

### Third Supplement to Memorandum 2016-25

#### **Fish and Game Law: Public Comment on Divisions 6 through 12 (Types of Animals)**

---

Memorandum 2016-25 presents a draft of Divisions 6 through 12 of the proposed Fish and Wildlife Code,<sup>1</sup> containing provisions of the existing Fish and Game Code governing specific types of animals.

On May 23, 2016, the Commission received an email from Harold Thomas, a special deputy District Attorney in Butte County, commenting on provisions in the draft attached to Memorandum 2016-25. That email is attached as an Exhibit to the First Supplement to Memorandum 2016-25.

On May 31, 2016, the Commission received an email from Ann Malcolm, counsel with the Department of Fish and Wildlife, in part referencing Mr. Thomas's email. The email from the Department is attached as an Exhibit to this supplement.

Respectfully submitted,

Steve Cohen  
Staff Counsel

---

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.

**EMAIL FROM ANN MALCOLM, DEPARTMENT OF FISH AND WILDLIFE  
(MAY 31, 2016)**

The Department agrees with Mr. Thomas's request and strongly urges that the Law Revision Commission not pursue amendments to the existing "prima facie" language that is included in several sections of the Fish and Game Code. One of these sections is the subject of current litigation, and the Department of Fish and Wildlife would prefer the courts to resolve the constitutionality issue.