

**ASSEMBLY BILL**

**No. 2512**

---

**Introduced by Assembly Member Bloom**

February 17, 2022

---

An act to amend Sections 2119, 2120, 2150.2, and 2271 of, and to add Sections 2118.1, 2125.1, and 2129 to, the Fish and Game Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 2512, as introduced, Bloom. Animals: aquatic plants: importation, transportation, and sheltering.

(1) Existing law prohibits the importation, transportation, possession, or live release of specified wild animals, except under a revocable, nontransferable permit. Existing law permits the Fish and Game Commission, by regulation, and in cooperation with the Department of Food and Agriculture, to add or delete wild animals from the list of specified wild animals. Existing law requires the Department of Fish and Wildlife to publish, from time to time as changes arise, a list of animals that may not be imported or transported into this state. Under existing law, any violation of the Fish and Game Code, or of any rule, regulation, or order made or adopted under this code, is a crime.

This bill would authorize the commission to adopt regulations to limit the number of individuals or authorized uses of a wild animal, or prohibit the importation, transportation, or possession of any wild animal. The bill would delete the requirement for the department to publish the list and would instead require the department to establish a list of wild animals that may not be imported into, transported, or possessed in this state. The bill would require the department to add and delete wild animals from this list in accordance with specified criteria. Because a

violation of this provision would be a crime, the bill would impose a state-mandated local program.

(2) Existing law requires the Fish and Game Commission, in cooperation with the Department of Food and Agriculture, to adopt regulations governing both (A) the entry, importation, possession, transportation, keeping, confinement, or release of any and all wild animals that will be or that have been imported into this state, and (B) the possession of all other wild animals. Existing law requires the regulations to be designed to prevent damage to the native wildlife or agricultural interests of this state resulting from the existence at large of these wild animals, and to provide for the welfare of wild animals and the safety of the public.

This bill would authorize the commission to adopt regulations requiring a person who has been issued a permit to provide a financial security to the department that covers all expenses for a period of at least 90 days that the department may incur that are associated with the seizure, care, and disposition of any species listed on the permit.

(3) Existing law establishes the Fish and Game Preservation Fund in the State Treasury and requires all moneys collected under the provisions of the Fish and Game Code and under the provisions of any other law relating to the protection and preservation of birds, mammals, fish, reptiles, or amphibians to be paid into the fund. Under existing law, the moneys in the fund are available for expenditure, upon appropriation by the Legislature, to the Department of Fish and Wildlife and the Fish and Game Commission for specified purposes. Existing law establishes procedures under which a person claiming a wild animal that is confiscated is required to pay the costs of providing for the animal, as specified, during up to 2, 30-day periods, during which the person who is not in compliance with the terms of their permit may come into compliance. Existing law authorizes the department to euthanize a confiscated animal or place a confiscated animal with an appropriate wild animal facility if the person claiming the animal fails to comply with the terms of their permit by the expiration of the first or 2nd 30-day period.

This bill would provide that expenses incurred by the department associated with the seizure, care, maintenance, and disposition of a wild animal constitute a lien on real property owned by the permittee, possessor, or owner of the wild animal, as specified. The bill would authorize the lien to be foreclosed by an action brought by the

department for a money judgment, and would require moneys recovered by a judgment in favor of the department to be deposited in the fund.

This bill would authorize the department, if a permittee's violation of specified provisions of law governing the importation, transportation, and sheltering of restricted live wild animals poses an immediate threat to native wildlife, agricultural interests of the state, animal welfare, or human health or safety, to require the permittee, at their own expense, to take reasonable actions to remedy the violation within a reasonable time period. If the permittee fails to remedy the violation within the time period determined by the department, the bill would authorize the department to seize and dispose of any wild animal affected by the violation, and recover all expenses associated with the wild animal's seizure, care, and holding.

(4) Existing law requires the Department of Fish and Wildlife to establish fees for permits, permit applications, and facility inspections in amounts sufficient to cover the costs of administering, implementing, and enforcing provisions of law governing the importation, transportation, and sheltering of restricted live wild animals.

This bill would require the department, at least once every 5 years, to analyze and, as necessary, adjust those fees to meet the requirements of this provision.

(5) Existing law prohibits the importation of a live aquatic plant or animal into this state without the prior written approval of the Department of Fish and Wildlife pursuant to regulations adopted by the Fish and Game Commission, except as specified.

This bill would require the department to adjust the amount of the fees adopted by the commission for importation permits for a live aquatic plant or animal, as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to these permits.

(6) 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.  
State-mandated local program: yes.

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

SECTION 1. Section 2118.1 is added to the Fish and Game Code, to read:

2118.1. The commission may adopt regulations to limit the number of individuals of the wild animal, or authorized uses of the wild animal, or to prohibit the importation, transportation, or possession of the wild animal.

SEC. 2. Section 2119 of the Fish and Game Code is amended to read:

~~2119. The department shall publish from time to time as changes arise, a list of animals that may not be imported or transported into this state.~~ (a) (1) *Notwithstanding any other law, the department shall establish and maintain a list of wild animals that shall not be imported into, transported, or possessed in this state.*

(2) *The department shall add a species to this list whenever it determines that prohibiting the importation, transportation, or possession of the species in the state is necessary to protect the public health and safety, native wildlife, or agricultural interests of the state.*

(3) *The department may remove a species from this list if it determines that prohibiting the importation, transportation, or possession of the species in the state is not necessary to protect public health and safety, native wildlife, or agricultural interests of the state.*

(b) *The department may establish the list required by subdivision (a) and any subsequent revision to the list as an emergency regulation. An emergency regulation adopted pursuant to this section shall be adopted by the department in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The initial adoption of the list, and any subsequent required addition of species under the regulation, is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.*

SEC. 3. Section 2120 of the Fish and Game Code is amended to read:

2120. (a) The commission, in cooperation with the Department of Food and Agriculture, shall adopt regulations governing both

(1) the entry, importation, possession, transportation, keeping, confinement, or release of any and all wild animals that will be or that have been imported into this state pursuant to this chapter, and (2) the possession of all other wild animals. The regulations shall be designed to prevent damage to the native wildlife or agricultural interests of this state resulting from the existence at large of these wild animals, and to provide for the welfare of wild animals and the safety of the public.

(b) The regulations shall also include criteria for all of the following:

(1) The receiving, processing, and issuing of a permit and conducting inspections.

(2) Contracting out inspection activities.

(3) Responding to public reports and complaints.

(4) The notification of the revocation, termination, or denial of permits, and related appeals.

(5) The method by which the department determines that the breeding of wild animals pursuant to a single event breeding permit for exhibitor or a breeding permit is necessary and will not result in unneeded or uncared for animals, and the means by which the criteria will be implemented and enforced.

(6) How a responding agency will respond to an escape of a wild animal. This shall include, but not be limited to, the establishment of guidelines for the safe recapture of the wild animal and procedures outlining when lethal force would be used to recapture the wild animal.

~~(e) These regulations shall be developed and adopted by the commission on or before January 1, 2007.~~

*(c) The commission may adopt regulations requiring a person who has been issued a permit pursuant to this chapter to provide a financial security to the department that covers all expenses for a period of at least 90 days that the department may incur that are associated with the seizure, care, and disposition of any species listed on the permit.*

SEC. 4. Section 2125.1 is added to the Fish and Game Code, to read:

2125.1. (a) Expenses incurred by the department associated with the seizure, care, maintenance, and disposition of any species constitute a lien on real property, including its fixtures and improvements, owned by the permittee, possessor, or owner of the

1 animals upon service of a copy of the notice of lien on the  
2 permittee, possessor, or owner of the animals and upon the  
3 recordation in the appropriate county of a notice of lien that  
4 identifies the property on which the animals are located, the amount  
5 of the lien, and the owner of record of the property.

6 (b) Upon recordation, the lien has the same force, effect, and  
7 priority as a judgment lien, except that it attaches only to the  
8 property posted and described in the notice of lien and shall  
9 continue for 10 years from the time of the recording of the notice,  
10 unless sooner released or otherwise discharged. No later than 45  
11 days after receiving a notice of lien, the owner may petition the  
12 court for an order releasing the property from the lien or reducing  
13 the amount of the lien. In this court action, the department shall  
14 establish that the expenses were reasonable and necessary. The  
15 lien may be foreclosed by an action brought by the department for  
16 a money judgment. Moneys recovered by a judgment in favor of  
17 the department shall be deposited in the Fish and Game  
18 Preservation Fund.

19 SEC. 5. Section 2129 is added to the Fish and Game Code,  
20 immediately following Section 2128, to read:

21 2129. (a) If a permittee's violation of any provision of this  
22 chapter, or any regulation adopted pursuant to this chapter, poses  
23 an immediate threat to native wildlife, agricultural interests of the  
24 state, animal welfare, or human health or safety, the department  
25 may require the permittee, at their own expense, and as determined  
26 by the department, to take reasonable actions to remedy the  
27 violation within a reasonable time period.

28 (b) If the permittee fails to remedy the violation within the time  
29 period determined by the department, the department may seize  
30 and dispose of any wild animal affected by the violation and  
31 recover all expenses associated with any wild animal's seizure,  
32 care, and holding, in accordance with subdivisions (b), (c) and (d)  
33 of Section 2125 and Section 2125.1.

34 SEC. 6. Section 2150.2 of the Fish and Game Code is amended  
35 to read:

36 2150.2. The department shall establish fees for permits, permit  
37 applications, and facility inspections in amounts sufficient to cover  
38 the costs of administering, implementing, and enforcing this  
39 ~~chapter.~~ *chapter, and shall, consistent with the requirements of*

1 *Section 713, at least once every five years, analyze and, as*  
2 *necessary, adjust these fees to meet the requirements of this section.*

3 SEC. 7. Section 2271 of the Fish and Game Code is amended  
4 to read:

5 2271. (a) ~~No~~A live aquatic plant or animal ~~may~~ *shall not* be  
6 imported into this state without the prior written approval of the  
7 department pursuant to regulations adopted by the commission. A  
8 written application for the importation, submitted in conformance  
9 with the procedural requirements established by the commission,  
10 is deemed approved ~~where~~ *when* it has not been denied within 60  
11 days.

12 (b) This section does not apply to the following plants or animals  
13 unless the plants or animals are or may be placed in waters of the  
14 state:

15 (1) Mollusks.

16 (2) Crustaceans.

17 (3) Ornamental marine or freshwater plants and animals that  
18 are not utilized for human consumption or bait purposes and are  
19 maintained in closed systems for personal, pet industry, or hobby  
20 purposes.

21 (c) The section does not apply to any live aquatic plant or animal  
22 imported by a registered aquaculturist.

23 (d) *The department shall adjust the amount of the fees adopted*  
24 *by the commission pursuant to Section 1050 for importation*  
25 *permits issued pursuant to this section, as necessary, to fully*  
26 *recover, but not exceed, all reasonable administrative and*  
27 *implementation costs of the department and the commission*  
28 *relating to these permits.*

29 SEC. 8. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 the only costs that may be incurred by a local agency or school  
32 district will be incurred because this act creates a new crime or  
33 infraction, eliminates a crime or infraction, or changes the penalty  
34 for a crime or infraction, within the meaning of Section 17556 of  
35 the Government Code, or changes the definition of a crime within  
36 the meaning of Section 6 of Article XIII B of the California  
37 Constitution.