

Statutes of California

1933

CONSTITUTION OF 1879

AS AMENDED

MEASURES SUBMITTED TO VOTE OF
ELECTORS

1932, 1933

GENERAL LAWS, AMENDMENTS TO CODES,
RESOLUTIONS AND CONSTITUTIONAL
AMENDMENTS

PASSED AT THE

REGULAR SESSION OF THE FIFTIETH
LEGISLATURE

1933



CHAPTER 73 *

An act to establish a Fish and Game Code, therein revising and consolidating the law relating to fish and game and other wild life, and repealing certain provisions of law therein specified.

[Approved by the Governor April 11, 1933 In effect August 21, 1933.]

NOTE.—This chapter contains all the amendments made thereto during the fiftieth session of the Legislature, namely by chapters 167, 168, 169, 196, 240, 241, 251, 297, 302, 305, 312, 313, 314, 318, 320, 321, 322, 361, 362, 372, 373, 374, 375, 389, 399, 400, 447, 459, 467, 468, 476, 479, 486, 492, 590, 656, 657, 694, 696, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 714, 717, 720, 721, 722, 724, 725, 726, 727, 731, 777, 780, 781, 782, 825, 1034 and 1056.

Said amendatory chapters become effective August 21, 1933, with the following exceptions:

Chapters 1034 and 1056—October 25, 1933.

Chapters 656 and 657—January 1, 1934.

For the approval dates, see said chapters in their numerical sequence

The people of the State of California do enact as follows:

GENERAL PROVISIONS.

"Fish and
Game
Code"

1. This act shall be known as the "Fish and Game Code" and is composed of the following divisions:

- I. Division of Fish and Game.
- II. Districts.
- III. Refuges and Preserves.
- IV. Birds, Mammals, and Fish.
- V. Fines and Penalties.
- VI. Construction and Repeals.

Definitions

2. As used in this code:

- a. "Person" includes association, partnership, and corporation.
- b. "Department" means Department of Natural Resources.
- c. "Commission," means the Fish and Game Commission and "commissioner" means a member of the Fish and Game Commission.
- d. "District" means fish and game district.
- e. "Take" means hunt, pursue, catch, capture, or kill.
- f. "Bird" means wild bird.
- g. "Mammal" means wild mammal.
- h. "Bag limit" means the maximum limit, in number or amount, of birds, mammals, fish, mollusks, or crustaceans which may lawfully be taken by any one person during a specified period of time.
- i. "Open season" means that period of time during which the taking of birds, mammals, fish, mollusks, or crustaceans is allowed.
- j. "Closed season" means that period of time during which the taking of birds, mammals, fish, mollusks, or crustaceans is prohibited.

* A cross-reference table showing the origin of each section appears in the appendix to this volume.

named therein from violations of the provisions of this chapter relating to State game preserves.

Navigable
waters

337. Nothing in this chapter shall be construed as prohibiting or preventing any person from taking birds, mammals, or fish from or on navigable water in any State game preserve.

Control of
preserves

338. All State game preserves shall, for all purposes of preservation and protection of birds, mammals, or fish thereon, be under the control and management of the commission, and the officers and employees of the commission and all game wardens may at all times enter in and upon such preserves in the performance of their duties.

Regulations

339. The commission may establish such regulations as may, in its judgment, be necessary for the preservation and protection of the birds, mammals, and fish on such preserves, and shall provide for the enforcement thereof.

Unlawful
to take
game, etc.,
in refuge

340. Except in accordance with the rules and regulations of the commission, it is unlawful to enter upon a game refuge or public shooting grounds established under the provisions of this chapter, or to take therein any bird or the nest or eggs thereof, or any mammal.

341. Except as herein provided, it is unlawful to take any bird, mammal, or fish in a State game preserve.

CHAPTER 5. FEDERAL PRESERVES.

Acceptance
of Federal
act

375. The people of the State of California, through their legislative authority, accept the provisions and benefits of the act of Congress known as the "Migratory Bird Conservation Act," approved February 18, 1929. They consent to the acquisition by the United States by purchase, lease, gift or devise of such areas of land, water, or land and water, within the State of California, as the United States or its properly constituted officers or agents may deem necessary for migratory bird reservations in carrying out the provisions of said act of Congress.

Reservation
of control.

376. This State reserves such full and complete jurisdiction and authority over all such Federal migratory bird reservations as are not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of said act of Congress.

Reservation
of rights

377. All persons within such reservations shall have all rights, privileges and immunities under the laws of this State in so far as the same are compatible with the administration, maintenance, protection and control of such areas by the United States under the terms of said act of Congress.

Sites for
reservation.

378. The people of the State of California, through their legislative authority also consent to the declaration, withdrawal or determination of any part of any national forest or power site as a migratory bird reservation under any of the provisions of said act of Congress.

379. The president of the Fish and Game Commission may be a member ex officio of the Migratory Bird Conservation Commission created by said act of Congress.
(Amended by Ch. 318, Stats. 1933.)

Member-
ship
Migratory
Bird Com-
mission

[ORIGINAL SECTION]

379. The director of the department may be a member ex officio of the migratory bird conservation commission created by said act of Congress.

DIVISION IV.

BIRDS, MAMMALS, AND FISH.

PART 1. GENERAL REGULATIONS.

CHAPTER 1. LICENSES.

Article 1. General License Provisions.

400. All licenses and license tags authorized by this code shall be prepared and issued by the commission. The commission shall determine the form of all licenses, and may require and prescribe the form of applications therefor and the form of any contrivance to be used in connection therewith.

Prepara-
tion of
licenses

401. Licenses of each class must be consecutively numbered. All licenses must contain the expiration date and the amount of the fee for which the license is issued. If no fee is required by this code, the license shall so indicate.

Form

402. Unless otherwise provided by this code, it is unlawful to transfer any license or license tag, or for any person to use any license or license tag not issued to him by the commission.

Transfer
of license

403. All licenses and the birds, mammals, fish, mollusks, or crustaceans taken or otherwise dealt with under the provisions thereof must be exhibited upon demand to any peace officer of this State or to any person authorized to enforce the provisions of this code or any law relating to the protection and conservation of birds, mammals, fish, mollusks, or crustaceans.

Exhibition
of licenses,
etc

404. Not more than one license of the same class shall be issued to a person for the same license year, except upon affidavit showing the loss or destruction of the license previously issued.

Lost
licenses

405. It is unlawful to make any false statement as to any fact required by the commission as a prerequisite to the issuance of a license or license tag, and any license or license tag obtained in violation of this section is void.

False
statements

406. The commission must pay into the State treasury at least once a month the money received from the sale of all licenses issued under the provisions of this code. The commission may require any person, authorized by this code to distribute licenses, to give a bond in an amount equal to the value of the licenses received for distribution.

Disposition
of license
fees