

Introduced by Senator CoxFebruary 7, 2008

An act to amend Sections 10506, 10507, and 10514 of the Fish and Game Code, relating to game refuges.

LEGISLATIVE COUNSEL'S DIGEST

SB 1166, as introduced, Cox. Game refuges.

Existing law requires a person to provide notice to the Department of Fish and Game prior to traveling through a game refuge on a route other than a public highway or thoroughfare if the person is in possession of firearms or other specified devices, and also prohibits a person who provides that notice from openly transporting any bird or mammal, or part thereof, through a game refuge if the bird or mammal was lawfully taken outside the refuge.

This bill would delete the advance notice requirement prior to travel through a game refuge and would prohibit any person from transporting the bird or mammal, or any part thereof, through a game refuge.

Existing law permits all officers and employees of the department and all game wardens to enter a game refuge in performance of their duties.

This bill would add a provision permitting law enforcement officers to enter a game refuge while in the performance of their duties.

Under existing law, violation of these provisions is a crime. By changing the definition of an existing crime, this bill would impose 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:

1 SECTION 1. Section 10506 of the Fish and Game Code is
2 amended to read:

3 10506. Nothing in this code prohibits the possession of
4 firearms, BB devices as defined in subdivision (g) of Section 12001
5 of the Penal Code, crossbows and bolts, or bows and arrows by
6 persons when traveling through any game refuges when the
7 firearms are taken apart or encased and unloaded and the bows are
8 unstrung or stored separately from any arrow or bolt. ~~When the~~
9 ~~traveling is done on a route other than a public highway or other~~
10 ~~public thoroughfare or right of way, notice shall be given to the~~
11 ~~department at least 24 hours before that traveling. The notice shall~~
12 ~~give the name and address of the person intending to travel through~~
13 ~~the refuge, the name of the refuge, the approximate route, and the~~
14 ~~approximate time when that person intends to travel through the~~
15 ~~refuge.~~

16 SEC. 2. Section 10507 of the Fish and Game Code is amended
17 to read:

18 10507. It is lawful for any person ~~who has given the notice~~
19 ~~provided for in Section 10506~~ to transport any bird or mammal,
20 or part thereof, through a game refuge, if lawfully taken outside
21 the refuge, and if the bird or mammal or part thereof is carried
22 openly and during the time between one hour before sunrise and
23 one hour after sunset.

24 SEC. 3. Section 10514 of the Fish and Game Code is amended
25 to read:

26 10514. All state game refuges shall, for all purposes of
27 protecting birds, mammals, fish, or amphibia thereon, be under
28 the control and management of the department, and the officers
29 and employees of the department, ~~and~~ all game wardens, *and law*
30 *enforcement officers* may at all times enter in and upon such
31 refuges in the performance of their duties.

32 SEC. 4. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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