

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1035

Introduced by Assembly Member La Malfa

February 22, 2007

An act to amend Sections 554 and 555.3 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 1035, as amended, La Malfa. Crime.

Existing law provides that it is a crime punishable by a fine not exceeding \$1,000, imprisonment in a county jail not exceeding 6 months, or by both that fine and imprisonment to enter or remain upon any posted property, including a water well, dam, *quarry*, or any other structure, facility, or conductor for producing, storing, diverting, conserving, treating, or conveying water or a plant or facility for the collection, pumping, transmission, treatment, outfall, and disposal of sanitary sewerage or stormwater and wastewater, as specified.

This bill would expand these provisions to include trespass upon a levee *under certain circumstances*, and *would* provide that ~~this crime is the crimes of trespass upon a sewerage, stormwater, or wastewater facility or levee~~ are punishable by a fine not exceeding \$1,000, imprisonment in a county jail not exceeding one year, or by both that imprisonment and fine. Because this bill would expand the definition of, and increase the punishment for, a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 554 of the Penal Code is amended to
2 read:

3 554. Any property, except that portion of such property to
4 which the general public is accorded access, may be posted against
5 trespassing and loitering in the manner provided in Section 554.1,
6 and thereby become posted property subject to the provisions of
7 this article applicable to posted property, if such property consists
8 of, or is used, or is designed to be used, for any one or more of the
9 following:

10 (a) An oil well, oilfield, tank farm, refinery, compressor plant,
11 absorption plant, bulk plant, marine terminal, pipeline, pipeline
12 pumping station, or reservoir, or any other plant, structure, or
13 works, used for the production, extraction, treatment, handling,
14 storage, or transportation, of oil, gas, gasoline, petroleum, or any
15 product or products thereof.

16 (b) A gas plant, gas storage station, gas meter, gas valve, or
17 regulator station, gas odorant station, gas pipeline, or
18 appurtenances, or any other property used in the transmission or
19 distribution of gas.

20 (c) A reservoir, dam, generating plant, receiving station,
21 distributing station, transformer, transmission line, or any
22 appurtenances, used for the storage of water for the generation of
23 hydroelectric power, or for the generation of electricity by water
24 or steam or by any other apparatus or method suitable for the
25 generation of electricity, or for the handling, transmission,
26 reception, or distribution of electric energy.

27 (d) Plant, structures or facilities used for or in connection with
28 the rendering of telephone or telegraph service or for radio or
29 television broadcasting.

30 (e) A water well, dam, levee, reservoir, pumping plant, aqueduct,
31 canal, tunnel, siphon, conduit, or any other structure, facility, or
32 conductor for producing, storing, diverting, conserving, treating,
33 or conveying water.

1 (f) The production, storage, or manufacture of munitions,
2 dynamite, black blasting powder, gunpowder, or other explosives.

3 (g) A railroad right-of-way, railroad bridge, railroad tunnel,
4 railroad shop, railroad yard, or other railroad facility.

5 (h) A plant or facility for the collection, pumping, transmission,
6 treatment, outfall, and disposal of sanitary sewerage or storm and
7 waste water, including a water pollution or quality control facility.

8 (i) A quarry used for the purpose of extracting surface or
9 subsurface material or where explosives are stored or used for that
10 purpose.

11 (j) *A levee, entered onto by a motorized vehicle, or by any means*
12 *if the entering causes actual damage, including, but not limited*
13 *to, digging or setting a fire.*

14 SEC. 2. Section 555.3 of the Penal Code is amended to read:

15 555.3. (a) Violation of any of the provisions of this article is
16 a misdemeanor.

17 (b) Notwithstanding subdivision (a), a violation of subdivision
18 ~~(e) or (h)~~ (h) or (j) of Section 554 is punishable by a fine not
19 exceeding one thousand dollars (\$1,000), imprisonment in a county
20 jail not exceeding one year, or by both that fine and imprisonment.

21 SEC. 3. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.