

AMENDED IN ASSEMBLY JUNE 10, 2002

AMENDED IN SENATE MAY 20, 2002

AMENDED IN SENATE APRIL 16, 2002

AMENDED IN SENATE APRIL 2, 2002

SENATE BILL

No. 1645

Introduced by Senator Sher

February 21, 2002

An act to amend ~~Section 4005~~ Sections 4005, 4152, and 4180 of the Fish and Game Code, relating to trapping, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1645, as amended, Sher. Trapping animals.

(1) Under existing law, a person who takes fur-bearing mammals or nongame mammals by means of a trap, or who sells furs of those mammals, is required to obtain a trapping license from the Department of Fish and Game, except persons taking mammals injurious to growing crops or other property.

This bill would ~~specify that~~ require persons taking mammals on a ~~contract fee basis are required to~~ fee-for-hire basis or who provide trapping services on a contractual basis, or who do both, to procure a trapping license.

Existing law authorizes the taking, in accordance with the Fish and Game Code, of nongame mammals and black-tailed jackrabbits, muskrats, and red fox squirrels that are found to be injuring growing crops or other property. Existing law also authorizes the taking, in

accordance with the Fish and Game Code, of fur-bearing mammals that are injuring property.

This bill would specify that persons taking the mammals described in the preceding paragraph are not required to procure a trapping license, except for those persons taking the mammals on a fee-for-hire or on a contractual basis.

Because a violation of the trapping license requirement is a crime, the bill would impose a state-mandated local program by expanding the definition of a crime.

(2) The bill would require additional persons to obtain trapping licenses, for which a fee is required. Because the fees are required by other provisions of law to be deposited in the Fish and Game Preservation Fund, a continuously appropriated fund, the bill would make an appropriation.

(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: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 4005 of the Fish and Game Code is
2 amended to read:

3 4005. (a) Every person, other than a fur dealer, who takes
4 fur-bearing mammals or nongame mammals, designated by the
5 commission, by means of a trap, or who sells raw furs of those
6 mammals, shall procure a trapping license.

7 (b) The department shall develop standards that are necessary
8 to ensure the competence and proficiency of applicants for a
9 trapping license.

10 (1) No person shall be issued a license until he or she has passed
11 a test of his or her knowledge and skill in this field.

12 (2) Persons taking mammals on a ~~contract fee basis~~ ~~are required~~
13 ~~to~~ *fee-for-hire basis or who provide trapping services on a*
14 *contractual basis, or who do both, shall procure a trapping license.*

15 No raw furs taken on a contract fee basis may be sold.



1 (3) Persons taking mammals in accordance with Section 4152
2 or 4180 are not required to procure a trapping license, *except for*
3 *those persons taking mammals on a fee-for-hire or on a*
4 *contractual basis*. No raw furs taken under Section 4152 or 4180
5 may be sold. For purposes of this chapter, “raw fur” means any
6 fur, pelt, or skin that has not been tanned or cured, but salt or sun
7 cured pelts are raw furs.

8 (c) Officers or employees of federal, county, or city agencies or
9 the department, when acting in their official capacities, or officers
10 or employees of the Department of Food and Agriculture when
11 acting pursuant to the Food and Agricultural Code pertaining to
12 pests or pursuant to Article 6 (commencing with Section 6021) of
13 Chapter 9 of Part 1 of Division 4 of the Food and Agricultural
14 Code, are exempt from the license requirement of this section.

15 SEC. 2. *Section 4152 of the Fish and Game Code is amended*
16 *to read:*

17 4152. ~~Nongame~~ *Except as provided in Section 4005, nongame*
18 *mammals and black-tailed jackrabbits, muskrats, and red fox*
19 *squirrels which that are found to be injuring growing crops or*
20 *other property may be taken at any time or in any manner in*
21 *accordance with this code by the owner or tenant of the premises*
22 *or employees thereof, except that if leghold steel-jawed traps are*
23 *used to take those mammals, the traps and the use thereof shall be*
24 *in accordance with subdivisions (a), (b), and (d) of Section 4004.*
25 *They may also be taken by officers or employees of the*
26 *Department of Food and Agriculture or by federal, county, or city,*
27 *officers or employees when acting in their official capacities*
28 *pursuant to the provisions of the Food and Agricultural Code*
29 *pertaining to pests, or pursuant to the provisions of Article 6*
30 *(commencing with Section 6021) of Chapter 9 of Part 1 of*
31 *Division 4 of the Food and Agricultural Code. Persons taking*
32 *mammals in accordance with this section are exempt from the*
33 *requirements of Section 3007.*

34 Traps used pursuant to this section shall be inspected and all
35 animals in the trap shall be removed at least once daily. The
36 inspection and removal shall be done by the person who sets the
37 trap or the owner of the land where the trap is set or an agent of
38 either.

39 SEC. 3. *Section 4180 of the Fish and Game Code is amended*
40 *to read:*



1 4180. ~~Fur-bearing~~ *Except as provided for in Section 4005,*
2 *fur-bearing* mammals ~~which~~ *that* are injuring property may be
3 taken at any time and in any manner in accordance with this code,
4 except that if leghold steel-jawed traps are used to take those
5 mammals, the traps and the use thereof shall be in accordance with
6 subdivisions (a), (b), and (d) of Section 4004.

7 Traps used pursuant to this section shall be inspected and all
8 animals in the trap shall be removed at least once daily. The
9 inspection and removal shall be done by the person who sets the
10 trap or the owner of the land where the trap is set or an agent of
11 either.

12 SEC. 4. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.

