

AMENDED IN SENATE JUNE 1, 2010  
AMENDED IN SENATE APRIL 19, 2010  
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~~ *authorize the director* to establish 2 free hunting days per year. The bill would ~~permit~~ *authorize* a California resident who ~~does not possess~~ *has never previously held* a *state* hunting license to hunt *during a free hunting day* if accompanied by a licensed hunter who meets prescribed requirements and if the unlicensed hunter ~~is under the direct visual supervision of,~~ *while*

*engaged in hunting activities, remains in close visual and verbal contact with the licensed hunter at all times. Under the bill, the unlicensed hunter would be subject to all of the limitations, restrictions, conditions, statutes, rules, and regulations applicable to the holder of a valid hunting license and all of the unlicensed hunter's take would be attributable to the licensed hunter's take limits. 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, and to adopt, by regulation, additional requirements or restrictions to implement the bill.*

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~~ *Notwithstanding Section 3031, the director may designate*  
 16 *two days per year as "Free Hunting Days." One free hunting day*  
 17 ~~shall~~ *may* be established during the fall hunting season, and the  
 18 other free hunting day ~~shall~~ *may* be established during the winter  
 19 hunting season. The department shall publish the exact dates of  
 20 the free hunting days in annual publications of the department  
 21 regarding current hunting regulations.  
 22 (b) During a free hunting day, a California resident who ~~does~~  
 23 ~~not possess a valid hunting license~~ *has never previously held a*

1 *valid hunting license issued by the State of California* may hunt  
2 if accompanied by a hunter who holds a valid hunting license  
3 issued by the State of California, has held a valid hunting license  
4 for at least the last three consecutive years, and is at least 18 years  
5 of age, ~~provided that the unlicensed hunter is under the direct visual~~  
6 ~~supervision of the licensed hunter at all times. A licensed hunter~~  
7 ~~may accompany more than one unlicensed hunter.~~ *age. While*  
8 *engaged in hunting activities, the unlicensed hunter shall remain*  
9 *in close visual and verbal contact with the licensed hunter at all*  
10 *times so that the licensed hunter is able to provide adequate*  
11 *direction and immediately assume control of a firearm from the*  
12 *unlicensed hunter at any time.*

13 (c) The department may require an unlicensed hunter, prior to  
14 being authorized to participate in a free hunting day, to demonstrate  
15 the safe operation of the firearm he or she intends to use. The  
16 authorized individuals who may evaluate whether the unlicensed  
17 hunter properly demonstrated the safe operation of a firearm are  
18 federally licensed firearms dealers with a State Certificate of  
19 Eligibility, an employee of such a federally licensed dealer, a  
20 Hunter Education Instructor certified by the department, or a  
21 licensed hunter who has held a valid hunting license for at least  
22 the last three consecutive years. The department may accept a  
23 signed affidavit from any of the authorized individuals as proof  
24 that the unlicensed hunter has complied with this subdivision.

25 (d) On free hunting days, the department may prohibit  
26 unlicensed hunters hunting pursuant to this section from taking  
27 the following:

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

31 (e) *An unlicensed hunter hunting pursuant to this section is*  
32 *subject to all of the limitations, restrictions, conditions, statutes,*  
33 *rules, and regulations applicable to the holder of a valid hunting*  
34 *license.*

35 (f) *All of the unlicensed hunter's take shall be attributable to*  
36 *the supervising licensed hunter's take limits.*

37 (g) *The department may adopt regulations to implement this*  
38 *section that include additional minimum requirements and*

- 1 *restrictions for a licensed hunter or unlicensed hunter participating*
- 2 *in a free hunting day pursuant to this section.*

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