

## Memorandum 2014-26

**Fish and Game Law:  
Draft Tentative Recommendation**

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The Commission<sup>1</sup> is presently studying the entire Fish and Game Code with the intention of proposing a complete recodification of that code.<sup>2</sup> Such work requires a comprehensive approach, treating the entire code as a whole. That generally precludes incremental enactment of the recodified law.

However, there are some beneficial changes to existing code provisions that can be made piecemeal, because they do not depend on the reorganization of the code. At the February 2014 meeting, the Commission authorized the staff to prepare separate recommendations for the incremental enactment of such improvements.<sup>3</sup>

Pursuant to that decision, the staff has prepared a draft tentative recommendation that proposes a number of technical and minor substantive improvements that need not wait for the completion of the recodification proposal. **The Commission should decide whether to approve the draft for circulation and public comment, with or without changes.**

Respectfully submitted,

Steve Cohen  
Staff Counsel

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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](http://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 (Feb. 2014), p. 13.

# CALIFORNIA LAW REVISION COMMISSION

**STAFF DRAFT**

TENTATIVE RECOMMENDATION

## Fish and Game Law: Technical Revisions and Minor Substantive Improvements (Part 1)

June 2014

The purpose of this tentative recommendation is to solicit public comment on the Commission's tentative conclusions. A comment submitted to the Commission will be part of the public record. The Commission may consider the comment at a public meeting when the Commission determines what, if any, recommendation it will make to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation as it is to advise the Commission that you believe revisions should be made to it.

**COMMENTS ON THIS TENTATIVE RECOMMENDATION SHOULD BE RECEIVED BY THE COMMISSION NOT LATER THAN September 15, 2014.**

The Commission will often substantially revise a proposal in response to comment it receives. Thus, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.

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## SUMMARY OF TENTATIVE RECOMMENDATION

The Law Revision Commission is preparing draft legislation to recodify the Fish and Game Code, in order to improve its organization and clarity, remove obsolete or redundant material, and correct technical errors. Because that work will involve the reorganization of the entire code, the recodification legislation will not be ready for presentation to the Legislature until the study is completed.

However, some beneficial changes can be made more quickly. As the larger study proceeds, the Law Revision Commission will make note of technical corrections and minor substantive improvements that can be made to the existing code, without waiting for completion of the entire study. Such improvements will be periodically compiled into recommendations for submission to the Legislature. This tentative recommendation is the first such proposal.

This tentative recommendation was prepared pursuant to Resolution Chapter 108 of the Statutes of 2012.

FISH AND GAME LAW: TECHNICAL REVISIONS AND MINOR  
SUBSTANTIVE IMPROVEMENTS (PART 1)

1 BACKGROUND

2 In 2010, the Legislature directed the Natural Resources Agency to develop and  
3 submit a “strategic vision” for the Fish and Game Commission and what is now  
4 the Department of Fish and Wildlife.<sup>1</sup>

5 Among other things, the Strategic Vision report recommended that the Law  
6 Revision Commission review and recommend “clean-up” of the Fish and Game  
7 Code, to “(1) resolve inconsistencies; (2) eliminate redundancies; (3) eliminate  
8 unused and outdated code sections; (4) consolidate sections creating parallel  
9 systems and processes; and (5) restructure codes to group similar statutes....”<sup>2</sup>

10 Based on a draft of the Strategic Vision report, Senator Fran Pavley and  
11 Assembly Member Jared Huffman (then Chairs of the Senate Natural Resources  
12 and Water Committee and the Assembly Water, Parks, and Wildlife Committee)  
13 requested that the Law Revision Commission conduct a comprehensive review of  
14 the Fish and Game Code, and recommend changes to the Legislature that would  
15 “update, clarify, and improve” the code.<sup>3</sup>

16 Authority to conduct such a study was enacted by concurrent resolution in 2012:

17 [The] Legislature approves for study by the California Law Revision  
18 Commission the new topic listed below:

19 ....

20 Whether the Fish and Game Code and related statutory law should be revised to  
21 improve its organization, clarify its meaning, resolve inconsistencies, eliminate  
22 unnecessary or obsolete provisions, standardize terminology, clarify program  
23 authority and funding sources, and make other minor improvements, without  
24 making any significant substantive change to the effect of the law[.]<sup>4</sup>

25 Pursuant to that authority, the Law Revision Commission is analyzing the entire  
26 Fish and Game Code for the purpose of preparing recodification legislation that  
27 would improve the code’s organization and clarity, remove obsolete or redundant  
28 material, and correct technical errors. Because that work will involve the  
29 reorganization of the entire code, the recodification legislation will not be ready  
30 for presentation to the Legislature until the study is completed.

31 However, some beneficial changes can be made more quickly. As the larger  
32 study proceeds, the Law Revision Commission will make note of technical

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1. 2010 Cal. Stat. ch. 424 (AB 2376 (Huffman)).

2. *California Fish & Wildlife Strategic Vision, Recommendations for Enhancing the State’s Fish and Wildlife Management Agencies* (April 2012), p. A13, CLRC Staff Memorandum 2012-41, Exhibit p. 45.

3. Law Revision Commission Staff Memorandum 2012-5 (hereafter, “CLRC Staff Memorandum”), Exhibit pp. 32-33.

4. 2012 Cal. Stat. res. ch. 108 (ACR 98 (Wagner)).

1 corrections and minor substantive improvements that can be made to the existing  
2 code, without waiting for completion of the entire study. Such improvements will  
3 be periodically compiled into recommendations for submission to the Legislature.  
4 This tentative recommendation is the first such proposal.

5 The revisions proposed in this tentative recommendation are summarized below.

## 6 ANIMAL PARTS

7 The Fish and Game Code contains express definitions of the terms “bird,”<sup>5</sup>  
8 “mammal,”<sup>6</sup> and “fish” (which is defined to include amphibians).<sup>7</sup> In each case,  
9 the defined term does not just include a whole animal of the specified type. It also  
10 expressly includes *parts* of those animals. This means that the numerous  
11 provisions regulating the defined classes of animals also apply to parts of those  
12 animals.

13 That treatment seems most relevant in provisions that regulate the possession or  
14 transfer of specified types of animals. In such provisions, the possession or  
15 transfer of a whole animal is treated in the same way as part of the animal. This  
16 makes policy sense. The regulation of possession or transfer of animals would be  
17 ineffective if it could be avoided simply by reducing an animal to parts.

18 There are three features of the existing code that undermine the general rule that  
19 statutory references to animals should be construed to also refer to parts of those  
20 animals. They are discussed below.

### 21 Superfluous References to “Parts”

22 Notwithstanding the definitions discussed above, there are a number of  
23 provisions of the code that expressly state their application to parts of an animal.<sup>8</sup>  
24 For example, Section 4150 provides (with emphasis added):

25 All mammals occurring naturally in California which are not game mammals,  
26 fully protected mammals, or fur-bearing mammals, are nongame mammals.  
27 Nongame mammals *or parts thereof* may not be taken or possessed except as  
28 provided in this code or in accordance with regulations adopted by the  
29 commission.

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5. Fish & Game Code § 22.

6. Fish & Game Code § 54.

7. Fish & Game Code § 45.

8. A review of similar provisions discloses no apparent pattern suggesting when the additional “parts” reference is included in a provision, and when it is not. For example, compare Fish & Game Code § 2001(b) (possession of “fish, reptiles, or amphibians” unlawful, except during specified time period) with Section 2002 (possession of “bird, mammal, fish, reptile, or amphibian, *or parts thereof*” unlawful, if unlawfully taken) (emphasis added); Section 2348(a) (package in which birds, mammals, fish, reptiles, or amphibians, *or parts thereof*” transported must meet certain requirements) (emphasis added) with Section 2349 (except as provided, no “bird, mammal, fish, reptile, or amphibian” may be shipped by parcel post).

1 That reference to parts of a nongame mammal is superfluous, because every  
2 reference to a mammal includes parts of that mammal, pursuant to the governing  
3 definition of “mammal.”

4 Such unnecessary references to “parts” could cause misunderstanding, by  
5 creating an inference that those provisions that do not expressly refer to parts do  
6 not apply to parts.

#### 7 **Omission of Reptiles**

8 There is no statutory definition of “reptile” in the code. Nor is there any other  
9 provision expressly stating that a reference to a “reptile” includes a part of a  
10 reptile.

11 That appears to be an inadvertent omission. The Law Revision Commission sees  
12 no policy reason to regulate parts of reptiles differently than parts of all other types  
13 of regulated animals.

#### 14 **Class-Based Definitions**

15 The definitions discussed above define terms used in referring to broad classes  
16 of animals: birds, fish, and mammals. Strictly construed, those definitions do not  
17 apply to provisions that do not use the defined words. For example, while a quail  
18 is a bird, the statutory definition of the word “bird” does not govern the meaning  
19 of the word “quail.” This could create uncertainty as to whether a reference to a  
20 quail includes a part of the quail.

21 That technical interpretation seems at odds with the general policy embodied in  
22 the definitions of “bird,” “fish,” and “mammal.” It seems likely that the  
23 Legislature intended any reference to a type of bird, fish, or mammal to include a  
24 part of the referenced animal.

#### 25 **Recommendation**

26 The Law Revision Commission recommends the enactment of a general rule of  
27 construction, providing that a reference to an animal includes a reference to parts  
28 of that animal.<sup>9</sup> For the most part, individual provisions that contain language  
29 expressly stating their application to parts of animals would be revised to delete  
30 the unnecessary language.<sup>10</sup> Those revisions would address all of the problems

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9. See proposed Fish & Game Code § 80; *cf.* Fish & Game Code § 2.

10. The Law Revision Commission does not recommend deletion of any statutory reference to an animal part where it appears the animal part is intended to be a distinct subject of regulation. See, e.g., Fish & Game Code §§ 2401 (requiring identification of transported animal parts), 12005 (regulating bear parts). The Law Revision Commission also does not recommend deletion of any statutory reference to a “part thereof” that may include a part of a plant within that reference (e.g., Fish & Game Code §§ 2080, 6700, 10667, 12159), or deletion of a reference in a provision that identifies specific parts of animals (e.g., Fish & Game Code §§ 3087, 3212, 4034, 4304). In each of these instances, the reference may have independent substantive meaning that would not be adequately preserved by substituting the overarching general



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DOCUMENT TRANSLATION

Fish and Game Code Section 7 provides:

Whenever any statement or report is required to be made, it shall be made in the English language.

The Law Revision Commission recommends that the provision be revised to make clear that it does not prohibit the unofficial translation of statements and reports into other languages. Such translations would be in addition to the original English language document.

A similar statute in the Code of Civil Procedure requires written proceedings in a justice court to be conducted in the English language, but expressly allows for the unofficial translation of certain court documents into other languages.<sup>15</sup>

TECHNICAL CORRECTIONS

The Law Revision Commission also recommends revisions to correct technical errors, including cross-reference errors, obsolete agency names, and grammatical errors. Other revisions are recommended to restate confusing language, to make its meaning clearer without changing its substance.

REQUEST FOR COMMENT

The Law Revision Commission requests public comment on all proposed revisions included in this tentative recommendation.

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15. Code Civ. Proc. § 185.



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## PROPOSED LEGISLATION

1 **Fish & Game Code § 7 (amended). Use of English in statements and reports**

2 SEC. \_\_\_\_\_. Section 7 of the Fish and Game Code is amended to read:

3 7. Whenever any statement or report is required to be made, it shall be made in  
4 the English language. Nothing in this section shall prohibit the department from  
5 providing an unofficial translation of a statement or report in a language other than  
6 English.

7 **Comment.** Section 7 is amended to make clear that the section does not preclude unofficial  
8 translations.

9 See also Code. Civ. Proc. § 185, Gov't Code §§ 7290-7299.8 (Dymally-Alatorre Bilingual  
10 Services Act).

11 **Fish & Game Code § 22 (amended). “Bird”**

12 SEC. \_\_\_\_\_. Section 22 of the Fish and Game Code is amended to read:

13 22. “Bird” means any wild bird ~~or any part thereof~~.

14 **Comment.** Section 22 is amended to delete a superfluous reference to a “part” of a bird. See  
15 Section 80 (reference to animal generally includes part of animal).

16 **Fish & Game Code § 27 (amended). “Chumming”**

17 SEC. \_\_\_\_\_. Section 27 of the Fish and Game Code is amended to read:

18 27. “Chumming” means the placing in the water of fish, ~~parts of fish,~~ or other  
19 material upon which fish feed, for the purpose of attracting fish to a particular area  
20 in order that they may be taken.

21 **Comment.** Section 27 is amended to delete a superfluous reference to a “part” of a fish. See  
22 Section 80 (reference to animal generally includes part of animal).

23 **Fish & Game Code § 29 (amended). “Closed season”**

24 SEC. \_\_\_\_\_. Section 29 of the Fish and Game Code is amended to read:

25 29. “Closed season” means that period of time during which the taking of birds,  
26 mammals, fish, ~~or amphibia~~ amphibians, or reptiles is prohibited.

27 **Comment.** Section 29 is amended to add reptiles, and to make a nonsubstantive stylistic  
28 change.

29 **Fish & Game Code § 45 (amended). “Fish”**

30 SEC. \_\_\_\_\_. Section 45 of the Fish and Game Code is amended to read:

31 45. “Fish” means wild fish, mollusks, crustaceans, invertebrates, or amphibians,  
32 including any ~~part,~~ spawn, or ova thereof.

33 **Comment.** Section 45 is amended to delete a superfluous reference to a “part” of a fish. See  
34 Section 80 (reference to animal generally includes part of animal).

1 **Fish & Game Code § 54 (amended). “Mammal”**

2 SEC. \_\_\_\_\_. Section 54 of the Fish and Game Code is amended to read:

3 54. “Mammal” means any wild or feral mammal ~~or any part thereof~~, but not any  
4 wild, feral, or undomesticated burro.

5 **Comment.** Section 54 is amended to delete a superfluous reference to a “part” of a mammal.  
6 See Section 80 (reference to animal generally includes part of animal).

7 **Fish & Game Code § 57 (amended). “Nonresident”**

8 SEC. \_\_\_\_\_. Section 57 of the Fish and Game Code is amended to read:

9 57. “Nonresident” means any person who ~~has not resided continuously in the~~  
10 ~~State of California for six months immediately prior to the date of his application~~  
11 ~~for a license or permit is not a resident as defined in Section 70.~~

12 **Comment.** Section 57 is amended to reconcile the definition of the term “nonresident” with the  
13 definition of the term “resident” in Section 70.

14 **Fish & Game Code § 80 (added). Animal parts**

15 SEC. \_\_\_\_\_. Section 80 is added to the Fish and Game Code, to read:

16 80. Unless the provision or context otherwise requires, any provision of this  
17 code that applies to a whole animal also applies to a part of the animal.

18 **Comment.** Section 80 generalizes an existing rule of construction. See Sections 22 (“bird”), 45  
19 (“fish”), and 54 (“mammal”).

20 **Fish & Game Code § 210 (amended). Distribution of regulations**

21 SEC. \_\_\_\_\_. Section 210 of the Fish and Game Code is amended to read:

22 210. (a) The commission shall provide copies of the regulations added,  
23 amended, or repealed pursuant to ~~subdivision (e) of Section 206~~, subdivision (e) of  
24 Section 207, ~~and subdivision (d) of Section 208~~ to each county clerk, each district  
25 attorney, and each judge of the superior court in the state.

26 (b) The commission and the department may do anything that is deemed  
27 necessary and proper to publicize and distribute regulations so that persons likely  
28 to be affected will be informed of them. The failure of the commission to provide  
29 any notice of its regulations, other than by filing them in accordance with Section  
30 215, shall not impair the validity of the regulations.

31 (c) The department or the license agent may give a copy of the current  
32 applicable published regulations to each person issued a license at the time the  
33 license is issued.

34 (d) Notwithstanding any other provision of law, the commission and the  
35 department may contract with private entities to print regulations and other  
36 regulatory and public information. Printing contracts authorized by this  
37 subdivision and for which no state funds are expended are not subject to Chapter 2  
38 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract  
39 Code, except for Article 2 (commencing with Section 10295) of Chapter 2.

40 **Comment.** Section 210 is amended to correct obsolete cross-references. See 2006 Cal. Stat.  
41 ch. 667.

1 **Fish & Game Code § 240 (amended). Emergency regulation or order of repeal**

2 SEC. \_\_\_\_\_. Section 240 of the Fish and Game Code is amended to read:

3 240. (a) Notwithstanding any other ~~provisions~~ provision of this code, the  
4 commission, when promulgating ~~regulations~~ a regulation pursuant to any authority  
5 otherwise vested in it by this code, may, after at least one hearing, adopt an  
6 emergency regulation or order of repeal pursuant to Section 11346.1 of the  
7 Government Code if it makes either of the following findings:

8 (1) That the adoption of a regulation or order of repeal of a regulation is  
9 necessary for the immediate conservation, preservation, or protection of birds,  
10 mammals, reptiles, amphibians, or fish, including, but not limited to, any nests or  
11 eggs thereof.

12 (2) That the adoption of a regulation or order of repeal of a regulation is  
13 necessary for the immediate preservation of the public peace, health and safety, or  
14 general welfare.

15 (b) Except as provided herein, any regulation or order of repeal adopted  
16 pursuant to the provisions of this section shall be otherwise subject to review by  
17 the Office of Administrative Law conducted pursuant to Article 6 (commencing  
18 with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the  
19 Government Code.

20 **Comment.** Section 240 is amended to add amphibians, and to make nonsubstantive stylistic  
21 changes.

22 **Fish & Game Code § 300 (amended). Filing of regulations**

23 SEC. \_\_\_\_\_. Section 300 of the Fish and Game Code is amended to read:

24 300. Any regulation ~~issued under any subsequent provisions of~~ adopted pursuant  
25 to this code shall be filed with the Secretary of State, as required by ~~Chapter 4~~  
26 Chapter 3.5 (commencing with Section ~~11370~~ 11340), of Part 1, of Division 3, of  
27 Title 2, of the Government Code.

28 **Comment.** Section 300 is amended to correct an erroneous cross-reference, and to make  
29 nonsubstantive stylistic changes.

30 **Fish & Game Code § 301 (amended). Disposition of accidentally killed birds and mammals**

31 SEC. \_\_\_\_\_. Section 301 of the Fish and Game Code is amended to read:

32 301. The commission may ~~make such~~ adopt regulations as that it deems  
33 necessary for the disposition of birds or mammals ~~and parts thereof which~~ that are  
34 killed accidentally.

35 **Comment.** Section 301 is amended to delete a superfluous reference to animal parts. See  
36 Section 80 (reference to animal generally includes part of animal).

37 Section 301 is also amended to make nonsubstantive stylistic changes.

38 **Fish & Game Code § 307 (amended). Reduced limits based on scarcity**

39 SEC. \_\_\_\_\_. Section 307 of the Fish and Game Code is amended to read:

40 307. (a) Whenever after due investigation the commission ~~shall find~~ finds that  
41 game fish, resident or migratory birds, game or fur-bearing mammals, ~~or amphibia~~

1 amphibians, or reptiles have decreased in numbers in any areas, districts, or  
2 portions thereof to ~~such an~~ the extent that a scarcity exists, the commission may  
3 reduce the daily bag limit and the possession limit on ~~such those~~ game fish, birds,  
4 mammals, ~~or amphibia~~ amphibians, or reptiles as are in danger of depletion, for  
5 ~~such a~~ period of time as ~~may be~~ that is specified, or until ~~such time as~~ new  
6 legislation ~~thereon enacted by the Legislature may become~~ addressing the scarcity  
7 becomes effective.

8 (b) Any regulation ~~issued under the provisions of~~ adopted pursuant to this  
9 section shall be filed with the Secretary of State, and ~~such~~ filing shall be deemed a  
10 legal notice thereof.

11 (c) ~~Such~~ The regulation shall be published twice in at least one newspaper of  
12 general circulation in any county affected by ~~such the~~ order. The publications shall  
13 be separated by a period of not less than one week and not more than two weeks.  
14 ~~Such~~ The regulation shall be posted in ~~such any~~ public places in each county as  
15 that the director may direct.

16 **Comment.** Section 307 is amended to add reptiles, add subdivision designations, and make  
17 nonsubstantive stylistic changes.

18 **Fish & Game Code § 312 (amended). Survival training course**

19 SEC. \_\_\_\_ . Section 312 of the Fish and Game Code is amended to read:

20 312. (a) The commission may issue a permit authorizing any member of the  
21 armed forces of the United States or any student or faculty member of an  
22 elementary or secondary school in the public school system actually assigned to,  
23 and participating in, an organized survival training course to take fish, ~~amphibia~~  
24 amphibians, reptiles, birds, or mammals, except rare or endangered species,  
25 notwithstanding any other law or regulation, pursuant to the terms and conditions  
26 of ~~such that~~ permit. A permit involving training by the armed forces of the United  
27 States shall be issued to the commanding officer of the unit having jurisdiction  
28 over the conduct of the survival training course. A permit involving training by an  
29 elementary or secondary school in the public school system shall be issued to the  
30 governing board or superintendent of the district having jurisdiction over ~~such that~~  
31 school and the conduct of the survival training course. A permit shall be applicable  
32 only to the area established for ~~such that~~ survival training as designated by the  
33 commission in the permit and for the species and numbers designated in the  
34 permit.

35 (b) The commission may revise any conditions of a permit if it finds ~~such~~  
36 revision is necessary to properly protect the fish, ~~amphibia~~ amphibians, reptiles,  
37 birds, or mammals in the area.

38 (c) The term of ~~such~~ a permit shall be for not more than a calendar year.

39 (d) A report shall be submitted on the expiration of the permit period, or as  
40 otherwise required by the commission, of all fish, ~~amphibia~~ amphibians, reptiles,  
41 birds, or mammals taken during the period covered by the report in each permit  
42 area. No new permit may be issued until ~~such the~~ report has been submitted and

1 any existing permit may be canceled if ~~such~~ a report is not submitted when  
2 required by the commission.

3 (e) No person engaged in ~~such~~ survival training taking fish, ~~amphibia~~  
4 ~~amphibians, reptiles,~~ birds, or mammals pursuant to ~~such~~ a permit issued under  
5 this section may use any firearm, bow and arrow, steel trap, explosive, chemical,  
6 poison, drug, net or fish tackle except hooks or handlines or improvised poles and  
7 lines for the taking of fish.

8 **Comment.** Section 312 is amended to add reptiles.

9 The section is also amended to add subdivision designations, and make nonsubstantive stylistic  
10 changes.

11 **Fish & Game Code § 326 (amended). Required hearing**

12 SEC. \_\_\_\_ . Section 326 of the Fish and Game Code is amended to read:

13 ~~326. Prior to the making of such a regulation the commission at an open meeting~~  
14 ~~shall publicly announce the contents of the proposed regulation and fix a time and~~  
15 ~~place at which a hearing on the proposed order shall be held. The time shall be not~~  
16 ~~less than 21 days from the day of the meeting and the place shall be the county~~  
17 ~~seat of each of the counties affected. Prior to adopting a regulation pursuant to~~  
18 Section 325, the commission at an open meeting shall publicly announce the  
19 contents of the proposed regulation, and fix a time and place for a hearing on the  
20 proposed regulation in each county that would be affected by the regulation. The  
21 time for the hearing shall be at least 21 days after the announcement, and the place  
22 shall be the county seat of each affected county.

23 **Comment.** Section 326 is amended to improve its clarity without making any substantive  
24 change.

25 **Fish & Game Code § 330 (amended). Cooperative hunting areas**

26 SEC. \_\_\_\_ . Section 330 of the Fish and Game Code is amended to read:

27 330. Cooperative hunting areas, as described in ~~Sections 1570 to 1572~~ Section  
28 1575, may be established in connection with any area opened to hunting under the  
29 ~~foregoing~~ provisions of this article.

30 **Comment.** Section 330 is amended to correct obsolete cross-references. See 2003 Cal. Stat. ch.  
31 758; 2007 Cal. Stat. ch. 285.

32 The section is also amended to make a nonsubstantive stylistic change.

33 **Fish & Game Code § 393 (amended). Status of law enforcement officers of adjoining states**

34 SEC. \_\_\_\_ . Section 393 of the Fish and Game Code is amended to read:

35 393. (a) Any regularly employed law enforcement officer of an Oregon, Nevada,  
36 or Arizona state law enforcement agency, including, but not limited to, the Oregon  
37 State Police, the Nevada Department of Wildlife, or the Arizona Game and Fish  
38 Department, is a peace officer in this state if all of the following conditions are  
39 met:

40 (1) The officer is providing, or attempting to provide, law enforcement services  
41 within this state, within a distance of up to 50 statute miles of the contiguous

1 border of this state and the state employing the officer, or within waters offshore  
2 of this state in the Exclusive Economic Zone.

3 (2) The officer is providing, or attempting to provide, law enforcement services  
4 pursuant to either of the following:

5 (A) In response to a request for services initiated by a member of the  
6 department.

7 (B) In response to a reasonable belief that emergency law enforcement services  
8 are necessary for the preservation of life, and a request for services by a member  
9 of the ~~Department of Fish and Game~~ department is impractical to obtain under the  
10 circumstances. In those situations, the officer shall obtain authorization as soon as  
11 practical.

12 (3) The officer is providing, or attempting to provide, law enforcement services  
13 for the purpose of assisting a member of the ~~Department of Fish and Game~~  
14 department in response to misdemeanor or felony criminal activity, pursuant to the  
15 authority of a peace officer as provided in subdivision (e) of Section 830.2 of the  
16 Penal Code, or, in the event of emergency incidents or other similar public safety  
17 problems, whether or not a member of the department is present at the scene of the  
18 event.

19 (4) An agreement pursuant to Section 392 is in effect between the ~~Department of~~  
20 ~~Fish and Game~~ department and the agency of the adjoining state employing the  
21 officer, the officer acts in accordance with that agreement, and the agreement  
22 specifies that the officer and employing agency of the adjoining state shall be  
23 subject to the same civil immunities and liabilities as a peace officer and his or her  
24 employing agency in this state.

25 (5) The officer receives no separate compensation from this state for providing  
26 law enforcement services within this state.

27 (6) The adjoining state employing the officer confers similar rights and authority  
28 upon a member of the department who renders assistance within that state.

29 (b) Notwithstanding any other provision of law, any person who is acting as a  
30 peace officer in this state in the manner described in this section shall be deemed  
31 to have met the requirements of Section 1031 of the Government Code and the  
32 selection and training standards of the Commission on Peace Officer Standards  
33 and Training if the officer has completed the basic training required for peace  
34 officers in his or her state.

35 (c) A peace officer of an adjoining state shall not provide services within a  
36 California jurisdiction during any period in which officers of the department are  
37 involved in a labor dispute that results in a formal work slowdown or stoppage.

38 **Comment.** Section 393 is amended to correct obsolete references to the Department of Fish  
39 and Game. See Section 37 (“department” means Department of Fish and Wildlife).

40 **Fish & Game Code § 400 (amended). Assent to Public Law 415, Seventy-Fifth Congress**

41 SEC. \_\_\_\_ . Section 400 of the Fish and Game Code is amended to read:

1 400. The State of California hereby assents to the provisions of the act of  
2 Congress entitled “An act to provide that the United States shall aid the states in  
3 wildlife-restoration projects, and for other purposes,” approved September 2, 1937  
4 (Public Law 415, Seventy-fifth Congress), and the department, with the approval  
5 of the commission, shall perform ~~such~~ any acts as may be necessary to the conduct  
6 and establishment of cooperative wildlife-restoration projects, as defined in ~~such~~  
7 that act of Congress, in compliance with ~~such~~ that act and rules and regulations  
8 promulgated thereunder; and no funds accruing to the State of California from  
9 license fees paid by hunters shall be diverted for any other purpose than the  
10 administration of the ~~Department of Fish and Game~~ department and for the  
11 protection, propagation, preservation, and investigation of fish and game.

12 **Comment.** Section 400 is amended to correct an obsolete reference to the Department of Fish  
13 and Game. See Section 37 (“department” means Department of Fish and Wildlife).

14 The section is also amended to make nonsubstantive stylistic changes.

15 **Fish & Game Code § 401 (amended). Assent to Public Law 681, Eighty-First Congress**

16 SEC. \_\_\_\_ . Section 401 of the Fish and Game Code is amended to read:

17 401. The State of California hereby assents to the provisions of the act of  
18 Congress entitled “An act to provide that the United States shall aid the states in  
19 fish restoration and management projects, and for other purposes,” approved  
20 August 9, 1950 (Public Law 681, Eighty-first Congress), and the department, with  
21 the approval of the commission, may perform ~~such~~ any acts as may be necessary  
22 to the conduct and establishment of cooperative fish restoration projects, as  
23 defined in ~~said~~ that act of Congress, in compliance with ~~said~~ that act and rules and  
24 regulations promulgated thereunder; and no funds accruing to the State of  
25 California from license fees paid by fishermen shall be diverted for any other  
26 purpose than the administration of the ~~Department of Fish and Game~~ department  
27 and for the protection, propagation, preservation, and investigation of fish and  
28 game.

29 **Comment.** Section 401 is amended to correct an obsolete reference to the Department of Fish  
30 and Game. See Section 37 (“department” means Department of Fish and Wildlife).

31 The section is also amended to make nonsubstantive stylistic changes.

32 **Fish & Game Code § 706 (amended). Incorporation of general law on state agencies**

33 SEC. \_\_\_\_ . Section 706 of the Fish and Game Code is amended to read:

34 706. The provisions of Chapter 2 (commencing at Section 11150), of Part 1, of  
35 Division 3, of Title 2 of the Government Code shall govern and apply to the  
36 conduct of the department in every respect ~~the same as if such provisions were~~  
37 ~~herein set forth at length, and wherever~~ . Whenever in that chapter the term “head  
38 of the department” or similar designation occurs, for the purposes of this section it  
39 shall mean the director.

40 **Comment.** Section 706 is amended to make stylistic changes and improve its clarity, without  
41 making any substantive change.

1 **Fish & Game Code § 716.3 (amended). Definitions**

2 SEC. \_\_\_\_ . Section 716.3 of the Fish and Game Code is amended to read:

3 716.3. For purposes of this chapter, the following terms have the following  
4 meanings:

5 (a) “Board” means the board of compact administrators established pursuant to  
6 Section 716.8.

7 (b) “Citation” means any summons, complaint, ticket, penalty assessment, or  
8 other official document issued to a person by a wildlife officer or other peace  
9 officer for a wildlife violation pertaining to sport fishing, hunting, or trapping,  
10 which contains an order requiring the person to respond.

11 (c) “Collateral” means any cash or other security deposited to secure an  
12 appearance for trial in connection with the issuance by a wildlife officer or other  
13 peace officer of a citation for a wildlife violation.

14 (d) “Compact manual” is a manual used and adopted by the participating states  
15 that prescribes the procedures to be followed in administering the wildlife violator  
16 compact in participating states.

17 (e) “Compliance,” with respect to a citation, means the act of answering a  
18 citation through an appearance in a court or tribunal, or through the payment of  
19 fines, penalties, costs, and surcharges, if any.

20 (f) “Conviction” means a conviction, including, but not limited to, any court  
21 conviction for an offense related to sport fishing, hunting, or trapping, that is  
22 prohibited by statute, ordinance, or administrative rule or regulation, that involves  
23 the forfeiture of any bail, bond, or other security deposited to secure appearance  
24 by a person charged with having committed any such offense, the payment of a  
25 penalty assessment, a plea of nolo contendere, and the imposition of a deferred or  
26 suspended sentence by the court.

27 (g) “Court” means a court of law, including magistrate’s court and the justice of  
28 the peace court.

29 (h) “Home state” means the state of primary residence of a person.

30 (i) “Issuing state” means the participating state that issues a wildlife citation to  
31 the violator.

32 (j) “License” means any license, permit, entitlement to use, or other public  
33 document that conveys to the person to whom it is issued the privilege of sport  
34 fishing, hunting, or trapping, that is regulated by statute, ordinance, or  
35 administrative rule or regulation of a participating state.

36 (k) “Licensing authority,” with reference to this state, means the ~~Department of~~  
37 ~~Fish and Game~~ department, which is the state agency authorized by law to issue or  
38 approve licenses or permits to sport fish, hunt, or trap.

39 (l) “Participating state” means any state that enacts legislation to become a  
40 member of the wildlife compact.

41 (m) “Personal recognizance” means an agreement by a person made at the time  
42 of issuance of the wildlife citation that the person will comply with the terms of  
43 the citation.

1 (n) “State” means any state, territory, or possession of the United States, the  
2 District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada,  
3 and other countries.

4 (o) “Suspension” means any revocation, denial, or withdrawal of any or all  
5 license privileges, including the privilege to apply for, purchase, or exercise the  
6 benefits conferred by any license for sport fishing, hunting, or trapping.

7 (p) “Terms of the citation” means those conditions and options expressly stated  
8 upon a citation.

9 (q) “Wildlife” means all species of animals including, but not limited to,  
10 mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are  
11 defined as “wildlife” and are protected or otherwise regulated by statute,  
12 ordinance, or administrative rule or regulation in a participating state. The species  
13 included in the definition of “wildlife” vary from state to state and the  
14 determination of whether a species is “wildlife” for the purposes of this compact  
15 shall be based on the law of the participating state.

16 (r) “Wildlife law” means any statute, regulation, ordinance, or administrative  
17 rule or regulation developed and enacted for the management of wildlife resources  
18 and the uses thereof.

19 (s) “Wildlife officer” means any individual authorized in this state to issue a  
20 citation for a wildlife violation.

21 (t) “Wildlife violation” means the violation of a statute, ordinance, or  
22 administrative rule or regulation developed and enacted for the management of  
23 wildlife resources and the uses thereof pertaining to sport fishing, hunting, and  
24 trapping and for which a prosecution is initiated.

25 **Comment.** Subdivision (k) of Section 716.3 is amended to correct an obsolete reference to the  
26 Department of Fish and Game. See Section 37 (“department” means Department of Fish and  
27 Wildlife).

28 **Fish & Game Code § 853 (amended). Employee deputized to check sport fishing licenses**

29 SEC. \_\_\_\_\_. Section 853 of the Fish and Game Code is amended to read:

30 853. (a) The director may deputize any employee of the department to check  
31 persons for licenses required under Section 7145 and to enforce any violation of  
32 that section.

33 (b) Before a person is deputized pursuant to this section for the first time, the  
34 person shall have satisfactorily completed a training course meeting the minimum  
35 standards of, and comparable to, the training for “level III reserve” as set forth in  
36 the regulations of the Commission on Peace Officer Standards and Training.

37 (c) ~~Any A~~ person who is deputized for ~~this the~~ limited purpose ~~pursuant to this~~  
38 ~~section,~~ stated in subdivision (a) may not enforce any other provision of this code,  
39 ~~and is not.~~ Being deputized under this section does not make a person a peace  
40 officer subject to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2  
41 of the Penal Code.

1 **Comment.** Section 853 is amended to add subdivision designations, make stylistic changes,  
2 and otherwise improve its clarity, without making any substantive change.

3 **Fish & Game Code § 854 (amended). Minimum age of wildlife officer**

4 SEC. \_\_\_\_\_. Section 854 of the Fish and Game Code is amended to read:

5 854. Notwithstanding Section 18932 of the Government Code, the minimum age  
6 limit for appointment to the position of fish and game warden of the ~~Department~~  
7 ~~of Fish and Game~~ department shall be 18 years. Any examination for the position  
8 of warden shall require a demonstration of the physical ability to effectively carry  
9 out the duties and responsibilities of the position in a manner that would not  
10 inordinately endanger the health or safety of any warden or the health and safety  
11 of others.

12 **Comment.** Section 854 is amended to correct an obsolete reference to the Department of Fish  
13 and Game. See Section 37 (“department” means Department of Fish and Wildlife).

14 **Fish & Game Code § 857 (amended). Entry onto private land**

15 SEC. \_\_\_\_\_. Section 857 of the Fish and Game Code is amended to read:

16 857. (a) Notwithstanding any other provision of law, the status of a person as an  
17 employee, agent, or licensee of the department does not confer upon that person a  
18 special right or privilege to knowingly enter private land without ~~either~~ the consent  
19 of the owner ~~or~~ , a search warrant, or an inspection warrant.

20 (b)(1) Subdivision (a) does not apply to employees, agents, or licensees of the  
21 department in the event of an emergency. For purposes of this section,  
22 “emergency” means a sudden, unexpected occurrence, involving a clear and  
23 imminent danger demanding immediate action to prevent or mitigate loss of, or  
24 damage to, wildlife, wildlife resources, or wildlife habitat.

25 (2) (c) Subdivision (a) does not apply to a sworn peace officer authorized  
26 pursuant to subdivision (e) of Section 830.2 of the Penal Code or, if necessary for  
27 law enforcement purposes, to other departmental personnel accompanying a sworn  
28 peace officer. Subdivision (a) shall not be construed to define or alter any  
29 authority conferred on those peace officers by any other law or court decision.

30 (3) (d) Subdivision (a) does not apply to, or interfere with, the authority of  
31 employees or licensees to enter and inspect land in conformance with Section  
32 4604 of the Public Resources Code.

33 (e) This section is not intended to expand or constrain the authority, if any, of  
34 employees, agents, or licensees of the department to enter private land to conduct  
35 inspections pursuant to Section 7702 of this code or Section 8670.5, 8670.7, or  
36 8670.10 of the Government Code.

37 (e) (f) If the department conducts a survey or evaluation of private land that  
38 results in the preparation of a document or report, the department shall, upon  
39 request and without undue delay, provide either a copy of the report or a written  
40 explanation of the department’s legal authority for denying the request. The

1 department may charge a fee for each copy, not to exceed the direct costs of  
2 duplication.

3 **Comment.** Section 857 is amended to correct a grammatical error in subdivision (a), revise  
4 subdivision and paragraph designations, and make nonsubstantive stylistic changes.

5 **Fish & Game Code § 1000 (amended). Expenditure of funds**

6 SEC. \_\_\_\_\_. Section 1000 of the Fish and Game Code is amended to read:

7 1000. The department shall expend ~~such~~ funds ~~as may be~~ necessary for  
8 biological research and field investigation and for the collection and diffusion of  
9 ~~such~~ statistics and information ~~as shall~~ that pertain to the conservation,  
10 propagation, protection, and perpetuation of birds and ~~the~~ their nests and eggs  
11 ~~thereof~~, and of mammals, reptiles, amphibians, and fish.

12 **Comment.** Section 1000 is amended to add amphibians.

13 The section is also amended to make nonsubstantive stylistic changes.

14 **Fish & Game Code § 1003 (amended). Transportation pursuant to permit**

15 SEC. \_\_\_\_\_. Section 1003 of the Fish and Game Code is amended to read:

16 1003. Mammals, birds, and ~~the nest~~ their nests and eggs ~~thereof~~, fish and their  
17 eggs ~~thereof~~, reptiles, amphibians, mollusks, crustaceans, or any other form of  
18 plant or animal life taken under the provisions of ~~such~~ a scientific or propagation  
19 permit issued pursuant to Section 1002 may be shipped or transported anywhere  
20 within or without the state if prior written approval is obtained from the  
21 department and ~~each such~~ the shipment is accompanied by the name, address, and  
22 permit number of the person holding the scientific or propagation permit.

23 **Comment.** Section 1003 is amended to add amphibians.

24 The section is also amended to make nonsubstantive stylistic changes.

25 **Fish & Game Code § 1053.5 (amended). Hunter education**

26 SEC. \_\_\_\_\_. Section 1053.5 of the Fish and Game Code is amended to read:

27 1053.5. Applicants for hunting licenses ~~pursuant to subdivision (a) of Section~~  
28 ~~1053~~ shall first satisfactorily complete a hunter education equivalency  
29 examination and obtain a certificate of equivalency as provided by regulations  
30 adopted by the commission, or show proof of completion of a hunter education  
31 training course, or show a previous year's hunting license.

32 **Comment.** Section 1053.5 is amended to correct an erroneous cross-reference.

33 **Fish & Game Code § 1055.3 (amended). Wildlife area passes and native species stamps**

34 SEC. \_\_\_\_\_. Section 1055.3 of the Fish and Game Code is amended to read:

35 1055.3. The department may authorize any person, except a commissioner or an  
36 officer or employee of the department, to issue, as an agent of the department,  
37 annual wildlife area passes and native species stamps, and to sell promotional  
38 materials and nature study aids pursuant to, and subject to the requirements of, this  
39 article. Any agent thus authorized may add a handling charge pursuant to

1 ~~subdivision (b)~~ subdivisions (f), (g), and (h) of Section 1055 or subdivisions (d),  
2 (e), and (f) of Section 1055.1 to the fee prescribed in Article 3 (commencing with  
3 Section 1760) of Chapter 7.5 of Division 2 for each annual wildlife area pass or  
4 native species stamp issued.

5 **Comment.** Section 1055.3 is amended to correct an erroneous cross-reference.

6 **Fish & Game Code § 1058 (amended). Preferred claim**

7 SEC. \_\_\_\_\_. Section 1058 of the Fish and Game Code is amended to read:

8 1058. In case of an assignment for the benefit of creditors, receivership, or  
9 bankruptcy, the state shall have a preferred claim against the license agent's  
10 assignee, receiver, or trustee for all moneys owing the state for the issuing of  
11 licenses, permits, reservations, tags, and other entitlements as provided in this  
12 code and shall not be estopped from asserting that claim by reason of the  
13 commingling of funds or otherwise.

14 **Comment.** Section 1058 is amended to add an inadvertently omitted word.

15 **Fish & Game Code § 1061 (amended). License voucher**

16 SEC. \_\_\_\_\_. Section 1061 of the Fish and Game Code is amended to read:

17 1061. (a) The department may allow a person to purchase a license voucher as a  
18 gift for a licensee when the licensee's complete and accurate personal information,  
19 as defined in regulation, is not provided by the license buyer at the time of  
20 purchase.

21 (b) A license purchase voucher entitles the holder of the voucher to redeem it for  
22 the specific license, permit, tag, or other privilege or entitlement, and license year  
23 for which it was purchased.

24 (c) A license purchase voucher shall expire and be considered void if not  
25 redeemed within the license year for which it was purchased.

26 (d) A license purchase voucher may be issued and redeemed by any person  
27 authorized by the department to issue licenses.

28 (e) The license agent handling fee, as provided under ~~subdivision (b)~~  
29 subdivisions (d), (e), and (f) of Section 1055.1, shall only apply to the sale of the  
30 license purchase voucher.

31 (f) This section applies only to licenses, permits, reservations, tags, and other  
32 entitlements issued through the Automated License Data System.

33 **Comment.** Subdivision (e) of Section 1061 is amended to correct an erroneous cross-reference.

34 **Fish & Game Code § 1227 (amended). Funding agreements**

35 SEC. \_\_\_\_\_. Section 1227 of the Fish and Game Code is amended to read:

36 1227. Notwithstanding any other provision of law, the department may enter  
37 into one or more agreements with any person, nonprofit organization, or other  
38 public or private entity, as may be appropriate, to assist the department in its  
39 efforts to secure long-term private funding sources for purposes relating to  
40 conservation programs, projects, and activities by the department. The authority to

1 enter into agreements ~~for the purposes of~~ under this section shall include, but not  
2 be limited to, ~~for the purposes of securing the authority to secure~~ donations,  
3 memberships, corporate and individual sponsorships, and marketing and licensing  
4 agreements.

5 **Comment.** Section 1227 is amended to improve its clarity without making any substantive  
6 change.

7 **Fish & Game Code § 2000 (amended). Unauthorized take**

8 SEC. \_\_\_\_\_. Section 2000 of the Fish and Game Code is amended to read:

9 2000. (a) It is unlawful to take any bird, mammal, fish, reptile, or amphibian  
10 except as provided in this code or ~~regulations made pursuant thereto~~ in a  
11 regulation adopted pursuant to this code.

12 (b) Possession of a bird, mammal, fish, ~~or~~ reptile, ~~or amphibian or parts thereof~~  
13 in or on the fields, forests, or waters of this state, or while returning therefrom with  
14 fishing or hunting equipment, is prima facie evidence the possessor took the bird,  
15 mammal, fish, ~~or~~ reptile, ~~or amphibian or parts thereof.~~

16 **Comment.** Subdivision (b) of Section 2000 is amended to add amphibians, and to delete  
17 superfluous references to animal parts. See Section 80 (reference to animal generally includes  
18 part of animal).

19 Section 2000 is also amended to add subdivision designations and make nonsubstantive  
20 stylistic changes.

21 **Fish & Game Code § 2001 (amended). Season and possession limits**

22 SEC. \_\_\_\_\_. Section 2001 of the Fish and Game Code is amended to read:

23 2001. (a) It is unlawful to take ~~mammals, birds, fish, reptiles, and amphibians a~~  
24 mammal, bird, fish, reptile, or amphibian outside of established seasons or to  
25 exceed any bag limit or possession limit established in this code or by ~~regulations~~  
26 a regulation adopted by the commission. Violation of any established season, bag  
27 limit, or possession limit may be charged as a violation of this section or of the  
28 specific code section or regulation that establishes the season or limit.

29 (b) ~~Unless otherwise provided, it is unlawful to possess fish, reptiles, or~~  
30 ~~amphibians except during the open season where taken and for 10 days thereafter;~~  
31 ~~and not more than the possession limit thereof may be possessed during the period~~  
32 after the close of the open season. Unless otherwise provided, it is unlawful to  
33 possess a fish, reptile, or amphibian, except during the open season where the fish,  
34 reptile, or amphibian was taken or during the 10-day period immediately following  
35 that open season. Any possession limit applicable during the open season applies  
36 during that 10-day period.

37 (c) Except as provided in Section 3080, it is unlawful to possess ~~game birds a~~  
38 game bird or ~~mammals~~ mammal except during the open season where taken.

39 **Comment.** Section 2001 is amended to improve its clarity and make stylistic changes, without  
40 making any substantive change.

1 **Fish & Game Code § 2002 (amended). Unlawful possession**

2 SEC. \_\_\_\_\_. Section 2002 of the Fish and Game Code is amended to read:

3 2002. It is unlawful to possess any bird, mammal, fish, reptile, or amphibian, ~~or~~  
4 ~~parts thereof~~, taken in violation of any of the ~~provisions~~ provision of this code, or  
5 ~~of any regulation made under it~~ adopted pursuant to this code.

6 **Comment.** Section 2002 is amended to delete a superfluous reference to animal parts. See  
7 Section 80 (reference to animal generally includes part of animal).

8 The section is also amended to make nonsubstantive stylistic changes.

9 **Fish & Game Code § 2003 (amended). Prize**

10 SEC. \_\_\_\_\_. Section 2003 of the Fish and Game Code is amended to read:

11 2003. (a) Except as specified in subdivisions (b), (c), and (d), it is unlawful to  
12 offer any prize or other inducement as a reward for the taking of any game ~~birds,~~  
13 ~~mammals, fish, reptiles, or amphibians~~ bird, mammal, fish, reptile, or amphibian  
14 in an individual contest, tournament, or derby.

15 (b) The department may issue a permit to any person authorizing that person to  
16 offer a prize or other inducement as a reward for the taking of any game fish, as  
17 defined by the commission by regulation, if it finds that there would be no  
18 detriment to the resource. The permit is subject to regulations adopted by the  
19 commission. The application for the permit shall be accompanied by a fee in the  
20 amount determined by the department as necessary to cover the reasonable  
21 administrative costs incurred by the department in issuing the permit. However,  
22 the department may waive the permit fee if the contest, tournament, or derby is for  
23 persons who are under the age of 16 years, ~~or who are physically or mentally~~  
24 ~~challenged~~, have a physical or mental disability, and the primary purpose of the  
25 contest, tournament, or derby is to introduce young ~~those~~ anglers to, or educate  
26 them about fishing. All permits for which the fee is waived pursuant to this  
27 subdivision shall comply with all other requirements set forth in this section.

28 (c) This section does not apply to any person conducting what are generally  
29 known as frog-jumping contests, or fish contests conducted in waters of the  
30 Pacific Ocean.

31 (d) This section does not apply to any person conducting an individual contest,  
32 tournament, or derby for the taking of a game ~~birds and mammals~~ bird or  
33 mammal, if the total value of all prizes or other inducements is less than five  
34 hundred dollars (\$500) for the individual contest, tournament, or derby.

35 **Comment.** Section 2003 is amended to improve its clarity and make stylistic changes, without  
36 making any substantive change.

37 **Fish & Game Code § 2005 (amended). Lights**

38 SEC. \_\_\_\_\_. Section 2005 of the Fish and Game Code is amended to read:

39 2005. (a) Except as otherwise authorized by this section, it is unlawful to use an  
40 artificial light to assist in the taking of any game ~~birds~~ bird, game ~~mammals~~  
41 mammal, or game fish, ~~except that this section shall not apply to sport fishing in~~

1 ~~ocean waters or other waters where night fishing is permitted if the lights are not~~  
2 ~~used on or as part of the fishing tackle, commercial fishing, nor to the taking of~~  
3 ~~mammals, the taking of which is governed by Article 2 (commencing with Section~~  
4 ~~4180) of Chapter 3 of Part 3 of Division 4.~~

5 (b) It is unlawful for any person, or one or more persons, to throw or cast the  
6 rays of any spotlight, headlight, or other artificial light on any highway or in any  
7 field, woodland, or forest where game mammals, fur-bearing mammals, or  
8 nongame mammals are commonly found, or upon any game mammal, fur-bearing  
9 mammal, or nongame mammal, while having in his or her possession or under his  
10 or her control any firearm or weapon with which that mammal could be killed,  
11 even though the mammal is not killed, injured, shot at, or otherwise pursued.

12 ~~(c) It is unlawful to use or possess at any time any infrared or similar light used~~  
13 ~~in connection with an electronic viewing device or any night vision equipment,~~  
14 ~~optical devices, including, but not limited to, binoculars or scopes, that use light-~~  
15 ~~amplifying circuits that are electrical or battery powered, to assist in the taking of~~  
16 ~~birds, mammals, amphibians, or fish.~~

17 (c) It is unlawful to use or possess any night vision equipment to assist in the  
18 taking of any bird, mammal, amphibian, reptile, or fish. For purposes of this  
19 subdivision, “night vision equipment” includes but is not limited to the following:

20 (1) Any infrared or similar light, used in connection with an electronic viewing  
21 device.

22 (2) Any optical device, including but not limited to binoculars or a scope, that  
23 uses electrical or battery powered light amplifying circuits.

24 ~~(d) The provisions of this section do not apply to any of the following:~~

25 ~~(1) The use of a hand held flashlight no larger, nor emitting more light, than a~~  
26 ~~two cell, three volt flashlight, provided that light is not affixed in any way to a~~  
27 ~~weapon, or to the use of a lamp or lantern that does not cast a directional beam of~~  
28 ~~light.~~

29 ~~(2) Headlights of a motor vehicle operated in a usual manner where there is no~~  
30 ~~attempt or intent to locate a game mammal, fur bearing mammal, or nongame~~  
31 ~~mammal.~~

32 ~~(3) To the owner, or his or her employee, of land devoted to the agricultural~~  
33 ~~industry while on that land, or land controlled by such an owner and in connection~~  
34 ~~with the agricultural industry.~~

35 ~~(4) To those other uses as the commission may authorize by regulation.~~

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

37 (1) Sport fishing in ocean waters, or other waters where night fishing is  
38 permitted, if an artificial light is not used on or as part of the fishing tackle.

39 (2) Commercial fishing.

40 (3) The taking of mammals governed by Article 2 (commencing with Section  
41 4180) of Chapter 3 of Part 3 of Division 4.

42 (4) The use of a hand-held flashlight that is no larger and emits no more light  
43 than a two-cell, three-volt flashlight, and is not affixed to a weapon.

1 (5) The use of a lamp or lantern that does not cast a directional beam of light.

2 (6) Headlights of a motor vehicle that are operated in a usual manner and  
3 without attempt or intent to locate a game mammal, fur-bearing mammal, or  
4 nongame mammal.

5 (7) An owner of land devoted to the agricultural industry, or his or her  
6 employee, while on that land.

7 (8) An owner of land devoted to the agricultural industry, or the owner's  
8 employee, while on land controlled by the owner in connection with the  
9 agricultural industry.

10 (9) Other uses as the commission may authorize by regulation.

11 (e) A person shall not be arrested for violation of this section except by a peace  
12 officer.

13 **Comment.** Subdivision (c) of Section 2005 is amended to add reptiles.

14 Section 2005 is further amended to improve its clarity and make stylistic changes, without  
15 making any substantive change.

16 **Fish & Game Code § 2010 (amended). Prohibited shotguns**

17 SEC. \_\_\_\_\_. Section 2010 of the Fish and Game Code is amended to read:

18 2010. (a) It is unlawful to use or possess a shotgun larger than 10-gauge, or to  
19 use or possess a shotgun capable of holding more than six cartridges at one time to  
20 take any mammal or bird. ~~However, the commission may, after public hearing,~~  
21 ~~adopt regulations relative to the ammunition capacity of shotguns for taking~~  
22 ~~mammals or birds that are further restrictive or that it determines may be needed to~~  
23 ~~conform to federal law.~~

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

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

31 **Comment.** Section 2010 is amended to add subdivision designations and improve its clarity,  
32 without making any substantive change.

33 **Fish & Game Code § 2013 (amended). Possession of animals taken out of state**

34 SEC. \_\_\_\_\_. Section 2013 of the Fish and Game Code is amended to read:

35 2013. Unless otherwise provided, the provisions of this code relating to the  
36 possession of birds, mammals, fish, reptiles, ~~amphibia, or parts thereof~~ or  
37 amphibians apply to birds, mammals, fish, reptiles, ~~amphibia, or parts thereof~~ or  
38 amphibians taken either in or outside of this state.

39 **Comment.** Section 2013 is amended to delete superfluous references to animal parts. See  
40 Section 80 (reference to animal generally includes part of animal).

41 The section is also amended to make nonsubstantive stylistic changes.

1 **Fish & Game Code § 2014 (amended). Civil action to recover damages**

2 SEC. \_\_\_\_\_. Section 2014 of the Fish and Game Code is amended to read:

3 2014. (a) It is the policy of this state to conserve its natural resources and to  
4 prevent the willful or negligent destruction of birds, mammals, fish, reptiles, or  
5 amphibia.

6 (b) The state may recover damages in a civil action against any person or local  
7 agency ~~which that~~ unlawfully or negligently takes or destroys any bird, mammal,  
8 fish, reptile, or amphibian protected by the laws of this state.

9 ~~(b) (c)~~ (c) The measure of damages is the amount ~~which that~~ will compensate for all  
10 the detriment proximately caused by the taking or destruction ~~of the birds,~~  
11 ~~mammals, fish, reptiles, or amphibia.~~

12 ~~(e) (d)~~ (d) An action to recover damages under this section shall be brought in the  
13 name of the people of the state, in a court of competent jurisdiction in the county  
14 in which the cause of action arose. The State Water Resources Control Board shall  
15 be notified of, and may join in, any action brought under this section when the  
16 activities alleged to have caused the destruction of any bird, mammal, fish, reptile,  
17 or amphibian may involve either the unlawful discharge of pollutants into the  
18 waters of the state or other violation of Division 7 (commencing with Section  
19 13000) of the Water Code.

20 ~~(d) This section does not apply to persons or local agencies engaged in~~  
21 ~~agricultural pest control, to the destruction of fish in irrigation canals or works or~~  
22 ~~irrigation drainages, or to the destruction of birds or mammals killed while~~  
23 ~~damaging crops as provided by law.~~

24 (e) This section does not apply to any of the following:

25 (1) Persons or local agencies engaged in agricultural pest control.

26 (2) The destruction of fish in irrigation canals or works, or irrigation drainages.

27 (3) The lawful destruction of a bird or mammal killed while damaging crops.

28 ~~(e) (f)~~ (f) No damages may be recovered against a local agency pursuant to this  
29 section if civil penalties are assessed against the local agency for the same  
30 detriment pursuant to Division 7 (commencing with Section 13000) of the Water  
31 Code.

32 ~~(f) (g)~~ (g) Any recovery or settlement of money damages, including, but not limited  
33 to, civil penalties, arising out of any civil action filed and maintained by the  
34 Attorney General in the enforcement of this section shall be deposited by the  
35 department in the subaccounts of the Fish and Wildlife Pollution Account in the  
36 Fish and Game Preservation Fund as specified in Section 13011.

37 ~~(g) (h)~~ (h) For purposes of this section, “local agency” includes any city, county,  
38 city and county, district, public authority, or other political subdivision.

39 **Comment.** Section 2014 is amended to add an inadvertently omitted word in subdivision (c),  
40 revise subdivision designations, add paragraph designations, and make nonsubstantive stylistic  
41 changes.

1 **Fish & Game Code § 2015 (amended). Possession in restaurant**

2 SEC. \_\_\_\_\_. Section 2015 of the Fish and Game Code is amended to read:

3 2015. It (a) Except as otherwise provided in this section, it is unlawful to possess  
4 any bird, mammal, fish, ~~or~~ amphibian, or reptile which that may not be legally  
5 sold, in any restaurant or other eating establishment unless the possession is by the  
6 person who lawfully took or otherwise legally possessed the bird, mammal, fish,  
7 or amphibian or is by a person preparing the bird, mammal, fish or amphibian for  
8 consumption by the person who lawfully took or possessed it, or such person and  
9 others, and the person who took or possessed it is present on the premises.

10 (b) This section does not apply to any of the following:

11 (1) A person who lawfully took or otherwise legally possessed the bird,  
12 mammal, fish, amphibian, or reptile.

13 (2) A person preparing the bird, mammal, fish, amphibian, or reptile for  
14 consumption by the person who lawfully took or possessed it, or by that person  
15 and others, if the person who took or possessed it is present on the premises.

16 ~~This section does not apply to birds, mammals, fish or amphibia in a restaurant~~  
17 ~~or other eating establishment which are tagged with a signed statement of the~~  
18 ~~name and address of the person who took them, the date taken, and the total~~  
19 ~~number and kind of birds, mammals, fish or amphibia.~~

20 (3) A bird, mammal, fish, amphibian, or reptile tagged with a signed statement  
21 of the person who took the bird, mammal, fish, or amphibian, stating that person's  
22 name and address, the date taken, and the total number and kind taken.

23 **Comment.** Section 2015 is amended to add reptiles.

24 The section is also amended to add subdivision and paragraph designations and otherwise  
25 improve its clarity, without making any substantive change.

26 **Fish & Game Code § 2016 (amended). Unlawful entry onto land**

27 SEC. \_\_\_\_\_. Section 2016 of the Fish and Game Code is amended to read:

28 ~~2016. It is unlawful to enter any lands under cultivation or enclosed by a fence,~~  
29 ~~belonging to, or occupied by, another, or to enter any uncultivated or unenclosed~~  
30 ~~lands, including lands temporarily inundated by waters flowing outside the~~  
31 ~~established banks of a river, stream, slough, or other waterway, where signs~~  
32 ~~forbidding trespass or hunting, or both, are displayed at intervals not less than~~  
33 ~~three to the mile along all exterior boundaries and at all roads and trails entering~~  
34 ~~those lands, for the purpose of discharging any firearm or taking or destroying any~~  
35 ~~mammal or bird, including any waterfowl, on those lands without having first~~  
36 ~~obtained written permission from the owner, or his or her agent, or the person in~~  
37 ~~lawful possession of, those lands. Signs may be of any size and wording that will~~  
38 ~~fairly advise persons about to enter the land that the use of the land is so restricted.~~

39 It is unlawful to enter any land for the purpose of discharging any firearm or  
40 taking or destroying any mammal or bird, including any waterfowl, on that land,  
41 without having first obtained written permission from the owner, the owner's

1 agent, or the person in lawful possession of that land, if any of the following is  
2 true:

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

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

11 **Comment.** Section 2016 is amended to add subdivision designations and otherwise improve its  
12 clarity, without making any substantive change.

13 **Fish & Game Code § 2348 (amended). Packaging of transported animals**

14 SEC. \_\_\_\_ . Section 2348 of the Fish and Game Code is amended to read:

15 ~~2348. (a) Any package in which birds, mammals, fish, reptiles, or amphibians,~~  
16 ~~or parts thereof, are offered for transportation to, or are transported or received for~~  
17 ~~transportation by, a common carrier or his or her agent shall bear the name and~~  
18 ~~address of the shipper and of the consignee and an accurate description of the~~  
19 ~~numbers and kinds of birds, mammals, fish, reptiles, or amphibians contained~~  
20 ~~therein clearly and conspicuously marked on the outside thereof.~~

21 The outside of any package offered to or received by a common carrier or the  
22 carrier's agent for transportation, or transported by a common carrier or agent, that  
23 contains a bird, mammal, fish, reptile, or amphibian, shall clearly and  
24 conspicuously indicate the following:

25 (1) The name and address of the shipper.

26 (2) The name and address of the consignee.

27 (3) The number and kind of birds, mammals, fish, reptiles, and amphibians  
28 contained in the package.

29 (b) Licensed commercial fishermen and licensed commercial fish dealers are  
30 subject to all of the provisions of this section, except that commercial shipments of  
31 fish may be indicated by total net weight of each species instead of by numbers.

32 **Comment.** Section 2348 is amended to delete a superfluous reference to animal parts. See  
33 Section 80 (reference to animal generally includes part of animal).

34 The section is also amended to add paragraph designations and otherwise improve its clarity,  
35 without making any substantive change.

36 **Fish & Game Code § 2350 (amended). Export of deer or game bird**

37 SEC. \_\_\_\_ . Section 2350 of the Fish and Game Code is amended to read:

38 ~~2350. It is unlawful to transport or carry out of this State~~ state ~~any deer or game~~  
39 ~~bird, or parts thereof, except by the holder of a nonresident hunting license or~~  
40 ~~under a written permit issued by the department.~~

41 **Comment.** Section 2350 is amended to delete a superfluous reference to animal parts. See  
42 Section 80 (reference to animal generally includes part of animal).

1 The section is also amended to make a nonsubstantive stylistic change.

2 **Fish & Game Code § 2363 (amended). Import of striped bass, sturgeon, or shad**

3 SEC. \_\_\_\_\_. Section 2363 of the Fish and Game Code is amended to read:

4 2363. Striped bass, sturgeon, or shad ~~or parts thereof~~ legally taken in another  
5 state, ~~which~~ that permits the sale of that fish, may be imported into the state under  
6 regulations of the commission. Before the commission adopts any regulation  
7 pursuant to this section, a public hearing shall be held in the San Francisco or  
8 Sacramento area.

9 **Comment.** Section 2363 is amended to delete a superfluous reference to animal parts. See  
10 Section 80 (reference to animal generally includes part of animal).

11 The section is also amended to make nonsubstantive stylistic changes.

12 **Fish & Game Code § 2400 (amended). Transportation of dead birds and mammals**

13 SEC. \_\_\_\_\_. Section 2400 of the Fish and Game Code is amended to read:

14 2400. (a) Common carriers may transport ~~at any time~~ the carcasses ~~or parts~~  
15 ~~thereof~~ of dead domesticated game birds and mammals tagged with a  
16 domesticated game breeder's tag as provided in Article 1 (commencing with  
17 Section 3200), ~~of Chapter 2, of Part 1, of Division 4.~~

18 ~~In addition, a~~ (b) A tag or label shall be affixed to every package containing  
19 such carcass or part, which shall a carcass transported pursuant to subdivision (a),  
20 which shall state all of the following:

21 ~~(a) (1) Give the~~ The names of the person to whom the game breeder's license  
22 was issued, of the person by whom such game was killed the person that killed the  
23 game bird or mammal, of the person to whom such game the game bird or  
24 mammal is consigned, and of the person by whom such game was tagged who  
25 tagged the game bird or mammal.

26 ~~(b) Give the~~ (2) The number of carcasses or portions thereof contained in the  
27 package.

28 ~~(c) State that~~ (3) That the game birds or mammals were killed and tagged in  
29 accordance with the provisions of Article 1 (commencing with Section 3200), of  
30 Chapter 2, of Part 1, of Division 4.

31 **Comment.** Section 2400 is amended to delete superfluous references to animal parts. See  
32 Section 80 (reference to animal generally includes part of animal).

33 The section is also amended to revise subdivision designations, and make nonsubstantive  
34 stylistic changes.

35 **Fish & Game Code § 3003 (amended). Remote use of computer or other device**

36 SEC. \_\_\_\_\_. Section 3003 of the Fish and Game Code is amended to read:

37 3003. (a) It is unlawful for any person to shoot, shoot at, or kill any bird or  
38 mammal with any gun or other device accessed via an Internet connection in this  
39 state.

1 (b) It is ~~furth~~er unlawful for any person, firm, corporation, partnership, limited  
2 liability company, association, or other business entity to do either of the  
3 following:

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

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

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

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

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

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

21 **Comment.** Section 3003 is amended to delete superfluous references to animal parts. See  
22 Section 80 (reference to animal generally includes part of animal).

23 The section is also amended to make nonsubstantive stylistic changes.

24 **Fish & Game Code § 3004 (amended). Use of weapon near occupied building or public way**

25 SEC. \_\_\_\_\_. Section 3004 of the Fish and Game Code is amended to read:

26 3004. (a) ~~It is unlawful for any person, other than the owner, person in~~  
27 ~~possession of the premises, or a person having the express permission of the owner~~  
28 ~~or person in possession of the premises, to hunt or to discharge while hunting, any~~  
29 ~~firearm or other deadly weapon within 150 yards of any occupied dwelling house,~~  
30 ~~residence, or other building or any barn or other outbuilding used in connection~~  
31 ~~therewith. It is unlawful for any person, other than the owner, person in possession~~  
32 ~~of the premises, or a person having the express permission of the owner or person~~  
33 ~~in possession of the premises, while within 150 yards of an occupied dwelling~~  
34 ~~house, residence, or other building, or within 150 yards of a barn or other~~  
35 ~~outbuilding used in connection with an occupied dwelling house, residence, or~~  
36 ~~other building, to either hunt or discharge a firearm or other deadly weapon while~~  
37 ~~hunting. The 150-yard area is a “safety zone.”~~

38 (b) It is unlawful for any person to intentionally discharge any firearm or release  
39 any arrow or crossbow bolt over or across any public road or other established  
40 way open to the public in an unsafe and reckless manner.

41 **Comment.** Subdivision (a) of Section 3004 is amended to improve its clarity, without making  
42 any substantive change.

1 **Fish & Game Code § 3005 (amended). Employee deputized to check sport fishing licenses**

2 SEC. \_\_\_\_ . Section 3005 of the Fish and Game Code is amended to read:

3 3005. (a) ~~It is unlawful to take birds or mammals with any net, pound, cage,~~  
4 ~~trap, set line or wire, or poisonous substance, or to possess birds or mammals so~~  
5 ~~taken, whether taken within or without this state, except as provided in this code~~  
6 ~~or, when relating to ongoing mining operations, in accordance with a mitigation~~  
7 ~~plan approved by the department. Except as otherwise provided in this code, it is~~  
8 ~~unlawful to take a bird or mammal with a net, pound, cage, trap, set line or wire,~~  
9 ~~or poisonous substance, or to possess a bird or mammal so taken, whether taken~~  
10 ~~within or without this state.~~

11 ~~(b)(1) Mitigation plans relating to mining operations approved by the~~  
12 ~~department shall, among other criteria, require avoidance of take, where feasible,~~  
13 ~~and include reasonable and practicable methods of mitigating the unavoidable take~~  
14 ~~of birds and mammals. When approving mitigation plans, the department shall~~  
15 ~~consider the use of the best available technology on a site specific basis.~~

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

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

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

33 ~~(5) The mining operator shall reimburse the department for its direct costs to~~  
34 ~~provide appropriate notice of the mitigation plan to affected local government~~  
35 ~~entities and other affected parties. The mine operator shall provide the department~~  
36 ~~a limited number of copies, as determined by the department, of the mitigation~~  
37 ~~plan for public review.~~

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

42 ~~(b) In the absence of evidence that a bird or mammal was taken by means other~~  
43 ~~than a net, pound, cage, trap, set line or wire, or poisonous substance, proof of~~

1 possession of a bird or mammal is prima facie evidence that the bird or mammal  
2 was taken with a net, pound, cage, trap, set line or wire, or poisonous substance.

3 ~~(d) This section does not apply to the lawful taking of fur bearing mammals,~~  
4 ~~nongame birds, nongame mammals, or mammals found to be injuring crops or~~  
5 ~~property, to the taking of birds or mammals under depredation permits, to taking~~  
6 ~~by employees of the department acting in an official capacity, or to taking in~~  
7 ~~accordance with the conditions of a scientific or propagation permit by the holder~~  
8 ~~of that permit.~~

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

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

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

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

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

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

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

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

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

29 (3) The mine operator shall prepare a mitigation plan that shall be submitted to  
30 the department for approval. For ongoing mining operations, the mitigation plan  
31 shall result in an overall reduction in take of bird or mammal species. The  
32 department shall provide an opportunity for public review and comment on each  
33 mitigation plan during the department's approval process. The mitigation plan  
34 shall be prepared on a site-specific basis and may provide for offsite mitigation  
35 measures designed to reduce bird mortality. The mine operator shall submit  
36 monthly monitoring reports on bird mortality to the department to aid in  
37 evaluating the effectiveness of onsite mitigation measures.

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

42 (5) The mine operator shall reimburse the department for its direct costs to  
43 provide appropriate notice of the mitigation plan to affected local government

1 entities and other affected parties. The mine operator shall provide the department  
2 a limited number of copies, as determined by the department, of the mitigation  
3 plan for public review.

4 **Comment.** Section 3005 is amended to improve its clarity, without making any substantive  
5 change.

6 **Fish & Game Code § 3006 (amended). Deer, elk, or bear**

7 SEC. \_\_\_\_\_. Section 3006 of the Fish and Game Code is amended to read:

8 3006. Except as authorized under a domesticated game breeder's license, any  
9 deer, elk, or bear kept in captivity may be killed only with the approval of the  
10 department, and ~~under such~~ pursuant to any regulations as that the commission  
11 may ~~prescribe~~ adopt. The carcass, ~~or any part thereof,~~ of any ~~such mammal~~ deer,  
12 elk, or bear kept in captivity may not be sold, and shall be disposed of ~~in such~~  
13 manner as directed by the department may direct.

14 **Comment.** Section 3006 is amended to delete a superfluous reference to animal parts. See  
15 Section 80 (reference to animal generally includes part of animal).

16 The section is also amended to make nonsubstantive stylistic changes.

17 **Fish & Game Code § 3007 (amended). Required license or entitlement**

18 SEC. \_\_\_\_\_. Section 3007 of the Fish and Game Code is amended to read:

19 3007. ~~Except as provided in this code or regulations adopted pursuant thereto,~~  
20 ~~every person who takes any bird or mammal shall procure a license or entitlement~~  
21 ~~therefor.~~ Except as provided in this code or regulations adopted pursuant to this  
22 code, it is unlawful to take any bird or mammal without a license or entitlement to  
23 do so.

24 **Comment.** Section 3007 is amended to improve its clarity, without making any substantive  
25 change.

26 **Fish & Game Code § 3008 (amended). Hunting dogs**

27 SEC. \_\_\_\_\_. Section 3008 of the Fish and Game Code is amended to read:

28 3008. ~~The physical control of a dog by its owner while the dog is engaged in~~  
29 ~~hunting in an area where the owner is otherwise authorized to hunt, shall be as~~  
30 ~~required by this code or regulations made pursuant thereto.~~

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

34 (b) Dogs which are used for hunting which have been vaccinated for rabies in  
35 their county of residence in conformity with state law regulating vaccinations in  
36 rabies areas are not subject to rabies vaccination requirements of local ordinances  
37 outside their county of residence.

38 **Comment.** Section 3008 is amended to improve its clarity, without making any substantive  
39 change.

1 **Fish & Game Code § 3033 (amended). Disabled veteran or recovering service member**

2 SEC. \_\_\_\_\_. Section 3033 of the Fish and Game Code is amended to read:

3 3033. (a) ~~The department shall, upon application and payment of a fee, issue a~~  
4 ~~reduced fee hunting license, that authorizes the licensee to take any bird or~~  
5 ~~mammal as otherwise authorized pursuant to this code and regulations adopted~~  
6 ~~pursuant thereto, to a disabled veteran, as defined in subdivision (b), or to a~~  
7 ~~recovering service member, as defined in subdivision (c), who has not been~~  
8 ~~convicted of any violation of this code. The base license fee for a reduced fee~~  
9 ~~hunting license shall be four dollars (\$4) for the hunting license year beginning on~~  
10 ~~July 1, 1995, and, for the following years, this license fee may be annually~~  
11 ~~reviewed and adjusted in accordance with Section 713. Pursuant to this section,~~  
12 ~~the department shall issue to any disabled veteran or recovering service member~~  
13 ~~who has not been convicted of any violation of this code a reduced fee hunting~~  
14 ~~license that authorizes the licensee to take any bird or mammal as authorized by~~  
15 ~~this code and regulations adopted pursuant to 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 713.

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

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

34 (c) For the purposes of this section, the following terms have the following  
35 meanings:

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

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

41 ~~(d) A person applying for a reduced fee hunting license shall submit to the~~  
42 ~~department adequate documentation for the department to determine whether the~~  
43 ~~person is, in fact, eligible for a reduced fee hunting license. The department shall~~

1 ~~not issue a reduced fee hunting license to any person unless it is satisfied that the~~  
2 ~~person has provided adequate documentation of eligibility for that license.~~

3 (d) A person applying for a reduced fee hunting license shall submit to the  
4 department adequate documentation for the department to determine whether the  
5 person is, in fact, eligible for a reduced fee hunting license. The department shall  
6 not issue a reduced fee hunting license to any person unless it is satisfied that the  
7 person has provided adequate documentation of eligibility for that license.

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

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

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

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

18 **Comment.** Section 3033 is amended to improve its clarity, without making any substantive  
19 change.

20 **Fish & Game Code § 3039 (amended). Purchase or sale of birds or mammals**

21 SEC. \_\_\_\_ . Section 3039 of the Fish and Game Code is amended to read:

22 3039. (a) Except as otherwise provided in this section and Sections 3087 and  
23 4303, or any other provision of this code, or regulations adopted pursuant ~~thereto~~  
24 to any provision of this code, it is unlawful to sell or purchase any species of bird  
25 or mammal ~~or part thereof~~ found in the wild in California.

26 (b) Products or handicraft items made from furbearing mammals and nongame  
27 mammals, ~~their carcass or parts thereof~~, lawfully taken under the authority of a  
28 trapping license, may be purchased or sold at any time.

29 (c) Shed antlers, or antlers taken from domestically reared animals that have  
30 been manufactured into products or handicraft items, or that have been cut into  
31 blocks or units which are to be handcrafted or manufactured into those articles  
32 may be purchased or sold at any time. However, complete antlers, whole heads  
33 with antlers, antlers that are mounted for display, or antlers in velvet may not be  
34 sold or purchased at any time, except as authorized by Section 3087.

35 (d) Notwithstanding Section 3504, inedible parts of domestically raised game  
36 birds may be sold or purchased at any time.

37 (e) Any person who illegally takes any bird or mammal for profit or for personal  
38 gain by engaging in any activity authorized by this section is subject to civil  
39 liability pursuant to Section 2582.

40 **Comment.** Section 3039 is amended to delete superfluous references to animal parts. See  
41 Section 80 (reference to animal generally includes part of animal).

42 The section is also amended to make nonsubstantive stylistic changes.

1 **Fish & Game Code § 3051 (amended). Hunter instruction**

2 SEC. \_\_\_\_ . Section 3051 of the Fish and Game Code is amended to read:

3 3051. (a) The department shall provide for a course of instruction in hunter  
4 education, principles of conservation, and sportsmanship, and for this purpose may  
5 cooperate with any reputable association or organization having as one of its  
6 objectives the promotion of hunter safety, principles of conservation, and  
7 sportsmanship.

8 (b) The department may designate as a hunter education instructor any person  
9 found by it to be competent to give instruction in the courses required in this  
10 article. ~~A person so appointed shall give that course of instruction, and, upon~~  
11 ~~completion thereof, shall issue to the person instructed a certificate of completion~~  
12 ~~as provided by the department in hunter safety, principles of conservation, and~~  
13 ~~sportsmanship.~~

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

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

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

22 ~~(e)(1)~~ (f) In order to recruit and retain hunter education instructors, the  
23 department shall offer special hunting opportunities to qualified hunter education  
24 instructors by providing a limited number of existing tags and other hunting  
25 opportunities. The department may provide these tags and hunting opportunities  
26 through any of the following methods:

27 (A) The private lands management program described in Article 5 (commencing  
28 with Section 3400) of Chapter 2.

29 (B) The Shared Habitat Alliance for Recreational Enhancement (SHARE)  
30 program described in Article 3 (commencing with Section 1570) of Chapter 5 of  
31 Division 2.

32 (C) Entering into cooperative agreements with federal, state, and local agencies  
33 that hold title to, or administer, lands or waters.

34 (D) Entering into cooperative agreements with landowners or tenants seeking  
35 depredation permits for game mammals as described in Section 4188.

36 (E) Authorizing a maximum of 15 tags from the annual tag quota, as determined  
37 by the department.

38 ~~(2)~~ (g) The department shall determine eligibility criteria for hunter education  
39 instructors seeking the hunting opportunities offered pursuant to this subdivision  
40 (f). ~~The department shall select hunter education instructors who meet these~~  
41 ~~criteria for opportunities pursuant to this subdivision only by random drawing. The~~  
42 department shall offer hunting opportunities to eligible hunter education  
43 instructors only by random drawing.

1        ~~(f)~~ (h) The department may adopt regulations to implement this section.

2        **Comment.** Section 3051 is amended to improve its clarity, revise subdivision designations,  
3 delete paragraph designations, and make other stylistic changes without making any substantive  
4 change.

5        **Fish & Game Code § 3052 (amended). Fees and expenses**

6        SEC. \_\_\_\_ . Section 3052 of the Fish and Game Code is amended to read:

7        ~~3052. No fee shall be charged for the instructor's service, however, a fee to~~  
8 ~~cover the cost of giving such instructions may be charged each person~~  
9 ~~participating and receiving such instructions. A record of such expenses shall be~~  
10 ~~kept for inspection by the department. Such expenses may include, but not be~~  
11 ~~limited to, such items as range fees, ammunition and transportation of students.~~

12        A person receiving instruction from a hunter education instructor may not be  
13 charged a fee for service provided by the instructor, but may be charged a fee to  
14 cover costs incurred by the instructor in teaching the class. A record of incurred  
15 costs shall be kept for inspection by the department. Costs may include, but are not  
16 limited to range fees, ammunition, and transportation of students.

17        **Comment.** Section 3052 is amended to improve its clarity, without making any substantive  
18 change.

19        **Fish & Game Code § 3080 (amended). Possession in excess of possession limit**

20        SEC. \_\_\_\_ . Section 3080 of the Fish and Game Code is amended to read:

21        ~~3080. (a) For the purposes of this section, "donor intermediary" means a~~  
22 ~~recipient who receives a game birds or mammals bird or mammal from a donor to~~  
23 ~~give to a charitable organization or charitable entity. A donor intermediary~~  
24 ~~possessing game birds or mammals during a period other than the open season~~  
25 ~~shall have the documentation described in paragraph (2) or (3) of subdivision (b).~~  
26 ~~There is no required format for the documentation. Any written documentation~~  
27 ~~containing the required information shall be deemed to comply with this section.~~

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

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

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

39        ~~(3) The person received the game bird or mammal from a person described in~~  
40 ~~paragraph (1), and the recipient has a signed and dated document confirming the~~  
41 ~~donation that includes the donor's name, address, hunting license number, and~~

1 ~~applicable tag numbers for the species possessed. The license and tag or tags shall~~  
2 ~~be for the current or immediate past license year.~~

3 (b) A person may possess a game bird or mammal during a period other than the  
4 open season for that game bird or mammal, up to the possession limit allowed for  
5 that game bird or mammal during the open season, in any of the following  
6 circumstances:

7 (1) The person possesses a hunting license and a validated tag or tags for the  
8 species possessed, or copies of the license and tag or tags. The license and tag or  
9 tags shall have been issued to that person for the current or immediate past license  
10 year.

11 (2) The person is a donor intermediary who received the game bird or mammal  
12 from a donor described in paragraph (1) who has a photocopy of the donor's  
13 hunting license and the applicable validated tag or tags from the current or  
14 immediate past license year, which has been signed and dated by the donor, and  
15 confirms the donation.

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

21 (c) ~~The documentation required by subdivision (b) shall be made available to the~~  
22 ~~department as described in Section 2012. Charitable organizations or charitable~~  
23 ~~entities~~ A charitable organization or charitable entity receiving and distributing  
24 game birds or mammals a game bird or mammal for a charitable or humane  
25 purposes, purpose shall maintain the documentation described in paragraph (2) or  
26 (3) of subdivision (b) for one year from the date of disposal.

27 (d) ~~This section does not authorize the possession of game birds or carcasses or~~  
28 ~~parts of a game bird or carcass contrary to regulations issued adopted pursuant to~~  
29 ~~the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.).~~

30 (e) On or before January 1, 2015, and subject to the requirements of subdivision  
31 (d), the commission shall recommend legislation or adopt regulations to clarify  
32 when a possession limit is not violated by processing into food lawfully taken  
33 game birds or mammals.

34 **Comment.** Subdivision (d) of Section 3080 is amended to delete superfluous references to  
35 animal parts. See Section 80 (reference to animal generally includes part of animal).

36 Section 3080 is also amended to improve its clarity and make stylistic changes, without making  
37 any substantive change.

38 **Fish & Game Code § 3240.5 (amended). Commercial hunting club license**

39 SEC. \_\_\_\_ . Section 3240.5 of the Fish and Game Code is amended to read:

40 3240.5. (a) ~~As used in this article, "property" means a number of contiguous~~  
41 ~~legal parcels held by an owner or a combination of owners and held out for a~~  
42 ~~common purpose.~~

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

8 (a) For purposes of this article, the following terms have the following  
9 meanings:

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

12 (A) Taking or attempting to take birds or mammals on the property.

13 (B) Any type of entry or use permit that includes permission to take birds or  
14 mammals on the property.

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

17 (b) A person, including but not limited to an owner, renter, or lessee, who is in  
18 possession or control of a commercial hunting club, shall procure a commercial  
19 hunting club license before any birds or mammals may be taken on the property.

20 ~~(c) This article does not apply if the property meets any of the following~~  
21 ~~conditions:~~

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

28 ~~(2) The property is used by a hunting club or program licensed under regulations~~  
29 ~~adopted pursuant to this code.~~

30 ~~(3) The property is used for an officially sanctioned field trial event pursuant to~~  
31 ~~regulations adopted pursuant to this code.~~

32 ~~(4) The property is used in conjunction with the Shared Habitat Alliance for~~  
33 ~~Recreational Enhancement (SHARE) program under Article 3 (commencing with~~  
34 ~~Section 1570) of Chapter 5 of Division 2.~~

35 ~~(5) A domesticated game bird hunting club licensed under Article 3~~  
36 ~~(commencing with Section 3270) operates on the property.~~

37 ~~(6) A domesticated migratory game bird shooting area licensed under Article 4~~  
38 ~~(commencing with Section 3300) operates on the property.~~

39 ~~(7) The property is used in conjunction with the private wildlife habitat~~  
40 ~~enhancement and management program under Article 5 (commencing with~~  
41 ~~Section 3400).~~

42 ~~(8) The property is subject to a recorded state, federal, or nonprofit wildlife~~  
43 ~~conservation or agricultural easement or any property enrolled in a habitat~~

1 ~~protection or enhancement program under this code, including, but not limited to,~~  
2 ~~Article 7 (commencing with Section 3460).~~

3 (c) This article does not apply under any of the following circumstances:

4 (1) The fees described in paragraph (1) of subdivision (a) that are received by  
5 the owner, renter, or lessee of the property are less than one hundred dollars  
6 (\$100) per entrant and total less than one thousand dollars (\$1,000) between July 1  
7 and the following June 30. The department may adjust the threshold amounts  
8 established in this paragraph pursuant to Section 713.

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

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

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

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

18 (6) The property is used in conjunction with the private wildlife habitat  
19 enhancement and management program under Article 5 (commencing with  
20 Section 3400).

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

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

27 ~~(d) This article does not apply to a landowner who rents or leases his or her~~  
28 ~~property to the commercial hunting club and is not involved in the operation of the~~  
29 ~~club, if the club is licensed in accordance with this article. This chapter does not~~  
30 ~~apply to an owner of property that is rented or leased to a commercial hunting~~  
31 ~~club, if the owner is not involved in the operation of the club and the club is~~  
32 ~~licensed in accordance with this chapter.~~

33 **Comment.** Section 3240.5 is amended to improve its clarity, without making any substantive  
34 change.

35 **Fish & Game Code § 3243.5 (amended). Transfer of license**

36 SEC. \_\_\_\_ . Section 3243.5 of the Fish and Game Code is amended to read:

37 ~~3243.5. The commission may transfer a license to land owned or controlled by~~  
38 ~~the licensee, other than that land specified in the original application, located in~~  
39 ~~the same county as the original land, without any additional fee, if it finds the new~~  
40 ~~land is suitable for the purposes of the license and such a transfer is not in conflict~~  
41 ~~with the public interest. The commission may transfer a commercial hunting club~~  
42 ~~license to other land owned or controlled by the licensee, in the same county as the~~

1 originally licensed land, without any additional fee, if the commission finds the  
2 new land suitable for the purposes of the license and the transfer does not conflict  
3 with the public interest.

4 **Comment.** Section 3243.5 is amended to improve its clarity, without making any substantive  
5 change.

6 **Fish & Game Code § 3504 (amended). Sale or purchase of birds**

7 SEC. \_\_\_\_ . Section 3504 of the Fish and Game Code is amended to read:

8 3504. Subject to the provisions of this code permitting the sale of domestically  
9 raised game birds, it is unlawful to sell or purchase any game bird or nongame bird  
10 ~~or part thereof.~~

11 **Comment.** Section 3504 is amended to delete a superfluous reference to animal parts. See  
12 Section 80 (reference to animal generally includes part of animal).

13 **Fish & Game Code § 3511 (amended). Fully protected birds**

14 SEC. \_\_\_\_ . Section 3511 of the Fish and Game Code is amended to read:

15 3511. (a)(1) Except as provided in Section 2081.7 or 2835, a fully protected  
16 ~~birds or parts thereof bird~~ may not be taken or possessed at any time. No provision  
17 of this code or any other law shall be construed to authorize the issuance of  
18 permits or licenses to take any fully protected bird, and no permits or licenses  
19 heretofore issued shall have any force or effect for that purpose. However, the  
20 department may authorize the taking of those species for necessary scientific  
21 research, including efforts to recover fully protected, threatened, or endangered  
22 species, and may authorize the live capture and relocation of those species  
23 pursuant to a permit for the protection of livestock. Prior to authorizing the take of  
24 any of those species, the department shall make an effort to notify all affected and  
25 interested parties to solicit information and comments on the proposed  
26 authorization. The notification shall be published in the California Regulatory  
27 Notice Register and be made available to each person who has notified the  
28 department, in writing, of his or her interest in fully protected species and who has  
29 provided an e-mail address, if available, or postal address to the department.  
30 Affected and interested parties shall have 30 days after notification is published in  
31 the California Regulatory Notice Register to provide any relevant information and  
32 comments on the proposed authorization.

33 (2) As used in this subdivision, “scientific research” does not include any  
34 ~~actions~~ action taken as part of specified mitigation for a project, as defined in  
35 Section 21065 of the Public Resources Code.

36 (3) ~~Legally~~ A legally imported fully protected ~~birds or parts thereof bird~~ may be  
37 possessed under a permit issued by the department.

38 (b) The following are fully protected birds:

39 (1) American peregrine falcon (*Falco peregrinus anatum*).

40 (2) Brown pelican.

41 (3) California black rail (*Laterallus jamaicensis coturniculus*).

- 1 (4) California clapper rail (*Rallus longirostris obsoletus*).
- 2 (5) California condor (*Gymnogyps californianus*).
- 3 (6) California least tern (*Sterna albifrons browni*).
- 4 (7) Golden eagle.
- 5 (8) Greater sandhill crane (*Grus canadensis tabida*).
- 6 (9) Light-footed clapper rail (*Rallus longirostris levipes*).
- 7 (10) Southern bald eagle (*Haliaeetus leucocephalus leucocephalus*).
- 8 (11) Trumpeter swan (*Cygnus buccinator*).
- 9 (12) White-tailed kite (*Elanus leucurus*).
- 10 (13) Yuma clapper rail (*Rallus longirostris yumanensis*).

11 **Comment.** Section 3511 is amended to delete superfluous references to animal parts. See  
12 Section 80 (reference to animal generally includes part of animal).

13 The section is also amended to make nonsubstantive stylistic changes.

14 **Fish & Game Code § 4150 (amended). Taking or possessing nongame mammals**

15 SEC. \_\_\_\_\_. Section 4150 of the Fish and Game Code is amended to read:

16 4150. All mammals occurring naturally in California ~~which~~ that are not game  
17 mammals, fully protected mammals, or fur-bearing mammals, are nongame  
18 mammals. ~~Nongame mammals or parts thereof~~ A nongame mammal may not be  
19 taken or possessed except as provided in this code or in accordance with  
20 regulations adopted by the commission.

21 **Comment.** Section 4150 is amended to delete a superfluous reference to animal parts. See  
22 Section 80 (reference to animal generally includes part of animal).

23 The section is also amended to make nonsubstantive stylistic changes.

24 **Fish & Game Code § 4155 (amended). Trap, sale or export of bobcat**

25 SEC. \_\_\_\_\_. Section 4155 of the Fish and Game Code is amended to read:

26 4155. (a) Beginning January 1, 2014, it shall be unlawful to trap any bobcat, or  
27 attempt to do so, or to sell or export any bobcat ~~or part of any bobcat~~ taken in the  
28 area surrounding Joshua Tree National Park, defined as follows: East and South of  
29 State Highway 62 from the intersection of Interstate 10 to the intersection of State  
30 Highway 177; West of State Highway 177 from the intersection of State Highway  
31 62 to the intersection with Interstate 10; North of Interstate 10 from State Highway  
32 177 to State Highway 62.

33 (b)(1) Through the commission's next regularly scheduled mammal hunting and  
34 trapping rulemaking process occurring after January 1, 2014, the commission shall  
35 amend its regulations to prohibit the trapping of bobcats adjacent to the boundaries  
36 of each national or state park and national monument or wildlife refuge in which  
37 bobcat trapping is prohibited.

38 (2) Commencing January 1, 2016, the commission shall consider whether to  
39 prohibit bobcat trapping within, and adjacent to, preserves, state conservancies,  
40 and any additional public or private conservation areas identified to the  
41 commission by the public as warranting protection. The commission, as necessary,  
42 shall amend its regulations through its next subsequently scheduled mammal

1 hunting and trapping rulemaking process to prohibit bobcat trapping in any area  
2 determined by the commission to warrant protection.

3 (3) The commission shall delineate the boundaries of an area in which bobcat  
4 trapping is prohibited pursuant to paragraph (1) or (2) using readily identifiable  
5 features, such as highways or other major roads, such as those delineated for  
6 Joshua Tree National Park in subdivision (a).

7 (c) The prohibition on the trapping of bobcats in the areas designated pursuant to  
8 subdivisions (a) and (b) shall not apply to the taking of any bobcat by employees  
9 of the department acting in an official capacity, to a taking in accordance with the  
10 conditions of a scientific, educational, or propagation permit pursuant to Section  
11 1002 by the holder of that permit, or to the lawful taking of bobcats found to be  
12 injuring crops or other property pursuant to Section 4152 or other provisions of  
13 this code or regulations adopted pursuant to this code.

14 (d) Notwithstanding Section 2016 or any other provisions of this code, on and  
15 after January 1, 2014, it shall be unlawful to trap any bobcat, or attempt to do so,  
16 on any private land not belonging to the trapper without the express written  
17 consent of the owner of that property. The placing or possession of any trap or the  
18 possession of a bobcat ~~or part thereof~~ on any land is prima facie evidence of a  
19 violation of this subdivision.

20 (e) Consistent with the requirements of subdivision (c) of Section 4006, the  
21 commission shall set trapping license fees and associated fees, including, but not  
22 limited to, shipping tags required pursuant to Section 479 of Chapter 6 of  
23 Subdivision 2 of Division 1 of Title 14 of the California Code of Regulations, for  
24 the 2014–15 season, and any subsequent seasons in which bobcat trapping is  
25 allowed, at the levels necessary to fully recover all reasonable administrative and  
26 implementation costs of the department and the commission associated with the  
27 trapping of bobcats in the state, including, but not limited to, enforcement costs.

28 (f) This section does not limit the ability of the department or the commission to  
29 impose additional requirements, restrictions, or prohibitions related to the taking  
30 of bobcats, including a complete prohibition on the trapping of bobcats pursuant to  
31 this code.

32 **Comment.** Section 4155 is amended to delete superfluous references to animal parts. See  
33 Section 80 (reference to animal generally includes part of animal).

34 **Fish & Game Code § 4700 (amended). Fully protected mammals**

35 SEC. \_\_\_\_ . Section 4700 of the Fish and Game Code is amended to read:

36 4700. (a)(1) Except as provided in Section 2081.7 or 2835, a fully protected  
37 ~~mammals or parts thereof~~ mammal may not be taken or possessed at any time. No  
38 provision of this code or any other law shall be construed to authorize the issuance  
39 of permits or licenses to take any fully protected mammal, and no permits or  
40 licenses heretofore issued shall have any force or effect for that purpose. However,  
41 the department may authorize the taking of those species for necessary scientific  
42 research, including efforts to recover fully protected, threatened, or endangered

1 species. Prior to authorizing the take of any of those species, the department shall  
2 make an effort to notify all affected and interested parties to solicit information  
3 and comments on the proposed authorization. The notification shall be published  
4 in the California Regulatory Notice Register and be made available to each person  
5 who has notified the department, in writing, of his or her interest in fully protected  
6 species and who has provided an e-mail address, if available, or postal address to  
7 the department. Affected and interested parties shall have 30 days after  
8 notification is published in the California Regulatory Notice Register to provide  
9 any relevant information and comments on the proposed authorization.

10 (2) As used in this subdivision, “scientific research” does not include any  
11 ~~actions~~ action taken as part of specified mitigation for a project, as defined in  
12 Section 21065 of the Public Resources Code.

13 (3) ~~Legally~~ A legally imported fully protected ~~mammals or parts thereof~~  
14 mammal may be possessed under a permit issued by the department.

15 (b) The following are fully protected mammals:

16 (1) Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*).

17 (2) Bighorn sheep (*Ovis canadensis*), except Nelson bighorn sheep (subspecies  
18 *Ovis canadensis nelsoni*) as provided by subdivision (b) of Section 4902.

19 (3) Northern elephant seal (*Mirounga angustirostris*).

20 (4) Guadalupe fur seal (*Arctocephalus townsendi*).

21 (5) Ring-tailed cat (genus *Bassariscus*).

22 (6) Pacific right whale (*Eubalaena sieboldi*).

23 (7) Salt-marsh harvest mouse (*Reithrodontomys raviventris*).

24 (8) Southern sea otter (*Enhydra lutris nereis*).

25 (9) Wolverine (*Gulo luscus*).

26 **Comment.** Section 4700 is amended to delete superfluous references to animal parts. See  
27 Section 80 (reference to animal generally includes part of animal).

28 The section is also amended to make nonsubstantive stylistic changes.

29 **Fish & Game Code § 4800 (amended). Mountain lions**

30 SEC. \_\_\_\_ . Section 4800 of the Fish and Game Code is amended to read:

31 4800. (a) The mountain lion (genus *Puma*) is a specially protected mammal  
32 under the laws of this state.

33 (b)(1) It is unlawful to take, injure, possess, transport, import, or sell any  
34 mountain lion or ~~any part or~~ product thereof, except as specifically provided in this  
35 chapter or in Chapter 2 (commencing with Section 2116) of Division 3.

36 (2) This chapter does not prohibit the sale or possession of any mountain lion or  
37 any ~~part or~~ product thereof, when the owner can demonstrate that the mountain  
38 lion, or ~~part or~~ product thereof, was in the person’s possession on June 6, 1990.

39 (3) This chapter does not prohibit the possession of a mountain lion carcass or  
40 any part or product of a mountain lion carcass, if all of the following requirements  
41 are met:

1 (A) The carcass or carcass part or product is prepared or being prepared for  
2 display, exhibition, or storage, for a bona fide scientific or educational purpose, at  
3 a nonprofit museum or government-owned facility generally open to the public or  
4 at an educational institution, including a public or private postsecondary  
5 institution.

6 (B) The mountain lion was taken in California consistent with the requirements  
7 of this chapter and any other applicable law.

8 (C) The department has authorized the possession of the carcass or carcass part  
9 or product for the purposes of this paragraph.

10 (c) Any violation of this section is a misdemeanor punishable by imprisonment  
11 in the county jail for not more than one year, or a fine of not more than ten  
12 thousand dollars (\$10,000), or by both that fine and imprisonment. An individual  
13 is not guilty of a violation of this section if it is demonstrated that, in taking or  
14 injuring a mountain lion, the individual was acting in self-defense or in defense of  
15 others.

16 (d) Section 219 does not apply to this chapter. Neither the commission nor the  
17 department shall adopt any regulation that conflicts with or supersedes any of the  
18 provisions of this chapter.

19 **Comment.** Section 4800 is amended to delete superfluous references to animal parts. See  
20 Section 80 (reference to animal generally includes part of animal).

21 **Fish & Game Code § 4810 (amended). Mountain lion research project**

22 SEC. \_\_\_\_ . Section 4810 of the Fish and Game Code is amended to read:

23 4810. (a) As used in this section:

24 (1) “Authorized research project” means a research project involving mountain  
25 lions subject to a Scientific Collecting Permit issued in accordance with this  
26 section.

27 (2) “Permitholder” means a person to whom the department has issued a  
28 Scientific Collecting Permit in accordance with this section.

29 (3) “Scientific Collecting Permit” or “permit” means a permit issued pursuant to  
30 Section 1002 for a research project involving mountain lions in accordance with  
31 this section.

32 (b) The department may authorize qualified individuals, educational institutions,  
33 governmental agencies, or nongovernmental organizations to conduct scientific  
34 research involving mountain lions pursuant to a Scientific Collecting Permit as  
35 provided in Section 1002.

36 (c) The department may authorize permitholders to pursue, capture, temporarily  
37 possess, temporarily injure, mark, attach to or surgically implant monitoring or  
38 recognition devices in, provide veterinary care to, and transport, a mountain lion,  
39 lion or any ~~part or~~ product of a mountain lion.

40 (d) In addition to the requirements in Section 1002, an authorized research  
41 project shall be designed to do the following:

42 (1) Contribute to the knowledge of natural wildlife ecosystems.

1 (2) Minimize disruptions in the lives and movements of mountain lions and  
2 other wildlife, as well as impacts to mountain lion or other wildlife habitat, while  
3 maintaining the permit holder's research objectives.

4 (3) Directly or indirectly support the sustainability and survival of mountain lion  
5 populations and healthy ecosystems.

6 (4) Prevent the permanent injury or killing of any mountain lion.

7 (e) An authorized research project shall be governed by the Scientific Collecting  
8 Permit. The permit shall include, at a minimum, proposed research methods and  
9 recordkeeping procedures that address the following:

10 (1) The capture of, anesthetization of, collection of diagnostic samples from, and  
11 transport of, mountain lions or ~~parts and~~ products thereof, and the attaching to or  
12 surgically implanting monitoring or recognition devices or markings in, and  
13 providing veterinary care as required for the health, safety, and humane treatment  
14 of, animals affected by the research project.

15 (2) The recording of the adverse effects of authorized research procedures on  
16 mountain lions and other wildlife.

17 (3) The qualifications of onsite personnel necessary for carrying out authorized  
18 research procedures. A permit applicant shall submit verifiable documentation  
19 demonstrating that at least one onsite staff person has at least one year of  
20 experience in proposed research methods that involve activities described in  
21 subdivision (c).

22 (4) Annual and final reports to the department.

23 (f) The department shall notify the public at least 30 days prior to the issuance of  
24 a permit, and, upon request, shall make available to the public copies of the permit  
25 and annual and final reports.

26 (g) The department shall handle any mortality or permanent injury to a mountain  
27 lion as a result of research authorized pursuant to this section in a manner  
28 consistent with the reporting and processing requirements imposed in Section  
29 4807.

30 **Comment.** Section 4810 is amended to delete superfluous references to animal parts. See  
31 Section 80 (reference to animal generally includes part of animal).

32 The section is also amended to make a nonsubstantive stylistic change.

33 **Fish & Game Code § 5000 (amended). Tortoises**

34 SEC. \_\_\_\_\_. Section 5000 of the Fish and Game Code is amended to read:

35 5000. It is unlawful to sell, purchase, harm, take, possess, ~~or~~ transport ~~any~~  
36 ~~tortoise (Gopherus) or parts thereof~~, or to shoot any projectile at, a tortoise  
37 (Gopherus). This section does not apply to the taking of any tortoise when  
38 authorized by the department.

39 **Comment.** Section 5000 is amended to delete a superfluous reference to animal parts. See  
40 Section 80 (reference to animal generally includes part of animal).

41 The section is also amended to make a nonsubstantive stylistic change.

1 **Fish & Game Code § 5002 (amended). Permit allowing possession of tortoise**

2 SEC. \_\_\_\_\_. Section 5002 of the Fish and Game Code is amended to read:

3 5002. The department may issue permits, subject to ~~such~~ terms and conditions as  
4 prescribed by the commission may prescribe, authorizing the possession of any  
5 tortoise (*Gopherus*) or any ~~part or~~ product thereof by an educational or scientific  
6 institution or a public zoological garden.

7 **Comment.** Section 5002 is amended to delete a superfluous reference to animal parts. See  
8 Section 80 (reference to animal generally includes part of animal).

9 The section is also amended to make nonsubstantive stylistic changes.

10 **Fish & Game Code § 5050 (amended). Fully protected reptiles and amphibians**

11 SEC. \_\_\_\_\_. Section 5050 of the Fish and Game Code is amended to read:

12 5050. (a)(1) Except as provided in Section 2081.7, 2081.9, or 2835, a fully  
13 ~~protected reptiles and amphibians or parts thereof~~ reptile or amphibian may not be  
14 taken or possessed at any time. No provision of this code or any other law shall be  
15 construed to authorize the issuance of permits or licenses to take any fully  
16 protected reptile or amphibian, and no permits or licenses heretofore issued shall  
17 have any force or effect for that purpose. However, the department may authorize  
18 the taking of those species for necessary scientific research, including efforts to  
19 recover fully protected, threatened, or endangered species. Prior to authorizing the  
20 take of any of those species, the department shall make an effort to notify all  
21 affected and interested parties to solicit information and comments on the  
22 proposed authorization. The notification shall be published in the California  
23 Regulatory Notice Register and be made available to each person who has notified  
24 the department, in writing, of his or her interest in fully protected species and who  
25 has provided an email address, if available, or postal address to the department.  
26 Affected and interested parties shall have 30 days after notification is published in  
27 the California Regulatory Notice Register to provide any relevant information and  
28 comments on the proposed authorization.

29 (2) As used in this subdivision, “scientific research” does not include any  
30 ~~actions~~ action taken as part of specified mitigation for a project, as defined in  
31 Section 21065 of the Public Resources Code.

32 (3) ~~Legally~~ A legally imported fully protected ~~reptiles or amphibians or parts~~  
33 ~~thereof~~ reptile or amphibian may be possessed under a permit issued by the  
34 department.

35 (b) The following are fully protected reptiles and amphibians:

36 (1) Blunt-nosed leopard lizard (*Crotaphytus wislizenii silus*).

37 (2) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*).

38 (3) Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*).

39 (4) Limestone salamander (*Hydromantes brunus*).

40 (5) Black toad (*Bufo boreas exsul*).

41 **Comment.** Section 5050 is amended to delete superfluous references to animal parts. See  
42 Section 80 (reference to animal generally includes part of animal).

43 The section is also amended to make nonsubstantive stylistic changes.

1 **Fish & Game Code § 5515 (amended). Fully protected fish**

2 SEC. \_\_\_\_\_. Section 5515 of the Fish and Game Code is amended to read:

3 5515. (a)(1) Except as provided in Section 2081.7 or 2835, a fully protected fish  
4 ~~or parts thereof~~ may not be taken or possessed at any time. No provision of this  
5 code or any other law shall be construed to authorize the issuance of permits or  
6 licenses to take any fully protected fish, and no permits or licenses heretofore  
7 issued shall have any force or effect for that purpose. However, the department  
8 may authorize the taking of those species for necessary scientific research,  
9 including efforts to recover fully protected, threatened, or endangered species.  
10 Prior to authorizing the take of any of those species, the department shall make an  
11 effort to notify all affected and interested parties to solicit information and  
12 comments on the proposed authorization. The notification shall be published in the  
13 California Regulatory Notice Register and be made available to each person who  
14 has notified the department, in writing, of his or her interest in fully protected  
15 species and who has provided an e-mail address, if available, or postal address to  
16 the department. Affected and interested parties shall have 30 days after  
17 notification is published in the California Regulatory Notice Register to provide  
18 any relevant information and comments on the proposed authorization.

19 (2) As used in this subdivision, “scientific research” does not include any  
20 ~~actions~~ action taken as part of specified mitigation for a project, as defined in  
21 Section 21065 of the Public Resources Code.

22 (3) ~~Legally~~ A legally imported fully protected fish ~~or parts thereof~~ may be  
23 possessed under a permit issued by the department.

24 (b) The following are fully protected fish:

25 (1) Colorado River squawfish (*Ptychocheilus lucius*).

26 (2) Thicktail chub (*Gila crassicauda*).

27 (3) Mohave chub (*Gila mohavensis*).

28 (4) Lost River sucker (*Catostomus luxatus*).

29 (5) Modoc sucker (*Catostomus microps*).

30 (6) Shortnose sucker (*Chasmistes brevirostris*).

31 (7) Humpback sucker (*Xyrauchen texanus*).

32 (8) Owens River pupfish (*Cyprinoden radiosus*).

33 (9) Unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*).

34 (10) Rough sculpin (*Cottus asperrimus*).

35 **Comment.** Section 5515 is amended to delete superfluous references to animal parts. See  
36 Section 80 (reference to animal generally includes part of animal).

37 The section is also amended to make nonsubstantive stylistic changes.

38 **Fish & Game Code § 7370 (amended). Sturgeon**

39 SEC. \_\_\_\_\_. Section 7370 of the Fish and Game Code is amended to read:

40 7370. (a) It is unlawful to take or possess for commercial purposes, buy or sell,  
41 or to offer to buy or sell, ~~any whole a sturgeon, or any part thereof, including, but~~  
42 ~~not limited to,~~ eggs or sturgeon eggs, except as follows:

1 (1) A sturgeon, ~~or parts thereof~~, or sturgeon eggs that ~~is~~ are taken or possessed  
2 by, and ~~is~~ are the cultured progeny of, an aquaculturist who is registered under  
3 Section 15101, may be sold or purchased subject to regulations of the commission.

4 (2) A sturgeon, ~~or parts thereof~~, or sturgeon eggs that ~~is~~ are taken commercially  
5 in another state that permits the sale of the fish and lawfully imported under  
6 Section 2363, may be possessed, sold, or purchased.

7 (3) ~~Sturgeon, or parts thereof, taken pursuant to a sport fishing license in~~  
8 ~~accordance with~~ The possession, purchase, sale, or offer to buy or sell a sturgeon  
9 or sturgeon eggs is authorized by Section 7230.

10 (b) For purposes of this section, it is prima facie evidence that a sturgeon, ~~or~~  
11 ~~parts thereof~~, is possessed for commercial purposes if the possession of sturgeon is  
12 more than two times the sport bag limit.

13 **Comment.** Section 7370 is amended to delete superfluous references to animal parts. See  
14 Section 80 (reference to animal generally includes part of animal).

15 The section is also amended to make nonsubstantive stylistic changes.

16 **Fish & Game Code § 7704 (amended). Waste or reduction of fish or sharks**

17 SEC. \_\_\_\_\_. Section 7704 of the Fish and Game Code is amended to read:

18 7704. (a) It is unlawful to cause or permit any deterioration or waste of any fish  
19 taken in the waters of this state, or brought into this state, or to take, receive or  
20 agree to receive more fish than can be used without deterioration, waste, or  
21 spoilage.

22 (b) Except as permitted by this code, it is unlawful to use any fish, ~~or part~~  
23 ~~thereof~~, except fish offal, in a reduction plant or by a reduction process.

24 (c) Except as permitted by this code or by regulation of the commission, it is  
25 unlawful to sell, purchase, deliver for commercial purposes, or possess on any  
26 commercial fishing vessel registered pursuant to Section 7881 any shark fin or  
27 shark tail or portion thereof that has been removed from the carcass. However,  
28 thresher shark tails and fins that have been removed from the carcass and whose  
29 original shape remain unaltered may be possessed on a registered commercial  
30 fishing vessel if the corresponding carcass is in possession for each tail and fin.

31 **Comment.** Section 7704 is amended to delete a superfluous reference to animal parts. See  
32 Section 80 (reference to animal generally includes part of animal).

33 **Fish & Game Code § 7707 (amended). Reduction plant as nuisance**

34 SEC. \_\_\_\_\_. Section 7707 of the Fish and Game Code is amended to read:

35 7707. (a) Any reduction plant in which any fish ~~or any part thereof~~ is used in  
36 violation of the provisions of Sections 7700 to 7706, inclusive, 7708, 8151, 8153  
37 to 8157, inclusive, and 8075 to 8080, inclusive, of this code, or in violation of any  
38 regulation of the commission, is a nuisance.

39 (b) Whenever the existence of ~~such a~~ such a nuisance under subdivision (a) is shown to  
40 the satisfaction of the superior court of the county in which the reduction plant is  
41 situated, by complaint filed in the name of the people of the State of California,

1 the court may issue a temporary injunction to abate and prevent the continuance or  
2 recurrence of ~~such~~ the nuisance. If the existence of a nuisance is established in  
3 ~~such~~ that action, an order of abatement shall be entered as part of the judgment in  
4 the case, ~~which order shall direct the closing~~ directing that, for 12 months, of the  
5 building or place where ~~such~~ the nuisance was maintained shall be closed, and,  
6 ~~during such time, the building or place shall be and remain~~ placed in the custody  
7 of the court.

8 **Comment.** Section 7707 is amended to delete a superfluous reference to animal parts. See  
9 Section 80 (reference to animal generally includes part of animal).

10 The section is also amended to make nonsubstantive stylistic changes.

11 **Fish & Game Code § 7856 (amended). Fish on a commercial fishing vessel**

12 SEC. \_\_\_\_ . Section 7856 of the Fish and Game Code is amended to read:

13 7856. Notwithstanding any other provision of this division, except as provided  
14 in subdivision (f) and except when prohibited by federal law, fish may be prepared  
15 for human consumption aboard a commercial fishing vessel only under the  
16 following conditions:

17 (a) The fish are taken under all existing commercial fishing laws and regulations  
18 and, except as provided in subdivision (f), the fish is of a species and size that can  
19 be lawfully taken under sportfishing regulations in the area where taken and are  
20 taken incidental to normal commercial fishing operations.

21 (b) The fish is separated from other fish and stored with other foodstuff for  
22 consumption by the crew and passengers aboard the vessel.

23 (c) ~~The fish, or parts thereof,~~ shall not be bought, sold, offered for sale,  
24 transferred to any other person, landed, brought ashore, or used for any purpose  
25 except for consumption by the crew and passengers.

26 (d)(1) All fish shall be maintained in ~~such~~ a condition that the species can be  
27 determined, and the size or weight can be determined if a size or weight limit  
28 applies, until the fish is prepared for immediate consumption.

29 (2) If the fish is filleted, a patch of skin shall be retained on each fillet as  
30 prescribed by the commission in the sportfishing regulations until the fish is  
31 prepared for immediate consumption.

32 (3) Fillets from fish possessed under sportfishing regulations shall be of the  
33 minimum length prescribed by commission regulations.

34 (e) No fish ~~which~~ that may be possessed under sportfishing regulations may be  
35 possessed in excess of the sport bag limit for each crew member and passenger on  
36 board the vessel.

37 (f) Notwithstanding other provisions of this section, kelp bass, sand bass, spotted  
38 bass, yellowfin croaker, spotfin croaker, California corbina, and marlin, shall not  
39 be possessed aboard a commercial fishing vessel while that vessel is on a  
40 commercial fishing trip. Lobster, salmon, or abalone shall not be possessed aboard  
41 a commercial fishing vessel while that vessel is on a commercial fishing trip for  
42 preparation for human consumption pursuant to this section unless that lobster,

1 salmon, or abalone is taken and possessed in compliance with all applicable laws  
2 pertaining to commercial fishing methods of take, licenses, permits, and size  
3 limits. Sturgeon or striped bass shall not be possessed aboard a commercial fishing  
4 vessel. No person shall take or possess any fish on a commercial fishing vessel  
5 under a sportfishing license while that vessel is engaged in a commercial fishing  
6 activity, including going to or from an area where fish are taken for commercial  
7 purposes.

8 **Comment.** Section 7856 is amended to delete a superfluous reference to animal parts. See  
9 Section 80 (reference to animal generally includes part of animal).

10 The section is also amended to make nonsubstantive stylistic changes.

11 **Fish & Game Code § 8281 (amended). Crab**

12 SEC. \_\_\_\_\_. Section 8281 of the Fish and Game Code is amended to read:

13 8281. Crab meat and frozen ~~whole crabs or parts thereof, which are crab~~ taken  
14 during the open season, may be possessed, transported, and sold at any time,  
15 subject to the regulations of the commission. The cost of inspection and marking,  
16 under the regulations of the commission, shall be paid by the owner or seller of  
17 ~~such crab meat, crabs, or parts thereof~~ the crab or crab meat.

18 **Comment.** Section 8281 is amended to delete superfluous references to animal parts. See  
19 Section 80 (reference to animal generally includes part of animal).

20 The section is also amended to make nonsubstantive stylistic changes.

21 **Fish & Game Code § 8371 (amended). Striped bass and salmon**

22 SEC. \_\_\_\_\_. Section 8371 of the Fish and Game Code is amended to read:

23 8371. Striped bass ~~or and salmon, or parts thereof,~~ may be sold or offered for  
24 sale only under the following conditions:

25 (a) If the striped bass, ~~or parts thereof,~~ is taken or possessed by, and is the  
26 cultured progeny of, an aquaculturist who is registered under Section 15101, that  
27 striped bass may be sold or purchased subject to regulations of the commission.

28 (b) If the striped bass, ~~or parts thereof,~~ is taken legally in another state that  
29 permits the sale of that fish and if the fish is lawfully imported under Section  
30 2363, the striped bass, ~~or parts thereof,~~ may be possessed, sold, or purchased.

31 (c) If the salmon, ~~or parts thereof,~~ is taken legally in another state that permits  
32 the sale of salmon, and is lawfully imported consistent with Section 2361, the  
33 salmon, ~~or parts thereof,~~ may be possessed, sold, or purchased.

34 (d) If the salmon, ~~or parts thereof,~~ is taken in accordance with Article 4  
35 (commencing with Section 8210.2), the salmon, ~~or parts thereof,~~ may be  
36 possessed, sold, or purchased.

37 **Comment.** Section 8371 is amended to delete superfluous references to animal parts. See  
38 Section 80 (reference to animal generally includes part of animal).

39 The section is also amended to make a nonsubstantive stylistic change.

40 **Fish & Game Code § 10500 (amended). Prohibited actions**

41 SEC. \_\_\_\_\_. Section 10500 of the Fish and Game Code is amended to read:

1 10500. Except under a permit or specific authorization, it is unlawful to do any  
2 of the following:

3 (a) To take or possess any bird or mammal, ~~or part thereof~~, in any game refuge.

4 (b) To use or have in possession in a game refuge, any firearm, BB device as  
5 defined in Section 16250 of the Penal Code, crossbow, bow and arrow, or any trap  
6 or other contrivance designed to be, or capable of being, used to take birds or  
7 mammals, or to discharge any firearm or BB device or to release any arrow or  
8 crossbow bolt into any game refuge.

9 (c) To take or possess any species of fish or amphibian, or part thereof, in any  
10 fish refuge, or to use or have in possession in that refuge any contrivance designed  
11 to be used for catching fish.

12 (d) To take or possess any bird in, or to discharge any firearm or BB device, or  
13 to release any arrow or crossbow bolt within or into, any waterfowl refuge.

14 (e) To take or possess any quail in a quail refuge.

15 (f) To take or possess any invertebrate or specimen of marine plant life in a  
16 marine life refuge.

17 (g) To take or possess any clam in a clam refuge or to possess in ~~such~~ a clam  
18 refuge any instrument or apparatus capable of being used to dig clams.

19 **Comment.** Section 10500 is amended to delete superfluous references to animal parts. See  
20 Section 80 (reference to animal generally includes part of animal).

21 The section is also amended to make a nonsubstantive stylistic change.

22 **Fish & Game Code § 10502 (amended). Powers of Commission**

23 SEC. \_\_\_\_\_. Section 10502 of the Fish and Game Code is amended to read:

24 10502. The commission may:

25 (a) Exercise control over all mammals and birds in any game refuge, and  
26 exercise control over all fish in any fish refuge.

27 (b) Authorize the department to issue, under ~~such~~ restrictions ~~as it may deem it~~  
28 deems best, permits which authorize the person named therein to carry, use, and  
29 possess within any refuge, firearms, traps or other contrivances for taking birds,  
30 mammals, fish, ~~or amphibia~~ amphibians, or reptiles.

31 (c) Except as provided in Sections 10502.5, 10502.8, 10655, and 10657,  
32 authorize the department to issue permits which shall authorize the person named  
33 therein to take birds, mammals, fish, ~~and amphibia~~ amphibians, or reptiles within  
34 any refuge.

35 (d) ~~Make~~ Adopt additional regulations not in conflict with any law for the  
36 protection of birds, mammals, fish, ~~amphibia~~ amphibians, reptiles, and marine life  
37 within any refuge.

38 **Comment.** Section 10502 is amended to add reptiles.

39 The section is also amended to make nonsubstantive stylistic changes.

40 **Fish & Game Code § 10503 (amended). Donations, grants, and acquisition**

41 SEC. \_\_\_\_\_. Section 10503 of the Fish and Game Code is amended to read:

1 10503. For the purposes of propagating, feeding, and protecting birds,  
2 mammals, fish, ~~and amphibia~~ amphibians, and reptiles the commission may do all  
3 of the following:

4 (a) Accept, on behalf of the state, donations of any interest in lands within any  
5 refuge.

6 (b) Accept, on behalf of the state, from any person owning and in possession of  
7 patented lands, except lands that are covered and uncovered by the ordinary daily  
8 tide of the Pacific Ocean, the right to preserve and protect all birds, mammals,  
9 fish, ~~and amphibia~~ amphibians, and reptiles on the patented lands.

10 (c) Accept, on behalf of the state, donations of birds, mammals, fish, ~~and~~  
11 ~~amphibia~~ amphibians, and reptiles, and of money given or appropriated. Those  
12 donations shall be used for the purposes for which they are accepted, and, as  
13 nearly as may be, for any purpose indicated by the donor.

14 (d) Acquire, by purchase, lease, rental, or otherwise, and occupy, develop,  
15 maintain, use, and administer land, or land and nonmarine water, or land and  
16 nonmarine water rights, suitable for state game farms or game refuges.

17 **Comment.** Section 10503 is amended to add reptiles.

18 The section is also amended to make nonsubstantive stylistic changes.

19 **Fish & Game Code § 10507 (amended). Open transport**

20 SEC. \_\_\_\_\_. Section 10507 of the Fish and Game Code is amended to read:

21 10507. It is lawful for any person who has given the notice provided for in  
22 Section 10506 to transport any bird or mammal, ~~or part thereof~~, through a game  
23 refuge, if lawfully taken outside the refuge, and if the bird or mammal ~~or part~~  
24 ~~thereof~~ is carried openly and during the time between one hour before sunrise and  
25 one hour after sunset.

26 **Comment.** Section 10507 is amended to delete superfluous references to animal parts. See  
27 Section 80 (reference to animal generally includes part of animal).

28 **Fish & Game Code § 10510 (amended). Effect of open season**

29 SEC. \_\_\_\_\_. Section 10510 of the Fish and Game Code is amended to read:

30 10510. No specification of an open season in any area authorizes the taking of  
31 any bird, mammal, fish ~~or amphibia~~ amphibian, or reptile from any refuge within  
32 that area from which the taking is elsewhere in this code prohibited.

33 **Comment.** Section 10510 is amended to add reptiles.

34 The section is also amended to make a nonsubstantive stylistic change.

36 **Fish & Game Code § 10513 (amended). Navigable water**

37 SEC. \_\_\_\_\_. Section 10513 of the Fish and Game Code is amended to read:

38 10513. Nothing in this chapter shall be construed as prohibiting or preventing  
39 any person from taking ~~birds, mammals~~ any bird, mammal, fish, ~~or amphibia~~  
40 amphibian, or reptile from or on navigable water in any state game refuge.

1 **Comment.** Section 10513 is amended to add reptiles.  
2 The section is also amended to make nonsubstantive stylistic changes.

3 **Fish & Game Code § 10514 (amended). Department control and management**

4 SEC. \_\_\_\_\_. Section 10514 of the Fish and Game Code is amended to read:  
5 10514. All state game refuges shall, for all purposes of protecting birds,  
6 mammals, fish, ~~or amphibia~~ amphibians, or reptiles thereon, be under the control  
7 and management of the department, and the officers and employees of the  
8 department, all game wardens, and law enforcement officers may at all times enter  
9 in and upon ~~such~~ state game refuges in the performance of their duties.

10 **Comment.** Section 10514 is amended to add reptiles.  
11 The section is also amended to make nonsubstantive stylistic changes.

12 **Fish & Game Code § 10653 (amended). San Francisco Game Refuge**

13 SEC. \_\_\_\_\_. Section 10653 of the Fish and Game Code is amended to read:  
14 10653. In the San Francisco Game Refuge, birds, mammals, fish, ~~and amphibia~~  
15 amphibians, and reptiles legally possessed may be carried openly by persons  
16 traveling through the refuge on public roads, between one-half hour before sunrise  
17 and one-half hour after sunset.

18 **Comment.** Section 10653 is amended to add reptiles.  
19 The section is also amended to make a nonsubstantive stylistic change.

20 **Fish & Game Code § 11020 (amended). Fish and Game District 12**

21 SEC. \_\_\_\_\_. Section 11020 of the Fish and Game Code is amended to read:  
22 11020. The following constitutes Fish and Game District 12:  
23 The waters and tidelands of San Francisco Bay to high-water mark not included  
24 in Districts 11 and 13, the waters and tidelands to high-water mark of San Leandro  
25 Bay, Oakland Creek or estuary, San Antonio Creek in Alameda County, ~~Raccoon~~  
26 ~~Strait~~ Raccoon Strait, and San Pablo Bay, and the Carquinez ~~Strait~~ Strait to the  
27 Carquinez Bridge, and all lands and waters included within the exterior boundaries  
28 of these districts and excluding all tributary sloughs, creeks, bays, rivers, and  
29 overflowed areas not specifically described herein.

30 **Comment.** Section 11020 is amended to reflect the official names of two waterways, and make  
31 nonsubstantive stylistic changes.

32 **Fish & Game Code § 11032 (amended). Fish and Game District 21**

33 SEC. \_\_\_\_\_. Section 11032 of the Fish and Game Code is amended to read:  
34 11032. The following constitutes Fish and Game District 21:  
35 The waters and tidelands to high water mark of San Diego Bay lying inside of a  
36 straight line drawn from the ~~southernly~~ southerly extremity of Point Loma to the  
37 offshore end of the San Diego breakwater.

38 **Comment.** Section 11032 is amended to correct a typographical error.

1 **Fish & Game Code § 12002.9 (amended). Additional license suspension**

2 SEC. \_\_\_\_\_. Section 12002.9 of the Fish and Game Code is amended to read:

3 12002.9. In addition to any other penalty prescribed in this code, the license  
4 issued pursuant to Sections 8032 to 8036, inclusive, to any person who is  
5 convicted of a violation of Section 7121, 7364, 7370, 8372, or 8373 shall be  
6 suspended for not less than seven days nor more than 30 days. Each day any fish  
7 of the species designated in any of those sections, ~~or any part thereof~~, is  
8 unlawfully possessed and each unlawful transaction involving the purchase or sale  
9 of any fish of those species, ~~or any part thereof~~, by a wholesale fish dealer is a  
10 separate violation.

11 **Comment.** Section 12002.9 is amended to delete superfluous references to animal parts. See  
12 Section 80 (reference to animal generally includes part of animal).

13 **Fish & Game Code § 12012 (amended). Punishment for illegal action**

14 SEC. \_\_\_\_\_. Section 12012 of the Fish and Game Code is amended to read:

15 12012. (a) Any person who illegally takes, possesses, imports, exports, sells,  
16 purchases, barter, trades, or exchanges any amphibian, bird, fish, mammal, or  
17 reptile, ~~or part thereof~~, for profit or personal gain is guilty of a misdemeanor  
18 punishable by a fine of not less than five thousand dollars (\$5,000), nor more than  
19 forty thousand dollars (\$40,000), or imprisonment in the county jail for not more  
20 than one year, or by both that fine and imprisonment.

21 (b) If a person is convicted of a second or subsequent violation of subdivision  
22 (a), that person shall be punished by a fine of not less than ten thousand dollars  
23 (\$10,000), nor more than fifty thousand dollars (\$50,000), or imprisonment in the  
24 county jail for not more than one year, or by both that fine and imprisonment.

25 (c) If a second or subsequent violation of subdivision (a) also involves a  
26 violation of Section 8685.5, 8685.6, 8685.7, or 8688 that is punishable by  
27 subdivision (b) of Section 12004, the offense shall be punishable by a fine of not  
28 more than fifty thousand dollars (\$50,000), or by imprisonment pursuant to  
29 subdivision (b) of Section 12004, or by both that fine and imprisonment.

30 (d) Notwithstanding Section 802 of the Penal Code, prosecution of an offense  
31 punishable under this section shall be commenced within three years after  
32 commission of the offense.

33 (e) This section does not apply to fish taken pursuant to a commercial fishing  
34 license issued pursuant to Section 7852, or fish sold pursuant to a commercial fish  
35 business license issued in accordance with Article 7 (commencing with Section  
36 8030) of Chapter 1 of Part 3 of Division 6.

37 (f) This section does not supersede Section 12005 or 12009.

38 (g)(1) Moneys equivalent to 50 percent of the revenue deposited in the Fish and  
39 Game Preservation Fund from fines and forfeitures collected pursuant to this  
40 section shall be allocated for the support of the Special Operations Unit of the  
41 department, and used for law enforcement purposes.

1 (2) Moneys equivalent to 50 percent of the revenue from any fine collected  
2 pursuant to this section shall be paid to the county in which the offense was  
3 committed, pursuant to Section 13003. The board of supervisors shall first use  
4 revenues pursuant to this subdivision to reimburse the costs incurred by the district  
5 attorney or city attorney in investigating and prosecuting the violation. Any excess  
6 revenues may be expended in accordance with Section 13103.

7 **Comment.** Section 12012 is amended to delete a superfluous reference to animal parts. See  
8 Section 80 (reference to animal generally includes part of animal).

9 **Fish & Game Code § 12013.3 (amended). Punishment for action involving specific animals**

10 SEC. \_\_\_\_\_. Section 12013.3 of the Fish and Game Code is amended to read:

11 12013.3. (a) Notwithstanding Section 12002, 12003.2, 12008, or 12008.5, the  
12 punishment for any person who knowingly violated and has been convicted of the  
13 following provisions where the violation involved a trophy deer, elk, antelope, or  
14 bighorn sheep shall be a fine of not less than five thousand dollars (\$5,000), nor  
15 more than forty thousand dollars (\$40,000), and where the violation involved a  
16 wild turkey, a fine of not less than two thousand dollars (\$2,000), nor more than  
17 five thousand dollars (\$5,000), or imprisonment in the county jail for not more  
18 than one year, or both that fine and imprisonment:

19 (1) Section 2001, if the person took an animal outside the established season.

20 (2) Section 2005.

21 (3) Section 257.5 of Title 14 of the California Code of Regulations.

22 (4) Section 4304.

23 (5) Section 4330.

24 (6) Section 1054.2, if the person failed to procure the required license or tag  
25 prior to taking a deer, elk, antelope, or bighorn sheep.

26 (b) The commission shall adopt regulations to implement this section, including  
27 establishing a trophy designation and monetary value based on the size or related  
28 characteristics of deer, elk, antelope, bighorn sheep, and wild turkeys ~~or parts~~  
29 thereof.

30 (c) All revenue from fines imposed pursuant to this section for deer, elk,  
31 antelope, and bighorn sheep violations shall be deposited in the Big Game  
32 Management Account established in Section 3953 and shall be used for the big  
33 game management purposes described in that section.

34 (d) All revenue from fines imposed pursuant to this section for wild turkey  
35 violations shall be deposited in the Upland Game Bird Account established in  
36 Section 3684 and shall be used for the upland game bird conservation purposes  
37 described in that section.

38 (e) Moneys equivalent to 50 percent of the revenue from any fine collected  
39 pursuant to this section shall be paid to the county in which the offense was  
40 committed, pursuant to Section 13003. The county board of supervisors shall first  
41 use revenues pursuant to this subdivision to reimburse the costs incurred by the

1 district attorney or city attorney in investigating and prosecuting the violation. Any  
2 excess revenues may be expended in accordance with Section 13103.

3 **Comment.** Subdivision (b) of Section 12013.3 is amended to delete a superfluous reference to  
4 animal parts. See Section 80 (reference to animal generally includes part of animal).

5 **Fish & Game Code § 12155 (amended). Punishment for third and subsequent convictions**

6 SEC. \_\_\_\_\_. Section 12155 of the Fish and Game Code is amended to read:

7 12155. (a) Upon the third conviction of any person of a violation of any  
8 provision of this code or regulation adopted pursuant ~~thereto~~ to this code relating  
9 to the taking or possession of ~~birds or mammals, or parts thereof,~~ a bird or  
10 mammal in any five-year period, and upon any conviction subsequent to the three  
11 convictions during a five-year period, that person shall be prohibited from taking  
12 any ~~birds or mammals~~ bird or mammal in the state for three years from the date of  
13 the last conviction. The commission shall revoke ~~the~~ any hunting license of ~~the~~  
14 ~~person who is a person~~ prohibited from taking ~~birds or mammals~~ a bird or  
15 mammal in this state, ~~if he or she has one,~~ for the period of prohibition.

16 (b) It shall be unlawful for any person to obtain, or attempt to obtain, a hunting  
17 license during a period of prohibition.

18 **Comment.** Section 12155 is amended to delete a superfluous reference to animal parts. See  
19 Section 80 (reference to animal generally includes part of animal).

20 The section is also amended to add subdivision designations and make nonsubstantive stylistic  
21 changes.

22 **Fish & Game Code § 12162 (amended). Sale or donation of seized take**

23 SEC. \_\_\_\_\_. Section 12162 of the Fish and Game Code is amended to read:

24 12162. Any ~~seizure of any birds, mammals, fish, reptiles, or amphibia or parts~~  
25 ~~thereof~~ bird, mammal, fish, reptile, or amphibian ~~made~~ seized under circumstances  
26 ~~wherein in which~~ it cannot be determined who took, possessed, sold, imported, or  
27 transported ~~them~~ the bird, mammal, fish, reptile, or amphibian contrary to law may  
28 be sold or donated to a state, county, city, city and county, or any charitable  
29 institution.

30 **Comment.** Section 12162 is amended to delete a superfluous reference to animal parts. See  
31 Section 80 (reference to animal generally includes part of animal).

32 The section is also amended to make nonsubstantive stylistic changes.

33 **Fish & Game Code § 12163 (amended). Purchase of seized take**

34 SEC. \_\_\_\_\_. Section 12163 of the Fish and Game Code is amended to read:

35 12163. Any person who purchases birds, mammals, fish, reptiles, or ~~amphibia,~~  
36 amphibians ~~or parts thereof,~~ from the department pursuant to the preceding  
37 sections shall, upon delivery ~~to him,~~ pay to the department, for deposit in the Fish  
38 and Game Preservation Fund, the prevailing market price for legal birds,  
39 mammals, fish, reptiles, or ~~amphibia~~ amphibians in effect on the date of seizure.

40 **Comment.** Section 12163 is amended to delete a superfluous reference to animal parts. See  
41 Section 80 (reference to animal generally includes part of animal).

1 The section is also amended to make nonsubstantive stylistic changes.

2 **Fish & Game Code § 12164 (amended). Confiscation and disposal of bird or mammal**

3 SEC. \_\_\_\_\_. Section 12164 of the Fish and Game Code is amended to read:

4 12164. The court before whom any person has been convicted of trespassing  
5 under Section 602 of the Penal Code shall, in addition to any other fine or  
6 forfeiture imposed, confiscate any bird or mammal ~~or parts thereof~~ taken while  
7 trespassing, and shall dispose of the bird or mammal ~~or parts thereof~~ to a  
8 charitable institution or cause it to be destroyed if unfit for human consumption.

9 **Comment.** Section 12164 is amended to delete superfluous references to animal parts. See  
10 Section 80 (reference to animal generally includes part of animal).

11 **Fish & Game Code § 12300 (amended). California Indians**

12 SEC. \_\_\_\_\_. Section 12300 of the Fish and Game Code is amended to read:

13 12300. ~~Irrespective of~~ (a) Notwithstanding any other provision of law, the  
14 provisions of this code are not applicable to California Indians whose names are  
15 inscribed upon the tribal rolls, while on the reservation of ~~such~~ that tribe and under  
16 those circumstances in this State where the code was not applicable to them  
17 immediately prior to the effective date of Public Law 280, Chapter 505, First  
18 Session, 1953, 83d Congress of the United States.

19 (b) No ~~such~~ Indian described in subdivision (a) shall be prosecuted for the  
20 violation of any provision of this code occurring in the places and under the  
21 circumstances ~~hereinabove referred to~~ described in subdivision (a). Nothing in this  
22 section, however, prohibits or restricts the prosecution of any Indian for the  
23 violation of any provision of this code prohibiting the sale of any bird, mammal,  
24 fish, ~~or amphibia~~ amphibian, or reptile.

25 **Comment.** Subdivision (b) of Section 12300 is amended to add reptiles.

26 The section is also amended to add subdivision designations and make nonsubstantive stylistic  
27 changes.

28 **Fish & Game Code § 13200 (amended). Accounting method**

29 SEC. \_\_\_\_\_. Section 13200 of the Fish and Game Code is amended to read:

30 13200. The department shall account for revenues and expenditures of the  
31 money in the Fish and Game Preservation ~~Account~~ Fund in a manner consistent  
32 with the laws and applicable policies governing state departments generally for  
33 each activity or program in which the department is engaged.

34 **Comment.** Section 13200 is amended to conform an incorrect reference to the “Fish and Game  
35 Preservation Account” to refer to the “Fish and Game Preservation Fund.”

36 **Fish & Game Code § 13220 (amended). Fish and Game Preservation Fund**

37 SEC. \_\_\_\_\_. Section 13220 of the Fish and Game Code is amended to read:

38 13220. Except as provided in Section 13230, the money in the Fish and Game  
39 Preservation Fund, commencing with the 2005–06 fiscal year, is available for

1 expenditure, upon appropriation by the Legislature, for all of the following  
2 purposes:

3 (a) To the department for payment of refunds of sums determined by it to have  
4 been erroneously deposited in the fund, including, but not limited to, money  
5 received or collected in payment of fees, licenses, permits, taxes, fines, forfeitures,  
6 or services.

7 (b) To the department for expenditure in accordance with law for the payment of  
8 all necessary expenses incurred in carrying out this code and any other laws for the  
9 protection and preservation of birds, mammals, reptiles, amphibians, and fish.

10 (c) To the commission for expenditure in accordance with law for the payment  
11 of the compensation and expenses of the commissioners and employees of the  
12 commission.

13 **Comment.** Subdivision (b) of Section 13220 is amended to add amphibians.

14 **Fish & Game Code § 14102 (amended). Compensation**

15 SEC. \_\_\_\_\_. Section 14102 of the Fish and Game Code is amended to read:

16 14102. Each commissioner who is not also a state officer shall receive ~~ten~~ one  
17 hundred dollars ~~(\$10)~~ (\$100) for each day of ~~actual service performed in carrying~~  
18 ~~out his performing~~ official duties pursuant to the ~~directions~~ direction of the  
19 commission, and each commissioner shall receive ~~his~~ actual and necessary travel  
20 expenses incurred in ~~the performance of his performing~~ official duties ~~in~~ on behalf  
21 of the commission.

22 **Comment.** Section 14102 is amended to correct a reference to an obsolete per diem allowance.  
23 See Gov't Code § 11564.5.

24 The section is also amended to make nonsubstantive stylistic changes.

25 **Fish & Game Code § 16500 (amended). Findings**

26 SEC. \_\_\_\_\_. Section 16500 of the Fish and Game Code is amended to read:

27 16500. The Legislature finds:

28 (a) Jurisdiction over the protection and development of natural resources,  
29 especially the fish resource, is of great importance to both the State of California  
30 and California Indian tribes.

31 (b) To California Indian tribes, control over their minerals, lands, water,  
32 wildlife, and other resources within Indian country is crucial to their economic  
33 self-sufficiency and the preservation of their heritage. On the other hand, the State  
34 of California is concerned about protecting and developing its resources;  
35 protecting, restoring, and developing its commercial and recreational salmon  
36 fisheries; ensuring public access to its waterways; and protecting the environment  
37 within its borders.

38 (c) More than any other issue confronting the State of California and California  
39 Indian tribes, the regulation of natural resources, especially fish, transcends  
40 political boundaries.

1 (d) In many cases, the State of California and California Indian tribes have  
2 differed in their respective views of the nature and extent of state versus tribal  
3 jurisdiction in areas where Indians have historically fished. Despite these frequent  
4 and often bitter disputes, both the state and the tribes seek, as their mutual goal,  
5 the protection and preservation of the fish resource. This division is an attempt to  
6 provide a legal mechanism, other than protracted and expensive litigation over  
7 unresolved legal issues, for achieving that mutual goal on the Klamath River.

8 ~~That the Department of Fish and Game~~ The department has exercised  
9 jurisdiction over the Klamath River from the mouth of the river through the Yurok  
10 Reservation and the Hoopa Valley Reservation, but ~~that~~ the Bureau of Indian  
11 Affairs and the Indian tribes thereon have also asserted jurisdiction over that river.  
12 The river itself lies within a disputed area and proper management of the resource  
13 presents, therefore, unique and difficult problems in the exercise of fishing  
14 practices by all users groups.

15 (f) Although commercial fishing may not be a traditional practice of the tribes  
16 existing along the Klamath River within the boundaries of the land of the Yurok  
17 Reservation and the Hoopa Valley Reservation, nevertheless, the ~~Department of~~  
18 ~~Fish and Game~~ department has historically supported the concept of tribal fishing,  
19 including a tribal commercial fishing industry where the industry is consistent  
20 with the need to preserve the species, sound management, and where ~~such~~ that  
21 usage would not adversely effect other user groups, including sportfishing and the  
22 ocean commercial fishery.

23 (g) ~~That a~~ A commercial fishery existed on the Klamath River in the late 19th  
24 century and early 20th century, in which the Indian tribes existing along the river  
25 participated, but ~~that the~~ commercial fishing was abolished in 1933 with the  
26 passage of the predecessor to Section 8434, and, further, that salmon resources  
27 have declined historically due to past water developmental policies and timber  
28 harvesting practices. With a reduced number of fish available, special laws are  
29 needed to protect those resources and allocate them fairly among the various user  
30 groups.

31 (h) This division is not only enacted to provide the legal mechanism described  
32 above, but is also intended to encourage cooperative agreements to allow  
33 protection of the resource among all of the user groups. In so doing, the  
34 Legislature recognizes the unique status of the Klamath River and the fishing  
35 therein.

36 **Comment.** Section 16500 is amended to update obsolete references to the Department of Fish  
37 and Game. See Section 37 (“department” means Department of Fish and Wildlife).

38 The section is also amended to make nonsubstantive stylistic changes.

39 **Fish & Game Code § 16520 (amended). “Klamath Fishery Management Council”**

40 SEC. \_\_\_\_ . Section 16520 of the Fish and Game Code is amended to read:

41 16520. “Klamath Fishery Management Council” means that council created  
42 pursuant to Section 46055 of Title 16 of the United States Code ~~which~~ that is

1 composed of one representative each from the department, the Pacific Fishery  
2 Management Council, National Marine Fisheries Service, Department of the  
3 Interior, Oregon Department of Fish and Wildlife, ~~California Department of Fish~~  
4 ~~and Game~~, the Hoopa Valley Business Council, non-Hoopa Indians, the California  
5 commercial salmon fishing industry, the Oregon commercial salmon fishing  
6 industry, the Klamath River in-river sportfishing community, and the California  
7 offshore recreational fishing industry.

8 **Comment.** Section 16520 is amended to update an obsolete reference to the Department of  
9 Fish and Game. See Section 37 (“department” means Department of Fish and Wildlife).  
10 The section is also amended to make nonsubstantive stylistic changes.