

ASSEMBLY BILL

No. 1213

Introduced by Assembly Member Bloom

February 22, 2013

An act to amend Section 4000 of, and to add Section 4013 to, the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 1213, as introduced, Bloom. The Bobcat Protection Act of 2013.

Existing law enumerates the fur-bearing mammals that may be taken only with a trap, a firearm, a bow and arrow, or poison under a proper permit, or with the use of dogs.

This bill would add the bobcat to this list of fur-bearing mammals.

Existing law provides that fur-bearing mammals may be taken only with a trap, a firearm, bow and arrow, poison under a proper permit, or with the use of dogs. Existing law requires that every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals designated by the Fish and Game Commission, or who sells raw furs of those mammals, procure a trapping license. Existing law provides for the issuance of fur dealer licenses.

This bill would, notwithstanding those provisions, make it unlawful to trap, import, export, or sell any bobcat or any part or product thereof, or attempt to do so, or to receive, transport, or possess any bobcat or any part or product thereof taken in violation of these provisions or regulations adopted by the commission, except as specified. By creating a new crime, the 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. This act shall be known, and may be cited, as the
- 2 Bobcat Protection Act of 2013.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) It is the intent of the Legislature in adopting this act to ensure
- 5 that the bobcat (*Lynx rufus*) remains a fully functional component
- 6 of the ecosystems it inhabits throughout its range in California.
- 7 (b) The Legislature recognizes that bobcats are an irreplaceable
- 8 part of California's natural habitat, and that, as predators of small
- 9 mammals, play an important role in regulating the population of
- 10 rodents in California's deserts, forests, and grasslands.
- 11 (c) The Legislature further recognizes that millions of people
- 12 visit California's national and state parks and other public and
- 13 private conservation areas for the purposes of, among other things,
- 14 viewing wildlife, including bobcats, and that this visitation
- 15 contributes millions of dollars to California's economy.
- 16 (d) The Legislature further recognizes that bobcats and other
- 17 native wildlife often cross the boundaries of national parks and
- 18 other protected areas into adjacent areas where the taking of
- 19 bobcats is currently allowed pursuant to the Fish and Game Code
- 20 and the regulations adopted pursuant to that code.
- 21 (e) While bobcats are hunted and trapped primarily for their
- 22 fur, rather than being classified as "fur-bearing mammals" under
- 23 the Fish and Game Code, bobcats are considered "nongame
- 24 mammals" under the laws of this state and consequently current
- 25 California laws and regulations provide no limits on the sex, age,
- 26 location, or number of bobcats that may be taken by licensed
- 27 trappers or licensed hunters on private and public lands in
- 28 California where the taking of wildlife is not otherwise prohibited.
- 29 (f) Current regulations provide for the commercial sale and
- 30 export of bobcat pelts taken by hunters or trappers in California.
- 31 (g) The Legislature further finds that a rise in the demand for
- 32 bobcat pelts in China and other foreign markets has resulted in a
- 33 substantial increase in the number of trappers taking bobcats as

1 well as in the number of bobcats taken for commercial purposes
2 in California.

3 (h) Reliable population estimates do not exist for bobcats
4 statewide in California and neither the Department of Fish and
5 Wildlife or the Fish and Game Commission possesses adequate
6 data to determine a sustainable harvest limit for bobcats.

7 SEC. 3. Section 4000 of the Fish and Game Code is amended
8 to read:

9 4000. The following are fur-bearing mammals: pine marten,
10 fisher, mink, river otter, gray fox, red fox, kit fox, raccoon, beaver,
11 badger, *bobcat*, and muskrat.

12 SEC. 4. Section 4013 is added to the Fish and Game Code, to
13 read:

14 4013. (a) Notwithstanding Sections 4002, 4003, 4005, and
15 4006, and Article 2 (commencing with Section 4030), it is unlawful
16 to trap, import, export, or sell any bobcat or any part or product
17 thereof, or attempt to do so, or to receive, transport, or possess any
18 bobcat or any part or product thereof taken in violation of this code
19 or regulations adopted pursuant to this code.

20 (b) This section does not apply to the taking of any bobcat by
21 employees of the department acting in an official capacity or to a
22 taking in accordance with the conditions of a scientific or
23 propagation permit by the holder of that permit.

24 (c) This section does not apply to any bobcat or any part or
25 product thereof lawfully possessed prior to January 1, 2014, or to
26 the lawful taking of bobcats found to be injuring crops or property
27 that are taken under depredation permits issued pursuant to Section
28 4180, this code, or the regulations adopted pursuant to this code.

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

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