ASSEMBLY BILL No. 2440

Introduced by Assembly Member Oller

February 20, 1998

An act to repeal Sections 3081, 3083, 3084, and 3085 of, and to repeal and add Section 3080 of, the Fish and Game Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 2440, as introduced, Oller. Wildlife: animal meat.

(1) Existing law makes it unlawful to possess game birds or mammals 10 days after the open season or to possess deer, elk, bear, or antelope meat 15 days after the open season, unless the poultry or meat is tagged or marked pursuant to regulations adopted by the Fish and Game Commission or the poultry or meat is held pursuant to a storage permit issued by the Department of Fish and Game.

This bill would repeal those provisions, and instead, would make it unlawful to possess deer, elk, bear, or antelope meat unless the person possessing the meat holds a hunting license and validated license tags for that species or the person was given the meat by a person who holds a hunting license and validated license tags and the meat recipient has documentation to that effect, as specified. By changing the definition of a crime, the bill would impose a state-mandated local program.

(2) 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:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Requiring a licensed sport hunter to obtain a permit to possess deer, elk, bear, or antelope meat is duplicative of other existing hunting requirements and serves no useful purpose.

(2) The requirement that a sport hunter obtain and possess a hunting license and validated license tags achieves the same degree of accountability for law enforcement purposes as does the meat permit requirement and it provides the same protection against illegal possession of deer, elk, bear, or antelope meat.

(b) Therefore, it is the intent of the Legislature that the deer, elk, bear, and antelope meat permit requirement be repealed.

SEC. 2. Section 3080 of the Fish and Game Code is repealed.

~~3080. Any game bird or mammal may be possessed during a period other than the open season where taken and 10 days thereafter, if the carcass, or part thereof, is tagged in conformity with the regulations of the commission. The commission shall prescribe the type of tag to be used, which shall be of such construction and method of attachment that it cannot be removed without mutilating or defacing an essential part thereof.~~

~~The provisions of this section shall not apply to the possession of deer or deer meat.~~

~~Meat tagged in conformity with Section 3081 may be possessed at any time.~~

~~Not more than the possession limit for the species in the area where taken may be possessed at one time by any~~

~~person under the provisions of this section which provide for the tagging of birds and mammals.~~

~~Nothing in this section authorizes the possession of game birds or carcasses or parts thereof contrary to regulations issued pursuant to the Migratory Bird Treaty Act.~~

SEC. 3. Section 3080 is added to the Fish and Game Code, to read:

3080. It is unlawful to possess deer, elk, bear, or antelope meat except under one of the following circumstances:

(a) The person possessing the meat has in his or her possession a hunting license and validated license tag or tags, or copies thereof, for the species possessed.

(b) The person possessing the meat has been given the meat by a person described in subdivision (a) and the meat recipient has either of the following in his or her possession:

(1) A photocopy of the donor's hunting license and the applicable validated license tag or tags.

(2) Signed documentation from the donor confirming the donation to the recipient, including the donor's hunting license number and applicable license tag numbers.

SEC. 4. Section 3081 of the Fish and Game Code is repealed.

~~3081. It is unlawful to possess deer, elk, bear, or antelope meat except as follows:~~

~~(a) During the open season where taken and for 15 days following the last day when those mammals may be legally taken in the area where taken.~~

~~(b) At any time if marked pursuant to regulations established by the commission. The commission shall make the regulations, and may fix a fee for marking the meat.~~

SEC. 5. Section 3083 of the Fish and Game Code is repealed.

~~3083. Upon application the department may deliver game meat permits to any cold storage plant or frozen~~

~~food locker plant without receiving full payment therefor.~~

SEC. 6. Section 3084 of the Fish and Game Code is repealed.

~~3084. The department shall designate and authorize a person or persons in each plant to issue permits for the storage beyond the open season where such game birds or mammals were taken; and to collect lawful fees to be paid in connection with, and stamps or tags to be affixed to, the birds or mammals. Such permit forms, stamps, tags, or other materials as may be required for the enforcement of this section shall be supplied by the department.~~

SEC. 7. Section 3085 of the Fish and Game Code is repealed.

~~3085. Cold storage plants and frozen food locker plants may retain one-half of all legal fees received for their services in marking game birds or mammals deposited with them for storage in such plants, and shall remit one-half of such fees and all unsold permits to the department at such time or times as the department may determine.~~

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

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