pursuant to Section 6455 shall be published at
32 least once, and at least 10 days prior to the hearing, in a newspaper of general
33 circulation in each of the counties in which a hearing is to be held, or if no
34 newspaper of general circulation is published in that county or counties then in a
35 newspaper of general circulation in an adjoining county. The hearing shall be
36 conducted by either the commission, a member of the commission designated by
37 it, or the director if requested so to do by the commission.

38 (b) At least 10 days prior to the hearing, the commission shall notify each
39 member of the board of supervisors of an affected county, at the member’s home
40 address, of the details of the proposed regulation, and the time and date of the
41 hearing.

42 **Comment.** Section 6460 continues former Fish and Game Code Section 327 without change,
43 except as indicated below:

44 The following nonsubstantive changes are made:

- 1 • Subdivision designations are added.
- 2 • In subdivision (a), the words “the hearing” are replaced with “a hearing held pursuant
- 3 to Section 6455.”
- 4 • The phrase “such newspaper” and “such a newspaper” is replaced with “newspaper of
- 5 general circulation.”
- 6 • Internal subdivision designations are deleted.
- 7 • The phrase” prior to the holding of any such hearing” is replaced with “prior to the
- 8 hearing,.”
- 9 • The words “board of supervisors, at his home address, of each county affected” is
- 10 replaced with “board of supervisors of an affected county, at the member’s home
- 11 address,.”
- 12 • The words “details of its proposed order affecting such county” is replaced with
- 13 “details of the proposed regulation.”

14 **§ 6465. Commission decision**

15 6465. After a hearing held pursuant to Section 6455 the commission may
16 abandon the proposed regulation, or may make a final regulation, with any
17 modifications it deems appropriate, or without modification.

18 **Comment.** Section 6465 continues the second sentence of former Fish and Game Code Section
19 328 without change, except as indicated below:

20 The following nonsubstantive changes are made:

- 21 • The words “the hearing” are replaced with “a hearing held pursuant to Section 6455.”
- 22 • The phrase “the commission may abandon the proposal or make a final regulation” is
- 23 replaced with “the commission may abandon the proposed regulation, or may make a
- 24 final regulation.”

25 **CHAPTER 7. COMMERCIAL HUNTING CLUB**

26 **§ 6500. Definitions**

27 6500. For purposes of this chapter, the following terms have the following
28 meanings:

29 (a) “Commercial hunting club” means property with respect to which a fee is
30 imposed or collected for either of the following:

31 (1) Taking or attempting to take birds or mammals on the property.

32 (2) Any type of entry or use permit that includes permission to take birds or
33 mammals on the property.

34 (b) “Property” means a number of contiguous legal parcels owned by one or
35 more owners and held out for a common purpose.

36 **Comment.** Subdivision (a) of Section 6500 restates a part of former Fish and Game Code
37 Section 3240.5(b) without substantive change.

38 Subdivision (b) continues former Fish and Game Code Section 3240.5(a) without change,
39 except as indicated below:

40 The following nonsubstantive changes are made:

- 41 • The phrase “As used in this article” is replaced with “For purposes of this chapter, the
- 42 following terms have the following meanings:”
- 43 • The words “held by an owner or a combination of owners” is replaced with “owned by
- 44 one or more owners.”

1 **☞ Staff Note.** Proposed Section 6500(a) is intended to restate the part of existing 3240.5(b)
2 italicized below to improve the clarity of that language, without changing its substantive effect.
3 The existing provision reads as follows:

4 “(b) A person, including, but not limited to, a renter or lessee, in possession or control of *property*
5 *on or with respect to which a fee for the privilege of taking birds or mammals is imposed or*
6 *collected, or on or with respect to which a fee for any type of entry or use permit that includes the*
7 *privilege of taking birds or mammals on the property is imposed or collected, is maintaining a*
8 *commercial hunting club* if birds or mammals are taken on the property, and shall procure a
9 “commercial hunting club license” before birds or mammals are taken.”

10 **The staff invites comment on whether the proposed restatement would cause any**
11 **substantive change in the meaning of the provision.**

12 **§ 6505. License required**

13 6505. A person, including but not limited to an owner, renter, or lessee, who is
14 in possession or control of a commercial hunting club, shall procure a commercial
15 hunting club license before any birds or mammals may be taken on the property.

16 **Comment.** Section 6505 restates a part of former Fish and Game Code Section 3240.5(b)
17 without substantive change.

18 **☞ Staff Note.** Proposed Section 6505 is intended to restate the part of existing Section 3240.5(b)
19 italicized below to improve the clarity of that language, without changing its substantive effect.
20 The existing provision reads as follows:

21 “(b) *A person, including, but not limited to, a renter or lessee, in possession or control of*
22 *property on or with respect to which a fee for the privilege of taking birds or mammals is imposed*
23 *or collected, or on or with respect to which a fee for any type of entry or use permit that includes*
24 *the privilege of taking birds or mammals on the property is imposed or collected, is maintaining a*
25 *commercial hunting club if birds or mammals are taken on the property, and shall procure a*
26 *“commercial hunting club license” before birds or mammals are taken.*”

27 **The staff invites comment on whether the proposed restatement would cause any**
28 **substantive change in the meaning of the provision.**

29 **§ 6510. Exceptions**

30 6510. (a) This chapter does not apply under any of the following circumstances:

31 (1) The fees described in subdivision (a) of Section 6500 that are received by the
32 owner, renter, or lessee of the property are less than one hundred dollars (\$100)
33 per entrant and total less than one thousand dollars (\$1,000) between July 1 and
34 the following June 30. The department may adjust the threshold amounts
35 established in this paragraph pursuant to Section 2780.

36 (2) The property is used in conjunction with the Shared Habitat Alliance for
37 Recreational Enhancement (SHARE) program under Article 3 (commencing with
38 **Section 1570) of Chapter 5 of Division 2.**

39 (3) A domesticated game bird hunting club licensed under **Article 3**
40 **(commencing with Section 3270)** operates on the property.

41 (4) A domesticated migratory game bird shooting area licensed under **Article 4**
42 **(commencing with Section 3300)** operates on the property.

43 (5) The property is used by a hunting club or program licensed under regulations
44 adopted pursuant to this code.

1 (6) The property is used in conjunction with the private wildlife habitat
2 enhancement and management program under **Article 5 (commencing with**
3 **Section 3400)**.

4 (7) The property is used for an officially sanctioned field trial event pursuant to
5 regulations adopted pursuant to this code.

6 (8) The property is subject to a recorded state, federal, or nonprofit wildlife
7 conservation or agricultural easement or is enrolled in a habitat protection or
8 enhancement program under this code, including, but not limited to, **Article 7**
9 **(commencing with Section 3460)**.

10 (b) This chapter does not apply to an owner of property that is rented or leased
11 to a commercial hunting club, if the owner is not involved in the operation of the
12 club and the club is licensed in accordance with this chapter.

13 **Comment.** Paragraphs (2) through (8) of subdivision (a) of Section 6510 continues former Fish
14 and Game Code Section 3240.5(c)(2)-(8) without change, except as indicated below:

15 The following nonsubstantive changes are made:

- 16 • The word “article” is replaced with “chapter.”
- 17 • The words “if the property meets any of the following conditions” is replaced with
18 “under any of the following circumstances.”
- 19 • The order of the paragraphs is revised.
- 20 • In paragraphs (2), (3), (4), (6), and (8), cross-references to articles in the former Fish
21 and Game Code are updated.

22 Paragraph (a)(1) restates former Section 3240.5(c)(1) without substantive change.

23 Subdivision (b) restates former Fish and Game Code Section 3240.5(d) without substantive
24 change.

25 **Staff Notes.** (1) Paragraph (a)(1) of Section 6510 is intended to restate existing Section
26 3240.5(c)(1) to improve its clarity, without changing its substantive effect. The existing provision
27 reads as follows:

28 “The landowner, or the renter or lessee, of the property receives less than one hundred dollars
29 (\$100) per entrant and receives less than a total of one thousand dollars (\$1,000) between July 1
30 and the following June 30 for permission, entry access, or use fees that include the privilege of
31 hunting on the property in his or her possession or control. The department may adjust the
32 threshold amounts established in this paragraph pursuant to Section 713.”

33 **The staff invites comment on whether the proposed restatement would cause any**
34 **substantive change in the meaning of the provision.**

35 (2) Subdivision (b) of proposed Section 6510 is intended to restate existing Section 3240.5(d)
36 to improve its clarity, without changing its substantive effect. The existing provision reads as
37 follows:

38 “This article does not apply to a landowner who rents or leases his or her property to the
39 commercial hunting club and is not involved in the operation of the club, if the club is licensed in
40 accordance with this article.”

41 **The staff invites comment on whether the proposed restatement would cause any**
42 **substantive change in the meaning of the provision.**

43 **§ 6515. Application for license**

44 6515. (a) An application for a commercial hunting club license shall be
45 submitted on a form furnished by the department. The application, which shall set

1 forth all of the exemptions and conditions established in Section 6510, shall
2 require the applicant to include all of the following information:

3 (1) The name of the club and the ownership.

4 (2) The business telephone number and mailing address of the club.

5 (3) The number of properties used by the club and the physical location of each
6 property.

7 (4) The total acreage of the club property.

8 (5) A list of all species of game hunted on the club property.

9 (6) Information as to whether the club owner owns any of the properties used by
10 the club.

11 (7) The name and address of each property owner, if the property owner is
12 substantially involved in the operation of the club, but does not own the club.

13 (8) The signature and title of the applicant.

14 (9) Any other information the department may require.

15 (b) The department shall allow a commercial hunting club that leases or rents
16 more than one property for hunting purposes to submit a single application listing
17 each of the properties for which the club is seeking a license, if all of the
18 information required for each property is submitted in a format approved by the
19 department.

20 **Comment.** Section 6515 continues former Fish and Game Code Section 3241 without change,
21 except as indicated below:

22 The following nonsubstantive change is made:

- 23 • A cross-reference to former Section 3240.5 is updated.

24 § 6520. Fee

25 6520. (a) The department may issue a commercial hunting club license to any
26 person upon submission of a completed application and payment of the required
27 fee, according to the number of properties used by the club, as follows:

28 (1) The fee for one property shall be two hundred dollars (\$200).

29 (2) The fee for two to five properties shall be five hundred dollars (\$500).

30 (3) The fee for six to 10 properties shall be one thousand dollars (\$1,000).

31 (4) The fee for 11 or more properties shall be two thousand dollars (\$2,000).

32 (b) The fees specified in this section are applicable to the 2010 license year, and
33 shall be adjusted annually thereafter pursuant to Section 2780.

34 **Comment.** Section 6520 continues former Fish and Game Code Section 3242 without change,
35 except as indicated below:

36 The following nonsubstantive change is made:

- 37 • A cross-reference to former Section 713 is updated.

38 § 6525. Transfer of license

39 6525. The commission may transfer a commercial hunting club license to other
40 land owned or controlled by the licensee, in the same county as the originally
41 licensed land, without any additional fee, if the commission finds the new land

1 suitable for the purposes of the license and the transfer does not conflict with the
2 public interest.

3 **Comment.** Section 6525 restates former Fish and Game Code Section 3243.5 without
4 substantive change.

5 **Staff Note.** Proposed Section 6515 is intended to restate existing Section 3243.5 to improve
6 its clarity, without changing its substantive effect. The existing provision reads as follows:

7 “3243.5. The commission may transfer a license to land owned or controlled by the licensee,
8 other than that land specified in the original application, located in the same county as the original
9 land, without any additional fee, if it finds the new land is suitable for the purposes of the license
10 and such a transfer is not in conflict with the public interest.”

11 **The staff invites comment on whether the proposed restatement would cause any**
12 **substantive change in the meaning of the provision.**

13 **§ 6530. Term and authority**

14 6530. A commercial hunting club license is valid for a term of one year from
15 July 1st, or, if issued after the beginning of the term, for the remainder of the term.
16 A license authorizes the person to whom it is issued to maintain a hunting club in
17 accordance with the provisions of this code and regulations adopted by the
18 commission.

19 **Comment.** Section 6530 continues former Fish and Game Code Section 3245 without change,
20 except as indicated below:

21 The following nonsubstantive changes are made:

- 22 • The term “commercial hunting club license” is singularized.
- 23 • The word “such” is replaced with “the.”
- 24 • The phrase “for the remainder thereof” is replaced with “for the remainder of the term.”
- 25 • The phrase “such regulations as the commission may prescribe” is replaced with
26 “regulations adopted by the commission.”

27 **§ 6535. Revocation of license**

28 6535. Any license issued under this chapter may be revoked by the commission
29 at one of the commission’s regularly scheduled meetings, or by a court of
30 competent jurisdiction, upon the licensee’s conviction of a violation of this code,
31 and no new license may be issued to the licensee during the same license year.

32 **Comment.** Section 6535 continues former Fish and Game Code Section 3246 without change.

33 **CHAPTER 8. COOPERATIVE HUNTING AREAS**

34 **§ 6600. Cooperative hunting areas**

35 6600. To provide added protection for landowners from the depredation of
36 trespassers and to provide additional hunting opportunities to public hunters and
37 private landowners, the department may contract with landowners for the
38 establishment of cooperative hunting areas according to terms as the respective
39 parties may agree upon, subject to the following conditions:

1 (a) Cooperative deer and elk hunting areas shall be at least 5,000 acres in size,
2 including the open, restricted, and portions thereof, and may consist of the
3 adjoining lands of one or more owners.

4 (b) The boundaries of each area shall be posted by the department with a sign
5 stating legal hunting may be allowed in the area if written permission is obtained
6 from the owner or the owner's duly authorized agent.

7 (c) The department shall enforce the trespass provisions of the Penal Code and
8 the provisions of this code within these areas.

9 (d) The commission may establish regulations and set fees for the management
10 and control of hunting in these areas.

11 **Comment.** Section 6600 continues former Fish and Game Code Section 1575 without change,
12 except as indicated below:

13 The following nonsubstantive change is made:

- 14 • In subdivision (b), the word "their" is replaced with "the owner's."

15 **Staff Note.** The staff invites comment on the meaning of the phrase "including the open,
16 restricted, and portions thereof" in subdivision (a) of this section.

17 CHAPTER 9. POSSESSION OF BIRDS AND MAMMALS AFTER SEASON

18 § 6650. "Donor intermediary" defined

19 6650. For the purposes of this chapter, "donor intermediary" means a recipient
20 who receives a game bird or mammal from a donor to give to a charitable
21 organization or charitable entity.

22 **Comment.** Section 6650 continues the first sentence of former Fish and Game Code Section
23 3080(a) without change, except as indicated below:

24 The following nonsubstantive changes are made:

- 25 • The word "section" is replaced with "chapter."
26 • The words "birds" and "mammals" are singularized.

27 § 6655. Possession out of season

28 6655. A person may possess a game bird or mammal during a period other than
29 the open season for that game bird or mammal, up to the possession limit allowed
30 for that game bird or mammal during the open season, in any of the following
31 circumstances:

32 (a) The person possesses a hunting license and a validated tag or tags for the
33 species possessed, or copies of the license and tag or tags. The license and tag or
34 tags shall have been issued to that person for the current or immediate past license
35 year.

36 (b) The person is a donor intermediary who received the game bird or mammal
37 from a donor described in paragraph (a) who has a photocopy of the donor's
38 hunting license and the applicable validated tag or tags from the current or
39 immediate past license year, which has been signed and dated by the donor, and
40 confirms the donation.

1 (c) The person is a donor intermediary who received the game bird or mammal
2 from a donor described in paragraph (a) who has a signed and dated document that
3 includes the donor's name, address, hunting license number, and applicable tag
4 numbers for the species possessed, and confirms the donation. The license and tag
5 or tags shall be for the current or immediate past license year.

6 **Comment.** Section 6655 restates the second sentence of former Fish and Game Code Section
7 3080(a) and former Section 3080(b) without substantive change.

8 **Staff Note.** Proposed Section 6655(a) is intended to restate the second sentence of existing
9 Section 3080(a) and Section 3080(b) to improve the clarity of that language, without changing its
10 substantive effect. The existing provisions read as follows:

11 "3080. (a) (second sentence) A donor intermediary possessing game birds or mammals during a
12 period other than the open season shall have the documentation described in paragraph (2) or (3)
13 of subdivision (b).

14

15 (b) The possession limit of any game bird or mammal may be possessed during a period other
16 than the open season if one of the following conditions apply:

17 (1) The person has in his or her possession a hunting license and validated tag or tags for the
18 species possessed, or copies of the license and tag or tags. The license and tag or tags shall have
19 been issued to that person for the current or immediate past license year.

20 (2) The person received the game bird or mammal from a person described in paragraph (1), and
21 the recipient has a photocopy of the donor's hunting license and the applicable validated tag or
22 tags that has been signed and dated by the donor confirming the donation. The photocopied
23 license and tag or tags shall be from the current or immediate past license year.

24 (3) The person received the game bird or mammal from a person described in paragraph (1), and
25 the recipient has a signed and dated document confirming the donation that includes the donor's
26 name, address, hunting license number, and applicable tag numbers for the species possessed.
27 The license and tag or tags shall be for the current or immediate past license year."

28 **The staff invites comment on whether the proposed restatement would cause any**
29 **substantive change in the meaning of these provisions.**

30 **§ 6660. Required documentation**

31 6660. (a) The documentation required by Section 6655 shall be made available
32 to the department as described in Section 2900.

33 (b) There is no required format for the documentation. Any written
34 documentation containing the required information shall be deemed to comply
35 with Section 6655.

36 (c) A charitable organization or charitable entity receiving and distributing a
37 game bird or mammal for a charitable or humane purpose shall maintain the
38 documentation described in Section 6655 for one year from the date of disposal.

39 **Comment.** Subdivision (a) of Section 6660 continues the first sentence of former Fish and
40 Game Code Section 3080(c) without change, except as indicated below:

41 The following nonsubstantive change is made:

- 42 • Cross-references to former Sections 3080(b) and 2012 are updated.

43 Subdivision (b) continues the third and fourth sentences of former Fish and Game Code
44 Section 3080(a) without change, except as indicated below:

45 The following nonsubstantive change is made:

- 46 • A reference to former Section 3080 is updated.

1 Subdivision (c) continues the second sentence of former Fish and Game Code Section 3080(c)
2 without change, except as indicated below:

3 The following nonsubstantive changes are made:

- 4 • The words “organizations,” “entities,” “birds,” “mammals,” and “purposes” are
5 singularized.
- 6 • A comma after the word “purposes” is deleted.
- 7 • A cross-reference to former Section 3080(b)(2) and (3) is updated.

8 **§ 6665. Exception**

9 6665. This chapter does not authorize the possession of a game bird or carcass
10 or part of a game bird or carcass contrary to regulations issued pursuant to the
11 federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.).

12 **Comment.** Section 6665 continues former Fish and Game Code Section 3080(d) without
13 change, except as indicated below:

14 The following nonsubstantive changes are made:

- 15 • The word “section” is replaced with “chapter.”
- 16 • The words “birds,” “carcasses,” and “parts” are singularized.

17 **§ 6670. Implementing legislation or regulations**

18 6670. On or before January 1, 2015, and subject to the requirements of section
19 6665, the commission shall recommend legislation or adopt regulations to clarify
20 when a possession limit is not violated by processing into food lawfully taken
21 game birds or mammals.

22 **Comment.** Section 6670 continues former Fish and Game Code Section 3080(e) without
23 change, except as indicated below:

24 The following nonsubstantive change is made:

- 25 • A cross-reference to former Section 3080(d) is updated.

26 **§ 6675. Cold storage**

27 6675. Cold storage plants and frozen food locker plants shall make and keep a
28 complete detailed record of all game birds or mammals stored in the plants. A
29 record of each game bird or mammal shall be made at the time it is received at the
30 plant for storage. The record shall be open for inspection at all times by wardens
31 of the department.

32 **Comment.** Section 6675 continues former Fish and Game Code Section 3086 without change,
33 except as indicated below:

34 The following nonsubstantive change is made:

- 35 • The word “such” is replaced with “the.”

DISPOSITION OF FORMER LAW

The table below shows the relationship between each provision of the existing Fish and Game Code and the corresponding provision of the proposed law (if any).

Existing Provision	Proposed Provision(s)	Existing Provision	Proposed Provision(s)
317	6310	3009	6100
325	6450(a)(1)-(3)	3012	6040
326	6455(a)	3031	6255
327	6460	3031.2	6270
328 (1st sent.)	6455(b)	3031.5	6260
328 (2nd sent.)	6465	3033	6300
329	6450(a)(4)	3037	6265
330	6450(b)	3038	6305
1575	6600	3040	6275
2006	6130	3049	6400
2007	6010	3050	6250
2010	6005	3051	6405
2011	6150	3052	6410
2011.5	6140	3053	6415
2016	6035	3054	6420
2019	6145	3060	6355
3000	6110	3061	6350
3001	6125	3062	6360
3002	6000	3063	6365
3003	6030	3080(a) (1st sent.)	6650
3003.2	6015	3080(a) (2nd sent.)	6655
3003.5	6025	3080(a) (3rd, 4th sent.)	6660(b)
3004(a)	6115	3080(b)	6655
3004(b)	6120	3080(c) (1st sent.)	6660(a)
3004.5(a)	6200	3080(c) (2nd sent.)	6660(c)
3004.5(b)	6205(a)	3080(d)	6665
3004.5(c)	6210	3080(e)	6670
3004.5(d)	6215	3086	6675
3004.5(e)	6220	3240.5(a)	6500(b)
3004.5(f)	6230	3240.5(b)	6500(a), 6505
3004.5(g)	6225(a)	3240.5(c)	6510(a)
3004.5(h)	6225(b)	3240.5(d)	6510(b)
3004.5(i)	6205(b)	3241	6515
3004.5(j)	6205(c)	3242	6520
3005	6020	3243.5	6525
3005.5	6155	3245	6530
3007	6105	3246	6535
3008	6135		