

**ASSEMBLY BILL**

**No. 347**

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**Introduced by Assembly Member Woods**

February 9, 1995

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An act to amend Sections 6401 and 7145 of the Fish and Game Code, relating to sportfishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 347, as introduced, Woods. Sportfishing: licenses.

With specified exceptions, existing law requires every person over 16 years of age who takes any fish, reptile, or amphibian for any purpose other than profit to have a license in possession when engaged in fishing. Existing law also authorizes a person to purchase or receive live fish from any registered aquaculturist and to stock the fish in a stream or a lake pursuant to regulations adopted by the Fish and Game Commission and under a permit from the Department of Fish and Game.

This bill would exempt from that licensing requirement the taking of fish by an owner of real property from a lake or pond that is wholly enclosed by that person's property. The bill would also exempt an owner stocking a lake or pond wholly enclosed by that person's property from the requirement that the person obtain a permit from the department and would prohibit the regulations from requiring such a permit.

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

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

1 SECTION 1. Section 6401 of the Fish and Game Code  
2 is amended to read:

3 6401. ~~Any~~ (a) *Except as provided in subdivision (b),*  
4 *any person may, under the terms of a permit first*  
5 *obtained from the department, under regulations the*  
6 *commission may prescribe, purchase or receive live fish*  
7 *from any registered aquaculturist, and may stock the fish*  
8 *in a stream or a lake.*

9 (b) *The owner of real property may purchase or*  
10 *receive live fish from any registered aquaculturist and*  
11 *stock the fish in a lake or pond that is wholly enclosed by*  
12 *that person’s real property. The commission may adopt*  
13 *regulations to implement this section. Notwithstanding*  
14 *Section 219, those regulations shall not require that this*  
15 *person obtain a permit from the department.*

16 SEC. 2. Section 7145 of the Fish and Game Code is  
17 amended to read:

18 7145. (a) Except as otherwise provided in this article,  
19 every person over the age of 16 years who takes any fish,  
20 reptile, or amphibia for any purpose other than profit  
21 shall first obtain a license for that purpose and shall have  
22 that license on his or her person or in his or her immediate  
23 possession or where otherwise specifically required by  
24 law to be kept when engaged in carrying out any activity  
25 authorized by the license. In the case of a person diving  
26 from a boat, the license may be kept in the boat, or in the  
27 case of a person diving from the shore, the license may be  
28 kept within 500 yards on the shore.

29 (b) *This section does not apply to an owner of real*  
30 *property who takes fish for purposes other than profit*  
31 *from a lake or pond that is wholly enclosed by that*  
32 *person’s real property.*

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