

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 711

Introduced by Assembly Member Rendon
(Principal coauthor: Assembly Member Pan)
(Coauthors: Assembly Members Blumenfeld, Fong, Stone, and
Williams)

February 21, 2013

An act to amend Section ~~3002~~ 3004.5 of the Fish and Game Code, relating to ~~fish and wildlife~~ *hunting*.

LEGISLATIVE COUNSEL'S DIGEST

AB 711, as amended, Rendon. ~~Fish and wildlife: methods of taking.~~
Hunting: nonlead ammunition.

Existing law requires the Fish and Game Commission, by July 1, 2008, to establish by regulation a public process to certify centerfire rifle and pistol ammunition as nonlead ammunition, and to define by regulation nonlead ammunition as including only centerfire rifle and pistol ammunition in which there is no lead content. Existing law requires the commission to establish and annually update a list of certified centerfire rifle and pistol ammunition.

Existing law requires that nonlead ammunition, as determined by the commission, be used when taking big game with a rifle or pistol, as defined by the Department of Fish and Wildlife's hunting regulations, and when taking coyote, within specified deer hunting zones, but excluding specific counties and areas. Existing law requires the commission to establish a process, to the extent that funding is available, that will provide hunters in these specified deer hunting zones with

nonlead ammunition at no or reduced charge. A violation of these provisions is a crime.

This bill would revise and recast these provisions to require the use of nonlead ammunition for the taking of all wildlife, including game mammals, game birds, nongame birds, and nongame mammals, with any firearm. The bill would require the commission, by July 1, 2014, to certify, by regulation, nonlead ammunition for these purposes. The bill would make conforming changes. The bill would provide that these provisions do not apply to government officials or their agents when carrying out a mandatory statutory duty required by law.

The bill would require the commission to promulgate regulations by July 1, 2014, that phase in the requirements of these provisions. The bill would require that these requirements be fully implemented statewide by no later than July 1, 2016. The bill would also require that the commission not reduce or eliminate any existing regulatory restrictions on the use of lead ammunition in California condor habitat unless or until the additional requirements for use of nonlead ammunition as required by these provisions are implemented.

By expanding and changing the definition of a 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.

~~Existing law makes it unlawful to shoot at a game bird or mammal, including a marine mammal, as defined, from a powerboat, sailboat, motor vehicle, or airplane.~~

~~This bill would make a nonsubstantive change to this provision.~~

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California’s wildlife species represent the state’s rich natural
- 4 resources and environmental health and beauty.

1 ***(b) California’s wildlife species play an important role in the***
2 ***state’s environmental health.***

3 ***(c) Fifty years of research have shown that the presence of lead***
4 ***in the environment poses an ongoing threat to the health of the***
5 ***general public and the viability of the state’s wildlife species,***
6 ***including federally listed threatened and endangered species.***

7 ***(d) The United States Environmental Protection Agency defines***
8 ***lead as toxic to both humans and animals, and lead can affect***
9 ***almost every organ and system in the human body, including the***
10 ***heart, bones, intestines, kidneys, and reproductive and nervous***
11 ***systems. It interferes with the development of the nervous system***
12 ***and is therefore particularly toxic to children, causing potentially***
13 ***permanent learning and behavior disorders.***

14 ***(e) Lead is a potent neurotoxin, for which no safe exposure level***
15 ***exists for humans. The use of lead has been outlawed in and***
16 ***removed from paint, gasoline, children’s toys, and many other***
17 ***items to protect human health and wildlife.***

18 ***(f) Routes of human and wildlife exposure to lead include***
19 ***contaminated air, water, soil, and food. Lead ammunition in felled***
20 ***wildlife is often consumed by other animals and passed along the***
21 ***food chain. Dairy and beef cattle have developed lead poisoning***
22 ***after feeding in areas where spent lead ammunition has***
23 ***accumulated. Spent lead ammunition can also be mingled into***
24 ***crops, vegetation, and waterways.***

25 ***(g) Efforts to limit wildlife exposure to lead ammunition have***
26 ***been successful. The United States Fish and Wildlife Service***
27 ***banned the use of lead shot for waterfowl hunting decades ago,***
28 ***and both hunting and waterfowl have thrived since. And California***
29 ***passed a successful law preventing the use of lead ammunition in***
30 ***condor habitat. However, because these restrictions only apply in***
31 ***certain areas or to the hunting of particular species, many species***
32 ***of wildlife remain threatened by the use of lead ammunition and***
33 ***more protections are needed. These successes have shown us how***
34 ***to extend protection from lead poisoning to other wildlife.***

35 ***(h) A variety of nontoxic ammunition is readily available. Studies***
36 ***have shown that nontoxic ammunition performs as well as, or***
37 ***better than, lead-based ammunition.***

38 ***SEC. 2. Section 3004.5 of the Fish and Game Code is amended***
39 ***to read:***

1 3004.5. (a) ~~Nonlead centerfire rifle and pistol ammunition, as~~
2 ~~determined by the commission, shall be required when taking big~~
3 ~~game with rifle or pistol, as defined by Section 350 of the~~
4 ~~department's mammal hunting regulations, and when taking coyote,~~
5 ~~within the department's deer hunting zone A South, but excluding~~
6 ~~Santa Cruz, Alameda, Contra Costa, San Mateo, and San Joaquin~~
7 ~~Counties, areas west of Highway 101 within Santa Clara County,~~
8 ~~and areas between Highway 5 and Highway 99 within Stanislaus,~~
9 ~~Merced, Madera, Fresno, Kings, Tulare, and Kern Counties, and~~
10 ~~within deer hunting zones D7, D8, D9, D10, D11, and D13 all~~
11 ~~wildlife, including game mammals, game birds, nongame birds,~~
12 ~~and nongame mammals, with any firearm.~~

13 (b) By July 1, ~~2008~~ 2014, the commission shall establish, by
14 regulation, a public process to certify ~~centerfire rifle and pistol~~
15 ~~ammunition as nonlead ammunition, and shall define, by~~
16 ~~regulation, nonlead ammunition as including only centerfire rifle~~
17 ~~and pistol ammunition in which there is no lead content. The~~
18 ~~commission shall establish and annually update a list of certified~~
19 ~~centerfire rifle and pistol ammunition.~~

20 (c) (1) To the extent that funding is available, the commission
21 shall establish a process that will provide hunters ~~within the~~
22 ~~department's deer hunting zone A South, but excluding Santa Cruz,~~
23 ~~Alameda, Contra Costa, San Mateo, and San Joaquin Counties,~~
24 ~~areas west of Highway 101 within Santa Clara County, and areas~~
25 ~~between Highway 5 and Highway 99 within Stanislaus, Merced,~~
26 ~~Madera, Fresno, Kings, Tulare, and Kern Counties, and within~~
27 ~~deer hunting zones D7, D8, D9, D10, D11, and D13 with nonlead~~
28 ~~ammunition at no or reduced charge. The process shall provide~~
29 ~~that the offer for nonlead ammunition at no or reduced charge may~~
30 ~~be redeemed through a coupon sent to a permit holder with the~~
31 ~~appropriate permit tag. If available funding is not sufficient to~~
32 ~~provide nonlead ammunition at no charge, the commission shall~~
33 ~~set the value of the reduced charge coupon at the maximum value~~
34 ~~possible through available funding, up to the average cost within~~
35 ~~this state for nonlead ammunition, as determined by the~~
36 ~~commission.~~

37 (2) The nonlead ammunition coupon program described in
38 paragraph (1) shall be implemented only to the extent that sufficient
39 funding, as determined by the Department of Finance, is obtained

1 from local, federal, public, or other nonstate sources in order to
2 implement the program.

3 (3) If the nonlead ammunition coupon program is implemented,
4 the commission shall issue a report on the usage and redemption
5 rates of ammunition coupons. The report shall cover calendar years
6 2008, 2009, and 2012. Each report shall be issued by June of the
7 following year.

8 (d) The commission shall issue a report on the levels of lead
9 found in California condors. This report shall cover calendar years
10 2008, 2009, and 2012. Each report shall be issued by June of the
11 following year.

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

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

19 (g) *This section does not apply to government officials or their*
20 *agents when carrying out a mandatory statutory duty required by*
21 *law.*

22 (h) *The commission shall promulgate regulations by July 1,*
23 *2014, that phase in the requirements of this section. The*
24 *requirements of this section shall be fully implemented statewide*
25 *by no later than July 1, 2016. The commission shall not reduce or*
26 *eliminate any existing regulatory restrictions on the use of lead*
27 *ammunition in California condor habitat unless or until the*
28 *additional requirements for use of nonlead ammunition as required*
29 *by this section are implemented.*

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

39 ~~SECTION 1. Section 3002 of the Fish and Game Code is~~
40 ~~amended to read:~~

1 3002. ~~It is unlawful to shoot at a game bird or mammal,~~
2 ~~including a marine mammal as defined in Section 4500, from a~~
3 ~~powerboat, sailboat, motor vehicle, or airplane.~~