

LASSEN COUNTY FISH AND GAME COMMISSION

707 NEVADA STREET, SUSANVILLE, CA 96130

February 24, 2015

Mr. Robert Pyle, Chairman
Lassen County Board of Supervisors
221 S. Roop Street, Suite 4
Susanville, CA 96130

Dear Chairman Pyle:

The Lassen County Fish & Game Commission (Commission) is proposing legislative changes to the CA Fish & Game Code (Code) to be presented to the California State Legislature by Assemblyman Dahle. Attached is the resolution requesting these changes. These proposed changes would allow for judicial discretion regarding the disposition of forfeitures of the proceeds from any court imposed penalty for violation(s) of the Code.

Code Section 12160 clearly defines the responsibility of the courts to designate the proceeds, of any lawful sale of unlawfully taken birds, mammals, fish, reptiles, aquaculture animals and products, plants, or amphibians, or any part thereof (contraband) shall be placed in the Fish and Game Preservation Fund if in excess of \$100.

Though Code Section 12161 stipulates that if the lawful sale of said contraband is less than \$100 the judge may order the proceeds to be donated to the state, county, city or charitable institution. However, Code Section 13003 provides that all fines and forfeitures imposed or collected in any court of this state for violations of any of the provisions of this code... shall be deposited as soon as practicable after the receipt thereof with the county treasurer of the county in which the court is situated. It further stipulates that one half of the proceeds shall be deposited into the Fish and Game Preservation Fund and the balance into the county treasury in which the offense was committed. Furthermore,

Code Section 13100 directs the amounts paid to and retained in the county treasury pursuant to this section shall be deposited in a county fish and wildlife propagation fund and expended for the protection, conservation, propagation, and preservation of fish and wildlife, under the direction of the board of supervisors.

The Commission depends solely upon funding from the forfeiture of the fines imposed by violations of the Code. These funds are used by this Commission to maximize the propagation of fish, wildlife and their habitat within and outside the County of Lassen. All too frequently this Commission is unable to carry out these duties and responsibilities due to insufficient funding. We believe current mandatory forfeiture of these funds, solely to the state under Code Section 12160, would be better expended by the

Commission where the violation occurred, as provided for under Code Sections 13003 and 13100. These funds would be disbursed using local knowledge, in conjunction with input from local Department of Fish & Wildlife personnel, of the specific needs of fish, wildlife and habitat within the county wherein the violation and subsequent forfeiture took place.

Our proposal will necessarily make changes to Code Section 12160 that would allow the presiding judge to order the proceeds of said sales to be deposited with the county treasurer of the county in which the violation occurred and court is situated pursuant to Code Sections 13003 and 13100.

Proposed Legislation

The judge before whom any person is tried for taking, possessing, selling, importing, or transporting birds, mammals, fish, reptiles, aquaculture animals and products, plants, or amphibians or parts thereof contrary to the laws of this state shall upon conviction of the accused make an order forfeiting and disposing by lawful sale, if not prohibited, of said contraband. The judge may at his or her discretion, order that the proceeds thereof, shall be placed in into the county treasury wherein the violation occurred pursuant to Code Section 13003 for appropriate distribution to the Fish and Game Preservation Fund and the county Fish and Game Fund for disbursement by the Commission pursuant to Code Section 13100.

Thank you for your consideration of our request.

Sincerely,



Donald J. Armentrout, Chairman
Lassen County Fish & Game Commission

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN TO ASSEMBLYMAN BRIAN DAHLE REQUESTING INTRODUCTION OF LEGISLATION TO CORRECT CALIFORNIA FISH & GAME CODES (CODE) TO ALLOW DISTRIBUTION OF FUNDS TO THE COUNTY WHERE THE VIOLATION OCCURS.

WHEREAS, Code Section 13003 provides that all fines and forfeitures imposed or collected in any court of this state for violations of any of the provisions of this code....shall be deposited as soon as practicable after the receipt thereof with the county treasurer of the county in which the court is situated. It further stipulates that one half of the proceeds shall be deposited into the Fish and Game Preservation Fund and the balance into the county treasury in which the offense was committed.

WHEREAS, Code Section 13100 directs the amounts paid to and retained in the county treasury pursuant to this section shall be deposited in a county fish and wildlife propagation fund and expended for the protection, conservation, propagation, and preservation of fish and wildlife, under the direction of the board of supervisors.

WHEREAS, Code Section 12160 clearly defines the responsibility of the courts to designate the proceeds, of any lawful sale of unlawfully taken birds, mammals, fish, reptiles, aquaculture animals and products, plants, or amphibians, or any part thereof (contraband) shall be placed in the Fish and Game Preservation Fund if in excess of \$100.

WHEREAS, Code Section 12161 stipulates that if the lawful sale of said contraband is less than \$100 the judge may order the proceeds to be donated to the state, county, city or charitable institution.

NOW, THEREFORE, be it resolved that the Board of Supervisors of the County of Lassen does hereby request that Assemblyman Dahle introduce the following legislation or something similar to provide proper funding from fines and sales of unlawfully obtained contraband.

The judge before whom any person is tried for taking, possessing, selling, importing, or transporting birds, mammals, fish, reptiles, aquaculture animals and products, plants, or amphibians or parts thereof contrary to the laws of this state shall upon conviction of the accused make an order forfeiting and disposing by lawful sale, if not prohibited, of said contraband. The judge may at his or her discretion, order that the proceeds thereof, shall be placed in into the county treasury wherein the violation occurred pursuant to Code Section 13003 for

appropriate distribution to the Fish and Game Preservation Fund and the county Fish and Game Fund for disbursement by the Commission pursuant to Code Section 13100.

The foregoing resolution was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the day of _____ 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairman of the Board of Supervisors,
County of Lassen, State of California

ATTEST:
JULIE BUSTAMANTE, Clerk of the Board

BY _____
SUSAN OSGOOD, Deputy Clerk of the Board

I, SUSAN OSGOOD, Deputy Clerk of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the _____ day of _____, 2015.

Deputy Clerk of the County of Lassen
Board of Supervisors