

AMENDED IN ASSEMBLY MAY 27, 2008

AMENDED IN ASSEMBLY MAY 6, 2008

AMENDED IN ASSEMBLY APRIL 23, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2616

Introduced by Assembly Member DeVore

February 22, 2008

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 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 gather signatures for any state or local initiative, referendum, or recall petition consistent with the provisions of California law in the apron and perimeter areas of a retail establishment 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, any public sidewalk, any entrance to the retail establishment, or a privately owned parking area of 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 area near the entrances and exits of~~
4 ~~a big box retailer, as defined by Section 53084 of the Government~~
5 ~~Code, that is open to the public, as long as the use of those areas~~
6 ~~does not unduly compromise public safety or unreasonably impede~~
7 ~~free access to the retail establishment.~~ *gather signatures for any*
8 *state or local initiative, referendum, or recall petition consistent*
9 *with the provisions of California law in the apron and perimeter*
10 *areas of a retail establishment that is open to the public, as long*
11 *as the use of those areas does not unduly compromise public safety*
12 *or unreasonably impede free access to the retail establishment,*
13 *any public sidewalk, any entrance to the retail establishment, or*
14 *a privately owned parking area of the retail establishment.*

15 SEC. 2. It is the intent of the Legislature in adding Section
16 51.13 to the Civil Code to overrule the decision in *Van v. Target*
17 *Corp.* (2007) 155 Cal.App.4th 1375. *However, consistent with the*
18 *reserve right of initiative and referendum provided for in Article*
19 *II and Section 1 of Article IV of the California Constitution, the*
20 *provisions of Section 51.13 shall apply only to the gathering of*
21 *signatures for any state or local initiative, referendum, or recall*
22 *petition, and shall make no other change in current statutory or*
23 *case law respecting access to private property for purposes of*
24 *petition or free speech.*