

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 amended, 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 enact the Bobcat Protection Act of 2013 and add the bobcat to the list of fur-bearing mammals. This bill would, notwithstanding ~~those~~ the above-described 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 sell or export any bobcat or part thereof taken in California, 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.

1 (f) Current regulations provide for the commercial sale and
2 export of bobcat pelts taken by hunters or trappers in California.

3 (g) The Legislature further finds that a rise in the demand for
4 bobcat pelts in China and other foreign markets has resulted in a
5 substantial increase in the number of trappers taking bobcats as
6 well as in the number of bobcats taken for commercial purposes
7 in California.

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

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

14 4000. The following are fur-bearing mammals: pine marten,
15 fisher, mink, river otter, gray fox, red fox, kit fox, raccoon, beaver,
16 badger, bobcat, and muskrat.

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

19 4013. (a) Notwithstanding Sections 4002, 4003, 4005, and
20 4006, and Article 2 (commencing with Section 4030), it is unlawful
21 to trap, ~~import, export, or sell~~ any bobcat or any part or product
22 thereof, or attempt to do so, or to *sell or export any bobcat or part*
23 *thereof taken in California, or to* receive, transport, or possess any
24 bobcat or any part or product thereof taken in violation of this code
25 or regulations adopted pursuant to this code.

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

30 (c) This section does not apply to any bobcat or any part or
31 product thereof lawfully possessed prior to January 1, 2014, or to
32 the lawful taking of bobcats found to be injuring crops or property
33 that are taken under depredation permits issued pursuant to Section
34 4180, this code, or the regulations adopted pursuant to this code.

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

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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