

Date of Hearing: April 21, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 1722 (Hadwick) – As Amended April 16, 2026

**SUBJECT:** CALIFORNIA ENDANGERED SPECIES ACT: TAKE PROHIBITION: SELF-DEFENSE

**KEY ISSUE:** SHOULD A PERSON BE ENTITLED TO A SELF DEFENSE CLAIM FOR THE TAKE OF AN ENDANGERED SPECIES IF THE PERSON WHO TOOK THE ANIMAL UTILIZED NECESSARY AND REASONABLE FORCE TO PROTECT THEMSELVES OR OTHERS?

**SYNOPSIS**

*Existing law provides extensive regulations to protect California's wild plant and animal populations. Wildlife generally cannot be hunted, captured, or harassed (referred to as a take), without a permit from the Department of Fish and Wildlife. While obtaining a license to hunt an animal during the designated hunting season is a relatively easy endeavor, reflecting their fragile state, taking an endangered species requires extensive review and permitting from the Department. Without the proper take permit, harming an endangered species exposes a person to significant criminal and civil liability. However, as several extirpated animals return to California and the populations of some endangered animals begin to rebound, urban sprawl is increasing the interactions between humans and sensitive wildlife populations. The author of this measure notes that some of these interactions can be dangerous for humans, and absent a self-defense statute in law, people may face serious legal liability for defending themselves from animal attacks.*

*To that end, this bill adopts self-defense standards when a person is forced to take an endangered species to defend themselves or others. This bill provides that a person may take an endangered animal in self-defense so long as the person uses only as much force as is necessary and reasonable to deter an immediate threat to human safety. This standard is modeled after California's existing self-defense statutes for human-to-human interactions and foregoes the federal law's highly litigated, yet continuously muddled, standard for taking an endangered species in self-defense.*

*This author-sponsored measure is supported by the California Rifle and Pistol Association who argue that the bill helps protect their members who may encounter dangerous endangered species while out on an otherwise lawful hunt, hike, or camping trip. This bill is opposed by the animal rights group Social Compassion in Legislation. While the amendments appear to address most of the concerns raised by the opposition, several minor points of contention seem to remain. This bill was previously heard and approved by the Committee on Water, Parks, and Wildlife by a vote of ten to zero.*

**SUMMARY:** Provides for a justification defense of self-defense to charges that a person illegally took an endangered species if the person took the animal while using utilizing necessary and reasonable force to protect themselves or others. Specifically, **this bill:**

- 1) Prohibits a civil or administrative penalty from being imposed for a violation of specified anti-take provisions of the Fish and Game Code if it can be shown by a preponderance of the evidence that the defendant utilized necessary and reasonable force to protect themselves, a member of their family, or any other individual from immediate bodily harm from any endangered, threatened, or candidate species.
- 2) Provides a defense to prosecution for a violation of specified anti-take provisions of the Fish and Game Code if the defendant utilized necessary and reasonable force to protect themselves, a member of their family, or any other individual from immediate bodily harm from any endangered, threatened, or candidate species.
- 3) Requires a person seeking to avail themselves of the defenses provided in 1) and 2) to notify the Department of Fish and Wildlife of the taking within 24 hours.
- 4) Makes various findings and declarations.

**EXISTING LAW:**

- 1) Establishes that it is the policy of the state to conserve its natural resources and to prevent the willful or negligent destruction of birds, mammals, fish, reptiles, or amphibia, and authorizes the state to seek unspecified civil damages against any person or local agency which unlawfully or negligently takes or destroys any bird, mammal, fish, reptile, or amphibian protected by the laws of this state, as specified. (Fish and Game Code Section 2014.)
- 2) Defines “take” to mean to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. (Fish and Game Code Section 86.)
- 3) Prohibits a person from taking, or attempting to take, any species that the Fish and Game Commission determines to be an endangered or threatened species. (Fish and Game Code Section 2080.)
- 4) Prohibits from taking, or attempting to take, any species that the Fish and Game Commission determines to be a candidate species to become an endangered species. (Fish and Game Code Section 2085.)
- 5) Provides that a person found guilty of violating 3) or 4) is subject to a fine of \$25,000 to \$50,000 for each violation or imprisonment in county jail for not more than one year, or both a fine and imprisonment. (Fish and Game Code Section 12008.1.)
- 6) Provides that an individual is not guilty of a prohibited take or injury of a mountain lion if it is demonstrated that, in taking or injuring the mountain lion, the individual was acting in self-defense or in defense of others. (Fish and Game Code Section 4800.)
- 7) Provides, pursuant to federal law, that there is a defense to prosecution for unlawful taking under the federal Endangered Species Act if the defendant committed the offense based on a good faith belief that they were acting to protect themselves, a member of their family, or any other individual, from bodily harm from any species listed as endangered or threatened under federal law. (16 U.S. Code Section 1540 (b)(3).)

- 8) Provides that any necessary force may be used to protect from wrongful injury the person or property of oneself, or of a spouse, child, parent, or other relative, or member of one's family, or of a ward, servant, master, or guest. (Civil Code Section 50.)
- 9) Provides that a homicide is justifiable when committed by any person in any of the following cases:
  - a) When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person;
  - b) When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous, or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein;
  - c) When committed in the lawful defense of such person, or of a spouse, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he or she was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or
  - d) When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace. (Penal Code Section 197.)
- 10) Adopts a statutory presumption that any person using force intended or likely to cause death or great bodily injury within his or her residence held a reasonable fear of imminent peril of death or great bodily injury to self, family, or a member of the household when that force is used against another person, not a member of the family or household, who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using the force knew or had reason to believe that an unlawful and forcible entry occurred. (Penal Code Section 198.5.)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** California law generally prohibits the "taking" of wildlife, which includes the hunting, pursuing, catching, capturing, or killing of a wild animal without receiving specific permits from the Department of Fish and Wildlife. The already-strict penalties for unlawfully taking an animal can be compounded if that animal is listed by the Fish and Game Commission as an endangered species. The author and proponents of this bill note that, unlike federal law, California law does not provide an exception to the taking law for self-defense.

The author also notes that several endangered species, most notably the grey wolf, can threaten humans in rural areas. The author argues that Californians should be protected from legal liability in the event they are forced to take an endangered species in self-defense. This bill provides such a defense so long as the defendant utilized necessary and reasonable force to protect themselves. In support of this bill the author states:

The California Endangered Species Act (CESA) prohibits the “take” of a listed species, including actions such as pursuing, capturing, or killing, without clear exceptions for situations involving immediate threats to human safety. As a result, individuals who act to protect themselves or others from bodily harm may still face civil, administrative, or even criminal penalties. Assembly Bill 1722 establishes a clear, good-faith self-defense protection under CESA, aligning California law with the federal Endangered Species Act, which already recognizes this defense. In emergency situations when seconds count, law enforcement officials warn that the lack of clarity in current law creates significant public safety risks. This bill ensures that individuals and law enforcement on the ground can react immediately and reasonably to protect themselves, their families, or others from harm.

***California law imposes strict penalties on those who harm wildlife.*** All wild animals and plant species in California are protected by the provisions of the Fish and Game Code. Generally, one cannot “take” a wild species without a permit. A “taking” for the purpose of wildlife is defined as hunting, pursuing, catching, capturing, or killing, or attempting to do any of the above to a wild animal. Existing law generally recognizes two separate forms of taking: a permitted taking or an incidental taking. Permitted takings are generally regulated by the Fish and Game Commission under the Commission’s authority to issue a license to take (i.e. a hunting or fishing license) of a specific creature during a specific season. (Fish and Game Code Section 200 *et seq.*) A permitted taking, like a hunting trip, involves a person intentionally seeking to take a specific animal in accordance with their license.

Conversely, an incidental taking occurs when a protected species is taken incidental to an otherwise lawful activity. These activities can include construction and development, farming activities, and approved timber operations. (Fish and Game Code Section 2081.) In these incidents a person applies for the incidental take permit when seeking to commence the otherwise lawful activity that may take wildlife. So long as specific criteria are met, essentially requiring a project to minimize its impact on wildlife, including endangered wildlife, whenever possible, the Department of Fish and Wildlife can issue the permit. Similarly, if a person accidentally strikes an animal with their vehicle, they are generally not liable for a taking. (Fish and Game Code Section 2000.5.)

Beyond these general exceptions to California’s take law it is unlawful to annoy, injure, or kill wildlife in the state. Recognizing the seriousness of harassing wildlife, the existing law makes an unlawful taking a misdemeanor, exposing a defendant to potential jail term and tens of thousands of dollars of liability in addition to civil penalties imposed by the Department of Fish and Wildlife.

***The California Endangered Species Act protects over 250 fragile plant and animal populations in this state.*** While the existing law aims to protect all wildlife, the California Endangered Species Act provides additional protection for the 165 plants and 110 animals listed as endangered species in California. The animals listed as endangered species span the “food chain” in the wild. Endangered animals in California range from the salt-marsh harvest mouse to bumble bees to apex predators including grey wolves and mountain lions. ([https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline.](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline))

While most non-endangered animals can be taken subject to a basic permit from the Department of Fish and Wildlife or Fish and Game Commission, endangered species may not be imported into the state, exported out of the state, taken, possessed, purchased, or sold without express

authorization from the Department of Fish and Wildlife. Absent one of the limited conditions for taking an endangered species, an unlawful take exposes a person to significant legal jeopardy.

***Federal law provides for a self-defense justification if an endangered species is taken.*** Much like California law, the United States Fish and Wildlife Service maintains the list of federally protected endangered species. Similar to state law, federal law also imposes harsh punishments on those found to have improperly taken a federally recognized endangered species. One major difference between state and federal law is that federal law provides an exception to its anti-take statutes for animals taken in self-defense. Section 1540 of Title 16 of the United States Code provides a justification of self-defense against an unlawful taking charge if a person acted in a “good faith belief that they were acting to protect themselves, a member of their family, or any other individual, from bodily harm.” Although, as described above, California law recognizes incidental and accidental takings as potential defenses to liability, there is no clear self-defense statute if a person is forced to take an endangered species. The proponents of this measure note that as urban development encroaches on wildlife habitat and some formerly extirpated endangered species, like the grey wolf, return to their grazing habitat in California, the risk of dangerous human-wildlife interactions is increasing.

***This bill would adopt a California-specific self-defense statute for taking an endangered species.*** Seeking to align state law with federal law, this bill proposes a justification defense of self-defense against a charge of illegally taking an endangered species in California. This bill would provide a defense to any person who took an endangered species while using necessary and reasonable force to protect themselves, a member of their family, or any other individual from immediate bodily harm. The bill clarifies that it is a defense to both criminal and civil liability under the California Endangered Species Act. The bill conditions the defense on the defendant properly notifying the Department of Fish and Wildlife within 24 hours of committing the taking.

***Unlike federal law, this bill would apply both an objective and subjective standard when asserting a self-defense claim when taking an endangered species.*** As originally introduced this bill utilized the same “good faith” standard for self-defense employed by federal law. Notably, good faith is generally viewed as a subjective legal standard, although some objective standards do apply. This has caused significant confusion for federal courts seeking to implement the federal standard. In *United States v. Wallen*, a case involving the shooting of three juvenile grizzly bears who raided a chicken coop, the Ninth Circuit remanded the case back to the trial court holding a “good faith belief defense ... ordinarily depends on a defendant’s subjective state of mind, and the defense is not automatically precluded by evidence that the state of mind was objectively unreasonable” (*United States v. Wallen* (9th Cir. 2017) 874 F.3d 620, 632.) Despite the earlier ruling in *Wallen* that federal law only requires a subjective showing of good faith, in *United States v. Charette*, the Ninth Circuit held that the trial court erred in analyzing whether Charette acted in self-defense using “objectively reasonable,” instead of the “good faith belief” standard, which “requires only a subjective belief in the need to protect oneself or others.” (*United States v. Charette* (9th Cir. 2018) 893 F.3d 1169, 1176.) These cases highlight that federal courts appear to still be struggling with the appropriate manner in which to evaluate good faith self-defense claims.

Recognizing this ambiguity, in consultation with this Committee and the Committee on Water Park and Wildlife, the author agreed to amend the bill to better resemble California’s existing homicide self-defense statutes found in both the Civil and Penal Code. Those amendments,

reflected in the now in-print version of this bill, permit a self-defense justification only when the defendant acted in a manner utilizing only “necessary and reasonable force to protect themselves, a member of their family, or any other individual.” This language is largely modeled after Civil Code Section 50 which provides that, “any necessary force may be used to protect from wrongful injury the person or property of oneself, or of a spouse, child, parent, or other relative, or member of one’s family, or of a ward, servant, master, or guest.”

Typically, California self-defense standards require both an objective and subjective showing to properly plead the defense. The defendant must show that their actions were reasonably related to the harm threatened against them, and the defendant must reasonably believe that they were about to be immediately harmed. (see, e.g. *People v. Aris* (1989) 215 Cal. App. 3d 1178.) As it applies to this bill, the language now in-print reflects this dual standard. First, under this bill, a defendant must demonstrate that they subjectively believed that they were facing an imminent threat. If the defendant did not *actually* believe the endangered species posed an imminent threat they are not entitled to the defense. Secondly, the defendant must show that they used a necessary and reasonable amount of force. This test utilizes the objective “reasonable person” standard to examine whether the amount of force utilized by the defendant would be matched by the mythical “reasonable person” in the same set of circumstances. For example, if a defendant standing on a ridgeline shot and killed a mountain lion that looked at them from 100 feet below but made no other aggressive motion, they would likely be found to have used more force than necessary and would not meet the objective standard, as a “reasonable person” would likely not have felt threatened in that situation. Conversely, if the defendant shot a mountain lion directly charging at their child on level ground, the defendant would likely be found to have used necessary force, as most reasonable Californians would have feared for their child’s life in such a circumstance.

Given that the recent amendments to this measure move the bill away from the confusing and subjective standard utilized in federal law and toward California’s tried and true standards for self-defense, California courts should be able to readily implement this measure. Similarly, the wardens of the Department of Fish and Wildlife, to the extent they were not already utilizing prosecutorial discretion of self-defense related take cases, should have ample guidance to enforce this statute.

***ARGUMENTS IN SUPPORT:*** This bill is supported by the California Rifle & Pistol Association. In support of this bill, the Association writes:

California Rifle & Pistol Association members frequently recreate, hunt, hike, camp, and work in California’s remote and wild areas where encounters with protected wildlife — such as mountain lions, bears, or other species — can occur. Under current law, a person acting reasonably to protect themselves or their family from an imminent attack by a protected animal risks criminal or civil penalties, even when no alternative exists. AB 1722 eliminates this chilling effect by affirming that the right to self-preservation takes precedence in genuine life-threatening situations.

This measure does not authorize indiscriminate killing of protected species, nor does it weaken overall protections for endangered wildlife. It simply ensures that law-abiding Californians exercising their natural right to self-defense — often while lawfully carrying firearms for protection in bear or predator country — are not treated as poachers or criminals after defending human life. The bill aligns with fundamental principles of public safety and

respects the realities faced by those who live, work, and recreate in California's diverse ecosystems.

***ARGUMENTS IN OPPOSITION:*** This bill is opposed by the animal welfare organization, Social Compassion in Legislation. In opposition they write:

While we appreciate the intent behind this measure, AB 1722 (Hadwick) raises significant concerns regarding its potential impacts on animal welfare, ecological integrity, and the precedent it may set for the treatment of wildlife in California. Policies governing wildlife management must be grounded in sound science, ethical responsibility, and a clear commitment to minimizing harm. Unfortunately, this bill falls short of those standards.

AB 1722 weakens California's current doctrine which allows a reasonable person to defend themselves or another from an imminent threat. By stripping "reasonableness" from the standard and instead relying on the person's "good faith belief" that they were in danger, AB 1722 would in practice give the ability for anyone to kill one of these animals, cart blanche.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Rifle and Pistol Association, Inc.  
Safari Club International, California Coalition

**Opposition**

Social Compassion in Legislation (prior version)

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