

Information Regarding CA Penal Code Section 653o

This law, enacted in 1970 makes it unlawful to, “. . . *import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any polar bear, leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (Canis lupus), zebra, whale, cobra, python, sea turtle, colobus monkey, kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or porpoise (Delphinidae), Spanish lynx, or elephant.*”

The statute contains few exceptions, but interpretations by federal courts have modified its application in some instances, particularly if the animal is listed under the Federal Endangered Species Act and federal regulations authorize some trade. The California Department of Fish and Game cannot advise you regarding the effects of federal court decisions and federal regulations. The Department discourages the sale or commercial importation of any item containing these species except upon the advice of a person licensed to practice law in California.

The law only applies in California, and it does not prohibit possession for any other purpose, e.g., importation or possession for personal use, home decoration, education, etc. of legally acquired items containing these species. For example, if you purchase a mounted specimen or piece of clothing or jewelry in another state or country where it is legal to do so, this law does not restrict you from bringing it into California for your personal use (see additional information below concerning importing wildlife products into the U.S.).

The complete law and penalties for violations are available online in the California Penal Code @ <http://www.leginfo.ca.gov/calaw.html>

Many of the species covered in 653o are also regulated by federal laws related to their importation and possession for personal or commercial use. Questions regarding these federal laws should be directed to the U.S. Fish and Wildlife Service. They can be reached online @ <http://www.fws.gov/>