

AMENDED IN SENATE APRIL 19, 2010

AMENDED IN SENATE MARCH 24, 2010

SENATE BILL

No. 1179

Introduced by Senator Hollingsworth

February 18, 2010

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~~ *licensed hunter who meets prescribed requirements* and if the unlicensed hunter ~~remains in the field of vision~~ *is under the direct visual supervision* of the licensed hunter at all times. The bill would authorize the department to require *an unlicensed hunter* 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 department shall publish the exact dates of
19 the free hunting days in annual publications of the department
20 regarding current hunting regulations.

21 (b) During a free hunting day, a California resident who does
22 not possess a valid hunting license may hunt if accompanied by a
23 hunter who holds a valid hunting license issued by the State of
24 California, *has held a valid hunting license for at least the last*
25 *three consecutive years, and is at least 18 years of age*, provided
26 that the unlicensed hunter is under the direct visual supervision of
27 the licensed hunter at all times. A licensed hunter may accompany
28 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

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

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

- 12 (1) Any species that requires a draw or lottery to obtain a tag.
- 13 (2) Any species that is subject to a federal stamp or reporting
14 requirement, unless federal law provides an applicable exemption.