

AMENDED IN ASSEMBLY JUNE 30, 2011

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 25, 2011

SENATE BILL

No. 769

Introduced by Senator Fuller

(Principal coauthor: Assembly Member Huffman)

February 18, 2011

An act to amend Section 4800 of the Fish and Game Code, relating to mountain lions, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 769, as amended, Fuller. Mountain lions: display ~~or~~, exhibition, *or storage*.

Proposition 117, an initiative measure approved by the electors at the June 5, 1990, primary election, enacted the California Wildlife Protection Act of 1990. The act establishes that the mountain lion is a specially protected mammal under the laws of this state, and makes it unlawful to take, injure, possess, transport, import, or sell any mountain lion or any part or product thereof. The act establishes certain exemptions from that prohibition, ~~including exemptions for zoos and bona fide scientific institutions under certain circumstances~~. The act prohibits the Legislature from changing the act, with specified exceptions, except by a $\frac{2}{3}$ vote of the membership of both houses of the Legislature and then only if consistent with, and in furtherance of, the purposes of the act.

This bill would establish an exemption for the possession of a mountain lion carcass or any part or product of a mountain lion carcass,

if the carcass or carcass part or product is prepared or being prepared for display ~~or~~, exhibition, *or storage*, for a bona fide scientific or ~~education~~ *educational* purpose, at a nonprofit *museum* or government-owned ~~museum~~ *facility* generally open to the public or at an educational institution, if the mountain lion was taken in California consistent with the requirements of the act and any other applicable law and was provided to the museum, *facility*, or educational institution by the department. The bill would find and declare that the amendments made by the bill are consistent with, and further the purposes of, the act.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{4}{5}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 4800 of the Fish and Game Code is
- 2 amended to read:
- 3 4800. (a) The mountain lion (genus *Puma*) is a specially
- 4 protected mammal under the laws of this state.
- 5 (b) (1) It is unlawful to take, injure, possess, transport, import,
- 6 or sell any mountain lion or any part or product thereof, except as
- 7 specifically provided in this chapter or in Chapter 2 (commencing
- 8 with Section 2116) of Division 3.
- 9 (2) This chapter does not prohibit the sale or possession of any
- 10 mountain lion or any part or product thereof, when the owner can
- 11 demonstrate that the mountain lion, or part or product thereof, was
- 12 in the person’s possession on June 6, 1990.
- 13 (3) This chapter does not prohibit the possession of a mountain
- 14 lion carcass or any part or product of a mountain lion carcass, if
- 15 all of the following requirements are met:
- 16 (A) The carcass or carcass part or product is prepared or being
- 17 prepared for display ~~or exhibition~~, *exhibition, or storage*, for a
- 18 bona fide scientific or ~~education~~ *educational* purpose, at a nonprofit
- 19 *museum* or government-owned ~~museum~~ *facility* generally open to
- 20 the public or at an educational institution, including a public or
- 21 private postsecondary institution.
- 22 (B) The mountain lion was taken in California consistent with
- 23 the requirements of this chapter and any other applicable law and

1 was provided to the museum, *facility*, or educational institution
2 by the department.

3 (c) Any violation of this section is a misdemeanor punishable
4 by imprisonment in the county jail for not more than one year, or
5 a fine of not more than ten thousand dollars (\$10,000), or by both
6 that fine and imprisonment. An individual is not guilty of a
7 violation of this section if it is demonstrated that, in taking or
8 injuring a mountain lion, the individual was acting in self-defense
9 or in defense of others.

10 (d) Section 219 does not apply to this chapter. Neither the
11 commission nor the department shall adopt any regulation that
12 conflicts with or supersedes any of the provisions of this chapter.

13 SEC. 2. The Legislature finds and declares that the amendments
14 made by this act to Section 4800 of the Fish and Game Code are
15 consistent with, and further the purposes of, the California Wildlife
16 Protection Act of 1990.

17 SEC. 3. This act is an urgency statute necessary for the
18 immediate preservation of the public peace, health, or safety within
19 the meaning of Article IV of the Constitution and shall go into
20 immediate effect. The facts constituting the necessity are:

21 In order to allow ~~museums or other educational or scientific~~
22 ~~institutions to display or exhibit~~ *the display, exhibition, or storage*
23 *of* mountain lion carcasses or parts thereof for a bona fide scientific
24 or educational purpose as soon as possible, it is necessary that this
25 act take effect immediately.