

AMENDED IN SENATE JULY 7, 1998
AMENDED IN SENATE JUNE 17, 1998
AMENDED IN ASSEMBLY APRIL 21, 1998
AMENDED IN ASSEMBLY APRIL 13, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2440

Introduced by Assembly Member Oller
(Coauthor: Assembly Member Margett)
(Coauthor: Senator Peace)

February 20, 1998

An act to amend Section 2001 of, to repeal Sections 3081, 3083, 3084, and 3085 of, and to repeal and add Section 3080 of, the Fish and Game Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 2440, as amended, Oller. Wildlife: ~~animal~~ game *animals*.

(1) Under existing law, it is unlawful to possess birds, mammals, fish, reptiles, or amphibia except during the open season where taken and for 10 days thereafter, except as specified. Existing law prescribes the maximum bag and possession limit of birds, mammals, fish, and amphibia that may be lawfully taken and possessed by an individual during a specified time period. Existing law provides that not more than one daily bag limit may be possessed during the period after the close of the open season.

This bill, instead, would provide that for fish, reptiles, and amphibians, not more than the possession limit may be possessed during the period after the close of the open season. The bill would make it unlawful to possess game birds or mammals except during the open season, or except as provided in the bill. Under the bill, the possession limit of any game bird or mammal may be possessed after the open season if the person possessing the meat holds a hunting license and a validated license tag or tags, as specified, or the person was given the meat by a person who holds a hunting license and a validated license tag or tags, and the meat recipient has documentation to that effect, as specified. ~~Under the bill, game birds and mammals held by a donor intermediary, as defined in the bill, would be counted towards the possession limit of the donor.~~

By changing the definition of a crime, the bill would create a state-mandated local program.

(2) Existing law makes it unlawful to possess deer, elk, bear, or antelope meat 15 days after the open season, unless the poultry or meat is tagged or marked pursuant to regulations adopted by the Fish and Game Commission or the poultry or meat is held pursuant to a storage permit issued by the Department of Fish and Game.

This bill would repeal those provisions.

(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. (a) The Legislature finds and declares
- 2 all of the following:
- 3 (1) Requiring a licensed sport hunter to obtain a
- 4 permit to possess game birds or mammals during the
- 5 closed season is duplicative of other existing hunting
- 6 requirements.



1 (2) The requirement that a sport hunter obtain and
2 possess a hunting license and validated license tags
3 achieves the same degree of accountability for law
4 enforcement purposes as does the meat permit
5 requirement and it provides the same protection against
6 illegal possession of game birds and mammals.

7 (b) Therefore, it is the intent of the Legislature that
8 the game meat permit requirement be repealed.

9 SEC. 2. Section 2001 of the Fish and Game Code is
10 amended to read:

11 2001. (a) Unless otherwise provided, it is unlawful to
12 possess fish, reptiles, or amphibia except during the open
13 season where taken and for 10 days thereafter; and not
14 more than the possession limit thereof may be possessed
15 during the period after the close of the open season.

16 (b) Except as provided in Section 3080, it is unlawful
17 to possess game birds or mammals except during the open
18 season where taken.

19 SEC. 3. Section 3080 of the Fish and Game Code is
20 repealed.

21 SEC. 4. Section 3080 is added to the Fish and Game
22 Code, to read:

23 3080. (a) For the purposes of this section, “donor
24 intermediary” means a recipient who receives game
25 birds or mammals from a donor to give to ~~another person~~
26 ~~or~~ *a charitable organization or charitable* entity. A donor
27 intermediary possessing game birds or mammals during
28 a period other than the open season shall have the
29 documentation described in paragraph (2) or (3) of
30 subdivision (b). There is no required format for the
31 documentation. Any written documentation containing
32 the required information shall be deemed to comply with
33 this section.

34 (b) The possession limit of any game bird or mammal
35 may be possessed during a period other than the open
36 season if one of the following conditions apply:

37 (1) The person has in his or her possession a hunting
38 license and validated license tag or tags for the species
39 possessed, or copies thereof. The license and tag or tags



1 shall have been issued to that person for the current or
2 immediate past license year.

3 (2) The person received the game bird or mammal
4 from a person described in paragraph (1), and the
5 recipient has a photocopy of the donor's hunting license
6 and the applicable validated license tag or tags that has
7 been signed and dated by the donor confirming the
8 donation. The photocopied license and tag or tags shall be
9 from the current or immediate past license year.

10 (3) The person received the game bird or mammal
11 from a person described in paragraph (1), and the
12 recipient has a signed and dated document confirming
13 the donation that includes the donor's name, address,
14 hunting license number, and applicable license tag
15 numbers for the species possessed. The license and tag or
16 tags shall be for the current or immediate past license
17 year.

18 (c) The documentation required by subdivision (b)
19 shall be made available to the department as described in
20 Section 2012. ~~Persons~~ *Charitable organizations or*
21 *charitable entities* receiving and distributing game birds
22 or mammals for charitable or humane purposes,
23 ~~including donor intermediaries,~~ shall maintain the
24 documentation described in paragraph (2) or (3) of
25 subdivision (b) for one year from the date of disposal.

26 ~~(d) Game birds and mammals held by a donor~~
27 ~~intermediary shall be counted towards the possession~~
28 ~~limit of the donor.~~

29 ~~(e)~~

30 (d) Nothing in this section authorizes the possession of
31 game birds or carcasses or parts thereof contrary to
32 regulations issued pursuant to the federal Migratory Bird
33 Treaty Act (16 U.S.C. Sec. 703 et seq.).

34 SEC. 5. Section 3081 of the Fish and Game Code is
35 repealed.

36 SEC. 6. Section 3083 of the Fish and Game Code is
37 repealed.

38 SEC. 7. Section 3084 of the Fish and Game Code is
39 repealed.



1 SEC. 8. Section 3085 of the Fish and Game Code is
2 repealed.

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

13 Notwithstanding Section 17580 of the Government
14 Code, unless otherwise specified, the provisions of this act
15 shall become operative on the same date that the act
16 takes effect pursuant to the California Constitution.

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