

**Senate Bill No. 329**

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Passed the Senate      September 5, 1997

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*Secretary of the Senate*

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Passed the Assembly      September 3, 1997

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1997, at \_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_

An act to amend Sections 4181, 4181.1, and 4651 of, and to add Section 4181.2 to, the Fish and Game Code, relating to game, and making an appropriation therefor.

## LEGISLATIVE COUNSEL'S DIGEST

SB 329, McPherson. Depredation: wild pigs.

(1) Existing law provides that, except for mountain lions, the owner or tenant of land or property that is being damaged or destroyed by specified mammals, including wild pigs, may apply to the Department of Fish and Game for a permit to kill the animal. Existing law requires the department to provide the applicant for a depredation permit to take wild pigs with specified information on available options for wild pig control.

This bill would require the department to also furnish that information to a person who reports the taking of wild pigs that are found in the act of damaging or destroying property. In addition, the bill would authorize the department to maintain and make available to these persons lists of hunters interested in wild pig hunting and lists of nonprofit organizations that are available to take possession of depredating wild pig carcasses.

(2) Existing law designates those mammals that are game mammals, including wild pigs, for purposes of the Fish and Game Code and regulations adopted pursuant to that code. Existing law makes it unlawful for a person to take wild pigs, except those damaging or destroying property, unless the person has a hunting license and license tag, or to possess a wild pig that is not tagged.

This bill would exempt the possession of certain depredating wild pigs from that tagging requirement.

(3) Existing law authorizes the immediate taking of a bear or wild pig that is encountered in the act of inflicting injury to, molesting, or killing livestock if the taking is reported to the department no later than the next working day.



This bill would, instead, with respect to wild pigs, authorize the immediate taking of a wild pig that is encountered while in the act of pursuing or worrying livestock or damaging or destroying, or threatening to immediately damage or destroy, land or property, including, but not limited to, rare, threatened, or endangered native plants, wildlife, or aquatic species, by the owner of the livestock, land, or property or the owner's agent or employee, or by an agent or employee of any federal, state, county, or city entity when acting in his or her official capacity. The bill would require the person taking a wild pig under the bill to report the taking no later than the next working day to the department and to make the carcass available to the department. The bill would authorize possession of the carcass of a wild pig taken under the bill, unless otherwise directed by the department. The bill would require the person possessing the carcass to make use of the carcass and would authorize the transfer of the carcass to another person or entity without compensation. The bill would also define "damage" for certain other provisions of law relating to damage caused by depredating wild pigs, and would require the department to develop statewide guidelines for determining the damage caused by wild pigs.

(4) Existing law requires the department to prepare a plan for the management of wild pigs, including specified matters.

This bill would authorize the plan to encourage mitigation of depredation by sport hunting and provide for live trapping and relocation of wild pigs to areas suitable and accessible to mitigation of depredation with the consent of the landowner and after consultation with adjacent landowners who may be impacted.

(5) Because a violation of the bill or regulations adopted pursuant to the bill would be a misdemeanor under existing law, the bill would impose a state-mandated local program.

(6) 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.

(7) Existing law continuously appropriates the money in the Fish and Game Preservation Fund, among other things, to pay specified refunds and to pay all necessary expenses incurred in carrying out the Fish and Game Code and any other laws for the protection and preservation of birds, mammals, reptiles, and fish.

Because this bill would change and impose new duties on the department, it would make an appropriation.

Appropriation: yes.

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

SECTION 1. Section 4181 of the Fish and Game Code is amended to read:

4181. (a) Except as provided in Section 4181.1, any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by elk, bear, beaver, wild pig, or gray squirrels, may apply to the department for a permit to kill the mammals. The department, upon satisfactory evidence of the damage or destruction, actual or immediately threatened, shall issue a revocable permit for the taking and disposition of the mammals under regulations adopted by the commission. The permit shall include a statement of the penalties that may be imposed for a violation of the permit conditions. Mammals so taken shall not be sold or shipped from the premises on which they are taken except under instructions from the department. No iron-jawed or steel-jawed or any type of metal-jawed trap shall be used to take any bear pursuant to this section. No poison of any type may be used to take any gray squirrel pursuant to this section. The department shall designate the type of trap to be used to insure the most humane method is used to trap gray squirrels. The department may require trapped squirrels to be released in parks or other nonagricultural areas. It



shall be unlawful for any person to violate the terms of any permit issued under this section.

(b) The permit issued for taking bears pursuant to subdivision (a) shall contain the following facts:

(1) Why the issuance of the permit was necessary.

(2) What efforts were made to solve the problem without killing the bears.

(3) What corrective actions should be implemented to prevent reoccurrence.

(c) With respect to wild pigs, the department shall provide an applicant for a depredation permit to take wild pigs or a person who reports taking wild pigs pursuant to subdivision (b) of Section 4181.1 with written information that sets forth available options for wild pig control, including, but not limited to, depredation permits, allowing periodic access to licensed hunters, and holding special hunts authorized pursuant to Section 4188. The department may maintain and make available to these persons lists of licensed hunters interested in wild pig hunting and lists of nonprofit organizations that are available to take possession of depredating wild pig carcasses.

SEC. 2. Section 4181.1 of the Fish and Game Code is amended to read:

4181.1. (a) Any bear that is encountered while in the act of inflicting injury to, molesting, or killing, livestock may be taken immediately by the owner of the livestock or the owner's employee if the taking is reported no later than the next working day to the department and the carcass is made available to the department.

(b) Notwithstanding Section 4652, any wild pig that is encountered while in the act of inflicting injury to, molesting, pursuing, worrying, or killing livestock or damaging or destroying, or threatening to immediately damage or destroy, land or other property, including, but not limited to, rare, threatened, or endangered native plants, wildlife, or aquatic species, may be taken immediately by the owner of the livestock, land, or property or the owner's agent or employee, or by an agent or employee of any federal, state, county, or city



entity when acting in his or her official capacity. The person taking the wild pig shall report the taking no later than the next working day to the department and shall make the carcass available to the department. Unless otherwise directed by the department and notwithstanding Section 4657, the person taking a wild pig pursuant to this subdivision, or to whom the carcass of a wild pig taken pursuant to this subdivision is transferred pursuant to subdivision (c), may possess the carcass of the wild pig. The person in possession of the carcass shall make use of the carcass, which may include an arrangement for the transfer of the carcass to another person or entity, such as a nonprofit organization, without compensation. The person who arranges this transfer shall be deemed to be in compliance with Section 4304. A violation of this subdivision is punishable pursuant to Section 12000. It is the intent of the Legislature that nothing in this subdivision shall be interpreted to authorize a person to take wild pigs pursuant to this subdivision in violation of a state statute or regulation or a local zoning or other ordinance that is adopted pursuant to other provisions of law and that restricts the discharge of firearms.

(c) The department shall make a record of each report made pursuant to subdivision (a) or (b) and may have an employee of the department investigate the taking or cause the taking to be investigated. The person taking a wild pig shall provide information as deemed necessary by the department. Upon completion of the investigation, the investigator may, upon a finding that the requirements of this section have been met with respect to the particular bear or wild pig taken under subdivision (a) or (b), issue a written statement to the person confirming that the requirements of this section have been met. The person who took the wild pig may transfer the carcass to another person without compensation.

(d) Notwithstanding Section 4763, any part of any bear lawfully possessed pursuant to this section is subject to Section 4758.



(e) Nothing in this section prohibits federal, state, or county trappers from killing or trapping bears when the bears are killing or molesting livestock, but no iron-jawed or steel-jawed or any type of metal-jawed trap shall be used to take the bear, and no person, including employees of the state, federal, or county government, shall take bear with iron-jawed or steel-jawed or any type of metal-jawed traps.

SEC. 3. Section 4181.2 is added to the Fish and Game Code, to read:

4181.2. For the purposes of this article relating to damage caused by wild pigs, “damage” means loss or harm resulting from injury to person or property. The department shall develop statewide guidelines to aid in determining the damage caused by wild pigs. The guidelines shall consider various uses of the land impacted by pigs.

SEC. 4. Section 4651 of the Fish and Game Code is amended to read:

4651. (a) The department shall prepare a plan for the management of wild pigs. Under the plan, the status and trend of wild pig populations shall be determined and management units shall be designated within the state. The plan may establish pig management zones to address regional needs and opportunities. In preparing the plan, the department shall consider available, existing information and literature relative to wild pigs.

(b) The plan may include all of the following:

(1) The distribution and abundance of wild pigs, as described in Section 3950.

(2) A survey of range conditions.

(3) Recommendations for investigations and utilization of wild pigs.

(4) Encouraging mitigation of depredation by sport hunting pursuant to this chapter.

(5) Live trapping and relocation of wild pigs to areas suitable and accessible to mitigation of depredation, with the consent of the landowner and after prior consultation with adjacent landowners who, in the department’s opinion may be impacted, pursuant to this chapter.



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

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



Approved \_\_\_\_\_, 1997

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*Governor*

