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SB-1226 Hunting: navigable waters. (2023-2024)

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Senate Bill No. 1226

CHAPTER 186

An act to amend Section 2016 of the Fish and Game Code, relating to fish and game.

[Approved by Governor August 19, 2024. Filed with Secretary of State August 19, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1226, Cortese. Hunting: navigable waters.

Existing law makes it unlawful to enter land for the purpose of discharging a firearm or taking or destroying any mammal or bird, including waterfowl, on that land, without having first obtained written permission from the owner, the owner's agent, or the person in lawful possession of that land, if either of the following applies: (1) the land belongs to, or is occupied by, another person and is either under cultivation or enclosed by a fence, or (2) there are signs forbidding trespass or hunting or both displayed at intervals not less than 3 to the mile along all exterior boundaries and at all roads and trails entering those lands, including land temporarily inundated by water flowing outside the established banks of a waterway.

This bill would restrict the application of the provisions regarding land temporarily inundated by water flowing outside the established banks of a waterway to non-navigable waters. The bill would also state that these provisions do not restrict the public's right to use navigable waters for hunting, fishing, or other public purposes under the California Constitution.

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

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

SECTION 1. Section 2016 of the Fish and Game Code is amended to read:

2016. (a) It is unlawful to enter land for the purpose of discharging a firearm or taking or destroying a mammal or bird, including waterfowl, on that land, without having first obtained written permission from the owner, the owner's agent, or the person in lawful possession of that land, if either of the following is true:

(1) The land belongs to, or is occupied by, another person and is either under cultivation or enclosed by a fence.

(2) There are signs of any size and wording forbidding trespass or hunting or both displayed along all exterior boundaries of the land, at intervals not less than three to the mile, and at all roads and trails entering the land, including land temporarily inundated by non-navigable waters flowing outside the established banks of a river, stream, slough, or other waterway, which fairly advise a person about to enter the land that the use of the land is so restricted.

(b) Nothing in this section restricts the right of the public to use navigable waters for hunting, fishing, or other public purpose as guaranteed under Section IV of Article X of the California Constitution.

