

AMENDED IN SENATE MARCH 26, 2012

SENATE BILL

No. 1221

Introduced by Senator Lieu
(Coauthor: Senator Steinberg)

February 23, 2012

An act to amend Section 3960 of, and to repeal Section 4756 of, the Fish and Game Code, relating to ~~air quality~~ mammals.

LEGISLATIVE COUNSEL'S DIGEST

SB 1221, as amended, Lieu. ~~Air quality. Mammals: use of dogs to pursue bears and bobcats.~~

Existing law prohibits a person from permitting a dog to pursue any big game mammal, as defined, during the closed season, or any fully protected, rare, or endangered mammal at any time. Employees of the Department of Fish and Game are authorized to capture any dog not under the reasonable control of its owner or handler, that is in violation of that provision, or that is inflicting, or immediately threatening to inflict, injury in violation of this provision. Under existing law, certain violations of the Fish and Game Code are misdemeanors. Existing law prohibits a person from using dogs to hunt, pursue, or molest bears, except under certain conditions.

This bill would prohibit a person from permitting a dog to pursue a bear or bobcat at any time. This bill would exempt from that prohibition the use of dogs by federal, state, or local law enforcement officers, or their agents or employees, when carrying out official duties as required by law.

By changing the definition of a 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.

~~Under existing law, the State Air Resources Board coordinates efforts to attain and maintain ambient air quality standards, and conducts research into the causes of and solution to air pollution.~~

~~This bill would state that it is the intent of the Legislature to enact legislation to ensure that adverse effects to public health from air pollution are minimized at regional sources, such as airports, ports, and highways.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 3960 of the Fish and Game Code is
2 amended to read:

3 3960. ~~H~~(a) (1) For the purpose of this section, “pursue”
4 means pursue, run, or chase.

5 (2) For the purpose of this section, “bear” means any black
6 bear, brown bear, or any other subspecies of bear found in the
7 wild in this state.

8 (b) It is unlawful to permit or allow any dog to pursue any big
9 game mammal during the closed season on ~~such~~ that mammal, to
10 pursue any fully protected, rare, or endangered mammal at any
11 time, to pursue any bear or bobcat at any time, or to pursue any
12 mammal in a game refuge or ecological reserve if hunting within
13 ~~such~~ that refuge or ecological reserve is unlawful.

14 ~~Employees of the department may capture~~

15 (c) (1) The department may take any of the following actions:

16 (A) Capture any dog not under the reasonable control of its
17 owner or handler, when ~~such~~ that uncontrolled dog is pursuing, in
18 violation of this section, any big game mammal, any bear or
19 bobcat, or any fully protected, rare, or endangered mammal.

20 ~~Employees of the department may capture~~

21 (B) Capture or dispatch any dog inflicting injury or immediately
22 threatening to inflict injury to any big game mammal during the

1 closed season on ~~such~~ that mammal, and ~~they~~ the department may
2 capture or dispatch any dog inflicting injury or immediately
3 threatening to inflict injury on any bear or bobcat at any time, or
4 any fully protected, rare, or endangered mammal at any time.

5 ~~Employees of the department may capture~~

6 (C) Capture or dispatch any dog inflicting injury or immediately
7 threatening to inflict injury to any mammal in a game refuge or
8 ecological reserve if hunting within ~~such~~ that refuge or ecological
9 reserve is unlawful.

10 ~~No~~

11 (2) No criminal or civil liability shall accrue to any department
12 employee as a result of enforcement of this section. ~~For the purpose~~
13 ~~of this section, “pursue” means pursue, run, or chase.~~

14 (3) This section does not apply to the use of dogs to pursue bears
15 or bobcats by federal, state, or local law enforcement officers, or
16 their agents or employees, when carrying out official duties as
17 required by law.

18 ~~Owners~~

19 (4) Owners of dogs with identification, that have been captured
20 or dispatched, shall be notified within 72 hours after capture or
21 dispatch.

22 *SEC. 2. Section 4756 of the Fish and Game Code is repealed.*

23 ~~4756. Except as provided in this section it is unlawful to use~~
24 ~~dogs to hunt, pursue, or molest bears.~~

25 ~~The use of one dog per hunter is permitted for the hunting of~~
26 ~~bears during the time that the season is open for the taking of deer~~
27 ~~in the area of the state affected.~~

28 ~~The use of more than one dog per hunter is permitted in the~~
29 ~~hunting of bears during the open season on bears in the area of the~~
30 ~~state affected except during the period when archery deer seasons~~
31 ~~or regular deer seasons are open.~~

32 *SEC. 3. No reimbursement is required by this act pursuant to*
33 *Section 6 of Article XIII B of the California Constitution because*
34 *the only costs that may be incurred by a local agency or school*
35 *district will be incurred because this act creates a new crime or*
36 *infraction, eliminates a crime or infraction, or changes the penalty*
37 *for a crime or infraction, within the meaning of Section 17556 of*
38 *the Government Code, or changes the definition of a crime within*
39 *the meaning of Section 6 of Article XIII B of the California*
40 *Constitution.*

1 ~~SECTION 1.—It is the intent of the Legislature to enact~~
2 ~~legislation to ensure that adverse effects to public health from air~~
3 ~~pollution are minimized at regional sources, such as airports, ports,~~
4 ~~and highways.~~

O