

AMENDED IN ASSEMBLY JUNE 21, 2010

AMENDED IN SENATE JUNE 1, 2010

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 ~~authorize~~ *require* the director to establish 2 free hunting days per year. The bill would authorize a California resident who 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, 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, to prohibit unlicensed hunters from taking certain species, and to adopt, by regulation, additional requirements or restrictions to implement the bill, except as specified, and would be required to complete a prescribed online hunter's safety course.~~

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) Notwithstanding Section 3031, the director ~~may~~
15 *shall* designate two days per year as "Free Hunting Days." One
16 free hunting day ~~may shall~~ be established during the fall hunting
17 season, and the other free hunting day ~~may shall~~ be established
18 during the winter hunting season. The department shall publish
19 the exact dates of the free hunting days in annual publications of
20 the department regarding current hunting regulations.

21 (b) During a free hunting day, a California resident who has
22 never previously held a valid hunting license issued by the State
23 of California may hunt if accompanied by a hunter who holds a

1 valid hunting license issued by the State of California, has held a
2 valid hunting license for at least the last three consecutive years,
3 and is at least 18 years of age. While engaged in hunting activities,
4 the unlicensed hunter shall remain in close visual and verbal contact
5 with the licensed hunter at all times so that the licensed hunter is
6 able to provide adequate direction and immediately assume control
7 of a firearm from the unlicensed hunter at any time.

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

20 (d) On free hunting days, the department may prohibit
21 unlicensed hunters hunting pursuant to this section from taking
22 the following:

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

26 (e) An unlicensed hunter hunting pursuant to this section is
27 subject to all of the limitations, restrictions, conditions, statutes,
28 rules, and regulations applicable to the holder of a valid hunting
29 license, *except the requirement to possess a valid hunting license*
30 .

31 ~~(f) All of the unlicensed hunter's take shall be attributable to
32 the supervising licensed hunter's take limits.~~

33 ~~(g) The department may adopt regulations to implement this
34 section that include additional minimum requirements and
35 restrictions for a licensed hunter or unlicensed hunter participating
36 in a free hunting day pursuant to this section.~~

- 1 *(f) An unlicensed hunter shall complete an online hunter's safety*
- 2 *course that is approved and referenced by the department's*
- 3 *Internet Web site.*

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