

Memorandum 2013-37

Fish and Game Law: Proposed Division 3 (Law Enforcement)

The Commission¹ has provisionally decided to divide the proposed Fish and Wildlife Code along these lines:

- Division 1. General Provisions
- Division 2. Administration
- Division 3. Law Enforcement
- Division 4. Inter-Jurisdictional Compacts
- Division 5. Freshwater Fisheries
- Division 6. Marine Fisheries
- Division 7. Wildlife Management
- Division 8. Nongame and Endangered Species
- Division 9. Planning and Environmental Review
- Division 10. Miscellaneous Provisions

See Minutes (April 2013), p. 11.

At its June 2013 meeting, the Commission considered Memorandum 2013-33, which discussed alternative approaches to the organization and content of proposed Division 3 (“Law Enforcement”). The Commission decided that Division 3 should contain *general* provisions relating to law enforcement personnel, procedures, and penalties.² A staff draft consistent with those decisions is attached for the Commission’s review.

The staff has taken a fairly conservative approach in preparing the attached draft. For the most part, the language used in the draft is drawn from existing law verbatim. Where changes have been made (either to conform to standard legislative drafting practices, update cross-references, or correct clear defects), the changes have been noted in the corresponding Comment (which will be included in any final recommendation). Courts have generally treated

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Minutes (June 2013), p. 16.

Commission Comments as evidence of legislative intent, with regard to legislation enacted on the Commission’s recommendation.

There are “Staff Notes” following some provisions of the proposed law. Some of the Staff Notes identify issues that will require future attention. Others solicit public comment in response to specific questions posed by the staff. Staff Notes are intended to be temporary and will not be included in any final recommendation.

Unless otherwise indicated, all statutory references in this memorandum are to the Fish and Game Code or to the “proposed” provisions of the attached draft.

PENALTY PROVISIONS

As noted above, the Commission decided that only *general* law enforcement provisions would be included in proposed Division 3. This means that penalty provisions that apply to the entire code³ would be included in Division 3, but penalty provisions that are specific to particular types of violations would not. Instead, the numerous violation-specific penalty provisions will be distributed throughout the Fish and Wildlife Code, located near the regulatory provisions that they govern.

About half of the violation-specific penalty provisions are already distributed in that way. Those provisions are not included in the attached draft or discussed further in this memorandum. They will be examined when the Commission turns to the regulatory programs of which they are part (e.g., penalties relating to salmon fishing will be examined when the Commission turns its attention to the salmon fishing provisions).

The rest of the violation-specific penalty provisions are currently located in Division 9 of the Fish and Game Code, under the heading “Fines and Penalties.”⁴ For each of those provisions, the Commission will need to decide an appropriate location. Those decisions do not need to be made at this time, because this memorandum is only concerned with the content of proposed Division 3. Instead, those individual placement decisions will be made when the Commission is examining the related regulatory law (e.g., when the provisions governing abalone are drafted, the abalone-specific penalty provisions will be included with those provisions).

3. See, e.g., Section 12000(a) (default penalty where specific penalty not provided).

4. See Sections 12000-12300.

There are a number of provisions that relate to all hunting generally⁵ or to all hunting and fishing generally.⁶ The staff anticipates that such provisions will be located with other general hunting or fishing provisions.

CONCLUSION

The attached draft represents an initial attempt to reorganize the general law enforcement provisions of the Fish and Game Code.

There may be other provisions that should be located with those materials. If the staff discovers any similar provisions as this study proceeds, they can be added to proposed Division 3.

The staff invites public comment on any of the issues raised in this memorandum or the attached draft.

In addition, the staff would appreciate comment on whether any of the provisions included in the attached draft present the kinds of problems with consistency, redundancy, or ambiguity as to program authority or funding sources that the Commission has been tasked with addressing. See 2012 Cal. Stat. res. ch. 108. Because the Commission is new to fish and game law, it is important that subject matter experts assist in identifying such problems as the Commission proceeds through the code.

Respectfully submitted,

Brian Hebert
Executive Director

5. See, e.g., Section 12002.1 (penalty for unlicensed take of mammal or bird).

6. See, e.g., Section 12013(a) (penalty for take or possession in excess of three times the applicable bag limit).

FISH AND WILDLIFE CODE

Staff Note: This is a preliminary staff draft of a proposed reorganization of specified provisions of the Fish and Game Code.

Statutory cross-references that cannot yet be adjusted (because the referenced provisions have not yet been reorganized) are set out in boldface type, for later attention.

A draft of an official Commission “Comment” follows each proposed section. Such Comments will be included in any final recommendation. They serve to indicate the source of each section and to describe how it compares with prior law. Courts have routinely held that the Commission’s Comments are evidence of legislative intent with regard to any legislation that implements a Commission recommendation. For guidance on the terminology used in Commission Comments, see the Comment following proposed Section 20 (attached to Memorandum 2013-12).

There is a “disposition table” at the end of this document. It summarizes, in tabular form, the disposition of every provision that has been included in this draft. If an existing provision would be repealed as unnecessary, the table indicates that provision as “omitted.”

Some provisions of this draft may be followed by a “Staff Note.” Staff Notes are intended to be temporary and will not be part of the Commission’s final recommendation. They serve to flag issues requiring special attention or treatment.

The Commission welcomes public comment on any issue relating to the content of this draft. The Commission is particularly interested in comments on any of the following matters:

- (1) Responses to any questions posed in “Staff Notes.”
- (2) Any inconsistency, obsolescence, ambiguity, or problems relating to program authority and funding, whether *within* the provisions of this draft or *between* the provisions of this draft and other provisions of law.
- (3) Provisions that should have been included in this draft but were not (or provisions included in this draft that should have been located elsewhere).
- (4) Technical drafting errors.

Comments should be directed to Brian Hebert at bhebert@clrc.ca.gov.

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DIVISION 3. LAW ENFORCEMENT

PART 1. PERSONNEL

CHAPTER 1. DEPARTMENT

§ 3000. Deputy as peace officer

3000. A deputy appointed to enforce the provisions of this code is a peace officer. The deputy has all the powers and authority conferred by law upon peace officers listed in Section 830.6 of the Penal Code to make arrests for violations of this code, and may serve all processes and notices throughout the state.

Comment. Section 3000 continues former Section 851 without change.

Staff Note. In Memorandum 2013-13, the staff had recommended locating Section 851 in Chapter 2 of Part 2 of Division 2 of the proposed Fish and Wildlife Code. The staff now believes that the provision is better located in Division 3.

§ 3005. Deputized law enforcement officer as peace officer

3005. (a) Every employee of the department designated by the director as a deputized law enforcement officer is a peace officer as provided by Section 830.2 of the Penal Code. The authority of that peace officer extends to any place in the state as to a public offense committed or which offense there is probable cause to believe has been committed within the state.

(b) Every peace officer described in this section, before the date that he or she is first deputized by the department, shall have satisfactorily completed the basic course as set forth in the regulations of the Commission on Peace Officer Standards and Training.

(c) Every peace officer described in this section shall be required to complete regular training courses as required by the Commission on Peace Officer Standards and Training.

Comment. Section 3005 continues former Section 856 without change, except as indicated below:

The following nonsubstantive change was made:

- The first sentence was singularized.

Staff Note. In Memorandum 2013-13, the staff had recommended locating Section 856 in Chapter 2 of Part 2 of Division 2 of the proposed Fish and Wildlife Code. The staff now believes that the provision is better located in Division 3.

§ 3010. Employee deputized to check sport fishing licenses

3010. (a) The director may deputize any employee of the department to check persons for licenses required under **Section 7145** and to enforce any violation of that section.

1 (b) Before a person is deputized pursuant to this section for the first time, the
2 person shall have satisfactorily completed a training course meeting the minimum
3 standards of, and comparable to, the training for “level III reserve” as set forth in
4 the regulations of the Commission on Peace Officer Standards and Training.

5 (c) A person who is deputized for the limited purpose stated in subdivision (a)
6 may not enforce any other provision of this code. Being deputized under this
7 section does not make a person a peace officer subject to Chapter 4.5
8 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

9 **Comment.** Section 3010 continues former Section 853 without change, except as indicated
10 below:

11 The following nonsubstantive change was made:

- 12 • The section was divided into subdivisions.
- 13 • Subdivision (c) was restated for clarity.

14 **Staff Notes:** (1) In Memorandum 2013-13, the staff had recommended locating Section 853
15 in Chapter 2 of Part 2 of Division 2 of the proposed Fish and Wildlife Code. The staff now
16 believes that the provision is better located in Division 3.

17 (2) Proposed Section 3010(c) is intended to restate the last sentence of Section 853 to improve
18 its clarity, without changing its substantive effect. The existing provision reads as follows:

19 “Any person, who is deputized for this limited purpose pursuant to this section, may not enforce
20 any other provision of this code, and is not a peace officer subject to Chapter 4.5 (commencing
21 with Section 830) of Title 3 of Part 2 of the Penal Code.”

22 The restated provision would also make clear that a person who is already a peace officer does
23 not lose that status as a result of being deputized under this section.

24 **The staff requests public comment on whether the proposed restatement would cause any**
25 **substantive change in the meaning of the provision.**

26 **§ 3015. Minimum age of wildlife officer**

27 3015. Notwithstanding Section 18932 of the Government Code, the minimum
28 age limit for appointment to the position of wildlife officer of the Department of
29 Fish and Wildlife shall be 18 years. Any examination for the position of wildlife
30 officer shall require a demonstration of the physical ability to effectively carry out
31 the duties and responsibilities of the position in a manner that would not
32 inordinately endanger the health or safety of any wildlife officer or the health and
33 safety of others.

34 **Comment.** Section 3015 continues former Section 854 without change, except as indicated
35 below:

36 The following nonsubstantive changes were made:

- 37 • The word “game” was replaced with “wildlife.”
- 38 • The terms “fish and game warden” and “warden” were replaced with “wildlife officer.”

39 **Staff Note.** In Memorandum 2013-13, the staff had recommended locating Section 854 in
40 Chapter 2 of Part 2 of Division 2 of the proposed Fish and Wildlife Code. The staff now believes
41 that the provision is better located in Division 3.

1 **Comment.** Section 3110 continues former Section 876 without change, except as indicated
2 below:

3 The following nonsubstantive change was made:

- 4 • The word “warden” was replaced with “wildlife officer.”

5 **§ 3115. Authority**

6 3115. The county wildlife officer shall enforce the state laws relating to the
7 protection of fish and wildlife. The wildlife officer has the powers and authority
8 conferred by law upon peace officers listed in Section 830.6 of the Penal Code.

9 **Comment.** Section 3115 continues former Section 878 without change, except as indicated
10 below:

11 The following nonsubstantive changes were made:

- 12 • The word “warden” was replaced with “wildlife officer.”
- 13 • The words “fish and game” were replaced with “fish and wildlife.”

14 **§ 3120. Quarterly activity report**

15 3120. The county wildlife officer shall report quarterly to the board of
16 supervisors, giving a detailed statement of all arrests made, convictions had, and
17 fines collected, and a general statement in regard to the management of the office
18 of county wildlife officer. A copy of the detailed statement shall, at the same time,
19 be filed with the department.

20 **Comment.** Section 3120 continues former Section 879 without change, except as indicated
21 below:

22 The following nonsubstantive changes were made:

- 23 • The word “warden” was replaced with “wildlife officer.”
- 24 • The words “his office” were replaced with “the office of county wildlife officer.”
- 25 • The word “such” was replaced with “the.”

26 **§ 3125. Appointment of deputy**

27 3125. The board of supervisors of each county may, in its discretion, appoint a
28 deputy wildlife officer, to serve at the pleasure of the board.

29 **Comment.** Section 3125 continues former Section 880 without change, except as indicated
30 below:

31 The following nonsubstantive change was made:

- 32 • The word “warden” was replaced with “wildlife officer.”

33 **§ 3130. Deputy powers, duties, salary, and expenses**

34 3130. The deputy shall have the powers, perform the duties, receive the salary,
35 and be entitled to expenses, as the board of supervisors provides.

36 **Comment.** Section 3130 continues former Section 881 without substantive change, except as
37 indicated below:

38 The following nonsubstantive change was made:

- 39 • The word “board” was replaced with “board of supervisors.”

1 **§ 3135. Source of payment of deputy salary and expenses**

2 3135. The salary and expenses of a deputy county wildlife officer shall be paid
3 from the county treasury.

4 **Comment.** Section 3135 continues former Section 882 without change, except as indicated
5 below:

6 The following nonsubstantive change was made:

- 7 • The word “warden” was replaced with “wildlife officer.”

8 **PART 2. GENERAL INVESTIGATION AND**
9 **HEARING PROCEDURES**

10 **§ 3200. Employee expenditure to procure evidence**

11 3200. (a) Regularly employed law enforcement officers of the department may,
12 when authorized by the director, expend sums authorized for the purchase of fish,
13 birds, or mammals as evidence, or for expenditures related to the procurement of
14 those types of evidence, or for expenditures made to investigate other violations of
15 this code, without divulging the identity of the employee.

16 (b) The sums so expended shall be repaid to the law enforcement officer making
17 the expenditure upon claims approved by the director. The claims, when approved,
18 shall be paid out of the funds appropriated or made available by law for the
19 support of the department.

20 **Comment.** Section 3200 continues former Section 855 without change, except as indicated
21 below:

22 The following nonsubstantive changes were made:

- 23 • Subdivision designations were added.
- 24 • The words “such sums as” were replaced with “sums.”
- 25 • The words “such evidence” were replaced with “those types of evidence.”
- 26 • A comma was added after “this code.”

27 **Staff Note.** In Memorandum 2013-13, the staff had recommended locating Section 855 in
28 Chapter 2 of Part 2 of Division 2 of the proposed Fish and Wildlife Code. The staff now believes
29 that the provision is better located in Division 3.

30 **§ 3205. Due process in revocation or suspension proceedings**

31 3205. The commission shall adopt regulations that afford procedural and
32 substantive due process to any person whose license or permit is subject to
33 revocation or suspension. Except upon conviction of a violation of this code or a
34 regulation adopted pursuant to this code relating to the licensed or permitted
35 activity and notwithstanding any other provision of this code, the commission
36 shall not revoke or suspend any license or permit until the regulations required by
37 this section have been adopted and approved by the Office of Administrative Law
38 pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3
39 of Title 2 of the Government Code.

40 **Comment.** Section 3205 continues the second paragraph of former Section 309(a) without
41 change.

1 **☞ Staff Note.** In Memorandum 2013-13, the staff had recommended locating the second
2 paragraph of Section 309(a) in Article 1 of Chapter 3 of Part 1 of Division 2 of the proposed Fish
3 and Wildlife Code. The staff now believes that the provision is better located in Division 3.

4 **§ 3210. Authority to compel testimony and production of evidence**

5 3210. The commission or any person appointed by it to conduct a hearing may,
6 in any investigation or hearing, cause the deposition of witnesses, residing within
7 or without the state, to be taken in the manner prescribed by law for deposition in
8 civil actions in the superior courts of this state under Title 4 (commencing with
9 Section 2016.010) of Part 4 of the Code of Civil Procedure, and may compel the
10 attendance of witnesses and the production of documents and papers.

11 **Comment.** Section 3210 continues the first paragraph of former Section 309(a) without
12 change.

13 **☞ Staff Note.** In Memorandum 2013-13, the staff had recommended locating the first paragraph
14 of Section 309(a) in Chapter 4 of Part 1 of Division 2 of the proposed Fish and Wildlife Code.
15 The staff now believes that the provision is better located in Division 3.

16 **§ 3215. Hearings governed by Administrative Procedures Act**

17 3215. Any deliberation conducted by the commission, or conducted by any
18 person appointed by the commission to conduct hearings, is deemed to be a
19 proceeding required to be conducted pursuant to Chapter 5 (commencing with
20 Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code or
21 similar provision, within the meaning of paragraph (3) of subdivision (c) of
22 Section 11126 of the Government Code.

23 **Comment.** Section 3215 continues former Section 309(b) without change.

24 **☞ Staff Note.** In Memorandum 2013-13, the staff had recommended locating Section 309(b) in
25 Chapter 4 of Part 1 of Division 2 of the proposed Fish and Wildlife Code. The staff now believes
26 that the provision is better located in Division 3.

27 **§ 3220. Environmental crimes task force**

28 3220. (a) The Legislature finds and declares that:

29 (1) Poaching violations and other violations of the Fish and Wildlife Code have
30 been increasing, and these violations have a detrimental impact on fish and
31 wildlife and their habitats, which are held in trust by the state for the benefit of the
32 people of the state.

33 (2) In order to deter illegal poaching and other violations that adversely impact
34 fish and wildlife, it is important that the department coordinate with other law
35 enforcement entities and the courts to facilitate effective enforcement and
36 prosecution of these offenses.

37 (b) The department, to the extent feasible and subject to available resources,
38 shall establish and coordinate an environmental crimes task force. The task force
39 should involve the participation of the department's Office of General Counsel
40 working with each of the department's law enforcement districts. The task force

1 may include coordination with representatives from the California District
2 Attorneys' Association, the Judicial Council, the Attorney General's office, and
3 the University of California. Objectives of the task force may include, but are not
4 limited to, providing training, education, and outreach to prosecutors and the
5 courts on Fish and Wildlife Code violations and providing other assistance as
6 appropriate in the prosecution of environmental crimes.

7 **Comment.** Section 3220 continues former Section 12028 without change, except as indicated
8 below:

9 The following nonsubstantive changes were made:

- 10 • The words "Fish and Game Code" were replaced with "Fish and Wildlife Code."
- 11 • The introductory clause and former subdivisions (a) and (b) were redesignated as
12 subdivision (a)(1)-(2).
- 13 • Former subdivision (c) was redesignated as subdivision (b).

14 **Staff Note.** In Section 12028, the three paragraphs that follow the introductory clause are all
15 designated as subdivisions. This suggests that each of the three subdivisions states legislative
16 findings and declarations. In fact, the last paragraph appears to be a substantive mandate, rather
17 than a finding or declaration. In proposed Section 3215 the last paragraph is designated as a
18 separate subdivision, which is not subordinate to the introductory clause. **The staff invites**
19 **comment on whether that change is appropriate.**

20 PART 3. GENERAL PENALTIES

21 § 3300. Misdemeanor as default criminal penalty

22 3300. (a) Except as expressly provided otherwise in this code, any violation of
23 this code, or of any rule, regulation, or order made or adopted under this code, is a
24 misdemeanor.

25 (b) Unless otherwise provided, the punishment for a violation of this code that is
26 a misdemeanor is a fine of not more than one thousand dollars (\$1,000),
27 imprisonment in the county jail for not more than six months, or by both that fine
28 and imprisonment.

29 **Comment.** Subdivision (a) of Section 3300 continues former Section 12000(a) without change.
30 Subdivision (b) continues former Section 12002(a) without change.

31 **Staff Note.** The introductory clauses in Section 12000(a) and 12002(a) are slightly different
32 in scope. It seems likely that the difference was inadvertent, in which case it would be appropriate
33 to conform the two provisions. **The staff requests public comment on whether the stricter**
34 **introductory clause in subdivision (a) of proposed Section 3300 should also be used in**
35 **subdivision (b) of that provision.**

36 § 3305. Failure to appear or pay fine

37 3305. (a) A license, tag, stamp, reservation, permit, or other entitlement or
38 privilege issued pursuant to this code to a defendant who fails to appear at a court
39 hearing for a violation of this code, or who fails to pay a fine imposed pursuant to
40 this code, shall be immediately suspended or revoked. The license, tag, stamp,
41 reservation, permit, or other entitlement or privilege shall not be reinstated or
42 renewed, and no other license, tag, stamp, reservation, permit, or other entitlement

1 or privilege shall be issued to that person pursuant to this code, until the court
2 proceeding is completed or the fine is paid.

3 (b) This subdivision does not apply to any violation of **Section 1052, 1059,**
4 **1170, 5650, 5653.9, 6454, 6650, or 6653.5.**

5 **Comment.** Section 3305 continues former Section 12002(d) without substantive change.

6 **Staff Note.** The exemptions in subdivision (b) relate to general licensure requirements
7 (Sections 1052 & 1059), private nonprofit hatchery permits (Section 1170), waste discharge into
8 water (Section 5650 & 5653.9), grass carp (Section 6454), and aquatic plant harvesting and
9 drying (Sections 6650 & 6653.5).

10 **§ 3310. Violation of promise to appear**

11 3310. Any person willfully violating a written promise to appear in court or
12 before a person authorized to receive a deposit of bail is guilty of a misdemeanor
13 regardless of the disposition of the charge upon which the person was originally
14 arrested.

15 **Comment.** Section 3310 continues former Section 12020 without change, except as indicated
16 below:

17 The following nonsubstantive change was made:

- 18 • The words “his” and “he” were replaced with gender-neutral terms.

19 **Staff Note.** In context, it seems likely that Section 12020 only applies to a person charged
20 with a violation of the Fish and Game Code (or an implementing regulation). However, the
21 section does not state that limitation expressly. **Should it?**

22
23 **§ 3315. Additional penalty**

24 3315. (a) In addition to any assessment, fine, penalty, or forfeiture imposed
25 pursuant to any other provision of law, an additional penalty of fifteen dollars
26 (\$15) shall be added to any fine, penalty, or forfeiture imposed under this code for
27 a violation of this code or a regulation adopted pursuant thereto. However, no
28 more than one additional penalty may be imposed in a single proceeding. The
29 revenue from this penalty shall be transferred to, and deposited in, the Fish and
30 Game Preservation Fund and used exclusively for the purposes of **Section 13006.**

31 (b) Subdivision (a) does not apply to a violation punishable pursuant to
32 **subdivision (b) of Section 12002.1, subdivision (b) of Section 12002.2,** or any
33 regulation relating to the wearing or display of a fishing license.

34 **Comment.** Section 3315 continues former Section 12021 without change, except as indicated
35 below:

36 The following nonsubstantive change was made:

- 37 • The word “such” was omitted from the phrase “one such additional penalty.”

38 **§ 3320. Administrative penalty**

39 3320. After the expiration of the time period to appeal an administrative penalty
40 imposed pursuant to **Section 2301, 2302, 2582, or 2583,** or any other provision of
41 this code, the department may apply to the clerk of the appropriate court for a

1 judgment to collect the administrative civil penalty. The application, including a
2 certified copy of the order imposing the civil penalty, a hearing officer’s decision,
3 if any, or a settlement agreement, if any, shall constitute a sufficient showing to
4 warrant issuance of the judgment. The court clerk shall enter the judgment
5 immediately in conformity with the application. The judgment so entered has the
6 same force and effect as, and is subject to all the provisions of law relating to, a
7 judgment in a civil action, and may be enforced in the same manner as any other
8 judgment of the court in which it is entered.

9 **Comment.** Section 3320 continues former Section 12014 without change.

10 **Staff Note.** The sections listed in the first sentence of Section 12014 (i.e., Sections 2301,
11 2302, 2582, and 2583) are not the only sections of the code that authorize the imposition of civil
12 penalties. See, e.g., Section 1615. Given that the section also applies to “any other provision of
13 this code,” it is not clear why those sections are specifically listed. **The staff invites comments**
14 **on whether “Section 2301, 2302, 2582, or 2583, or any other” should be replaced with “a.”**
15 **That would seem to more clearly state the broad application of the section.**

16 **PART 4. CALIFORNIA INDIANS**

17 **§ 3400. Exemptions from enforcement**

18 3400. (a) Notwithstanding any other provision of law, the provisions of this code
19 are not applicable to California Indians whose names are inscribed upon the tribal
20 rolls, while on the reservation of the tribe and under those circumstances in this
21 State where the code was not applicable to them immediately prior to the effective
22 date of Public Law 280, Chapter 505, First Session, 1953, 83d Congress of the
23 United States.

24 (b) No person described in subdivision (a) shall be prosecuted for the violation
25 of any provision of this code occurring in the places and under the circumstances
26 referred to in subdivision (a). Nothing in this section, however, prohibits or
27 restricts the prosecution of any Indian for the violation of any provision of this
28 code prohibiting the sale of any bird, mammal, fish, or amphibia.

29 **Comment.** Section 3400 continues former Section 12300 without change, except as indicated
30 below:

31 The following nonsubstantive changes were made:

- 32 • Subdivision designations were added.
- 33 • The words “irrespective of” were replaced with “notwithstanding.”
- 34 • The words “such tribe” was replaced with “the tribe.”
- 35 • The words “No such Indian” were replaced with “No person described in subdivision
36 (a).”
- 37 • The words “hereinabove referred to” were replaced with “referred to in subdivision
38 (a).”

39 **Staff Note.** Before finalizing a tentative recommendation, the staff will make inquiries to
40 determine whether the citation to “Public Law 280, Chapter 505, First Session, 1953, 83d
41 Congress of the United States” is in proper Legislative Counsel form.

DISPOSITION OF FORMER LAW

The table below shows the relationship between each provision of the existing Fish and Game Code and the corresponding provision of the proposed law (if any).

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
309(a), 1st para	3210	879	3120
309(a), 2d para	3205	880	3125
309(b)	3215	881	3130
851	3000	882	3135
853	3010	12000(a)	3300(a)
854	3015	12002(a)	3300(b)
855	3200	12002(d)	3305
856	3005	12014	3320
858(b)	3020	12020	3310
875	3100	12021	3315
876	3110	12028	3220
877	3105	12300	3400
878	3115		