

Introduced by Senator Corbett
(Principal coauthor: Assembly Member Hill)

February 24, 2012

An act to amend Sections 4004, 4005, 4007, and 4008 of, to add Sections 4013 and 4014 to, and to repeal and add Section 4006 of, the Fish and Game Code, relating to trapping.

LEGISLATIVE COUNSEL'S DIGEST

SB 1480, as introduced, Corbett. Trapping.

(1) Existing law, except as specified, requires every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals, designated by the Fish and Game Commission, or who sells raw furs of those mammals, to have a trapping license from the Department of Fish and Game. Certain persons taking mammals injurious to growing crops or other property are exempted from the trapping license requirement, except those persons providing trapping services for profit are required to obtain a trapping license from the department.

This bill would establish 2 classes of trapping licenses. The bill would authorize a person who has complied with all applicable licensing and license renewal requirements to trap wildlife for recreation or fur to be issued a Class I trapping license. The bill would authorize specified persons trapping wildlife for a profit be issued a Class II trapping license. The bill would require the department to publish a list of Class II trapping licensees on its Internet Web site. The bill would authorize the commission to suspend or revoke a trapping license at a regularly scheduled meeting of the commission on prescribed grounds.

The bill would revise fees for trapping licenses, and would establish the Trapping Enforcement Account in the Fish and Wildlife Preservation Fund. The bill would require fee revenues to be placed in the account,

to be available, upon appropriation, for specified purposes relating to the enforcement of existing laws and regulations governing trapping.

The bill would require a Class II trapping licensee to make a reasonable effort, as defined, to prevent leaving orphaned dependent animal young to die within inaccessible areas of a structure such as a home or business, as a consequence of trapping and killing the mother. The bill would further require Class II trapping licensees to provide clients with a written contract, containing prescribed information, prior to setting traps.

(2) Existing law, except as expressly provided, makes any violation of the Fish and Game Code, or any rule, regulation, or order made or adopted under that code, a misdemeanor.

The bill would make it unlawful to kill any trapped mammal by listed methods or to solicit trapping services business from the public for reasons of health or safety pursuant to specified laws. By specifying these new Fish and Game Code violations, thereby defining new crimes, this bill would impose a state-mandated local program.

(3)The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 4004 of the Fish and Game Code is
- 2 amended to read:
- 3 4004. It is unlawful to do any of the following:
- 4 (a) Use a trap with saw-toothed or spiked jaws.
- 5 (b) Use or sell leghold steel-jawed traps with a spread of 5 ½
- 6 inches or larger without offset jaws.
- 7 (c) Use steel-jawed traps larger than size 1 ½ or with a spread
- 8 larger than 4 7/8 inches for taking muskrat.
- 9 (d) Set or maintain traps which do not bear a number or other
- 10 identifying mark registered to the department or, in the case of a
- 11 federal, state, county, or city agency, bear the name of that agency,
- 12 except that traps set pursuant to Section 4152 or 4180 shall bear

1 an identifying mark in a manner specified by the department. No
2 registration fee shall be charged pursuant to this subdivision.

3 (e) Fail to visit and remove all animals from traps at least once
4 daily. If the trapping is done pursuant to Section 4152 or 4180, the
5 inspection and removal shall be done by the person who sets the
6 trap or the owner of the land where the trap is set or an agent of
7 either.

8 (f) Use a steel leghold trap with a spread exceeding 7½ inches
9 or killer-type trap of the conibear type that is larger than ~~10~~ 6
10 inches by ~~10~~ 6 inches, *unless partially or wholly submerged in*
11 *water.*

12 (g) Set or maintain steel leghold traps within 30 feet of bait
13 placed in a manner or position so that it may be seen by any soaring
14 bird. As used in this subdivision, “bait” includes any bait composed
15 of mammal, bird, or fish flesh, fur, hide, entrails, or feathers.

16 (h) Set or maintain steel leghold traps with a spread of 5½
17 inches or larger without a tension device.

18 (i) *Kill any mammal trapped in accordance with this section by*
19 *intentional drowning, chest crushing or thoracic compression, or*
20 *injection with any chemical not sold for the purpose of euthanizing*
21 *animals.*

22 (j) *Solicit trapping services business from the public for reasons*
23 *of health or safety pursuant to Section 4152, 4180, or 4011.*

24 SEC. 2. Section 4005 of the Fish and Game Code is amended
25 to read:

26 4005. (a) Except as otherwise provided in this section, every
27 person, other than a fur dealer, who traps fur-bearing mammals or
28 nongame mammals, designated by the commission or who sells
29 raw furs of those mammals, shall procure a trapping license. “Raw
30 fur” means any fur, pelt, or skin that has not been tanned or cured,
31 except that salt-cured or sun-cured pelts are raw furs.

32 (b) The department shall develop standards that are necessary
33 to ensure the competence and proficiency of applicants for a
34 trapping license. ~~Ne~~ A person shall *not* be issued a license until he
35 or she has passed a test of his or her knowledge and skill in this
36 field.

37 (c) Persons trapping mammals in accordance with Section 4152
38 or 4180 are not required to procure a trapping license except when
39 providing trapping services for profit.

1 (d) (1) A person who has complied with all applicable licensing
2 and license renewal requirements to trap wildlife for recreation
3 or fur may be issued a Class I trapping license.

4 (2) A person who has passed the test established by the
5 department pursuant to subdivision (b) or the test for persons
6 trapping wildlife for a profit in accordance with Section 4152 or
7 4180 may be issued a Class II trapping license. The department
8 shall publish on the Internet Web site of the department a list of
9 Class II licensees authorized to provide trapping services to the
10 public for a profit in accordance with Section 4152 or 4180.

11 (3) A license shall be renewed only for the category of license
12 that is currently possessed.

13 ~~(d)~~

14 (e) No raw furs taken by persons providing trapping services
15 for profit may be sold.

16 ~~(e)~~

17 (f) The license requirement imposed by this section does not
18 apply to any of the following:

19 (1) Officers or employees of federal, county, or city agencies
20 or the department, when acting in their official capacities, or
21 officers or employees of the Department of Food and Agriculture
22 when acting pursuant to the Food and Agricultural Code pertaining
23 to pests or pursuant to Article 6 (commencing with Section 6021)
24 of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural
25 Code.

26 (2) Structural pest control operators licensed pursuant to Chapter
27 14 (commencing with Section 8500) of Division 3 of the Business
28 and Professions Code, when trapping rats, mice, voles, moles, or
29 gophers.

30 (3) Persons and businesses licensed or certified by the
31 Department of Pesticide Regulation pursuant to Chapter 4
32 (commencing with Section 11701) and Chapter 8 (commencing
33 with Section 12201) of Division 6 of, and Chapter 3.6,
34 (commencing with Section 14151) of Division 7 of, the Food and
35 Agricultural Code, when trapping rats, mice, voles, moles, or
36 gophers.

37 ~~(f)~~

38 (g) Except for species that are listed pursuant to Chapter 1.5
39 (commencing with Section 2050) of Division 3 or Chapter 8
40 (commencing with Section 4700), nothing in this code or

1 regulations adopted pursuant thereto shall prevent or prohibit a
2 person from trapping any of the following animals:

- 3 (1) Gophers.
- 4 (2) House mice.
- 5 (3) Moles.
- 6 (4) Rats.
- 7 (5) Voles.

8 *(h) (1) The commission may suspend or revoke a license issued*
9 *under this section at a regularly scheduled meeting of the*
10 *commission, upon violation of the code or violation of an*
11 *implementing regulation adopted pursuant to this article.*

12 *(2) The commission may also suspend or revoke a license issued*
13 *under this section at a regularly scheduled meeting of the*
14 *commission for publication of information about wildlife diseases*
15 *that, in the determination of the commission, is false or misleading.*
16 *The commission, in making that determination may consider, but*
17 *shall not be limited to consideration of, information about wildlife*
18 *diseases published by the federal Centers for Disease Control and*
19 *Prevention and by the department on its Internet Web site.*

20 SEC. 3. Section 4006 of the Fish and Game Code is repealed.

21 ~~4006. A trapping license shall be issued as follows:~~

22 ~~(a) To any resident of this state over the age of 16 years upon~~
23 ~~payment of a base fee of forty-five dollars (\$45), as adjusted under~~
24 ~~Section 713.~~

25 ~~(b) To any resident of this state under the age of 16 years upon~~
26 ~~payment of a base fee of fifteen dollars (\$15), as adjusted under~~
27 ~~Section 713.~~

28 ~~(c) To any person not a resident of this state upon payment of~~
29 ~~a base fee of two hundred twenty-five dollars (\$225), as adjusted~~
30 ~~under Section 713.~~

31 ~~A license shall not be issued to a nonresident if the state in which~~
32 ~~he or she resides does not provide for issuance of a nonresident~~
33 ~~trapping license to California residents. Also, a nonresident issued~~
34 ~~a license under this subdivision may take only those species, and~~
35 ~~may take or possess only that quantity of a species which a resident~~
36 ~~of California may take or possess under a nonresident trapping~~
37 ~~license or permit in the state of residence of that nonresident.~~

38 SEC. 4. Section 4006 is added to the Fish and Game Code, to
39 read:

1 4006. (a) The department shall issue a trapping license as
2 follows:

3 (1) To any resident of this state over 16 years of age, upon
4 payment of a fee determined by the commission and adjusted
5 annually in accordance with Section 713.

6 (2) To any resident of this state under 16 years of years, upon
7 payment of a fee determined by the commission and adjusted
8 annually in accordance with Section 713.

9 (3) To any person not a resident of this state, upon payment of
10 a fee determined by the commission and adjusted annually in
11 accordance with Section 713. A license shall not be issued to a
12 nonresident if the state in which he or she resides does not provide
13 for issuance of a nonresident trapping license to California
14 residents. Also, a nonresident issued a license under this paragraph
15 may take only those species, and may take or possess only that
16 quantity of a species that a resident of California may take or
17 possess under a nonresident trapping license or permit in the state
18 of residence of that nonresident.

19 (b) (1) Fees set pursuant to subdivision (a) shall be recorded
20 in the California Code of Regulations. Except for adjustments
21 pursuant to Section 713, a fee shall not be adjusted except as
22 directed by the commission in accordance with this section.

23 (2) The commission shall adjust license fees imposed pursuant
24 to this section in accordance with findings of the department
25 determined in a review process to ensure that license fees are set
26 in an amount sufficient to recover, but not exceed, program costs.

27 (c) The Trapping Enforcement Account is hereby established
28 within the Fish and Wildlife Preservation Fund. Revenues of
29 license fees imposed pursuant to this section shall be placed in the
30 Trapping Enforcement Account and moneys in the account shall
31 be available, upon appropriation by the Legislature, to fund the
32 enforcement of the provisions of this code relating to trapping and
33 of regulations adopted pursuant to those provisions.

34 SEC. 5. Section 4007 of the Fish and Game Code is amended
35 to read:

36 4007. A *Class I* trapping license authorizes the person to whom
37 it is issued to take, during the open season, fur-bearing mammals
38 and nongame mammals for a term of one year from July 1st, or if
39 issued after the beginning of ~~such~~ *that* term, for the remainder

1 ~~thereof of the term~~ and to sell the raw fur of ~~any such animal~~ *these*
2 *mammals.*

3 SEC. 6. Section 4008 of the Fish and Game Code is amended
4 to read:

5 4008. ~~No~~A trapping license shall *not* be issued to any applicant
6 within one year following the expiration of any trapping license
7 previously issued to ~~such that~~ applicant unless ~~he~~ *the applicant*
8 has submitted to the department a sworn statement showing the
9 number of each kind of fur-bearing mammals and nongame
10 mammals taken under the previous license ~~and~~. *A Class I trapping*
11 *licensee shall provide* the names and addresses of the persons to
12 whom ~~they~~ *furs* were shipped or sold.

13 SEC. 7. Section 4013 is added to the Fish and Game Code, to
14 read:

15 4013. (a) A Class II trapping licensee shall make a reasonable
16 effort to prevent leaving orphaned dependent animal young to die
17 within inaccessible areas of a structure such as a home or business,
18 as a consequence of trapping and killing the mother. “Reasonable
19 effort” is defined as follows:

20 (1) Utilizing basic wildlife natural history information included
21 in the Class II trapping license application examination.

22 (2) Requesting information from the potential client that would
23 indicate whether dependent animal young are present, such as
24 infant vocalization and other sounds commonly associated with
25 young being present.

26 (3) Conducting a visual inspection or setting a one-way-door
27 with a holding trap attached to determine if a lactating female
28 animal is present within the building if there is uncertainty as to
29 whether young are present.

30 (b) A lactating female animal shall not be killed, and traps shall
31 not be set for a mother if young sounds have been reported or it is
32 known that dependent animal young exist on the premises and the
33 removal of young from within a structure or other area is not
34 possible due to inaccessibility.

35 SEC. 8. Section 4014 is added to the Fish and Game Code, to
36 read:

37 4014. (a) Class II trapping licensees that provide trapping
38 services for profit pursuant to Section 4152 or 4180 shall provide
39 each client with a written contract prior to setting traps.

1 (b) The written contract shall contain the following information
2 and disclosures and shall be printed in at least 12-point typeface
3 beginning on and continuing from the upper half of the first page
4 of the contract:

5
6 California law requires consumers to be provided with the
7 following information and disclosures prior to traps being set,
8 when hiring wildlife trapping services.

9 • Name and current contact information of the person setting
10 a trap.

11 • The current year’s trapping license number of the individual
12 setting a trap.

13 • “It is only lawful to trap wildlife for a profit in California
14 if damage to crops or property has occurred. Animals posing a risk
15 to human health or safety may only be taken by specified
16 government officials (Sections 4152 and 4180 of the Fish and
17 Game Code).”

18 • “This is a description of the property damage as confirmed
19 by the licensed trapper through visual inspection:
20 _____.”

21 • “This is the target animal or species responsible for the
22 damage:
23 _____.”

24 • “All furbearing and nongame mammals that are legal to
25 trap must be immediately killed or released. Unless released,
26 trapped animals shall be killed by shooting where local ordinances,
27 landowners, and safety permit (T-14 CCR SS 465.5(g)(1)).”

28 • “Nontarget animals are defined as those animals that
29 become accidentally trapped, but are not responsible for the
30 documented property damage. These animals must be immediately
31 released.”

32 • “Traps must be inspected and all animals removed at least
33 once each day by the licensed trapper, the person hiring the trapper,
34 or an agent thereof, pursuant to Sections 4152 and 4180 of the Fish
35 and Game Code.”

36 • “This is the name and telephone number of the person
37 charged with checking the traps each day:
38 _____.”

39 • “A reasonable effort must be made to prevent orphaning
40 dependent animal young. It is prohibited to set traps for an animal

1 when young are inaccessible or to kill a lactating female animal
2 if young are inaccessible (Section 4013 of the Fish and Game
3 Code).”

4 • “The following methods of dispatching trapped land
5 mammals are prohibited: drowning, chest crushing, or injection
6 with any chemical not sold for the purpose of animal euthanasia.”

7 • An identifying tag issued by the Department of Fish and
8 Game is required to be affixed to every trap that is set.

9 • Wildlife that pose a risk to human health or safety may be
10 taken only by specified government officials pursuant to Section
11 4152, 4180, or 4011 of the Fish and Game Code.

12 • Address and signature of client:

13 _____.

14 • Signature of licensed trapper who will be placing traps:

15 _____.

16 • The following is a true and accurate list of each animal (by
17 species) removed from this address and the date each animal was
18 removed.

19 Species Trapped: _____

20 Date: _____

21

22 SEC. 9. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.