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SB-945 Falconry: American peregrine falcons. (2021-2022)

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Senate Bill No. 945

CHAPTER 471

An act to amend Section 395 of, and to add Section 397 to, the Fish and Game Code, relating to falconry.

[Approved by Governor September 22, 2022. Filed with Secretary of State September 22, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 945, Laird. Falconry: American peregrine falcons.

Existing law authorizes the Fish and Game Commission to adopt regulations for the possession or training, and the capture, importation, exportation, or intrastate transfer, of birds in the orders Falconiformes and Strigiformes (birds-of-prey) used in the practice of falconry. Existing law authorizes the commission to authorize the issuance and provide for the revocation of licenses and permits to persons for the practice of falconry. Existing law also prohibits the taking or possession at any time of fully protected birds, as specified. Existing law designates the American peregrine falcon as a fully protected bird.

This bill would exempt the capture, possession, or training of an American peregrine falcon in the practice of falconry from the prohibitions in the fully protected bird statute. The bill would prohibit regulations from being adopted for the possession, training, capture, importation, exportation, or intrastate transfer of American peregrine falcons used in the practice of falconry unless the Legislature provides an appropriation in the annual Budget Act or another statute for that purpose. The bill would require the department, contingent upon appropriation of funds in the annual Budget Act or another statute, to submit 2 reports to certain committees of the Legislature, on or before specified dates, regarding the use of American peregrine falcons and other raptors in falconry, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 395 of the Fish and Game Code is amended to read:

395. (a) The commission may adopt regulations for the possession or training, and the capture, importation, exportation, or intrastate transfer, of any bird in the orders Falconiformes and Strigiformes (birds-of-prey) used in the practice of falconry and may authorize the issuance and provide for the revocation of licenses and permits to persons for the practice of falconry.

(b) It is unlawful to capture, possess, or train any bird in the orders Falconiformes and Strigiformes (birds-of-prey) in the practice of falconry without procuring a falconry license.

(c) (1) The capture, possession, and training of an American peregrine falcon in the practice of falconry pursuant to this chapter shall be exempt from the prohibitions in Section 3511.

(2) Regulations shall not be adopted pursuant to subdivision (a) for the possession, training, capture, importation, exportation, or intrastate transfer of American peregrine falcons used in the practice of falconry unless the Legislature provides an appropriation in the annual Budget Act or another statute for that purpose.

SEC. 2. Section 397 is added to the Fish and Game Code, to read:

397. (a) On or before three years after the date the Legislature makes an appropriation for purposes of this section, and then again on or before eight years after the date the Legislature makes an appropriation for purposes of this section, the department shall prepare a report and submit each of the reports to the relevant legislative policy and budget committees in both houses of the Legislature. The reports shall provide data and information regarding the status of the American peregrine falcon in the state and its use in falconry. The purpose of the reports is to provide a comprehensive overview of the impact of changes in falconry law and regulations on the practice of falconry. The reports shall include all of, but are not limited to, the following information:

(1) The regulatory status of falconry and any commission or department action related to regulatory development.

(2) (A) Compiled data regarding the use of all American peregrine falcons, including hybrids, in falconry in the state, and compiled data regarding the use of all raptors in falconry in the state.

(B) The compiled data shall be obtained from the information falconers submit to the department regarding raptor acquisition and disposition, including raptor capture, recapture, and release; possession; and hunting take pursuant to licensing. The compiled data shall be reported by species and the source of the bird, such as captive-bred, and include all take.

(C) The compiled data provided for the practice of falconry is intended to provide context for the data provided for the American peregrine falcon.

(3) Retention rates for falconers of all levels.

(4) Fee revenue from all sources related to falconry, and costs associated with falconry, including regulatory development, and to administer and implement the regulations by the commission and the department.

(5) Department enforcement information, as applicable, including any violations cited.

(b) The department shall collect all relevant, appropriate, and sufficient data necessary to evaluate falconry and the impact of the change in the regulations on falconry necessary to prepare the reports, and to justify the amount of the license fees assessed, including information about data collection and enforcement costs. Data collection efforts shall avoid duplication and use data collected for other purposes, including the development of regulations, to the extent feasible.

(c) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(d) The implementation of this section is contingent upon an appropriation for its purposes by the Legislature in the annual Budget Act or another statute.