

ASSEMBLY BILL

No. 2223

Introduced by Assembly Member Nava

February 18, 2010

An act to add Section 3004.7 to the Fish and Game Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 2223, as introduced, Nava. Wildlife management areas: nontoxic shot.

The Ridley-Tree Condor Preservation Act requires the use of nonlead centerfire rifle and pistol ammunition when taking big game and coyote within specified areas. Existing law generally provides that a violation of the fish and game laws is a crime.

This bill would require the use of nontoxic shot, as defined, when shooting or hunting in state wildlife management areas. Under the bill, a person who violates that requirement would be guilty of an infraction punishable by a \$500 fine for the first offense. Because the act would create a new crime, this bill would create a state-mandated local program.

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:

SECTION 1. (a) California's system of wildlife management areas, as defined in subdivision (d) of Section 1504 of the Fish and Game Code, protect over 627,000 acres of the state's most important wildlife habitat and host many species that are listed as threatened, endangered, or fully protected under state law. Wildlife management areas are virtual islands of habitat that serve as magnets to wildlife and human visitors with excellent wildlife viewing, and fishing and hunting opportunities.

(b) Wildlife management areas should be managed in accordance with the highest standards of wildlife management.

(c) Nationally, lead poisoning of waterfowl and the Bald Eagle resulted in a 1991 federal ban on the use of lead shot in all waterfowl and coot hunting areas, including state wildlife management areas.

(d) Twenty-five states have lead shot prohibitions for hunting beyond those required by the federal government for waterfowl.

(e) Lead poisoning has been observed in 37 species of birds beyond waterfowl with adverse impacts on mourning doves being especially acute.

(f) Hunting is a valued tradition in California and hunters play a critical role in wildlife management and conservation, particularly in funding for wildlife conservation generated through license sales and excise taxes on sporting equipment.

(g) California's fish and wildlife resources are held in trust for the common good of all the people of California.

(h) Allowing the continued use of lead shot ammunition currently used in hunting small game and game birds in wildlife management areas is inconsistent with best practices for such management.

(i) It is, therefore, the intent of the Legislature to eliminate the use of lead shot for the purposes of shooting or hunting in wildlife management areas.

SEC. 2. Section 3004.7 is added to the Fish and Game Code, to read:

3004.7. (a) As used in this section:

(1) "Nontoxic shot" includes the types of shot approved by the United States Fish and Wildlife Service for hunting waterfowl and coots.

1 (2) “Wildlife management areas” includes waterfowl
2 management areas, deer ranges, upland game bird management
3 areas, and public shooting grounds.

4 (b) Nontoxic shot shall be used when shooting or hunting in
5 wildlife management areas.

6 (c) A person who violates this section is guilty of an infraction
7 punishable by a fine of five hundred dollars (\$500). A second or
8 subsequent offense shall be punishable by a fine of not less than
9 one thousand dollars (\$1,000) or more than five thousand dollars
10 (\$5,000).

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