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**AB-1319 Protected species: California Endangered Species Act.** (2025-2026)

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**Assembly Bill No. 1319**

**CHAPTER 638**

An act to add and repeal Sections 2017 and 2076.7 of the Fish and Game Code, relating to protected species.

[ Approved by Governor October 11, 2025. Filed with Secretary of State October 11, 2025. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1319, Schultz. Protected species: California Endangered Species Act.

Existing law makes it unlawful to take a bird, mammal, fish, reptile, or amphibian, except as authorized by law.

This bill would make it unlawful for a person in California to import, cause to be imported, export, cause to be exported, transport, sell, offer for sale, possess with the intent to sell, receive, acquire, or purchase any fish, wildlife, or plant that was taken, possessed, transported, or sold in violation of any law or statute of any state or any law, treaty, or statute of the United States with regard to fish, wildlife, or plants in effect on January 19, 2025. The bill would, upon conviction or other entry of judgment, require any seized evidence be forfeited, as specified. The bill would make these provisions inoperative on December 31, 2031, and would repeal them on January 1, 2032.

Under existing law, a violation of the Fish and Game Code is a crime.

Because the above provision would be part of the Fish and Game Code, a violation of which would be a crime, this bill would impose a state-mandated local program.

The California Endangered Species Act (CESA) requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species pursuant to a prescribed listing process, and generally prohibits the taking of those species. Existing law requires the commission to publish a notice in the California Regulatory Notice Register upon receipt of a petition to add or remove a species from either the list of endangered species or the list of threatened species by the Department of Fish and Wildlife.

This bill would require the department to determine if there is a decrease in protections by the federal government for an endangered or threatened species, as defined, and, if so, would require the department to publish written findings in the California Regulatory Notice Register that would add the species to the commission's list of provisional candidate species, as specified. The bill would require the department to report the provisional candidacy determination at the next public meeting of the commission. The bill would prohibit criminal or civil liability for an entity operating under federal authorization for take, as specified, as long as the entities are in full compliance with their federal biological opinion. The bill would make these provisions inoperative on December 31, 2031, and would repeal them on January 1, 2032.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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.

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

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

### **SECTION 1.** Section 2017 is added to the Fish and Game Code, to read:

**2017.** (a) Unless otherwise authorized under state law, it is unlawful for a person in this state to import, cause to be imported, export, cause to be exported, transport, sell, offer for sale, possess with the intent to sell, receive, acquire, or purchase any fish, wildlife, or plant that was taken, possessed, transported, or sold in violation of any law or statute of any state or of any law, treaty, or statute of the United States with regard to fish, wildlife, or plants in effect on January 19, 2025.

(b) Nothing in this section shall prohibit a person from transporting, selling, receiving, acquiring, or purchasing any cannabis or hemp as allowed under state law.

(c) Notwithstanding Section 802 of the Penal Code, prosecution of an offense punishable under this section shall be commenced within three years after the commission of the offense.

(d) For a violation of this section or any rule, regulation, or order adopted pursuant to this section, the following criminal penalties shall be imposed:

(1) For a first conviction, the offense shall be a misdemeanor punishable by a fine of not less than five thousand dollars (\$5,000) nor more than forty thousand dollars (\$40,000), or imprisonment in the county jail for not more than one year, or by both that fine and imprisonment.

(2) For a second or subsequent conviction, the offense shall be a misdemeanor punishable by a fine of not less than ten thousand dollars (\$10,000) nor more than fifty thousand dollars (\$50,000), or imprisonment in the county jail for not more than one year, or by both that fine and imprisonment.

(e) Upon conviction or other entry of judgment for a violation of this section, any seized evidence shall be forfeited and, upon forfeiture, either maintained by the department, donated by the department to a bona fide educational or scientific institution, or destroyed.

(f) (1) This section shall become inoperative on December 31, 2031, and, as of January 1, 2032, is repealed.

(2) Notwithstanding paragraph (1), an action brought to enforce this section on or before December 31, 2031, may proceed to final judgment.

### **SEC. 2.** Section 2076.7 is added to the Fish and Game Code, to read:

**2076.7.** (a) For the purposes of this section only, "federally listed species" means any species, subspecies, distinct population segment, or evolutionarily significant unit that is native to California, that was, as of January 1, 2025, listed or was a candidate for listing under the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), and that is not currently protected under Chapter 1.5 (commencing with Section 2050) of Division 3.

(b) For purposes of this section only, "a decrease in endangered or threatened species protections by the federal government" shall mean any action that satisfies both of the following:

(1) That is an act of the United States Congress to amend the federal Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), a rulemaking or amendment to regulations by either the United States Fish and Wildlife Service or the National Marine Fisheries Service, an executive order by the President of the United States, or an action by the Endangered Species Committee, established by Section 1536(e) of Title 16 of the United States Code.

(2) That reduces the level of protection provided to one or more federally listed species by, among other actions, delisting a species, changing the listing status of a species from endangered to threatened, eliminating or changing the prohibitions on take, or decreasing the amount of mitigation required for permits or other approvals.

(c) To ensure no backsliding as a result of a decrease in endangered or threatened species protections by the federal government, the department shall take the following actions:

(1) The department shall monitor actions by the United States Congress, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the President of the United States, and the Endangered Species Committee that could result in a decrease in endangered or threatened species protections by the federal government.

(2) For any action that the department determines will result in a decrease in endangered or threatened species protections by the federal government, the department shall determine whether both of the following have occurred:

(A) The decrease in endangered or threatened species protections by the federal government will have a substantial impact on one or more federally listed species within California.

(B) Provisional listing as a candidate under Chapter 1.5 (commencing with Section 2050) of Division 3 could significantly reduce any such substantial impact.

(3) If the department determines that one or more federally listed species will be substantially impacted by a decrease in endangered or threatened species protections by the federal government and that listing as a provisional candidate species could significantly reduce such impacts, the department shall publish written findings in the California Regulatory Notice Register regarding the determinations in paragraph (2) along with a statement that the affected species is deemed a provisional candidate species pursuant to Chapter 1.5 (commencing with Section 2050) of Division 3 and shall be added to the commission's list as a provisional candidate species.

(d) Any species added to the list of provisional candidate species pursuant to subdivision (c) shall remain a provisional candidate species until December 31, 2031. Sections 2074.4 to 2076, inclusive, shall not apply to any species added to the list of provisional candidate species pursuant to subdivision (c).

(e) Any species added to the list of provisional candidate species pursuant to subdivision (c) may be removed from the list by the commission, pursuant to this article.

(f) (1) The department shall report any federally listed species that are listed as provisional candidate species pursuant to subdivision (c) at the next public meeting of the commission following the provisional candidacy determination.

(2) Notwithstanding subdivision (d), if the commission determines a federally listed species that is listed as a provisional candidate species pursuant to subdivision (c) may warrant ongoing protection pursuant to Chapter 1.5 (commencing with Section 2050) of Division 3, the commission may direct the department to prepare a status review pursuant to 2074.6 and proceed with the process for listing the species as endangered or threatened under Chapter 1.5 (commencing with Section 2050) of Division 3.

(g) Provisional candidate species shall have the same protections afforded to candidate species pursuant to this chapter.

(h) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to any actions taken by the department or the commission pursuant to this section.

(i) It is the intent of the Legislature that the department and the commission be provided sustainable funding sufficient to fully implement this section and the resulting obligations.

(j) The department shall notify affected and interested persons of any determination to make a federally listed species a provisional candidate species pursuant to subdivision (c) using the methods described in Section 2074.4.

(k) During the pendency of a provisional candidacy for a species pursuant to this section, an entity operating under a federal authorization for take, in effect on or before January 19, 2025, for species listed pursuant to the provisional candidacy, shall not be liable for criminal or civil penalties under this article as long as the entities are in full compliance with their federal biological opinion, incidental take permit, incidental take statement, conservation benefit agreement, or rules promulgated under subsection (d) of Section 4 of the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).

(l) Nothing in this section is intended to nor shall it be interpreted to affect the duties of the commission or the department as set forth in Article 2 (commencing with Section 2070) of Chapter 1.5 of Division 3 with respect to processing petitions submitted pursuant to Section 2072.3.

(m) This section shall become inoperative on December 31, 2031, and, as of January 1, 2032, is repealed.

**SEC. 3.** The Legislature finds and declares that Section 2 of this act, which adds Section 2076.7 of the Fish and Game Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

This section balances the public's right to access information with the department's need for an expedited process to protect delisted endangered species by including a requirement that the department report on the exempted information at a public meeting.

**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.