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AB-1038 Bears: hunting: use of dogs. (2025-2026)

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AMENDED IN ASSEMBLY APRIL 21, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1038

Introduced by Assembly Member Hadwick

February 20, 2025

An act to add Sections 3960.7 and 3960.8 to the Fish and Game Code, relating to bears.

LEGISLATIVE COUNSEL'S DIGEST

AB 1038, as amended, Hadwick. Bears: hunting: use of dogs.

Existing law delegates to the Fish and Game Commission the power to regulate the taking or possession of birds, mammals, fish, amphibians, and reptiles in accordance with prescribed laws. Existing law authorizes the commission to establish, extend, shorten, or abolish open seasons and closed seasons for the taking of game mammals, including bears. Existing law makes it unlawful to take any bear with a firearm, trap, or bow and arrow without first procuring a tag authorizing the taking of that bear, as specified.

Existing law makes it unlawful to permit or allow a dog to pursue a bear at any time. Existing law establishes various exceptions to that prohibition including the use of dogs to pursue a bear pursuant to a depredation permit if certain conditions are met.

This bill would require the commission to establish seasons during which a person would be authorized to allow dogs to pursue a bear if the person does not injure or kill the bear or allow the bear to be injured or killed while engaging in the activity, as specified.

The bill, after the Department of Fish and Wildlife finalizes the update to its 1998 Bear Management Plan, would authorize the commission to establish a bear hunting season during which a person, pursuant to a bear tag, would be authorized to allow dogs to pursue a bear in any area determined by the commission.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) California currently has more black bears than any other state in the ~~the nation~~ *contiguous United States* and their numbers continue to increase unabated statewide.

(b) ~~With black~~ *Black* bear populations ~~far are~~ beyond the *social* carrying ~~capacity of their traditional habitats,~~ *capacity, with* bears ~~are being forced into ranges~~ *occupying habitat* they have never occupied before, including suburban and urban areas.

(c) Commensurate with the unabated increase in black bear numbers, incidences of encounters between bears and humans, and public safety concerns, have escalated statewide.

(d) California's first confirmed death due to attack by a black bear took place in 2024.

(e) The Department of Fish and Wildlife has not updated the state's Bear Management Plan (plan) since 1998.

(f) The current overpopulation of black bears in the state will be confirmed via an updated plan that the department is on schedule to finalize imminently.

(g) The final draft of the revised plan estimates the state's black bear population at 60,000 to 80,000 bears, which is ~~a~~ two times higher than what the department previously estimated.

(h) Because bears are apex predators, they have no natural ~~enemies except humans. They are not managed by "nature," rather humans must manage them.~~ *predators. Bear populations should be managed as other game animals through sustainable harvest.*

(i) Except for taking problem black bears with a depredation permit, there is no other way other than legal hunting to manage their numbers, ensure public safety, and keep bear populations in balance with the ecosystem and their prey.

(j) Black bears were traditionally hunted in California ~~via the~~ *using* pursuit by dogs, which is by far the most effective method of take for harvesting bears.

(k) Senate Bill 1221 (Chapter 595 of the Statutes of ~~2012~~), ~~legislation which was lobbied on emotions and void of science, was signed into law in 2012 and 2012~~ prohibited the use of dogs for hunting and the simple pursuit of bears beginning in 2013.

(l) Since the passage of ~~SB~~ *Senate Bill* 1221, annual bear harvest by hunters has been substantially reduced.

(m) Since bears have not been pursued by houndsmen with dogs for over a decade, black bears have now lost the fear of humans ~~or and~~ dogs that historically have ~~hazed~~ *helped keep* them away from suburban or urban ~~areas, resulting in escalating conflict between humans and bears and public safety concerns.~~ *areas.*

(n) California does not limit the number of bear tags they sell annually to hunters, with over 30,000 sold in 2024.

(o) California does limit the number of bears that can be annually harvested by hunters at 1,700.

(p) The annual harvest limit of 1,700 was set years ago when the state's bear populations were much lower.

(q) Before ~~SB~~ *Senate Bill* 1221 placed a prohibition on using dogs as a method of take for harvesting bears, the annual harvest cap of 1,700 bears was reached nearly every year.

(r) Since pursuit by dogs was prohibited as a method of take for black bears in 2013 the annual harvest has typically been closer to 1,000 and never exceeded more than 1,441 bears.

(s) As of ~~January 8,~~ *March 18,* 2025, the department is only reporting ~~888~~ *972* bears harvested by hunters in 2024.

~~(t) Before the passage of SB 1221, when pursuit by dogs was still an allowable method of take for bears and the 1,700 annual cap was regularly filled, the department recognized that more than 1,700 bears must be annually harvested to maintain black bear populations within the carrying capacity of their traditional habitats, and in balance with the ecosystem.~~

~~(u)~~

(t) Twice the department requested the Fish and Game Commission to increase the 1,700 annual harvest quota for black ~~bears.~~ *bears to increase opportunity and to work towards reducing and balancing the population.* Both times the commission rejected that request ~~due to~~ *siding with* the emotional objection of animal-rights interests.

~~(v)~~

(u) The final draft of the updated plan notes that the maximum sustainable annual hunter harvest of black bears is near to 16 percent. Yet, hunters in the state have been harvesting less than 3 percent.

~~(w)~~

(v) In addition to escalating threats to human safety, another consequence of black bear populations being out of balance with the ecosystem is the impact that has on other predator species, including mountain lions, and their prey.

~~(x)~~

(w) The final draft of the plan states that research has demonstrated that black bears “frequently displace mountain lions from their kills, a behavior called kleptoparasitism.” The final draft of the plan states that studies have “found black bears at 77% of mountain lion kills, and black bears displaced mountain lions from them 72% of the time. Black bear kleptoparasitism caused mountain lions to increase their kill rates substantially to recoup energetic losses to black bears and mountain lion kill rates in this system were the highest reported for the species across their range.”

~~(y)~~

(x) The steady increase in the population of black bears in our state is directly contributing to the undesirable changes the state is seeing in mountain lion behavior, the upsurge in conflict between mountain lions and humans, and the substantial increase in mountain lion depredation of livestock in the County of El Dorado.

~~(z)~~

(y) The final draft of the plan also notes that the overpopulation of black bears is putting severe stress on California's deer populations. The plan states that “high rates of predation on deer fawns and kleptoparasitism of mountain lion kills by black bears have likely contributed to a declining deer population in this area.”

~~(aa)~~

(z) Additional research performed about a decade ago suggested that up to 80 percent of deer fawns are killed in their first 30 days of life by black bears.

~~(ab)~~

(aa) The inability of houndsmen to pursue bears with dogs for the past decade has substantially contributed to California's perilously high black bear populations and dangerous changes in their behavior, resulting in an unacceptable increase in conflict between human and bears, human fatalities, crashing deer populations, and harmful impacts to mountain lions and other predators that compete for their prey.

SEC. 2. Section 3960.7 is added to the Fish and Game Code, to read:

3960.7. (a) As used in this section, the terms “bear” and “pursue” have the same meanings as defined in Section 3960.

(b) Notwithstanding Section 3960, a person may allow dogs to pursue a bear during seasons established pursuant to subdivision

(c). A person shall not injure or kill a bear or allow a bear to be injured or killed while engaging in the activity authorized by this section.

(c) The commission shall establish seasons during which a person may allow dogs to pursue a bear pursuant to subdivision (b).

(d) This section does not authorize a person to allow dogs to pursue a bear in a game refuge or ecological reserve if hunting within that refuge or ecological reserve is unlawful.

SEC. 3. Section 3960.8 is added to the Fish and Game Code, to read:

3960.8. (a) As used in this section, the terms “bear” and “pursue” have the same meanings as defined in Section 3960.

(b) Notwithstanding Section 3960, the commission may establish a bear hunting season during which a person may allow dogs to pursue a bear pursuant to a tag issued pursuant to Chapter 9 (commencing with Section 4750) of Part 3 of Division 4 in any area determined by the commission.

(c) The commission shall not open a season pursuant to subdivision (b) until the department finalizes the update of its 1998 Bear Management Plan.