

11-8-1977

## Birds And Mammals - Jawed Traps Prohibited

Follow this and additional works at: [http://repository.uchastings.edu/ca\\_ballot\\_inits](http://repository.uchastings.edu/ca_ballot_inits)

---

### Recommended Citation

Birds And Mammals - Jawed Traps Prohibited California Initiative 159 (1977).  
[http://repository.uchastings.edu/ca\\_ballot\\_inits/327](http://repository.uchastings.edu/ca_ballot_inits/327)

This Initiative is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Initiatives by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact [marcusc@uchastings.edu](mailto:marcusc@uchastings.edu).



Office of the Secretary of State  
March Fong Eu

111 Capitol Mall, Room 220  
Sacramento, California 95814

Elections Division  
(916) 445-0820

April 11, 1978

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS  
FROM: CASHMERE M. APPERSON, ELECTIONS TECHNICIAN

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed initiative statute filed with all county clerks is less than 100 per cent of the number of qualified voters required to find the petition sufficient.

TITLE: BIRDS AND MAMMALS - JAWED TRAPS PROHIBITED  
SUMMARY DATE: NOVEMBER 7, 1977  
PROPOSER: BILLY RAY HUSKEY

The petition has failed and no further action is necessary.

Phoned the following counties 4/10/78

Jawed Traps Initiative

any signatures turned in on the 6th

45419-862 8-76 1M ① 0 OSP

COUNTIES					
1 Alameda ✓					
2 Alpine					
3 Amador					
4 Butte					
5 Calaveras					
6 Colusa					
7 Contra Costa					
8 Del Norte					
9 El Dorado					
10 Fresno ✓					
11 Glenn					
12 Humboldt					
13 Imperial					
14 Inyo					
15 Kern ✓					
16 Kings					
17 Lake					
18 Lassen					
19 Los Angeles					
20 Madera					
21 Marin					
22 Mariposa					
23 Mendocino					
24 Merced					
25 Modoc					
26 Mono					
27 Monterey ✓					
28 Napa					
29 Nevada					
30 Orange ✓					
31 Placer					
32 Plumas					
33 Riverside ✓					
34 Sacramento ✓					
35 San Benito					
36 San Bernardino ✓					
37 San Diego ✓					
38 San Francisco ✓					
39 San Joaquin					
40 San Luis Obispo					
41 San Mateo					
42 Santa Barbara					
43 Santa Clara ✓					
44 Santa Cruz ✓					
45 Shasta					
46 Sierra					
47 Siskiyou					
48 Solano					
49 Sonoma					
50 Stanislaus					
51 Sutter					
52 Tehama					
53 Trinity					
54 Tulare					
55 Tuolumne					
56 Ventura ✓					
57 Yolo					
58 Yuba					
59					
60					
61					
62					



Office of the Secretary of State  
March Fong Eu

111 Capitol Mall, Room 220  
Sacramento, California 95814

Elections Division  
(916) 445-0820

November 7, 1977

TO ALL COUNTY CLERKS/REGISTRARS OF VOTERS

Pursuant to Section 3513 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

BIRDS AND MAMMALS - JAWED TRAPS PROHIBITED  
INITIATIVE STATUTE

Circulating and Filing Schedule

- 1. Minimum number of signatures required . . . . . 312,404  
Constitution II, 8(b).
- 2. Official Summary Date . . . . . Monday, 11/7/77  
Elections Code Section 3513.
- 3. Petition Sections:
  - a. First day Proponent can circulate  
Sections for signatures . . . . . Monday, 11/7/77  
Elections Code Section 3513.
  - b. Last day Proponent can circulate and  
file with the county. All Sections are  
to be filed at the same time within each  
county . . . . . Thursday, 4/6/78+  
Elections Code Sections 3513, 3520(a).
  - c. Last day for county to determine total  
number of signatures affixed to petition  
and to transmit total to Secretary of  
State . . . . . Thursday, 4/13/78

+ IMPORTANT NOTE: It will be necessary that this petition be filed with County Clerk or Registrar of Voters by December 1, 1977 to be sure that it will be verified by the county in time to qualify for the June 6, 1978 Primary Election. April 6, 1978 is the last date which the petition may legally be filed. However, a petition filed on that date could qualify only for a later election.

Call (916) 445-0820 if you wish further explanation of this note.

(If the Proponent files the petition with the county on a date prior to 4/6/78 the county has 5 working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit this total to the Secretary of State.)

Elections Code Section 3520(b).

- d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State . . . . . Friday, 4/28/78

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 4/13/78, the last day is not later than the fifteenth day after the notification.)

Elections Code Section 3520(d), (e).

- e. If the signature count is between 281,164 and 343,644, then the Secretary of State notifies counties using the random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State . . . . . Friday, 5/26/78\*

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 4/28/78 the last day is not later than the thirtieth day after the notification.)  
Elections Code Section 3521(b), (c).

4. Campaign Statements:

Last day for Proponent to file a Campaign Statement of Receipts of Expenditures for period ending 5/4/78 . . . . . Thursday, 5/11/78

(If the Secretary of State finds that the measure has either qualified or failed to

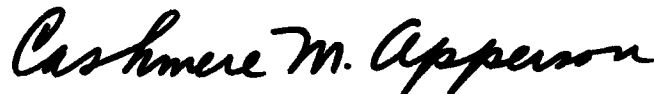
\* Date adjusted for official deadline which falls on Sunday.

qualify on a date earlier than 4/6/78 the last date to file is the 35th calendar day after the date of notification by the Secretary of State that the measure has either qualified or failed to qualify. The closing date for this campaign statement is 7 days prior to the filing deadline.) Government Code Section 84202.

5. The proponent of the above named measure is:

Billy Ray Huskey  
P.O. Box 2457  
Escondido, CA 92025  
(714)-744-2605

WILLIAM N. DURLEY  
Assistant to the Secretary of State  
Elections and Political Reform



CASHMERE M. APPERSON  
Elections Technician

CMA:mp

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3518 for appropriate format and type considerations in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure and petition circulating requirements of the Political Reform Act of 1974.

DECLARATION OF MAILING

RE: Initiative Statutory Amendment -  
Use of Jawed Traps

I, Anne Chapman, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; I reside in the County of Sacramento, State of California; my business address and place of employment is 555 Capitol Mall, Suite 350, Sacramento, California 95814.

The proponent of the above named measure is:

Billy Ray Huskey  
P. O. Box 2457  
Escondido, California 92025

714-744-2605

On the 7th day of November, 1977, I mailed a letter, a true copy of which is attached hereto, to the person above named, sealed said envelope, and deposited the same in the United States mail at the City of Sacramento, County of Sacramento, State of California, with postage thereon fully prepaid, and there is regular communication between the said place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on November 7, 1977.

  
\_\_\_\_\_



OFFICE OF THE ATTORNEY GENERAL

**Department of Justice**

555 CAPITOL MALL, SUITE 350  
SACRAMENTO 95814  
(916) 445-9555

November 7, 1977

**FILED**  
In the office of the Secretary of State  
of the State of California

NOV 8 1977

MARCH FONG EU, Secretary of State

By Cashmere M. Apperson  
Deputy

Honorable March Fong Eu  
Secretary of State  
925 L Street, Suite 605  
Sacramento, California 95814

Attention: Rico Nannini

Re: Initiative Statutory Amendment -  
Use of Jawed Traps

Dear Mrs. Eu:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby informed that on this day we mailed to Billy Ray Huskey, as proponent, the following title and summary:

BIRDS AND MAMMALS - JAWED TRAPS PROHIBITED. INITIATIVE. Adds section 3015 to Fish and Game Code prohibiting any person, including governmental employees, from using any type of jawed trap to take birds or mammals. Reenacts and amends Fish and Game Code section 12002 to make violation of section 3015 a misdemeanor. Adds Fish and Game Code section 12002.5 to provide that a second conviction for violating section 3015 is a felony. Financial impact: Approximately \$2 million is presently spent for animal control programs. The increase in costs to state and county governments caused by this initiative is unknown but could be substantial.

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.



November 7, 1977

According to information available in our records the address and phone number of the proponent of this measure are as stated on the declaration of mailing.

Very truly yours,

EVELLE J. YOUNGER  
Attorney General



JAMES M. SANDERSON  
Assistant Attorney General

JMS:ac  
Encls.

INITIATIVE MEASURE  
AMENDING THE FISH AND GAME CODE

Section 1.

This Act shall be known and may be cited as "The Jawed Trap Prohibition Act".

Section 2.

Section 3015 is added to the Fish and Game Code to read:

"3015. JAWED TRAPS PROHIBITED. No person, including employees of the State, Federal or County Government shall take any bird or mammal with any type of jawed trap or traps and no provisions of this Code or any other law shall be construed to authorize or to permit the authorization of the use of any type of jawed trap or traps to take birds or mammals."

Section 3.

Section 12002 of the Fish and Game Code is amended to read:

"12002. The maximum punishment for a violation constituting a misdemeanor is a fine of Five Hundred Dollars (\$500.00) or imprisonment in the county jail for six (6) months, or both, except that the maximum punishment for violation of any of the following provisions is a fine of One Thousand Dollars (\$1,000.) or imprisonment in the county jail for one year, or both:

- (a) Section 1059.
- (b) Section 2052.
- (c) Sections 3511, 4700, 5050 and 5015.
- (d) Sections 4600 to 4604, inclusive.
- (e) Subdivision (a) or (b) of Section 5050.
- (f) Section 10500.
- (g) Section 3015."

Section 4.

Section 12002.5 is added to the Fish and Game Code to read:

"12002.5 Any person who is convicted of a second offense of violation of Section 3015 of this Code is guilty of a felony."

Section 5.

This Act shall become effective immediately.

October 5, 1977

Evelle J. Younger, Esq.  
Attorney General  
555 Capitol Mall, Suite 350  
Sacramento, California 95814

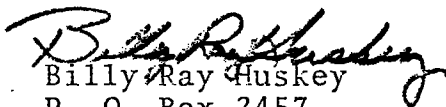
Re: Jawed Trap Initiative Measure

Dear Sir:

Enclosed is a draft of an Initiative Measure Amending the Fish and Game Code which I would like to place on the November 7, 1978, General Election ballot. Request is hereby made for a title and summary of the measure. I am an elector registered to vote in the State of California. My cashier's check for \$200. is enclosed. Would you please return my personal check which I previously submitted to you regarding this matter.

Would you please give this matter your most expeditious attention and return the requested summary and title within the shortest time possible. It does not appear that any fiscal estimate is necessary in connection with this matter.

Very truly yours,



Billy Ray Huskey  
P. O. Box 2457  
Escondido, California 92025

encl.