
THIRD READING

Bill No: AB 1722
Author: Hadwick (R), et al.
Amended: 6/25/26 in Senate
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 7-0, 6/23/26
AYES: Becker, Seyarto, Allen, Cabaldon, Grove, Laird, Stern

SENATE JUDICIARY COMMITTEE: 12-0, 6/30/26
AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes,
Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Stern

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 64-0, 5/28/26 - See last page for vote

SUBJECT: California Endangered Species Act: take prohibition: self-defense

SOURCE: Author

DIGEST: This bill prohibits 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.

ANALYSIS:

Existing federal law:

- 1) Establishes that no civil penalty shall be imposed for violation of Endangered Species Act (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))

- 2) 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))

Existing state 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 the California Endangered Species Act (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, as specified. (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. (FGC §2000)

- 7) 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))
- 8) 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)

This bill:

- 1) Prohibits 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) Provides 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) Requires 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. On or before July 1, 2032, requires the California Department of Fish and Wildlife to prepare a report on the take of species pursuant to this provision, as specified.
- 4) Makes 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) States 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) Provides that no reimbursement is required for state-mandated costs incurred by a local agency or school district, as provided.

[Note: Additional information regarding this bill may be found in the Senate Natural Resources and Water and Senate Judiciary Committees' bill analyses.]

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 8/4/26)

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: (Verified 8/4/26)

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

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.”

ASSEMBLY FLOOR: 64-0, 5/28/26

AYES: Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Johnson, Kalra, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Pacheco, Papan, Patterson, Ramos, Ransom, Michelle Rodriguez, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Rivas

NO VOTE RECORDED: Addis, Berman, Boerner, Connolly, Elhawary, Gabriel, Jackson, Lee, Ortega, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Celeste Rodriguez, Rogers, Zbur

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