

The Honorable Jared Huffman, Chair
Assembly WP&W Committee
1020 N Street, Suite 160
Sacramento, CA 95814



June 23, 2012

RE: SB 1148 (Pavley) – OPPOSE

Dear Assembly Member Huffman:

The California Waterfowl Association (CWA) must oppose your SB 1148, which was recently amended to include two new provisions that would: 1) require that violations of the F&G Code are “strict liability” offenses and 2) allow private parties to recover damages for F&G Code violations via civil action.

CWA opposes the inclusion of the “strict liability” provision because of its application to almost all violations of the F&G Code, including relatively minor F&G violations such as those that do not cause harm to the natural resources of the state. In addition, we believe it wrongly limits judicial discretion in considering intent or the nature of F&G offenses.

We also have concerns with allowing private parties to recover damages for F&G Code violations, since that provision would possibly allow special interest groups with political agendas to influence the enforcement of F&G laws.

Please note that F&G Code laws and regulations are often complex and can be confusing as they relate to specific types of hunting and fishing; and, that it is relatively easy for new or inexperienced hunters and fishermen to unwittingly violate them. This is particularly true for waterfowl hunting regulations, which often change from year to year and are subject both the state and federal jurisdiction.

It should also be noted that most F&G Code violations are misdemeanors, which provides for sufficient penalties in most cases. Current law also allows the F&G Commission to revoke the hunting or fishing license of anyone convicted of 3 violations within a 5-year period, while other provisions of the F&G Code provide for enhanced penalties, including fines of up to \$40,000, for certain egregious poaching violations.

CWA believes both of the aforementioned provisions of SB 1148 should therefore be deleted from the bill, or at least amended to focus only on significant poaching or other serious violations for which sufficient penalties are not already provided.

Sincerely,

A handwritten signature in black ink that reads "Mark Hennelly". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Mark Hennelly, Vice President
Government Affairs and Public Policy

Cc: Members, Assembly Water, Parks and Wildlife Committee
The Honorable Fran Pavley, Senator, 23rd District