

ASSEMBLY BILL

No. 2210

Introduced by Assembly Member Williams

February 20, 2014

An act to amend Sections 4152 and 4153 of the Fish and Game Code, relating to mammals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2210, as introduced, Williams. Nongame mammals: depredators.

(1) Existing law provides that red fox squirrels, among other specified species, that are found to be injuring growing crops or other property may be taken at any time or in any manner in accordance with the Fish and Game Code and regulations adopted pursuant to that code by the owner or tenant of the premises or by employees and agents in immediate possession of written permission from the owner or the tenant. Existing law prohibits the sale of raw furs that are taken pursuant to these provisions. Existing law also requires that traps used pursuant to these provisions be inspected and all animals in the traps be removed at least once daily. A violation of the Fish and Game Code or any regulation adopted pursuant to this code is a misdemeanor.

This bill would revise these provisions to provide that nonnative fox squirrels (*Sciurus niger*), instead of red fox squirrels, may be taken as specified above. The bill would also prohibit the barter of raw furs, and would require that all animals in the traps be removed within 24 hours of the setting of a trap instead of at least once daily. The bill would require that nontargeted species be released unharmed and not taken. The bill would make other nonsubstantive changes to these provisions.

(2) Existing law authorizes the Department of Fish and Wildlife to enter into cooperative agreements with any agency of the state or the

United States for the purpose of controlling harmful nongame mammals and authorizes the department to take any mammal which, in its opinion, is unduly preying upon any bird, mammal, or fish.

This bill would instead authorize the department to take any mammal that it determines is unduly preying on any bird, mammal, or fish.

(3) Because a violation of the Fish and Game Code or any regulation adopted pursuant to that code is a misdemeanor, the bill would create new crimes, and thus, impose a state-mandated local program.

(4) 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 4152 of the Fish and Game Code is
2 amended to read:

3 4152. (a) Except as provided in Section 4005, nongame
4 mammals and black-tailed jackrabbits, muskrats, subspecies of
5 red fox that are not the native Sierra Nevada red fox (*Vulpes vulpes*
6 *necator*), and ~~red~~ *nonnative* fox squirrels (*Sciurus niger*) that are
7 found to be injuring growing crops or other property, may be taken
8 at any time or in any manner in accordance with this code and
9 regulations adopted pursuant to this code by the owner or tenant
10 of the premises or *by* employees and agents in immediate
11 possession of written permission from the owner or tenant ~~thereof~~.
12 ~~They~~ *of the property*.

13 (b) *The animals specified in subdivision (a)* may also be taken
14 by officers or employees of the Department of Food and
15 Agriculture or by federal, county, or city officers or employees
16 when acting in their official capacities pursuant to the Food and
17 Agricultural Code pertaining to pests, or pursuant to Article 6
18 (commencing with Section 6021) of Chapter 9 of Part 1 of Division
19 4, of the Food and Agricultural Code. ~~Persons~~

20 (c) *Persons* taking mammals in accordance with this section are
21 exempt from Section 3007, except when providing trapping

1 services for a fee. Raw furs, as defined in Section 4005, that are
2 taken under this section, shall not be sold *or bartered*.

3 ~~(b)~~

4 (d) Traps used pursuant to this section shall be inspected and
5 all animals in the traps shall be removed at least once ~~daily~~ *within*
6 *a 24-hour period following the setting of a trap. Nontargeted*
7 *species shall be released unharmed and may not be taken.* The
8 inspection and removal shall be done by the person who sets the
9 trap or the owner of the land where the trap is set or *by an agent*
10 *of either the owner or the person who set the trap.*

11 SEC. 2. Section 4153 of the Fish and Game Code is amended
12 to read:

13 4153. (a) The department may enter into cooperative
14 agreements with any agency of the state or the United States for
15 the purpose of controlling harmful nongame mammals.

16 ~~The~~

17 (b) *The* department may take any mammal ~~which, in its opinion,~~
18 *that it determines* is unduly preying upon any bird, mammal, or
19 fish.

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.