

Introduced by Senator Archuleta

February 20, 2019

An act to amend Section 2000.5 of, and to add Sections Section 2000.3 and 2000.6 to, and to add and repeal Section 2000.6 of, the Fish and Game Code, relating to wild game mammals.

Legislative Counsel's Digest

SB 395, as amended, Archuleta. Accidental taking and possession of wildlife: collision with a vehicle.

SB 395

— 4 —

21 (e) Wildlife in the state of California belong to the people of
22 the State of California.*

23 (f) This act seeks to promote citizen science through public
24 participation in order to guide public safety improvements to help
25 minimize wildlife-vehicle collisions.

26 SEC. 2.

27 SEC. 3. Section 2000.3 is added to the Fish and Game Code,
28 to read:

29 2000.3. (a) As used in this chapter, "roadway" has the same
30 meaning as defined in Section 530 of the Vehicle Code.

31 (b) As used in this chapter, "vehicle" has the same meaning as
32 defined in Section 670 of the Vehicle Code.

33 SEC. 3.

34 SEC. 4. Section 2000.5 of the Fish and Game Code is amended
35 to read:

36 2000.5. (a) Notwithstanding Section 219, 2000, or any other
37 law, and notwithstanding any requirement for a permit or license
38 or other entitlement to take a species, the accidental taking of a
39 bird, mammal, reptile, or amphibian by collision with a vehicle
40 while that vehicle is being operated on a roadway is not a violation

Remarks:

*The life of each living being belongs to the individual. A dead animal belongs to the wildlife community.

Full bill text

1 (b) Notwithstanding Section ~~2000.5~~ or any other law, 2000.5,
 2 both of the following shall apply:

3 (1) ~~In the event~~ If a person unintentionally strikes and kills a
 4 deer, elk, *pronghorn* antelope, or wild pig on a roadway in
 5 California with a vehicle, that person may recover, possess, use,
 6 or transport the whole animal and salvage the edible portions of
 7 the animal.*

8 (2) ~~In the event~~ If a person unintentionally strikes a deer, elk,
 9 *pronghorn* antelope, or wild pig on a roadway in California with
 10 a vehicle, leaving the animal severely injured, that person may
 11 immediately thereafter, and in a safe, legal, and humane manner,
 12 ~~dispatch~~ *kill* the severely injured animal and may recover, possess,
 13 use, or transport the whole animal and salvage the edible portions
 14 of the animal.*

15 (c) The provisions of subdivision (b) shall also apply to an
 16 individual who encounters an unintentionally killed or severely
 17 injured deer, elk, *pronghorn* antelope, or wild pig that they did not
 18 strike with a vehicle.*

19 (d) Within 24 hours of an incident described in either subdivision
 20 (b) or subdivision (c), the person recovering, possessing, using, or
 21 transporting the animal for purposes of salvaging the edible
 22 portions shall obtain a wildlife salvage permit. In order to obtain
 23 the permit, a person shall report through the web portal the exact
 24 location, animal type, date and time, and basic characteristics of
 25 the incident.

26 (e) (1) ~~The department commission shall make~~ *establish the*
 27 *wildlife salvage permits available for issuance pilot program* no
 28 later than January 1, ~~2021~~. 2022.

29 (2) *The department shall implement the program no later than*
 30 *six months after the commission establishes the pilot program.*

31 (3) (A) *The department shall develop and make available to*
 32 *the public the user-friendly web-based portal and cellphone-based*
 33 *application described in subdivision (a) for the wildlife salvage*
 34 *pilot program to facilitate participation in the pilot program and*
 35 *the reporting of wildlife killed by vehicles.*

36 (B) *The web-based portal and cellphone-based application shall*
 37 *work with the existing harvest reporting system in use by the*
 38 *department, including identification of the person salvaging the*
 39 *animal.*

Remarks:

*PawPAC strongly
opposes this
 proposed measure.

[Full bill text](#)