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**AB-2109 White sharks: prohibition on use of attractants.** (2021-2022)

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**Assembly Bill No. 2109**

**CHAPTER 437**

An act to amend Section 5517 of the Fish and Game Code, relating to sharks.

[ Approved by Governor September 19, 2022. Filed with Secretary of State September 19, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2109, Bennett. White sharks: prohibition on use of attractants.

Existing law makes it unlawful to take white sharks for recreational or commercial purposes except under a permit issued by the Department of Fish and Wildlife for scientific or educational purposes or if taken incidentally by commercial fishing operations using certain types of nets. For purposes of these prohibitions, existing law defines "take" to mean to hunt, pursue, catch, capture, or kill, or to attempt to hunt, pursue, catch, capture, or kill. Existing law makes a violation of these prohibitions a crime.

This bill would also make it unlawful, except as provided, to use any shark bait, shark lure, or shark chum, as defined, to attract any white shark; to place any shark bait, shark lure, or shark chum into the water within one nautical mile of any shoreline, pier, or jetty when a white shark is either visible or known to be present; or to place any shark bait, shark lure, or shark chum into the water for the purpose of viewing any shark when a white shark is visible or known to be present. Because a violation of these prohibitions would be a crime, this 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 Local Program: yes

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

**SECTION 1.** Section 5517 of the Fish and Game Code is amended to read:

**5517.** (a) Except as authorized by a permit issued pursuant to Section 1002, or as provided in subdivision (b) of Section 8599, it is unlawful to do any of the following:

- (1) Take any white shark (*Carcharodon carcharias*).
- (2) Use any shark bait, shark lure, or shark chum to attract any white shark.
- (3) Place any shark bait, shark lure, or shark chum into the water within one nautical mile of any shoreline, pier, or jetty when a white shark is either visible or known to be present.

(4) Place any shark bait, shark lure, or shark chum into the water for the purpose of viewing any shark when a white shark is visible or known to be present.

(b) For purposes of this section, "shark bait, shark lure, or shark chum" means any natural or manufactured product or device used to attract sharks by the sense of taste, smell, or sight, including, but not limited to, blood, fish, or other material upon which sharks may feed, and surface or underwater decoys.

**SEC. 2.** 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.