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THIRD READING

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Bill No: AB 764  
Author: Jeff Gonzalez (R)  
Amended: 6/25/25 in Senate  
Vote: 21

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SENATE NATURAL RES. & WATER COMMITTEE: 7-0, 6/24/25  
AYES: Limón, Seyarto, Allen, Grove, Hurtado, Laird, Stern

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25  
AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 73-0, 4/24/25 - See last page for vote

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**SUBJECT:** Birds and mammals: nongame birds: mute swans

**SOURCE:** California Waterfowl Association

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**DIGEST:** This bill adds mute swans (*Cygnus olor*) to the list of nongame birds that may be taken and possessed at any time if taken or possessed in compliance with certain requirements, requires the California Department of Fish and Wildlife to collect information about enforcement actions associated with the take and possession of mute swans, and sunsets on January 1, 2031, as provided.

**ANALYSIS:**

Existing law:

- 1) Establishes the California Department of Fish and Wildlife (CDFW) and the Fish and Game Commission (commission) in the California Natural Resources Agency. In general, CDFW implements and enforces the regulations set by the commission and provides data and expertise to inform the commission's decision making.
- 2) States that all birds occurring naturally in California that are not resident game birds, migratory game birds, or fully protected birds are nongame birds. Makes

it unlawful to take any nongame birds except as provided by law or in accordance with regulations set by the commission (Fish and Game Code (FGC) §3800).

- 3) Makes it unlawful to take a bird or mammal without a license or entitlement (FGC §3007).
- 4) Defines “take” to mean to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, capture, or kill (FGC §86).
- 5) Makes is unlawful to take any bird or mammal, except a nongame mammal, between one-half hour after sunset and one-half hour before sunrise of the following day at the place of taking (FGC §3000).
- 6) Authorizes the take or possession of two nongame birds, the English sparrow (*Passer domesticus*) and starling (*Sturnus vulgaris*) at any time during daylight hunting hours. Authorizes landowners or those with permission from landowners to take the listed birds without a hunting license or depredation permit on that land. Requires all other individuals to have a hunting license (FGC §3801).
- 7) Authorizes nongame birds not covered by the Migratory Bird Treaty Act which are found to be injuring growing crops or property to be taken by the owner or tenant of the premises or by officers or employees of the Department of Food and Agriculture or county when acting in their official capacities (FGC §3801.5).

This bill:

- 1) Adds mute swans (*Cygnus olor*) to the list of nongame birds (i.e. English sparrow and starling) that may be taken and possessed at any time subject to the following conditions:
  - a) By a licensed hunter during daylight hunting hours.
  - b) By a landowner or lessee or an agent of either in possession of written authority from the landowner or lessee without a hunting license or depredation permit during daylight hunting hours on the land owned or leased by the landowner or lessee.
- 2) Encourages a person taking or possessing a mute swan to report to CDFW when a mute swan is taken or possessed.

3) Requires CDFW to collect information about enforcement actions associated with the take and possession of a mute swan, as provided.

4) Sunsets on January 1, 2031.

[NOTE: See the Senate Natural Resources and Water Committee analysis for additional information regarding this bill.]

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

According to the Senate Appropriations Committee:

- Unknown, potentially significant costs (General Fund or Fish and Game Preservation Fund [FGPF]) for DFW to collect specified information until provisions of the bill sunset on January 1, 2031.

**SUPPORT:** (Verified 8/29/25)

California Waterfowl Association (source)  
 American Bird Conservancy  
 Backcountry Hunters & Anglers  
 Cal-Ore Wetlands and Waterfowl Council  
 Delta Waterfowl  
 Grassland Water District  
 Suisun Resource Conservation District  
 The Black Brant Group  
 Tulare Basin Wetlands Association

**OPPOSITION:** (Verified 8/29/25)

Friends of Animals  
 Social Compassion in Legislation

**ARGUMENTS IN SUPPORT:** According to the author, this bill “is an essential step in protecting California’s native wildlife, habitats, and ecosystems. As environmental challenges and invasive species put increasing pressure on our state’s biodiversity, this legislation promotes commonsense conservation efforts that safeguard vital habitats and protect species at risk.”

The California Waterfowl Association adds that CDFW “needs as much flexibility as possible to lethally remove established populations,” and notes that most mute swans are not found on CDFW lands so control efforts must include private lands.

**ARGUMENTS IN OPPOSITION:** According to Social Compassion in Legislation, “While we appreciate that invasive species may have negative effects on native species and habitat, we do not believe that recreational hunting is the tool that will solve the perceived problems posed by mute swans.”

They note that there “are a multitude of non-lethal methods to control mute swan populations which have been successfully implemented in other states,” argue that hunters should be mandated to report take to ensure accurate data collection, note the inconsistency of taking mute swans to protect habitat for species at risk whose populations are reduced by hunting, and argue that the commission should regulate the taking of mute swans in a controlled and non-lethal manner, if needed.

**ASSEMBLY FLOOR:** 73-0, 4/24/25

**AYES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Hart, Hoover, Irwin, Jackson, Krell, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas  
**NO VOTE RECORDED:** Carrillo, Gallagher, Harabedian, Kalra, Lackey, Lee

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