

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 789**

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**Introduced by Assembly Member Williams**  
**(Coauthor: Assembly Member Maienschein)**  
**(Coauthor: Senator Hill)**

February 21, 2013

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An act to amend Section 4004 of the Fish and Game Code, relating to trapping.

LEGISLATIVE COUNSEL'S DIGEST

AB 789, as amended, Williams. Trapping.

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. Existing law makes certain actions relating to trapping unlawful.

The bill ~~also~~ would revise a prohibition on using a specific type of trap, and would make it unlawful to kill any trapped mammal by listed methods. By specifying these new Fish and Game Code violations, thereby defining new crimes, this bill would impose a state-mandated local program.

–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 ⅞ 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  
13 an identifying mark in a manner specified by the department. No  
14 registration fee shall be charged pursuant to this subdivision.

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

20 (f) (1) Use a steel leghold trap with a spread exceeding 7 ½  
21 inches or conibear-killer-type trap that is larger than 6 inches by  
22 6 inches, unless partially or wholly submerged in water. Unless  
23 prohibited by the department as a permit condition, a lawfully set  
24 conibear-killer-type trap that is 10 inches by 10 inches or less may  
25 be set in a managed wetland area.

26 (2) ~~Any killer-type~~ *When any conibear trap is set on publicly*  
27 *owned land or land expressly open to public use, there shall be a*  
28 *sign posted* ~~with a sign~~ *containing the following language in*  
29 *lettering that is a minimum of three inches high and visible from*  
30 *a distance of 100 feet: Danger! Keep Dogs Out! Lethal Traps Set*  
31 *for Wildlife.*

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

36 (h) Set or maintain steel leghold traps with a spread of 5 ½  
37 inches or larger without a tension device.

1 (i) Kill any trapped mammal in accordance with this section by  
2 intentional drowning, injection with any chemical not sold for the  
3 purpose of euthanizing animals, or thoracic compression,  
4 commonly known as chest crushing. This subdivision shall not be  
5 construed to prohibit the use of lawfully set conibear traps set  
6 partially or wholly submerged in water or set in a managed wetland  
7 habitat area for beaver or muskrat or the use of lawfully set colony  
8 traps set in water for muskrat.

9 SEC. 2. No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution because  
11 the only costs that may be incurred by a local agency or school  
12 district will be incurred because this act creates a new crime or  
13 infraction, eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section 17556 of  
15 the Government Code, or changes the definition of a crime within  
16 the meaning of Section 6 of Article XIII B of the California  
17 Constitution.