

**ASSEMBLY BILL**

**No. 2426**

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**Introduced by Assembly Member Cook**

February 21, 2008

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An act to amend Section 25620 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2426, as introduced, Cook. Alcoholic beverages: state parks: open containers.

Under the Alcoholic Beverage Control Act, any person possessing an open container of an alcoholic beverage in any city or county park area or adjacent public space, as specified, or any regional park or recreation and park district, is guilty of an infraction if the city or county has enacted an ordinance that prohibits the consumption of alcoholic beverages in those areas, except as specified.

This bill would also prohibit, as an infraction, the possession of an open container of an alcoholic beverage in an area or unit of a state park if the district superintendent of the state park system unit or area has posted an order, in accordance with state park regulations, that prohibits the consumption of alcoholic beverages in those areas, except as specified.

This bill would impose a state-mandated local program by expanding the scope of an existing crime.

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 25620 of the Business and Professions  
2 Code is amended to read:  
3 25620. (a) Any person possessing any can, bottle, or other  
4 receptacle containing any alcoholic beverage that has been opened,  
5 or a seal broken, or the contents of which have been partially  
6 removed, in any city, county, or city and county owned park or  
7 other city, county, or city and county owned public place, *or any*  
8 *unit or area within the state park system*, or any recreation and  
9 park district, or any regional park or open-space district shall be  
10 guilty of an infraction if the city, county, or city and county has  
11 enacted an ordinance, *or the district superintendent of the state*  
12 *park system has posted an order in accordance with state park*  
13 *regulations*, that prohibits the possession of those containers in  
14 those areas or the consumption of alcoholic beverages in those  
15 areas.  
16 (b) This section does not apply where the possession is within  
17 premises located in a park or other public place for which a license  
18 has been issued pursuant to this division.  
19 (c) This section does not apply when an individual is in  
20 possession of an alcoholic beverage container for the purpose of  
21 recycling or other related activity.  
22 SEC. 2. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within  
29 the meaning of Section 6 of Article XIII B of the California  
30 Constitution.

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