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# SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Josh Becker, Chair

2025 - 2026 Regular

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<b>Bill No:</b>	AB 1722	<b>Hearing Date:</b>	June 23, 2026
<b>Author:</b>	Hadwick		
<b>Version:</b>	April 16, 2026 Amended		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
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**Subject:** California Endangered Species Act: take prohibition: self-defense

## SUMMARY

This bill would prohibit the imposition of a civil, administrative, or criminal penalty for a violation of the take prohibition for listed and candidate species under the California Endangered Species Act if the defendant used necessary and reasonable force to protect themselves, a member of their family, or any other individual from immediate bodily harm, as provided, among other provisions.

## BACKGROUND AND EXISTING LAW

### ***The California Department of Fish and Wildlife and Fish and Game Commission***

Existing law establishes the California Department of Fish and Wildlife (department) and the California Fish and Game Commission (commission) in the California Natural Resources Agency. The department's mission statement is "to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public." In general the department implements and enforces the regulations set by the commission, as well as providing biological data and expertise to inform the commission's decision-making process.

### ***The California Endangered Species Act (CESA)***

CESA was enacted to prevent the extinction of fish, wildlife, plant, and invertebrate species. CESA relies on scientific analysis to determine which species face extinction and impose protections for those species. The continued existence of a species may be threatened by any combination of habitat destruction, overexploitation, predation, competition, disease, or other natural or human-related activities. The overarching intent of CESA is to regulate and impose mitigation on activities that could contribute to the extinction of species. Species are referred to as "listed" if they have been designated as "threatened" or "endangered" by CESA.

CESA prohibits the "take" of a listed species, which means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. CDFW may issue permits under CESA to allow the take that is incidental to an otherwise legitimate activity. In California, species that are being considered for listing under CESA (i.e., candidate species) are afforded the same protections as listed species until the scientific evaluation is complete and the commission makes a final decision regarding if the species should be listed or not.

***The federal Endangered Species Act (ESA)***

While CESA and ESA have similar intent, the two laws differ from each other. ESA (16 U.S.C. §§1531 *et seq.*) provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. ESA requires federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The law also prohibits any action that causes the take of any listed species of endangered fish or wildlife.

ESA specifically provides that no civil penalty shall be imposed for a violation if it can be shown by a preponderance of evidence that the defendant committed an act based on a good faith belief that they were acting to protect themselves, a family member, or any individual from bodily harm from any ESA-listed species. ESA provides protection from criminal prosecution as well in the same circumstances. There are no similar explicit provisions in CESA.

Gray wolves, recently returned to California and raising concerns due livestock predation and potential risks to public safety, are protected under both CESA and ESA. Mountain lions have special protections under California law and certain populations are also protected under CESA.

***Existing law:***

- 1) Prohibits a person from taking, or attempting to take, any species the commission determines to be an endangered or threatened species or candidate species under CESA. (Fish and Game Code (FGC) §§2080, 2085)
- 2) Establishes that the punishment for any violation of take prohibited under CESA is punishable by a fine of \$25,000–\$50,000 for each violation or imprisonment in county jail for not more than one year, or both a fine and imprisonment. (FGC §12008.1)
  - a) Permits a judge, before whom a person is being tried for the taking of an endangered or threatened species, among other animals, with the court's discretion and upon conviction of that person, to order the forfeiture of any proceeds resulting from the take of the animal. (FGC §12159.5)
  - b) Requires a judge to order the forfeiture of any device or apparatus that is used in committing the offense. (FGC § 12157 (b))
- 3) Defines "take" to mean to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. (FGC § 86)
- 4) Establishes that an individual is not guilty of a violation of the 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. (FGC §4800)
- 5) Exempts from the prohibition to hunt, trap, or otherwise take a bobcat, situations where the take of the bobcat was based on a good faith belief that the take was

necessary to protect a person from immediate bodily harm from the bobcat if both of the following conditions are met:

- a) The person who committed the take notifies the department within five days after the take; and
  - b) A bobcat or part of the bobcat taken pursuant to this subdivision is not retained, sold, or removed from the site of the take without the authorization from the department. (FGC §4156)
- 6) Makes it unlawful to take a bird, mammal, reptile, or amphibian except as provided in the FGC or regulations adopted pursuant to the FGC. Further, establishes that possession of a bird, mammal, fish, reptile, amphibian, or part of any of those animals, in or on the fields, forests, or waters of this state, or while returning therefrom with fishing or hunting equipment, is prima facie evidence the possessor took the bird, mammal, fish, reptile, or amphibian, or part of that animal. (FGC §2000)
  - 7) Provides, notwithstanding any other law, that the accidental taking of a bird, mammal, reptile, or amphibian by collision with a vehicle while that vehicle is being operated on a roadway is not a violation of the FGC or regulations of the FGC, but prohibits the person from possessing the animal after the collision. (FGC §2000.5)
  - 8) Makes it unlawful to possess a bird, mammal, fish, reptile, amphibian, or part of any of those animals, taken in violation of the FGC or applicable regulations. (FGC §2002)
  - 9) 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. Additionally, provides that the state may recover damages in a civil action 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 and that the measures of the damages will be the amount that compensates for the detriment proximately caused by the taking of the animal. (FGC §2014)
  - 10) 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 §50)
  - 11) Provides that a person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of a crime punishable, with certain exceptions including Penal Code 599c, as provided. (Penal Code §597(a))
  - 12) Provides that no part of the Penal Code shall be construed as interfering with any of the laws of this state known as the "game laws," or any laws for or against the destruction of certain birds, nor must this title be construed as interfering with the right to destroy any venomous reptile, or any animal known as dangerous to life, limb, or property, or to interfere with the right to kill all animals used for food, or with properly conducted scientific experiments or investigations performed under the

authority of the faculty of a regularly incorporated medical college or university of this state. (Penal Code §599c)

- 13) Establishes that no civil penalty shall be imposed for violation of ESA if it can be shown by a preponderance of the evidence that the defendant committed an act based on a good faith belief that he was acting to protect himself or herself, a member of his or her family, or any other individual from bodily harm, from any species listed as endangered or threatened under ESA.. (16 U.S.C. §1540 (a)(3))
- 14) Establishes that it shall be a defense to prosecution under ESA if the defendant committed the offense based on a good faith belief that he was acting to protect himself or herself, a member of his or her family, or any other individual, from bodily harm from any species listed as endangered or threatened under the federal ESA. (16 U.S.C. §1540 (b)(3))

### **PROPOSED LAW**

This bill would:

- 1) Prohibit the imposition of a civil or administrative penalty for a violation of the prohibition on take of a listed or candidate species under CESA if it can be shown by a preponderance of evidence that the defendant used necessary and reasonable force to protect themselves, a member of their family, or any other individual from immediate bodily harm from the species, as provided.
- 2) Provide that it is a defense to prosecution on take of a listed or candidate species under CESA if the defendant used necessary and reasonable force to protect themselves, a member of their family, or any other individual from immediate bodily harm from the species.
- 3) Require a person who committed a take or attempted to take an animal that is a listed or candidate species under CESA pursuant to 1) or 2) to report it to the department within 24 hours.
- 4) Make a legislative finding and declaration that the federal ESA establishes a defense against civil penalties and prosecution for the take of a federally-listed species based upon a good faith belief that they were acting to protect themselves or others, as provided.
- 5) State legislative intent to establish a similar defense to that available under the federal ESA against the imposition of civil and criminal penalties for the take of an animal listed under CESA when it is necessary due to the threat posed by the animal to a human, as provided.
- 6) Provide that no reimbursement is required for state-mandated costs incurred by a local agency or school district, as provided.

### **ARGUMENTS IN SUPPORT**

According to the author, "Rural residents in California are subjected to much higher rates of wildlife conflict from larger predatory species that can reasonably threaten a person, requiring them to protect themselves. The California Endangered Species Act (CESA) prohibits the "take" of a listed species, including actions such as hazing with

rocks, sticks and pepper spray, without clear exceptions for situations involving immediate threats to human life. 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 ranchers, hunters, hikers, and people enjoying the outdoors have certainty they can protect themselves and their families if they encounter a dangerous predator.”

### **ARGUMENTS IN OPPOSITION**

Writing in opposition in a joint sign-on letter, Social Compassion in Legislation argues, “AB 1722 raises concerns regarding the precedent it sets for the treatment of wildlife in California. By creating a statutory defense that materially alters how the California Endangered Species Act (CESA) is enforced, AB 1722 opens the door to abuse by poachers.”

“Under current law, the take of listed species is strictly prohibited unless authorized in advance through established, science-based processes overseen by the Department of Fish and Wildlife. AB 1722 shifts away from that structure by allowing individuals to assert that they used ‘necessary and reasonable force’ to prevent ‘immediate bodily harm,’ thereby avoiding both civil and criminal liability.”

“In practice, once an animal is killed, it is often impossible to objectively determine whether lethal force was truly necessary, whether nonlethal alternatives were available, or whether the situation rose to the level of immediate harm required by the statute. This creates significant enforcement challenges.”

### **COMMENTS**

***This bill is double-referred.*** This bill has been referred to both this Committee and the Senate Judiciary Committee. This Committee is the committee of first referral. Elements of the bill within the jurisdiction of the Senate Judiciary Committee are included here for completeness and context only and will be discussed before that Committee.

***This bill would adopt a California-specific self-defense statute under CESA.*** The author argues that there is a need for the bill to provide similar protections under CESA for the take of listed and candidate species as there is under ESA for federally-listed species. In a neutral position letter, the Center for Biological Diversity states that the amendments taken in the Assembly Water, Parks, and Wildlife Committee “reflect the general state of California law for the take of wildlife in self-defense in which law enforcement and courts can evaluate concrete facts – whether there was an imminent threat and whether a reasonable person would have acted similarly.”

***Public transparency and legislative oversight.*** As noted in the numerous letters of support, there is considerable concern about the risks posed in generally rural counties by the presence of large predators listed under ESA or CESA or both. There is utility in collecting data regarding the use of the protections provided by this bill to help inform

the ongoing and evolving efforts to ensure public safety while also facilitating human-wildlife coexistence.

In view of this, the Committee may wish to amend the bill to require a legislative report containing collected information on the use of the protections provided by this bill.  
[Amendment #1]

**California self-defense standards.** According to the Assembly Judiciary Committee's bill analysis:

"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."

**Recent related legislation**

SB 1397 (Alvarado-Gil, 2026) would require the department to maintain, enhance, and expand its human-mountain lion conflicts program in order to protect public health and safety, among other provisions. (*This bill is pending before the Assembly Water, Parks, and Wildlife Committee.*)

SB 1135 (Blakespear, 2026), the California Wildlife Coexistence Act, would establish a Wildlife Coexistence Program at the department to manage and promote wildlife

coexistence, as provided, among other provisions. (*This bill is pending before the Assembly Water, Parks, and Wildlife Committee.*)

ACR 145 (Patterson, Chapter 32, Resolution of 2024) declared 2024 as the year to Coexist with Wildlife, California.

**Committee amendments to be taken in the Senate Judiciary Committee.** Due to the time required to process amendments and legislative policy committee deadlines, the Committee amendments committed to by the author in this Committee will be formally taken in the Senate Judiciary Committee when the bill is heard there.

## SUGGESTED AMENDMENTS

### AMENDMENT 1

Add to proposed FGC §2080.8 as follows:

**(d) On or by July 1, 2032, the department shall prepare a report and submit the report to the relevant legislative policy and budget committees in both houses of the Legislature. The report shall include at least the following information for the time period January 1, 2027 through December 31, 2031:**  
**(1) Compiled data regarding the take of any animal reported pursuant to subdivision (c) including the species, date, and approximate location.**  
**(2) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.**

## SUPPORT

California Bowmen Hunters/State Archery Association  
 California Deer Association  
 California Houndsmen for Conservation  
 California Rifle & Pistol Association  
 County of Shasta  
 County of Siskiyou  
 HOWL for Wildlife  
 Rural County Representatives of California  
 Sacramento Safari Club  
 Safari Club International – Golden Gate Chapter  
 Safari Club International – San Francisco Bay Area Chapter  
 San Diego County Wildlife Federation  
 The Black Brant Group  
 The Wild Sheep Foundation – California Chapter  
 Tulare Basin Wetlands Association

## OPPOSITION

Angel's Furry Friends Rescue  
 Animal Cruelty Club, Hueneme High School  
 Animal Rescue Mission  
 Animal Rescuers for Change  
 Animal Wellness Action  
 Beezy's Rescue

Berkeley Animal Rights Center  
better Together Forever  
Born Again Animal Rescue and Adoption  
Compassionate Bay  
Concerned Citizens Animal Rescue, Inc.  
Direct Action Everywhere  
EarthHeart  
Feline Lucky Adventures  
Giantmecha Syndicate  
Greater Los Angeles Animal Spay Neuter Collaborative  
Hugs and Kisses Animal Fund  
Jamie Brianna's Legacy Fund  
Latino Alliance for Animal Care Foundation  
Lockwood Animal Rescue Center  
Long Beach Spay & Neuter Foundation  
Los Angeles Democrats for the Protection of Animals  
NY4Whales  
Pet Loss Support Group  
Pibbles n Kibbles Animal Rescue  
Plant-Based Advocates  
Project Minnie  
RABBIT SAVIOR  
Real Good Rescue  
Seeds 4 Change  
Senior Citizens for Humane Education and Legislation  
Social Compassion in Legislation  
START Rescue  
The Canine Condition  
The Spayce Project  
Underdog Heroes, Inc.  
Women United for Animal Welfare

Multiple individuals

**-- END --**