

AMENDED IN ASSEMBLY AUGUST 2, 2010

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 ~~require~~ *authorize* 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, except as specified, and would be required to ~~complete a prescribed online hunter’s safety course~~. *meet specified requirements. The bill would prohibit the above provisions from being implemented until the department’s Automated License Data System is fully operational for at least one year.*

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 ~~shall~~
- 15 *may* designate two days per year as “Free Hunting Days.” One
- 16 free hunting day ~~shall may~~ be established during the fall hunting
- 17 season, and the other free hunting day ~~shall may~~ 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
- 24 valid hunting license issued by the State of California, has held a

1 valid hunting license for at least the last three consecutive years,
2 ~~and is at least 18~~ 21 years of age, *and accompanies only one*
3 *unlicensed hunter in the field at a time. An unlicensed hunter shall*
4 *participate in the free hunting days for only one license year and*
5 *shall complete a hunter education course approved by the*
6 *department and register with the department, or an agent of the*
7 *department, prior to participating in a free hunting day. 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 ~~(e) 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 ~~(c) An unlicensed hunter who participates in a free hunting day~~
32 ~~shall have in his or her possession all of the following:~~

- 33 ~~(1) A certificate of completion of a course in hunter education~~
34 ~~as required in paragraph (3) of subdivision (a) of Section 3050.~~
- 35 ~~(2) Any required tags or report cards.~~
- 36 ~~(3) Any required federal entitlements.~~
- 37 ~~(4) Any required entry permits.~~

38 ~~(d) Unlicensed hunters participating in free hunting days shall~~
39 ~~not take any species that requires a draw or lottery to obtain a~~
40 ~~tag.~~

1 (e) An unlicensed hunter hunting pursuant to this section is
2 subject to all of the limitations, restrictions, conditions, statutes,
3 rules, and regulations applicable to the holder of a valid hunting
4 license, except the requirement to possess a valid hunting license.

5 ~~(f) An unlicensed hunter shall complete an online hunter's safety~~
6 ~~course that is approved and referenced by the department's Internet~~
7 ~~Web site.~~

8 *(f) The department may adopt additional minimum requirements*
9 *and restrictions for a licensed hunter or unlicensed hunter*
10 *participating in a free hunting day pursuant to this section.*

11 *(g) This section shall not be implemented until the department's*
12 *Automated License Data System is fully operational for at least*
13 *one year.*