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AB-454 Migratory birds: California Migratory Bird Protection Act. (2025-2026)

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Assembly Bill No. 454

CHAPTER 365

An act to repeal and add Section 3513 of the Fish and Game Code, relating to migratory birds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 06, 2025. Filed with Secretary of State October 06, 2025.]

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 law, the California Migratory Bird Protection Act, until January 20, 2025, made 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. Existing law, as of January 1, 2026, repeals this provision.

This bill would, indefinitely, make unlawful the taking or possessing of any migratory bird, as designated in the federal act before January 1, 2025, any additional migratory birds that may be designated in the federal act after that date, or any part of those migratory birds, except as provided.

Existing law, operative January 20, 2025, makes it unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act, or any part of a migratory nongame bird, except as provided.

This bill would repeal this provision.

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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 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, as added by Section 3 of Chapter 349 of the Statutes of 2019, is repealed.

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

3513. It is unlawful to take or possess any migratory bird as designated in the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.) before January 1, 2025, any additional migratory bird that may be designated in that federal act after that date, or any part of a migratory 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, 2025, or subsequent rules or regulations adopted pursuant to that federal act, unless those rules or regulations are inconsistent with this code.

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.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect California's hundreds of diverse bird species and the ecosystems that depend on them from the impacts of harmful human activity, it is necessary that this act take effect immediately.