

9-8-1997

Wildlife. Body-Gripping Traps Ban. Animal Poisons.

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Wildlife. Body-Gripping Traps Ban. Animal Poisons. California Initiative 751 (1997).
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State of California

SECRETARY OF STATE

RECEIVED

MAR 31 1998

March 27, 1998

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SCHOOL OF THE LAW

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS (98140) # 751

Pursuant to Section 9033 of the Elections Code, I hereby certify that on March 27, 1998, the certificates received from the County Clerks or Registrars of Voters by the Secretary of State established that the Initiative Statute, WILDLIFE. BODY-GRIPPING TRAPS BAN. ANIMAL POISONS., has been signed by the requisite number of qualified electors needed to declare the petition sufficient. The WILDLIFE. BODY-GRIPPING TRAPS BAN. ANIMAL POISONS. INITIATIVE STATUTE., is, therefore, qualified for the November 3, 1998 General Election

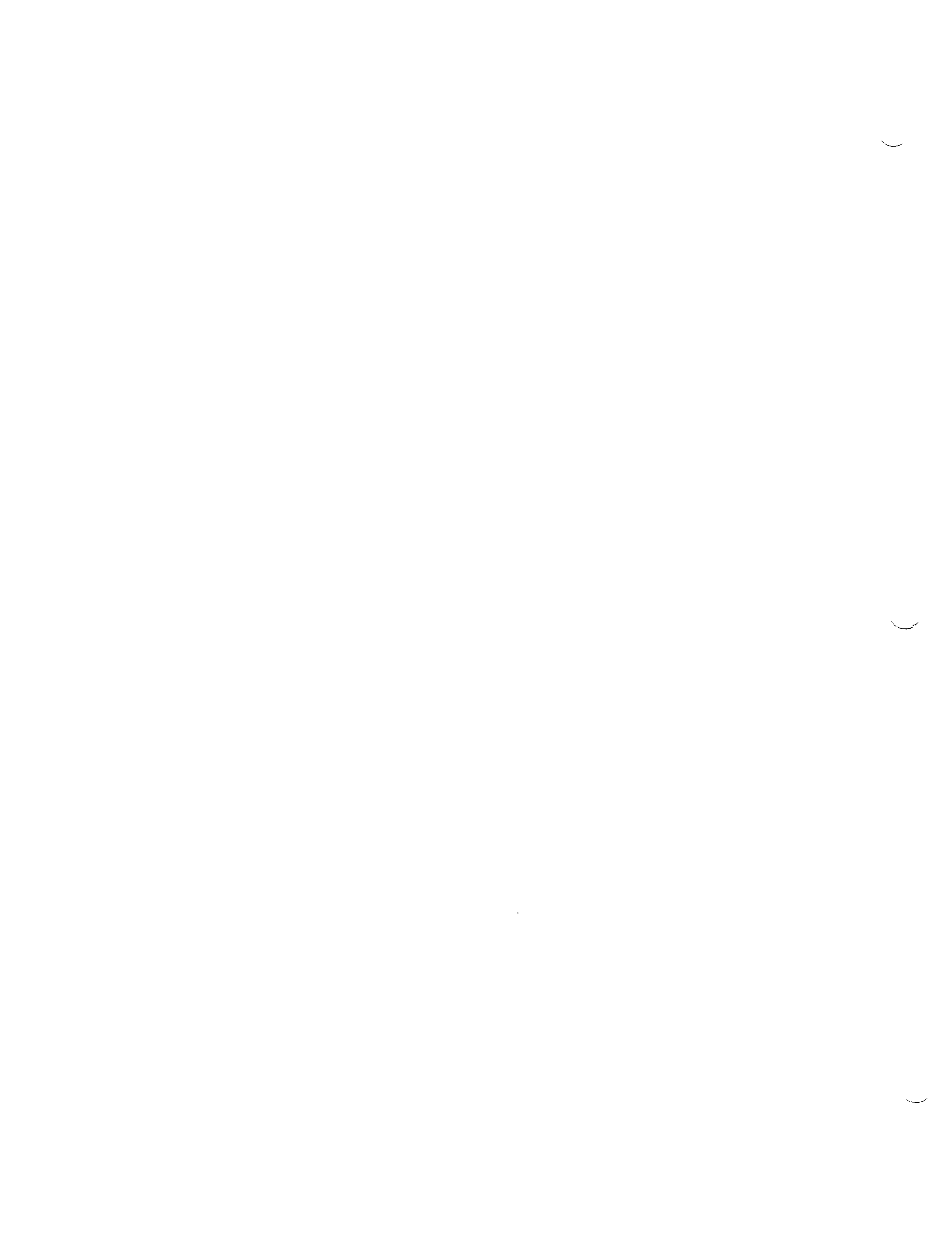
WILDLIFE. BODY-GRIPPING TRAPS BAN. ANIMAL POISONS. INITIATIVE STATUTE.
Prohibits trapping mammals classified as fur-bearing or nongame with body-gripping traps for recreation or commerce in fur. Prohibits commerce in raw fur of such mammals trapped with body-gripping traps in California. Permits common rat and mouse traps. Prohibits use of steel-jawed leghold traps on wildlife mammals and dogs and cats except for padded steel-jawed traps used by government officials where it is the only way to protect human health and safety. Prohibits poisoning animals with sodium fluoroacetate (Compound 1080) or sodium cyanide. Provides misdemeanor penalties. Summary of estimate by Legislative Analyst and Director of Finance of the fiscal impact on state and local governments: Measure would result in no new additional enforcement costs to the state to carry out its various provisions and minor losses in revenues from the issuance of trapping and fur-dealer licenses. There would be potential minor income tax revenue loss to the extent that the measure would prompt trappers to discontinue trapping and that authorized traps under the measure do not prove effective in preventing damage to livestock and other property.

IN WITNESS WHEREOF, I hereunto
set my hand and affix the Great Seal of
the State of California this 27th day of
March, 1998.



Bill Jones

BILL JONES
Secretary of State



DIVISIONS:

Archives
Corporate Filings
Elections
Information Technology
Limited Partnership
Management Services
Notary Public
Political Reform
Uniform Commercial Code



BILL JONES
Secretary of State
State of California

ELECTIONS DIVISION
(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95811
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired
Only
1-800-833-8683
e-mail: comments@ssa.ca.gov

September 8, 1997

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (97128)

FROM: Cathy Mitchell
CATHY MITCHELL
ELECTIONS SPECIALIST

RECEIVED

SEP 12 1997

SUBJECT: INITIATIVE #751

RECEIVED
SEP 12 1997

Pursuant to Elections Code section 3513, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**WILDLIFE. BODY-GRIPPING TRAPS BAN. ANIMAL POISONS.
INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Alan Hugh Berger
c/o Animal Protection Institute
2831 Fruitridge Road
Sacramento, CA 95820
(916) 731-5521

A. Aaron Medlock
c/o Protect Pets and Wildlife
11726 San Vicente Blvd., Ste. 330
Los Angeles, CA 90049
(310) 207-7706

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#751
WILDLIFE. BODY-GRIPPING TRAPS BAN. ANIMAL POISONS.
INITIATIVE STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,269
California Constitution, Article II, Section 8(b)

2. Official Summary Date:.....Monday, 09/08/97
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336)Monday, 09/08/97

 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a))Thursday, 02/05/98

 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b)).....Thursday, 02/19/98

(If the Proponent files the petition with the county on a date prior to 02/05/98,
the county has eight working days from the filing of the petition to determine
the total number of signatures affixed to the petition and to transmit the total to
the Secretary of State) (EC §9030(b)).

- d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties (EC §9030(c)).....Saturday, 02/28/98*

- e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e)).....Monday, 04/13/98

* Date Varies based on receipt of county certification

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INITIATIVE #751

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 02/28/98, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 476,596 or less than 411,606 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 411,606 and 476,596 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a))..... Thursday, 04/23/98*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State (EC §9031(b)(c)). Friday, 06/05/98

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 04/23/98, the last day is no later than the thirtieth working day after the county's receipt of notification). EC §9031(b)(c).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033). Tuesday, 06/09/98*

* Date varies based on receipt of county certification.

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IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

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DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555


Facsimile: (916) 323-2137
(916) 324-5490

September 8, 1997

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

SEP 08 1997

BILL JONES, Secretary of State

By 
Deputy Secretary of State

Bill Jones
Secretary of State
1500 - 11th Street
Sacramento, CA 95814

Re: Initiative Title and Summary
Subject: WILDLIFE. BODY-GRIPPING TRAPS BAN.
ANIMAL POISONS. INITIATIVE STATUTE.
File No: SA 97 RF 0018

Dear Mr. Jones:


Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponents, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the names and addresses of the proponents are as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General


ROSEMARY R. CALDERON
Initiative Coordinator

RRC/fec
Enclosures



Date: September 8, 1997
File No: SA97RF0018

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

WILDLIFE. BODY-GRIPPING TRAPS BAN. ANIMAL POISONS. INITIATIVE STATUTE.

Prohibits trapping mammals classified as fur-bearing or nongame with body-gripping traps for recreation or commerce in fur. Prohibits commerce in raw fur of such mammals trapped with body-gripping traps in California. Permits common rat and mouse traps. Prohibits use of steel-jawed leghold traps on wildlife mammals and dogs and cats except for padded steel-jawed traps used by government officials where it is the only way to protect human health and safety. Prohibits poisoning animals with sodium fluoroacetate (Compound 1080) or sodium cyanide. Provides misdemeanor penalties. Summary of estimate by Legislative Analyst and Director of Finance of the fiscal impact on state and local governments: Measure would result in no new additional enforcement costs to the state to carry out its various provisions and minor losses in revenues from the issuance of trapping and fur-dealer licenses. There would be potential minor income tax revenue loss to the extent that the measure would prompt trappers to discontinue trapping and that authorized traps under the measure do not prove effective in preventing damage to livestock and other property.



SA97RF0018
Amdt. #1-NS

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SEP 5 1997

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

September 5, 1997

Mr. Daniel E. Lungren
Attorney General
State of California
Department of Justice
Sacramento, CA 94244

ATTENTION: Rosemary R. Calderon, Initiative Coordinator
RE: File No. SA 97 RF 0018

HAND-DELIVERED

Dear Attorney General Lungren:

Attached is an amendment to the initiative which we submitted to you several weeks ago and which you have referenced as File No. SA 97 RF 0018.

We, the proponents, offer this amendment to correct a typographical error in the language of our initiative.

The error occurs in the language of the proposed new Section 3003.2 of the Fish and Game Code. Following is the language as submitted but with the misspelled word underlined:

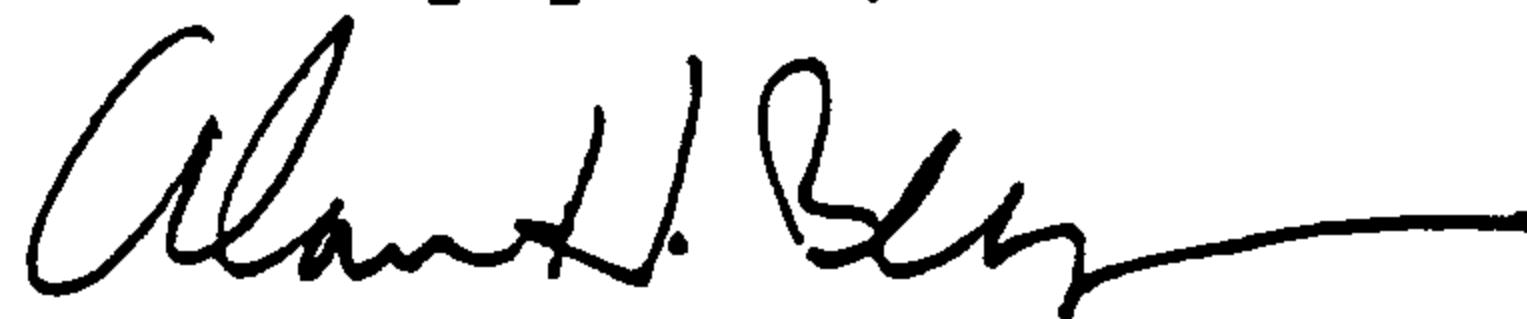
Section 3003.2 is added to the Fish and Game Code to read:

3003.2 Notwithstanding Sections 4003, 4152, 4180, or 4180.1 of the Fish and Game Code, or Section 14063 of the Food and Agricultural Code, no person, including employees of the federal, state, county or municipal government, shall poison or attempt to poison any animal by using sodium fluroacetate, also known as Compound 1080, or sodium cyanide.

The correct spelling of the word is "fluoroacetate".

Thank you for your attention to this matter.

Sincerely yours,



Alan Hugh Berger
Proponent

Contact address: c/o Animal Protection Institute, 2831
Fruitridge Rd., Sacramento, CA 95820; 916/731-5521



A. Aaron Medlock
Proponent

New contact address: c/o Protect Pets and Wildlife, 11726 San
Vicente Blvd., Suite 330, Los Angeles, CA 90049; 310/207-7706

Attachment

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

Section 3003.1 is added to the Fish and Game code to read:

3003.1. Notwithstanding Sections 1001, 1002, 4002, 4004, 4007, 4008, 4009.5, 4030, 4034, 4042, 4152, 4180, or 4181 of the Fish and Game Code:

(a) It is unlawful for any person to trap for the purposes of recreation or commerce in fur any fur-bearing mammal or nongame mammal with any body-gripping trap. A body-gripping trap is one that grips the mammal's body or body part, including, but not limited to, steel-jawed leghold traps, padded-jaw leghold traps, Conibear traps, and snares. Cage and box traps, nets, suitcase-type live beaver traps, and common rat and mouse traps shall not be considered body-gripping traps.

(b) It is unlawful for any person to buy, sell, barter, or otherwise exchange for profit, or offer to buy, sell, barter, or otherwise exchange for profit the raw fur, as defined by Section 4005 of the Fish and Game Code, of any fur-bearing mammal or nongame mammal that was trapped in California with a body-gripping trap as described in subdivision (a) after the effective date of this section.

(c) It is unlawful for any person, including employees of the federal, state, county or municipal government, to use or authorize the use of any steel-jawed leghold trap, padded or otherwise, to capture any game mammal, fur-bearing mammal, nongame mammal, protected mammal, or any dog or cat.

The prohibition in this subdivision does not apply to federal, state, county or municipal government employees or their duly authorized agents in the extraordinary case where the otherwise prohibited padded-jaw leghold trap is the only method available to protect human health or safety.

(d) For purposes of this section, fur-bearing mammals, game mammals, nongame mammals, and protected mammals shall be those mammals so defined by statute as of January 1, 1997.

Section 3003.2 is added to the Fish and Game Code to read:

3003.2 Notwithstanding Sections 4003, 4152, 4180, or 4180.1 of the Fish and Game Code, or Section 14063 of the Food and Agricultural Code, no person, including employees of the federal, state, county or municipal government, shall poison or attempt to poison any animal by using sodium fluoroacetate, also known as Compound 1080, or sodium cyanide.

Section 12005.5 is added to the Fish and Game Code to read:

12005.5. Notwithstanding Sections 12000 and 12002, a violation of Section 3003.1, Section 3003.2, or any rule or regulation adopted pursuant thereto, shall be punished by a fine of not less than \$300 or more than \$2,000, by imprisonment in the county jail for not more than one year, or by both the fine and imprisonment. The legislature may increase, but may not decrease, this fine and punishment.

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