

ASSEMBLY BILL

No. 395

Introduced by Assembly Member Gallagher

February 18, 2015

An act to amend Section 3004.5 of the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

AB 395, as introduced, Gallagher. Hunting: nonlead ammunition.

Existing law requires the use of nonlead centerfire rifle and pistol ammunition, as determined by the Fish and Game Commission, to be required when taking big game with a rifle or pistol, and when taking coyote, within the California condor range. Existing law further requires, as soon as is practicable, but by no later than July 1, 2019, the use of nonlead ammunition for the taking of all wildlife, including game mammals, game birds, nongame birds, and nongame mammals, with any firearm, and requires the commission to promulgate regulations by July 1, 2015, that phase in the requirements of these provisions.

This bill would repeal the latter restriction against the use of nonlead ammunition for the taking of all wildlife and related provisions.

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

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

- 1 SECTION 1. Section 3004.5 of the Fish and Game Code is
- 2 amended to read:
- 3 3004.5. (a) (1) Nonlead centerfire rifle and pistol ammunition,
- 4 as determined by the commission, shall be required when taking

big game, as defined in the department's mammal hunting regulations (14 Cal. Code Regs. 350), with a rifle or pistol, and when taking coyote, within the California condor range.

(2) For purposes of this section, "California condor range" means:

(A) The department's deer hunting zone A South, but excluding Santa Cruz, Alameda, Contra Costa, San Mateo, and San Joaquin Counties, areas west of Highway 101 within Santa Clara County, and areas between Highway 5 and Highway 99 within Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern Counties.

(B) Areas within deer hunting zones D7, D8, D9, D10, D11, and D13.

~~(3) The requirements of this subdivision shall remain in effect in the California condor range unless and until the more restrictive nonlead prohibitions required pursuant to subdivision (b) are implemented.~~

~~(b) Except as provided in subdivision (j), and as soon as is practicable as implemented by the commission pursuant to subdivision (i), but by no later than July 1, 2019, nonlead ammunition, as determined by the commission, shall be required when taking all wildlife, including game mammals, game birds, nongame birds, and nongame mammals, with any firearm.~~

~~(e)~~

(b) (1) The commission shall maintain, by regulation, a public process to certify ammunition as nonlead ammunition, and shall define, by regulation, nonlead ammunition as including only ammunition in which there is no lead content, excluding the presence of trace amounts of lead. The commission shall establish and annually update a list of certified ammunition.

(2) The list of certified ammunition shall include, but not be limited to, any federally approved nontoxic shotgun ammunition.

~~(d)~~

(c) (1) To the extent that funding is available, the commission shall establish a process that will provide hunters with nonlead ammunition at no or reduced charge. The process shall provide that the offer for nonlead ammunition at no or reduced charge may be redeemed through a coupon sent to a permit holder with the appropriate permit tag. If available funding is not sufficient to provide nonlead ammunition at no charge, the commission shall set the value of the reduced charge coupon at the maximum value

1 possible through available funding, up to the average cost within
2 this state for nonlead ammunition, as determined by the
3 commission.

4 (2) The nonlead ammunition coupon program described in
5 paragraph (1) shall be implemented only to the extent that sufficient
6 funding, as determined by the Department of Finance, is obtained
7 from local, federal, public, or other nonstate sources in order to
8 implement the program.

9 (3) If the nonlead ammunition coupon program is implemented,
10 the commission shall issue a report on the usage and redemption
11 rates of ammunition coupons. The report shall cover calendar years
12 2008, 2009, and 2012. Each report shall be issued by June of the
13 following year.

14 (e)

15 (d) The commission shall issue a report on the levels of lead
16 found in California condors. This report shall cover calendar years
17 2008, 2009, and 2012. Each report shall be issued by June of the
18 following year.

19 (f)

20 (e) The department shall notify those hunters who may be
21 affected by this section.

22 (g)

23 (f) A person who violates any provision of this section is guilty
24 of an infraction punishable by a fine of five hundred dollars (\$500).
25 A second or subsequent offense shall be punishable by a fine of
26 not less than one thousand dollars (\$1,000) or more than five
27 thousand dollars (\$5,000).

28 (h)

29 (g) This section does not apply to government officials or their
30 agents when carrying out a statutory duty required by law.

31 ~~(i) The commission shall promulgate regulations by July 1,~~
32 ~~2015, that phase in the requirements of this section. The~~
33 ~~requirements of this section shall be fully implemented statewide~~
34 ~~by no later than July 1, 2019. If any of the requirements of this~~
35 ~~section can be implemented practicably, in whole or in part, in~~
36 ~~advance of July 1, 2019, the commission shall implement those~~
37 ~~requirements. The commission shall not reduce or eliminate any~~
38 ~~existing regulatory restrictions on the use of lead ammunition in~~
39 ~~California condor range unless or until the additional requirements~~

1 ~~for use of nonlead ammunition as required by this section are~~
2 ~~implemented.~~

3 ~~(j) (1) The prohibition in subdivision (b) shall be temporarily~~
4 ~~suspended for a specific hunting season and caliber upon a finding~~
5 ~~by the director that nonlead ammunition of a specific caliber is not~~
6 ~~commercially available from any manufacturer because of federal~~
7 ~~prohibitions relating to armor-piercing ammunition pursuant to~~
8 ~~Chapter 44 (commencing with Section 921) of Title 18 of the~~
9 ~~United States Code.~~

10 ~~(2) Notwithstanding a suspension pursuant to paragraph (1),~~
11 ~~nonlead ammunition shall be used when taking big game mammals,~~
12 ~~nongame birds, or nongame mammals in the California condor~~
13 ~~range, as defined in subdivision (a).~~