

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1722 (Hadwick)
Version: June 25, 2026
Hearing Date: June 30, 2026
Fiscal: Yes
Urgency: No
AM

SUBJECT

California Endangered Species Act: take prohibition: self-defense

DIGEST

This prohibits a civil, administrative, or criminal penalty from being enforced for a violation of a taking prohibited 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. The bill requires a person who committed a take, or an attempted take, to protect themselves, a member of their family, or any other individual from immediate bodily harm to notify the Department of Fish and Wildlife within 24 hours after the take.

EXECUTIVE SUMMARY

The California Endangered Species Act prohibits the taking of an endangered species or candidate species. The federal Endangered Species Act provides for defense against the imposition of civil penalties, and a defense to prosecution, for the taking of an animal listed pursuant to the federal act if the defendant committed the act based on a good faith belief that they were acting to protect themselves, a member of their family, or any other individual from that animal (16 U.S.C. Sec. 1540) This bill seeks to enact similar defenses under state law. Existing federal law provides that there is a defense to prosecution for unlawful taking under the federal Act if the defendant committed the offense based on a good faith belief that they were acting to protect themselves, a member of their family, or any other individual, from bodily harm from any species listed as endangered or threatened under federal law. (16 U.S.C. § 1540(b)(3).)

The bill is author-sponsored and supported by the County of Siskiyou and County of Shasta. The bill is opposed by several animal welfare organizations and over 900 individuals. The bill passed the Natural Resources and Water Committee of a vote of 7 to 0.

PROPOSED CHANGES TO THE LAW

Existing state law:

- 1) 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, and authorizes the state to seek unspecified civil damages 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, as specified. (Fish & G. Code § 2014.)
- 2) Prohibits a person from taking, or attempting to take, any species that the Fish and Game Commission determines to be an endangered or threatened species. (Fish & G. Code § 2080.)
 - a) Defines “take” to mean to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. (Fish & G. Code § 86.)
- 3) Prohibits from taking, or attempting to take, any species that the Fish and Game Commission determines to be a candidate species to become an endangered species. (Fish & G. Code § 2085.)
- 4) Provides that a person found guilty of violating 2) or 3) is subject to a fine of \$25,000 to \$50,000 for each violation or imprisonment in county jail for not more than one year, or both a fine and imprisonment. (Fish & G. Code § 12008.1.)
- 5) Provides that an individual is not guilty of a 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. (Fish & G. Code § 4800.)
- 6) Provides that any necessary force may be used to protect 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, from wrongful injury. (Civ. Code § 50.)
- 7) Adopts a statutory presumption that any person using force intended, or likely to cause, death or great bodily injury within their residence who held a reasonable fear of imminent peril of death or great bodily injury to self, family, or a member of the household when that force is used against another person, not a member of the family or household, who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using the force knew or had reason to believe that an unlawful and forcible entry occurred. (Pen. Code § 198.5.)

This bill:

- 1) Provides that an administrative penalty shall not be imposed for a violation of taking an endangered or candidate species under the California Endangered Species Act, or both, if it can be shown by a preponderance of the 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 any endangered, threatened, or candidate species.
- 2) Provides that it shall be a defense to prosecution for a violation of taking an endangered or candidate species under the California Endangered Species Act, or both, 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 any endangered, threatened, or candidate species.
- 3) Requires a person who committed a take, or an attempted take, described in this section to notify the Department of Fish and Wildlife (DFW) within 24 hours after the take.
- 4) Requires DFW to prepare a report to the Legislature that includes, but is not limited to, compiled data, including the species, date, and approximate location, regarding a take of an animal reported pursuant to 3), above, between January 1, 2027, through December 31, 2031.

COMMENTS

1. Author statement

The author writes:

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.

2. This bill establishes a defense to a taking under the California Endangered Species Act

State law generally prohibits a person from “taking” a wild species, whether plant or animal, without a permit. The California Endangered Species Act provides enhanced penalties for taking a species listed as endangered or as a candidate species by the Fish and Game Commission. A “taking” for the purpose of wildlife is defined as hunting, pursuing, catching, capturing, or killing, or attempting to do any of the above to a wild animal. These include a fine of \$25,000 to \$50,000 for each violation or imprisonment in county jail for not more than one year, or both a fine and imprisonment. (Fish & Game Code § 12008.1.) The California Endangered Species Act provides additional protection for roughly 165 plants and 110 animals listed as endangered species in California, with wildlife species ranging from salt-marsh harvest mice and bumble bees to apex grey wolves and mountain lions.¹

Federal law provides a defense to a taking under the federal Endangered Species Act if the defendant committed the act based on a good faith belief that they were acting to protect themselves, a member of their family, or any other individual from that animal (16 U.S.C. Sec. 1540). This bill seeks to enact a similar defense under the California Endangered Species Act. The bill provides that no civil penalty is to be assessed, and it is a defense against any criminal penalty, if a defendant used necessary and reasonable force to protect themselves, a member of their family, or any other individual from immediate bodily harm. This language is modeled upon Civil Code Section 50, which provides a defense for the use of force against a wrongful injury. As such, courts should be capable of applying the standard under this bill.

3. Stakeholder statements

The County of Siskiyou writes in support stating:

Due to Siskiyou County’s rural and ecologically diverse landscape, county residents, ranchers, and recreationists regularly encounter wildlife, some of which are protected species. As a result, Siskiyou County supports additional protections for individuals who may need to respond to dangerous wildlife situations.

AB 1722 provides important clarification in state law and recognizes the realities faced by rural communities throughout California. The Board appreciates your leadership on this issue and your efforts to address public safety concerns affecting those who coexist with listed species.

¹ Cal. Dept. Fish & Wildlife, *State and Federally Listed Endangered and Threatened Animals of California*, (Apr. 2026), available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline>.

A coalition of animal welfare organizations, including Social Compassion in Legislation and Berkeley Animal Rights Center, writes in opposition stating:

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.

Although these terms are familiar in other legal contexts, they are not easily defined within the context of self-defense against wildlife and will be inherently difficult to apply consistently. 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.

Any wildlife encounter which ends in either human or animal life being harmed or lost is a tragedy. AB 1722 will do nothing to prevent or change the outcomes to those tragedies but instead create a “get out of jail free card” for poachers to escape legal consequences for killing animals.

SUPPORT

County of Siskiyou

County of Shasta

OPPOSITION

Angel's Furry Friends Rescue

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

Direct Action Everywhere

Ear Heart

Feline Lucky Adventures

Giantmecha Syndicate

Greater Los Angeles Animal Spay Neuter Collaborative

Hugs and Kisses Animal Fund

Jaimie Brianna's Legacy Fund
Latino Alliance for Animal Care Foundation
Lockwood Animal Rescue Center
Long Beach Spay and Neuter Foundation
Los Angeles Democrats for the Protection of Animals
NY 4 Whales
Pibbles N Kibbles Animal Rescue
Plant-based Advocates
Project Minnie
Rabbit Savior
Real Good Rescue
Seeds 4 Change Now Animal Rescue
Seniors Citizens for Humane Education and Legislation
Social Compassion in Legislation
Start Rescue
Students Against Animal Cruelty Club - Hueneme High School
The Canine Condition
The Pet Loss Support Group
The Spayce Project
Underdog Heroes
Women United for Animal Welfare (WUFAW)
Over 900 individuals

PRIOR VOTES

Senate Natural Resources and Water Committee (Ayes 7, Noes 0)

Assembly Floor (Ayes 64, Noes 0)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Judiciary Committee (Ayes 11, Noes 0)

Assembly Water, Parks and Wildlife Committee (Ayes 10, Noes 0)
