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AB-764 Birds and mammals: nongame birds: mute swans. (2025-2026)

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Assembly Bill No. 764

CHAPTER 441

An act to amend Section 3801 of the Fish and Game Code, relating to wildlife.

[Approved by Governor October 07, 2025. Filed with Secretary of State October 07, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 764, Jeff Gonzalez. Birds and mammals: nongame birds: mute swans.

Existing law provides for taking and possession of listed nongame birds without a hunting license if taken in compliance with specified requirements.

This bill would allow, until January 1, 2031, a mute swan to be taken or possessed under similar circumstances as other listed nongame birds. The bill would encourage a person to report to the Department of Fish and Wildlife when they take or possess a mute swan. The bill would require the department to collect information about enforcement actions, taken by department personnel, associated with the take and possession of a mute swan.

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

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

SECTION 1. Section 3801 of the Fish and Game Code is amended to read:

3801. (a) Except as provided in Section 3000 and this section, the following nongame birds may be taken or possessed at any time:

(1) English sparrow (*Passer domesticus*).

(2) Starling (*Sturnus vulgaris*).

(3) (A) Mute swan (*Cygnus olor*).

(i) A person taking or possessing a mute swan shall be encouraged to report to the department when they take or possess a mute swan.

(ii) The department shall collect information about enforcement actions, taken by department personnel, associated with the take and possession of a mute swan.

(B) This paragraph shall become inoperative on January 1, 2031.

(b) Notwithstanding Section 3007 or any other provision of this code or regulation adopted pursuant to this code requiring the possession of a hunting license, a landowner or lessee, or an agent of either in immediate possession of written authority from the landowner or lessee, shall not be required to obtain a hunting license or a depredation permit to take nongame birds listed in subdivision (a) on land owned or leased by the landowner or lessee.

(c) All other persons taking a nongame bird listed in subdivision (a) shall be licensed pursuant to Section 3007.