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AB-454 Migratory birds: California Migratory Bird Protection Act. (2019-2020)

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Assembly Bill No. 454

CHAPTER 349

An act to amend, repeal, and add Section 3513 of the Fish and Game Code, relating to migratory birds.

[Approved by Governor September 27, 2019. Filed with Secretary of State September 27, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 454, Kalra. Migratory birds: California Migratory Bird Protection Act.

Existing federal law, the Migratory Bird Treaty Act, provides for the protection of migratory birds, as specified. The federal act also authorizes states and territories of the United States to make and enforce laws or regulations that give further protection to migratory birds, their nests, and eggs. Existing state law makes unlawful the taking or possession of any migratory nongame bird, or part of any migratory nongame bird, as designated in the federal act, except as provided by rules and regulations adopted by the United States Secretary of the Interior under provisions of the federal act.

This bill, the California Migratory Bird Protection Act, would instead, until January 20, 2025, make unlawful the taking or possession of any migratory nongame bird designated in the federal act before January 1, 2017, any additional migratory nongame bird that may be designated in the federal act after that date, or any part of those migratory nongame birds, except as provided by rules and regulations adopted by the United States Secretary of the Interior under the federal act before January 1, 2017, or subsequent rules or regulations adopted pursuant to the federal act, unless those rules or regulations are inconsistent with the Fish and Game Code.

The bill would also reenact, operative January 20, 2025, the existing provisions of law regarding the taking or possession of any migratory nongame bird as designated in the federal act, or any part of such migratory nongame bird, except as specified.

Under existing law, a violation of the Fish and Game Code is a crime. By narrowing the exception to a crime defined in existing law, the bill would expand the scope of a crime, thus imposing 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the California Migratory Bird Protection Act.

SEC. 2. Section 3513 of the Fish and Game Code is amended to read:

3513. (a) It is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.) before January 1, 2017, any additional migratory nongame bird that may be designated in that federal act after that date, or any part of a migratory nongame bird described in this section, except as provided by rules and regulations adopted by the United States Secretary of the Interior under that federal act before January 1, 2017, or subsequent rules or regulations adopted pursuant to that federal act, unless those rules or regulations are inconsistent with this code.

(b) This section shall become inoperative on January 20, 2025, and, as of January 1, 2026, is repealed.

SEC. 3. Section 3513 is added to the Fish and Game Code, to read:

3513. (a) It is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.), or any part of a migratory nongame bird described in this section, except as provided by rules and regulations adopted by the United States Secretary of the Interior under that federal act.

(b) This section shall become operative on January 20, 2025.

SEC. 4. 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.