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## Trapping Practices. Bans Use of Specified Traps and Animal Poisons.

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## **Trapping Practices. Bans Use of Specified Traps and Animal Poisons. Initiative Statute.**

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**Official Title and Summary Prepared by the Attorney General**

### **TRAPPING PRACTICES. BANS USE OF SPECIFIED TRAPS AND ANIMAL POISONS. INITIATIVE STATUTE.**

- Prohibits trapping mammals classified as fur-bearing or nongame with specified traps for recreation or commerce in fur.
- Prohibits commerce in raw fur of such mammals trapped with specified traps in California.
- 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 all use of sodium fluoroacetate (Compound 1080) or sodium cyanide to poison any animal.
- Provides misdemeanor penalties.

### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Negligible annual revenue losses to the Department of Fish and Game (DFG).
  - Unknown enforcement costs to DFG, ranging from negligible to several hundred thousand dollars annually.
  - Unknown state and local costs to implement alternative animal control methods of several hundred thousand dollars to in the range of a couple of million dollars annually, depending on relative cost-effectiveness of alternative methods.
  - Negligible annual loss in personal income tax revenue in the context of total state General Fund revenues.
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### Background

Current state law authorizes the use of specified traps to capture or kill for commercial and recreational purposes certain fur-bearing and nongame mammals in California. This requires a trapping license issued by the State Department of Fish and Game (DFG).

Existing state law classifies mammals into various categories, including the following:

- “Fur-bearing” (mammals whose fur has commercial value, such as mink and beaver).
- “Game” (such as deer and elk, which are commonly hunted for sport and food).
- “Fully protected” (such as Bighorn sheep, which may not legally be taken in the state except under certain circumstances).
- “Nongame” (all mammals occurring naturally in California that do not belong to any of the preceding three categories).

Currently, landowners and federal, state, and local government employees may capture or kill certain mammals that cause damage to crops, livestock, and other property; kill endangered species; or pose a threat to public health and safety. Allowable methods for capturing or killing these mammals include shooting, trapping, and poisoning. Currently, DFG, Department of Food and Agriculture, county agricultural commissioners, and water reclamation districts either operate programs to capture or kill such mammals or contract for such services with the United States Department of Agriculture Wildlife Services. Only authorized federal, state, and local officials and their agents may use certain poisons, including sodium fluoroacetate and sodium cyanide, to kill mammals that cause damage to property or pose a public health hazard. The use of these two chemicals is regulated by federal and state environmental protection agencies.

### Proposal

This measure places new restrictions on the use of traps and poisons to capture and kill specified mammals for various purposes.

**Restrictions on Commercial and Recreational Trapping.** This measure prohibits the use of “body-gripping traps” (defined as traps which grip a mammal’s body or body part) for commercial or recreational trapping of fur-bearing and nongame mammals. The measure specifically identifies steel-jawed leghold traps (padded and unpadded), conibear traps, and snares as prohibited traps. Cage and box traps, nets, suitcase-type live beaver traps, and common rat and mouse traps are expressly excluded from the prohibition.

The measure also prohibits commerce in raw furs obtained by using these prohibited traps.

**Additional Trapping Restrictions.** The measure prohibits any person, including government employees, from using or authorizing the use of steel-jawed leghold traps (padded and unpadded) to capture mammals for any purpose, including the protection of livestock and other property, endangered species, and public health. Other body-gripping traps, such as conibear traps and snares, could still be used for protecting livestock and other property, endangered species, and public health, subject to existing restrictions.

An exception to the leghold trap ban would be provided for government employees, who may use a padded steel-jawed leghold trap when no other method is available to protect public health or safety.

This measure also bans the use by any person, including government employees, of sodium fluoroacetate and sodium cyanide to poison animals.

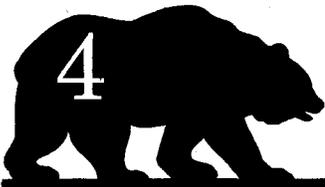
**Fines.** Violations of any of this measure’s provisions would be punishable by fines and imprisonment. The Legislature would be able to increase, but not lower, those fines and penalties.

### Fiscal Effect

To the extent this measure results in a decreased level of commercial or recreational trapping, there would be a negligible loss in revenue to the DFG due to decreased issuance of trapping and fur-dealer licenses. The DFG also would incur additional annual enforcement costs. The magnitude of these costs is unknown, but could range from negligible to several hundred thousand dollars annually, depending primarily on the amount of workload related to investigating violations of the measure’s provisions.

Also, there would be unknown additional state and local costs for animal control purposes to capture and kill mammals that threaten property, endangered species, or public health. These costs could be from several hundred thousand dollars up to in the range of a couple of million dollars annually. Actual costs would depend on the cost-effectiveness of animal control methods not banned by the measure.

There could also be an unknown annual loss of personal income to landowners to the extent that allowable alternatives to the prohibited animal control methods are found to be less effective. The resulting loss in personal income tax revenue would probably be negligible in the context of total state General Fund revenues.



## Trapping Practices. Bans Use of Specified Traps and Animal Poisons. Initiative Statute.

### Argument in Favor of Proposition 4

A "YES" vote on Proposition 4 WILL PROTECT WILDLIFE AND FAMILY PETS:

- by banning cruel and indiscriminate traps—including the barbaric steel-jawed leghold trap, snares and Conibears—for recreation or the fur trade;
- by banning two especially dangerous poisons that harm animals and the environment—Compound 1080 and sodium cyanide.

Commercial trappers use cruel traps to catch and kill tens of thousands of animals for the fur trade—24,136 during the 1997–98 trapping season according to State of California figures. Bobcats, beavers, foxes and other furbearers are intentional targets of trappers because of prices their pelts bring.

Thousands of other animals including family pets, endangered species, birds, and small mammals also suffer and die in indiscriminate leghold traps, snares and Conibear traps.

Still legal in California, the steel-jawed leghold trap is condemned as "INHUMANE" by the American Veterinary Medical Association, World Veterinary Association, and American Animal Hospital Association, and is banned in more than 80 countries—and several states.

The notorious steel-jawed leghold trap and other body-gripping traps catch animals by slamming shut with bone-crushing force on an animal's leg or other body part causing injury and prolonged suffering until death.

Proposition 4 WILL ALLOW the use of traps and other wildlife management techniques:

- to protect human health and safety
- to protect property, levees and canals
- to protect endangered wildlife
- to protect crops and livestock

Endorsed by the Sierra Club, Proposition 4 is sponsored by the ASPCA, Animal Protection Institute, The Ark Trust Inc., Doris Day Animal League, The Fund for Animals, The Humane Society of the United States, and The International Fund for Animal Welfare.

Other endorsers include scores of environmental and animal protection organizations—Coalition for Alternatives to Pesticides,

Mendocino Coast Audubon Society, Mountain Lion Foundation, State Humane Officers, Rescue K-9s of America, spcaLA, and the Orange County, Almanor, Sequoia, Golden State, North County, Northwest, Marin, Peninsula, Glendale, and Pasadena humane societies.

A YES vote will end the senseless cruelty of traps and poisons.

- Traps and poisons are indiscriminate, they harm or kill any animal that triggers them.
- A trapped animal will attempt to chew off its own leg to escape.
- Wildlife should not be killed for fashion.
- Poisoned animals suffer violently, sometimes for hours, before dying in agony.
- Secondary deaths result when other animals feed on poison victims.
- There are humane alternatives, including cage traps, when animals must be caught.

The California Department of Fish and Game acknowledged in a 2/3/98 environmental document: "The use of cage traps would eliminate most, if not all, of the negative impacts of trapping as far as injury and capture of nontarget species are concerned . . . Threatened, endangered, and protected species, as well as pets, could be released relatively unharmed from cage traps. Any danger to humans would be eliminated . . . The department does not expect that any significant adverse impacts would occur if this alternative (allowing only cage traps) was adopted."

PLEASE PROTECT PETS AND WILDLIFE FROM CRUEL TRAPS AND POISONS by voting YES on Proposition 4.

**DORIS DAY**

*President, Doris Day Animal League*

**HONORABLE WILLIAM A. NEWSOM**

*Justice (Ret.), California Court of Appeal*

**ELDEN HUGHES**

*Vice President for Communications, Sierra Club, 1996–1997*

### Rebuttal to Argument in Favor of Proposition 4

*Confused? YOU SHOULD BE!* Proposition 4 is another badly written initiative. Don't let the radical animals rights activists confuse you. Listen to the experts:

"The radicals want you to believe 24,000 animals are trapped for fur. NONSENSE! Nearly 80% of animals trapped in California are RODENTS . . . filthy, diseased RODENTS!"

Steve Poplin, *formerly of U.C. Davis Veterinary Medicine Program.*

"Sensible wildlife conservation is gradually being crowded out by extreme animal rights groups to the detriment of wildlife. Proposition 4 is another example of extremists placing their own agenda ahead of proven wildlife management methods."

Walter E. Howard, *Professor Emeritus of Wildlife Biology and Vertebrate Ecology, University of California, Davis*

"Proposition 4's price tag is staggering. Taxpayers would pay millions (according to the California Department of Fish & Game) for bureaucrats needed to enforce this bad law. We can't afford Proposition 4."

Lewis K. Uhler, *President, National Tax Limitation Committee*

"If Proposition 4 passes, many populations of threatened and endangered species in California will suffer and some may even become extinct."

Gary Simmons, *State Director, United States Department of Agriculture, Wildlife Services*

"Today's wildlife management tools are the most humane ever. Proposition 4 would ban tools needed to conserve threatened and endangered species and force cruel alternatives to control problem predators, including traps that kill."

Joelle Buffa, *Professional Wildlife Biologist*

**PROTECT HEALTH AND SAFETY, PROPERTY AND ENDANGERED SPECIES**

**NO MORE REGULATIONS**

**NO MORE TAXES**

**NO MORE BUREAUCRATS**

**NO ON ANOTHER BAD BALLOT PROPOSITION**

**NO ON 4**

**LINDA MACEDO**

*President, California Women for Agriculture*

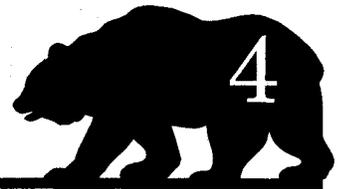
**BILL EVERETT**

*President, Endangered Species Recovery Council*

**JACK PARNELL**

*Fmr. Director, CA Department of Fish & Game*

# Trapping Practices. Bans Use of Specified Traps and Animal Poisons. Initiative Statute.



## Argument Against Proposition 4

### *THE RADICAL ANIMAL RIGHTS ACTIVISTS ARE AT IT AGAIN!*

This time the extremists have gone too far! Their proposition is so confusing and poorly written that it could not only threaten human health and safety, but endanger wildlife and livestock. While claiming to ban inhumane animal traps, in truth, *Proposition 4 forces the use of traps that kill*, while prohibiting safe padded traps designed to capture diseased predators. Proposition 4 places a higher value on the life of a rabid coyote than a child, family pet or newborn lamb.

### *PROPOSITION 4 would:*

#### • **THREATEN HUMAN HEALTH AND SAFETY**

Professional wildlife managers who protect the delicate balance of nature, are worried Proposition 4 would unnecessarily expose humans to animal transmitted diseases: Lyme, rabies and Bubonic plague. The California Department of Fish & Game says the initiative "could reduce the effectiveness of public health and safety control programs."

#### • **ENDANGER LIVESTOCK AND CROPS**

Farmers and ranchers would be helpless in their fight to protect crops and livestock if Proposition 4 passed. Animal protection collars (studied for ten years and approved by both state and Federal Environmental Protection Agencies) would be banned by Proposition 4. Predatory coyotes that attack lambs by lunging at their throats would find their prey defenseless.

#### • **INCREASE USE OF CAUSTIC POISONS AND HAZARDOUS CHEMICALS**

If Proposition 4 passes, property owners and wildlife managers would have to use alternate means to protect their property. Don't force them to poison animals with dangerous chemicals and insecticides.

#### • **OVER REGULATE**

Wildlife management is already highly regulated by hundreds of laws. Proposition 4 would wipe out proven methods of resource management and replace them with a confusing, poorly written ballot proposition.

#### • **JEOPARDIZE ENDANGERED SPECIES**

Endangered species are finally making a comeback because of sound wildlife management. Animals, especially birds, on the verge of extinction are being protected from wild predators. Unless we say "NO" to Proposition 4, many endangered species could be lost forever.

#### • **ADD MORE BUREAUCRATS . . . COST CALIFORNIANS MILLIONS**

If Proposition 4 passes, the Department of Fish & Game would have to enforce the law at an estimated cost of \$1 million per year. That means more bureaucrats and greater costs to taxpayers . . . for a bad law. That's insane!

#### • **INCREASE RODENT DAMAGE**

Nearly 80% of animals trapped in California are RODENTS. They are responsible for millions of dollars in damage to California's flood control and irrigation systems. Proposition 4 would PREVENT effective control of rodents.

### *PROPOSITION 4 IS:*

- **CONFUSING**
- **POORLY WRITTEN**
- **TOO EXTREME**

*The current system works! We don't need Proposition 4. Say no to the radical animal rights activists.*

### *Join . . .*

*Professional Wildlife Managers  
California Farm Bureau Federation  
California Waterfowl Association  
California Poultry Industry Federation  
California Grain & Feed Association  
Water Districts Across the State  
Humane Society, Sonoma  
California Cattlewomen's Association  
The Wildlife Society  
California Cattlemen's Association  
Agricultural Council of California  
California Wool Growers Association*

**NO ON 4!**

**BEN NORMAN, DMV, Ph.D.**

*Department of Veterinary Medicine  
University of California, Davis, Ret.*

**DONA MAST**

*Immediate Past Chair, California Farm Bureau  
Federation, Rural Health & Safety*

**STEPHANIE LARSON**

*President-Elect, Humane Society, Sonoma*

## Rebuttal to Argument Against Proposition 4

The barbaric trapping and killing of California's precious wildlife for the fur trade—for profit—is indefensible. And the fur-trapping industry that opposes Proposition 4 offers no credible defense.

Instead, they offer name calling, scare tactics and extreme statements to divert attention from the cruelties of trapping.

Let's focus on the truth!

**FACT:** Proposition 4 PROTECTS public health and safety. Health professionals, wildlife managers, farmers and water districts have a wide range of lethal and nonlethal methods to manage wildlife. Only three are being restricted—two dangerous poisons and the steel-jawed leghold trap which *has been banned in more than 80 countries*. Furthermore, leghold traps will be available if needed to protect public health and safety.

**FACT:** Other states have enacted similar laws with no adverse impacts.

**FACT:** Proposition 4 specifically ALLOWS rat and mouse traps.

**FACT:** Proposition 4 PROMOTES the use of humane traps.

So-called "padded traps" have been proven to cause serious injuries to animals. After suffering for hours, trapped animals are usually bludgeoned to death by the trapper. Proposition 4 promotes more

humane trapping. In a 2/3/98 environmental document, the California Department of Fish and Game acknowledged that allowing only cage traps would eliminate the negative impacts of trapping with NO SIGNIFICANT ADVERSE IMPACTS.

The TRUTH: Proposition 4 is reasonable, moderate, and narrowly tailored. It will stop inhumane, indiscriminate trapping. It will protect wildlife and family pets.

Humane societies, environmentalists, wildlife biologists, and veterinarians agree:

**VOTE "YES" ON 4!**

Authorized signers:

**ROGER A. CARAS**

*President, American Society for the Prevention of  
Cruelty to Animals*

**JOHN GRANDY, Ph.D.**

*Senior Vice President for Wildlife Programs, The  
Humane Society of the United States*

**CATHERINE RICH, J.D.**

*President, Los Angeles Audubon Society, 1996-1997*

## Text of Proposed Laws—Continued

if any, to the chairperson of the county central committee of each political party, and shall mail a copy to each candidate for whom nomination papers have been filed in his or her office or whose name has been certified to him or her by the Secretary of

State, to the post office address as given in the nomination paper or certification. The county elections official shall post a copy of the sample ballot or ballots in a conspicuous place in his or her office.

### Proposition 4: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative measure adds sections to the Fish and Game Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

#### PROPOSED LAW

SECTION 1. 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:*

(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 to offer to buy, sell, barter, or otherwise exchange for profit, the raw fur, as defined by Section 4005, of any fur-bearing mammal or nongame mammal that was trapped in this state, with a body-gripping trap as described in subdivision (a).*

(c) *It is unlawful for any person, including an employee 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 are those mammals so defined by statute on January 1, 1997.*

SEC. 2. Section 3003.2 is added to the Fish and Game Code, to read:

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

SEC. 3. 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 or 3003.2, or any rule or regulation adopted pursuant thereto, is punishable by a fine of not less than three hundred dollars (\$300) or more than two thousand dollars (\$2,000), or by imprisonment in the county jail for not more than one year, or by both that fine and imprisonment. The Legislature may increase, but may not decrease, these penalties.*

### Proposition 5: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative measure adds sections to the Government Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

#### PROPOSED LAW

SECTION 1. Title 16 (commencing with Section 98000) is added to the Government Code, to read:

#### TITLE 16. STATE-TRIBAL AGREEMENTS GOVERNING INDIAN GAMING

##### CHAPTER 1. THE TRIBAL GOVERNMENT GAMING AND ECONOMIC SELF-SUFFICIENCY ACT OF 1998

98000. *This chapter shall be known and may be cited as "The Tribal Government Gaming and Economic Self-Sufficiency Act of 1998."*

98001. (a) *The people of the State of California find that, historically, Indian tribes within the state have long suffered from high rates of unemployment and inadequate educational, housing, elderly care, and health care opportunities, while typically being located on lands that are not conducive to economic development in order to meet those needs. Federal law provides a statutory basis for conducting licensed and regulated tribal government gaming on, and limited to, qualified Indian lands, as a means of strengthening tribal self-sufficiency through the creation of jobs and tribal economic development.*

*Federal law also provides that certain forms of gaming, known as "class III gaming," will be the subject of an agreement between a tribe and the state (a "Tribal-State compact"), pursuant to which that gaming will be governed.*

(b) *The people of the state find that uncertainties have developed over various issues concerning class III gaming and the development of Tribal-State compacts between the state and tribes, and that those uncertainties have led to delays and considerable expense. The Tribal-State compact terms set forth in Section 98004 (the "Gaming Compact"), including the geographic confinement of that gaming to certain tribal lands, the agreement and limitations on the kinds of class III gaming in which a tribe operating thereunder may be engaged, and the regulation and licensing required thereunder, are intended to resolve those uncertainties in an efficient and cost-effective way, while meeting the basic and mutual needs of the state and the tribes without undue delay. The resolution of uncertainty regarding class III gaming in California, the generation of employment and tribal economic development that will result therefrom, and the limitations on the growth of gaming in California that are inherent therein, are in the best and immediate interest of all citizens of the state. This chapter has been enacted as a matter of public policy and in recognition that it fulfills important state needs. All of the factors the state could consider in negotiating a Tribal-State compact under federal law have been taken into account in offering to tribes the terms set forth in the Gaming Compact.*

(c) *The people of the state further find that casinos of the type currently operating in Nevada and New Jersey are materially*