

AMENDED IN SENATE MARCH 24, 2010

**SENATE BILL**

**No. 1179**

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**Introduced by Senator Hollingsworth**

February 18, 2010

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An act to add Section 3040 to the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1179, as amended, Hollingsworth. Free hunting days.

Existing law generally requires a license to take a bird or mammal. Existing law requires the Department of Fish and Game to issue *hunting* licenses, upon payment of a fee, to eligible California residents and nonresidents, as specified.

*Existing law authorizes the Director of Fish and Game to designate not more than 2 days a year as free sportfishing days during which residents and nonresidents may, without having a sportfishing license and without the payment of any fee, exercise the privileges of a holder of a sportfishing license, subject to all of the limitations, restrictions, conditions, laws, rules, and regulations applicable to the holder of a sportfishing license.*

This bill would require the department to establish 2 free hunting days per year. The bill would permit a California resident who does not possess a hunting license to hunt if accompanied by a person who holds a valid hunting license and if the unlicensed hunter remains in the field of vision of the licensed hunter at all times. The bill would authorize the department to require to demonstrate the safe operation of the firearm he or she intends to use prior to being authorized to participate in a free hunting day. *The bill would authorize the department to prohibit*

*unlicensed hunters hunting pursuant to these provisions from taking certain species.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares the following:

2 (a) Hunters and fishermen, as the stewards of California wildlife,  
 3 have a long tradition of supporting California’s natural resources  
 4 and wildlife through their efforts to enhance habitat and protect  
 5 species.

6 (b) Hunters and fishermen fund the Department of Fish and  
 7 Game through their purchase of hunting and fishing licenses.

8 (c) Two free fishing days exist under California law, and it is  
 9 the intent of the Legislature that two free hunting days be  
 10 established to permit California residents to engage in hunting  
 11 under certain conditions.

12 SEC. 2. Section 3040 is added to the Fish and Game Code, to  
 13 read:

14 3040. (a) The commission, in consultation with the department,  
 15 shall designate two days per year as “Free Hunting Days.” One  
 16 free hunting day shall be established during the fall hunting season,  
 17 and the other free hunting day shall be established during the winter  
 18 ~~hunting season. The exact dates of the free hunting days shall be~~  
 19 ~~published in the annual hunting regulations:~~ *hunting season. The*  
 20 *department shall publish the exact dates of the free hunting days*  
 21 *in annual publications of the department regarding current hunting*  
 22 *regulations.*

23 (b) During a free hunting day, a California resident who does  
 24 not possess a valid hunting license may hunt if accompanied by a  
 25 hunter who holds a valid hunting license issued by the State of  
 26 California, provided that the unlicensed hunter is under the direct  
 27 visual supervision of the licensed hunter at all times. A licensed  
 28 hunter may accompany more than one unlicensed hunter.

29 (c) The department may require an unlicensed hunter, prior to  
 30 being authorized to participate in a free hunting day, to demonstrate  
 31 the safe operation of the firearm he or she intends to use. The  
 32 authorized individuals who may evaluate whether the unlicensed  
 33 hunter properly demonstrated the safe operation of a firearm are

1 federally licensed firearms dealers with a State Certificate of  
2 Eligibility, an employee of such a federally licensed dealer, a  
3 Hunter Education Instructor certified by the department, or a  
4 licensed hunter who has held a valid hunting license for at least  
5 the last three consecutive years. The department may accept a  
6 signed affidavit from any of the authorized individuals as proof  
7 that the unlicensed hunter has complied with this subdivision.

8 *(d) On free hunting days, the department may prohibit*  
9 *unlicensed hunters hunting pursuant to this section from taking*  
10 *the following:*

11 *(1) Any species that requires a draw or lottery to obtain a tag.*

12 *(2) Any species that is subject to a federal stamp or reporting*  
13 *requirement, unless federal law provides an applicable exemption.*