

Date of Hearing: April 7, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1912 (Hadwick) – As Amended March 25, 2026

SUMMARY: Removes the prohibition on a person carrying a firearm capable of being concealed on their person while engaging in taking or attempting to take a deer with a bow and arrow.

EXISTING LAW:

- 1) States that the right of the people to keep and bear arms shall not be infringed. (U.S. Const., Amend. II.)
- 2) Authorizes a person to apply for a license to carry a concealed firearm that the sheriff of a county shall issue, subject to defined requirements. (Pen. Code, § 26510.)
- 3) States that in every area in which deer may lawfully be taken during the general open season there is an archery season for the taking of deer with bow and arrow. The season for each area shall be as the commission may prescribe, with a minimum interposing interval of three days immediately preceding the regular open season on deer in that area. A person taking or attempting to take deer during such archery season shall neither carry, nor have under his or her immediate control, any firearm of any kind, except as provided. (Fish & Game Code, § 4370, subd. (a).)
- 4) Provides that a peace officer, whether active or honorably retired, may carry a firearm capable of being concealed on his or her person while engaged in the taking of deer with bow and arrow, as specified, but shall not take or attempt to take deer with the firearm. (Fish & Game Code, § 4370, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “California’s archery deer hunters often venture deep into remote wilderness where help may be hours away. While other hunters and anglers are allowed to carry firearms for personal protection, deer archery hunters are prohibited under current law. Assembly Bill 1912 simply allows these hunters to carry a firearm for self-defense while maintaining the integrity of the archery season by continuing to require that deer be taken with a bow. This commonsense reform ensures that hunters can protect themselves from dangerous wildlife and criminal activity while recreating in California’s backcountry.”

- 2) **Effect of the Bill:** AB 1912 would extend authorization for any person to carry a firearm while hunting deer during bow season. This bill would not authorize a person carrying a firearm during bow season to take a deer with the firearm.

California law provides licensed sportspersons an exception from the ban on carrying a concealed firearm (Pen. Code, § 25640), however, our laws also provide for licensed public carry following the Supreme Court’s decision in *Bruen*. (Pen. Codes, §§ 26150, 26155.) Notably, while certain firearms restrictions remain valid following *Bruen* (e.g., sensitive places restrictions), the Court there found an individual right to public carry anchored in the Second Amendment to the United States Constitution. (*New York State Rifle & Pistol Association, Inc. v. Bruen* (2022) 597 U.S. 1, 17.) Given the existing statutory exceptions provided to sportspersons and *Bruen*’s mandates, Section 4370 of the Fish and Game Code is arguably unconstitutional as it stands today. Providing statutory consistency with a law that does not match current regulations and may not have been even enforced more than once in approximately 80 years seems like simple cleanup.

The author additionally notes, “Fish and Game Code Section 4370, established in 1947, prohibits hunters from possessing firearms during the archery deer season. At the time, it was believed that this would preserve the integrity of the deer hunt. However, this prohibition has proven anachronistic. Other bans on carrying concealable firearm[s] while hunting have been eliminated for every other species hunt by Fish and Game Commission regulation due to emerging public safety threats, capability of law enforcement to investigate illegal methods of take, and, critically, complete lack of enforcement of the law. Recently retired and former California Department of Fish and Wildlife (CDFW) Deputy Director and Chief of the Law Enforcement Division David Bess has indicated that only one citation has ever been issued for a violation of Section 4370.”

- 3) ***Bruen* and Desuetude:** AB 1912 unlikely presents Second Amendment concern. To be subject to Second Amendment scrutiny, a law must first infringe on plain text Second Amendment conduct. (*New York State Rifle & Pistol Association, Inc. v. Bruen* (2022) 597 U.S. 1, 17.) Justifying a law or regulation that purports to place restrictions on protected Second Amendment conduct requires the government to demonstrate the law is “consistent with the nation’s historical tradition of firearms regulation.” (*Id.* at p. 24.) A firearms regulation is constitutional if the government establishes the proposed law is “relevantly similar” to historical laws, regulations, and traditions. (*Id.* at p. 29.)

AB 1912 does not appear to infringe on plain text Second Amendment conduct. The bill appears more directed at clarifying authorized conduct for deer hunters, specifically authorizing carry of a firearm while on a bow hunt. This bill seems intent to clearly establish in statute what is currently written in regulations. Existing law, absent AB 1912, is more likely to face constitutional scrutiny than this bill. Because AB 1912 does not appear to even implicate *Bruen*’s first step, further analysis on this bill’s constitutionality is unnecessary.

Section 4370 of the Fish and Game Code may be unenforceable, anyway, due to courts’ occasional adherence to the principle of desuetude. Desuetude is a legal doctrine where a

statute or regulation is determined to be abrogated due to a long period of non-enforcement.¹ Widespread public non-compliance is also a factor in finding whether a law falls into non-enforcement.² It signifies that a law has become obsolete, failing to match current societal norms despite still being “on the books.”³ While rarely used in American law and rarely analyzed in American jurisprudence, a central principle of desuetude is if certain interests are involved, criminal statutes may not be invoked against citizens when the underlying judgments behind the laws become anachronistic.⁴ Laws that fall into anachronism and nonenforcement manifest due process concerns as these laws reflect an absence of fair notice and arbitrary exercise of discretion.⁵ The United States Supreme Court addressed part of this issue in *Lawrence v. Texas*, where the Court found state anti-sodomy laws unconstitutional.⁶

While Section 4370 is unlikely to be considered unenforceable under the doctrine of desuetude, AB 1912 would correct that possibility by conforming to the statutory law with current practice, expectations, and regulations.

- 4) **Argument in Support:** According to the *California Rifle and Pistol Association*, “The California Rifle & Pistol Association (CRPA), California’s oldest firearms civil rights organization founded in 1875, strongly supports Assembly Bill 1912 (Hadwick). This targeted pro-hunter legislation amends Fish and Game Code Section 4370 to authorize licensed individuals to carry a concealed firearm on their person while participating in archery deer seasons—providing essential self-defense options in remote wilderness areas without compromising archery-specific management goals.

“Current law prohibits carrying a firearm capable of being concealed during archery deer hunts, even for lawful self-defense against threats such as wildlife (e.g., bears, mountain lions), human predators, or medical emergencies in isolated backcountry. AB 1912 would allow any person (subject to existing concealed carry laws, including any required permits where applicable) to carry such a firearm while taking or attempting to take deer with bow and arrow, ensuring hunters can protect themselves responsibly.

“CRPA supports this bill for the following key reasons:

- a) **Enhances Hunter Safety and Self-Defense:** Archery hunters often venture deep into rugged terrain far from immediate help. Carrying a concealed firearm provides a critical layer of protection against unpredictable dangers—animal attacks, criminal encounters, or accidents—without shifting to firearm-based hunting methods. This is a responsible accommodation for personal security in line with Second Amendment principles.

¹ Miller, *Second Amendment Traditionalism and Desuetude* (2023) 14 Georgetown J. of L. & Pub. Pol. 223, 226 <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=6414&context=faculty_scholarship> [as of Mar. 25, 2026].

² *Ibid.*

³ *Ibid.*

⁴ Sunstein, C. *What Did Lawrence Hold? Of Autonomy, Desuetude, Sexuality, and Marriage* (2003) Coase-Sandor Institute for L. & Econ. Research <https://chicagounbound.uchicago.edu/law_and_economics/615/> [as of Mar. 25, 2026].

⁵ *Ibid.*

⁶ *Ibid.*

- b) **Respects Existing Wildlife Management:** The bill does not alter archery-only seasons, bag limits, equipment restrictions, or fair-chase rules. It maintains the integrity of bow hunting while addressing modern safety realities for law-abiding participants.
- c) **Reduces Unnecessary Burdens on Law-Abiding Hunters:** Many CRPA members are licensed hunters who already hold concealed carry permits or qualify under constitutional carry principles. Forcing them to disarm during archery pursuits creates an arbitrary vulnerability that this bill sensibly corrects.
- d) **Aligns with Common-Sense Reforms:** Similar allowances exist in other states for concealed carry during archery seasons. AB 1912 brings California in line with practical, safety-focused policies that prioritize hunter welfare without impacting conservation outcomes.”

5) **Argument in Opposition:** None submitted.

6) **Related Legislation:** SB 1220 (Hurtado) would prohibit a person who is convicted on or after January 1, 2027, of defined laws, from owning, purchasing, receiving, or having in their possession or under their custody or control any firearm within 10 years of the conviction. SB 1220 is pending hearing in the Senate Public Safety Committee.

7) **Prior Legislation:** SB 1367 (Fuller), Chapter 711, Statutes of 2012, authorized a peace officer, whether active or honorably retired, to carry a firearm capable of being concealed on his or her person while engaged in the taking of deer with bow and arrow, but would prohibit taking or attempting to take deer with that firearm.

REGISTERED SUPPORT / OPPOSITION:

Support

Backcountry Hunters and Anglers, California Chapter
 Black Brant Group, the
 Cal-ore Wetlands and Waterfowl Council
 California Bowmen Hunters/state Archery Association
 California Chapter Wild Sheep Foundation
 California Deer Association
 California Houndsmen for Conservation
 California Rifle and Pistol Association
 California Rifle and Pistol Association, INC.
 California Waterfowl Association
 Howl for Wildlife
 Rocky Mountain Elk Foundation
 Sacramento Safari Club International
 San Diego County Wildlife Federation
 San Francisco Bay Area Chapter - Safari Club International
 Suisun Resource Conservation District
 2 Private Individuals

Opposition

None submitted.

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