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AB-1611 Fish and Game Code: violations. (2023-2024)

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Date Published: 07/27/2023 09:00 PM

Assembly Bill No. 1611

CHAPTER 129

An act to amend Sections 8026 and 12000 of the Fish and Game Code, relating to fish and wildlife.

[Approved by Governor July 27, 2023. Filed with Secretary of State July 27, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1611, Lowenthal. Fish and Game Code: violations.

Existing law generally makes any violation of the Fish and Game Code or any rule, regulation, or order made or adopted under the code a misdemeanor. Existing law makes a violation of specified regulations and provisions of the code an infraction or a misdemeanor.

This bill would make the violation of specified regulations and provisions of the code, primarily relating to commercial fishing, an infraction or a misdemeanor.

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

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

SECTION 1. Section 8026 of the Fish and Game Code is amended to read:

8026. (a) The commission may require the owner and operator of a commercial fishing vessel, the holder of a commercial fishing license or permit, and the owner and licenseholder of a commercial passenger fishing boat to keep and submit a complete and accurate record of fishing activities in a form prescribed by the department.

(b) In addition to the penalty specified in subdivision (b) of Section 12000 or subdivision (a) of Section 12002, failure to keep and submit records pursuant to subdivision (a) may result in the revocation or suspension of a license or permit by the department or the commission, when recommended by the department, for a period not to exceed one year.

SEC. 2. Section 12000 of the Fish and Game Code is amended to read:

12000. (a) Except as expressly provided otherwise in this code, any violation of this code, or of any rule, regulation, or order made or adopted under this code, is a misdemeanor.

(b) Notwithstanding subdivision (a), a person who violates any of the following statutes or regulations is guilty of an infraction punishable by a fine of not less than one hundred dollars (\$100) and not to exceed one thousand dollars (\$1,000), or of a misdemeanor:

- (1) Section 2009.
- (2) Section 2353.
- (3) Sections 5508 and 5509.
- (4) Section 5652.
- (5) Subdivision (a) of Section 6596.1.
- (6) Section 7149.8.
- (7) Sections 7850, 7852.27, 7856, 7857, 7880, 7881, 7920, 7923, 8026, 8030 to 8036, inclusive, 8043 to 8050, inclusive, 8257, 9001, 9003, and 9004.
- (8) Sections 1.14, 1.17, 1.62, 1.63, and 1.74 of Title 14 of the California Code of Regulations.
- (9) Sections 2.00 to 5.95, inclusive, and 7.00 to 8.00, inclusive, of Title 14 of the California Code of Regulations.
- (10) Sections 27.56 to 30.10, inclusive, of Title 14 of the California Code of Regulations.
- (11) Sections 40 to 43, inclusive, of Title 14 of the California Code of Regulations.
- (12) Sections 90, 91, 107, 123, 132.1, 176, 180, 180.2, 180.4, 180.5, 180.6, 182, 189, 190, 195, and 197 of Title 14 of the California Code of Regulations.
- (13) Subdivision (e) of Section 150.16 of Title 14 of the California Code of Regulations.
- (14) Section 251.7 of Title 14 of the California Code of Regulations.
- (15) Sections 307, 308, and 311 to 313, inclusive, of Title 14 of the California Code of Regulations.
- (16) Sections 505, 507 to 510, inclusive, and 550 to 552, inclusive, of Title 14 of the California Code of Regulations.
- (17) Section 630 of Title 14 of the California Code of Regulations.
- (18) Section 632 of Title 14 of the California Code of Regulations, except if either of the following apply:
 - (A) The person who violates the regulation holds a commercial fishing license issued pursuant to Article 3 (commencing with Section 7850) of Chapter 1 of Part 3 of Division 6 or the person who violates the regulation is operating a boat or vessel licensed pursuant to Article 5 (commencing with Section 7920) of Chapter 1 of Part 3 of Division 6 at the time of the violation. Except as provided in Section 12012.5, a person described in this subparagraph who violates Section 632 of Title 14 of the California Code of Regulations is guilty of a misdemeanor punishable pursuant to Section 12002.
 - (B) The violation of the regulation occurred within two years of a prior violation of the regulation that resulted in a conviction.
- (19) Section 650 of Title 14 of the California Code of Regulations.