

AMENDED IN ASSEMBLY JANUARY 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 395

Introduced by Assembly Member Gallagher

February 18, 2015

An act to amend Section 3004.5 of the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

AB 395, as amended, Gallagher. Hunting: nonlead ammunition.

Existing law requires the use of nonlead centerfire rifle and pistol ammunition, as determined by the Fish and Game Commission, ~~to be required~~ when taking big game with a rifle or pistol, and when taking coyote, within the California condor range. Existing law further requires, as soon as is practicable, but by no later than July 1, 2019, the use of nonlead ammunition for the taking of all wildlife, including game mammals, game birds, nongame birds, and nongame mammals, with any firearm, and requires the commission to promulgate regulations by July 1, 2015, that phase in the requirements of these provisions.

~~This bill would repeal the latter restriction against the use of nonlead ammunition for the taking of all wildlife and related provisions:~~

This bill would exempt the northern and north central regions from the requirement that nonlead ammunition be used for the taking of all wildlife. The bill would also require, no later than July 1, 2017, the Director of Fish and Wildlife to make findings regarding the commercial availability of each type of nonlead projectile and nonlead ammunition, as defined, and to publish these findings on the commission's Internet Web site. The bill would require, if a type of nonlead projectile or nonlead ammunition is not commercially available, the commission to

exempt those types of lead projectiles and lead ammunition from those provisions and regulations adopted by the commission requiring the use of nonlead projectiles or nonlead ammunition for the taking of all wildlife.

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. Section 3004.5 of the Fish and Game Code is
 2 amended to read:
 3 3004.5. (a) (1) Nonlead centerfire rifle and pistol ammunition,
 4 as determined by the commission, shall be required when taking
 5 big game, as defined in the department’s mammal hunting
 6 regulations (14 Cal. Code Regs. 350), with a rifle or pistol, and
 7 when taking coyote, within the California condor range.
 8 (2) For purposes of this section, “California condor range”
 9 means:
 10 (A) The department’s deer hunting zone A South, but excluding
 11 Santa Cruz, Alameda, Contra Costa, San Mateo, and San Joaquin
 12 Counties, areas west of Highway 101 within Santa Clara County,
 13 and areas between Highway 5 and Highway 99 within Stanislaus,
 14 Merced, Madera, Fresno, Kings, Tulare, and Kern Counties.
 15 (B) Areas within deer hunting zones D7, D8, D9, D10, D11,
 16 and D13.
 17 (3) *The requirements of this subdivision shall remain in effect*
 18 *in the California condor range unless and until the more restrictive*
 19 *nonlead prohibitions required pursuant to subdivision (b) are*
 20 *implemented.*
 21 (b) (1) *Except as provided in subdivision (i), and as soon as is*
 22 *practicable as implemented by the commission pursuant to*
 23 *subdivision (h), but by no later than July 1, 2019, nonlead*
 24 *ammunition, as determined by the commission, shall be required*
 25 *when taking all wildlife, including game mammals, game birds,*
 26 *nongame birds, and nongame mammals, with any firearm.*
 27 (2) *This subdivision shall not apply to wildlife taken in the*
 28 *northern and north central regions as those regions are defined*
 29 *by the department.*
 30 (~~b~~)

1 (c) (1) The commission shall maintain, by regulation, a public
2 process to certify ammunition as nonlead ammunition, and shall
3 define, by regulation, nonlead ammunition as including only
4 ammunition in which there is no lead content, excluding the
5 presence of trace amounts of lead. The commission shall establish
6 and annually update a list of certified ammunition.

7 (2) The list of certified ammunition shall include, but not be
8 limited to, any federally approved nontoxic shotgun ammunition.

9 (e)

10 (d) (1) To the extent that funding is available, the commission
11 shall establish a process that will provide hunters with nonlead
12 ammunition at no or reduced charge. The process shall provide
13 that the offer for nonlead ammunition at no or reduced charge may
14 be redeemed through a coupon sent to a permit holder with the
15 appropriate permit tag. If available funding is not sufficient to
16 provide nonlead ammunition at no charge, the commission shall
17 set the value of the reduced charge coupon at the maximum value
18 possible through available funding, up to the average cost within
19 this state for nonlead ammunition, as determined by the
20 commission.

21 (2) The nonlead ammunition coupon program described in
22 paragraph (1) shall be implemented only to the extent that sufficient
23 funding, as determined by the Department of Finance, is obtained
24 from local, federal, public, or other nonstate sources in order to
25 implement the program.

26 ~~(3) If the nonlead ammunition coupon program is implemented,~~
27 ~~the commission shall issue a report on the usage and redemption~~
28 ~~rates of ammunition coupons. The report shall cover calendar years~~
29 ~~2008, 2009, and 2012. Each report shall be issued by June of the~~
30 ~~following year.~~

31 ~~(d) The commission shall issue a report on the levels of lead~~
32 ~~found in California condors. This report shall cover calendar years~~
33 ~~2008, 2009, and 2012. Each report shall be issued by June of the~~
34 ~~following year.~~

35 (e) The department shall notify those hunters who may be
36 affected by this section.

37 (f) A person who violates any provision of this section is guilty
38 of an infraction punishable by a fine of five hundred dollars (\$500).
39 A second or subsequent offense shall be punishable by a fine of

1 not less than one thousand dollars (\$1,000) or more than five
2 thousand dollars (\$5,000).

3 (g) This section does not apply to government officials or their
4 agents when carrying out a statutory duty required by law.

5 (h) *The commission shall promulgate regulations by July 1,*
6 *2015, that phase in the requirements of this section. The*
7 *requirements of this section shall be fully implemented statewide*
8 *by no later than July 1, 2019. If any of the requirements of this*
9 *section can be implemented practicably, in whole or in part, in*
10 *advance of July 1, 2019, the commission shall implement those*
11 *requirements. The commission shall not reduce or eliminate any*
12 *existing regulatory restrictions on the use of lead ammunition in*
13 *California condor range unless or until the additional requirements*
14 *for use of nonlead ammunition as required by this section are*
15 *implemented.*

16 (i) (1) (A) *The prohibition in subdivision (b) shall be*
17 *temporarily suspended for a specific hunting season and caliber*
18 *upon a finding by the director that nonlead ammunition of a*
19 *specific caliber is not commercially available from any*
20 *manufacturer because of federal prohibitions relating to*
21 *armor-piercing ammunition pursuant to Chapter 44 (commencing*
22 *with Section 921) of Title 18 of the United States Code.*

23 (B) (i) *No later than July 1, 2017, the director shall make*
24 *findings regarding the commercial availability of each type of*
25 *nonlead projectile and nonlead ammunition, as defined in Section*
26 *250.1 of Title 14 of the California Code of Regulations, and shall*
27 *publish these findings on the commission's Internet Web site.*

28 (ii) *If a type of nonlead projectile or nonlead ammunition is not*
29 *commercially available pursuant to the findings required by clause*
30 *(i), the commission shall exempt those types of lead projectiles*
31 *and lead ammunition from subdivision (b) and the regulations*
32 *adopted by the commission to implement that subdivision.*

33 (2) *Notwithstanding a suspension pursuant to paragraph (1),*
34 *nonlead ammunition shall be used when taking big game mammals,*
35 *nongame birds, or nongame mammals in the California condor*
36 *range, as defined in subdivision (a).*