

AMENDED IN ASSEMBLY MAY 6, 2008

AMENDED IN ASSEMBLY APRIL 23, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2616**

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**Introduced by Assembly Member DeVore**

February 22, 2008

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An act to add Section 51.13 to the Civil Code, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 2616, as amended, DeVore. Free speech.

Existing law prohibits interference with the exercise or enjoyment by any individual of rights secured by the United States or California Constitution or by the laws of the United States or this state, including the right of petition or free speech.

This bill would specifically provide that any person shall be entitled to exercise the right of petition or free speech in the ~~apron and perimeter areas of a retail establishment~~ *area near the entrances and exits of a big box retailer, as defined*, that is open to the public as long as the use of those areas does not unduly compromise public safety or unreasonably impede free access to the retail establishment.

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

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

- 1 SECTION 1. Section 51.13 is added to the Civil Code, to read:
- 2 51.13. Any person shall be entitled to exercise the right of
- 3 petition or free speech in the ~~apron and perimeter areas of a retail~~

1 establishment area near the entrances and exits of a big box  
2 retailer, as defined by Section 53084 of the Government Code,  
3 that is open to the public, as long as the use of those areas does  
4 not unduly compromise public safety or unreasonably impede free  
5 access to the retail establishment.

6 SEC. 2. It is the intent of the Legislature in adding Section  
7 51.13 to the Civil Code to overrule the decision in *Van v. Target*  
8 Corp. (2007) 155 Cal.App.4th 1375.

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