

AMENDED IN SENATE MAY 26, 2010

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 668**

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**Introduced by Assembly Member Lieu**

February 25, 2009

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An act to amend Section ~~626.9~~ of the Penal Code, relating to firearms  
*602 of the Penal Code, relating to trespass.*

LEGISLATIVE COUNSEL'S DIGEST

AB 668, as amended, Lieu. ~~Firearms: gun-free school zones. Trespass.~~  
*Existing law makes it unlawful for persons to engage in certain acts of trespass. In particular it is unlawful for a person who has been convicted of a violent felony committed upon a particular private property to enter upon that property after having been informed by a peace officer that the property is not open to the particular person; or to refuse or fail to leave the property upon being asked to leave the property, as specified.*

*This bill would expand the scope of this offense by providing that it is unlawful for a person who has been convicted of any crime committed upon a particular private property to enter or refuse or fail to leave that property after being informed by a peace officer that the property is not open to the particular person, or to refuse or fail to leave when asked, as specified.*

*By expanding the scope of an existing 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.*

~~Existing law, subject to exceptions, provides that it is an offense for any person to possess a firearm in a place that the person knows, or reasonably should know, is a school zone, unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority. Existing law defines “school zone” for these purposes as an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school. Existing law provides an exception to the prohibition for handguns that are in a locked container or within the locked trunk of a motor vehicle.~~

~~This bill would revise this exception to instead except from the prohibition a handgun that is in a locked container inside a motor vehicle or that is unloaded and inside a locked trunk of a motor vehicle. The bill would increase the size of the zone to include the area up to 1,500 feet from the grounds of the public or private school. The bill would create an exception to the school zone firearms possession prohibition for firearms that are otherwise lawfully possessed or transported in a vehicle on a driveway or parking lot of a school, as specified.~~

~~By expanding the scope of an existing offense, 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 602 of the Penal Code is amended to  
2     read:

1 602. Except as provided in paragraph (2) of subdivision (v),  
2 subdivision (x), and Section 602.8, every person who willfully  
3 commits a trespass by any of the following acts is guilty of a  
4 misdemeanor:

5 (a) Cutting down, destroying, or injuring any kind of wood or  
6 timber standing or growing upon the lands of another.

7 (b) Carrying away any kind of wood or timber lying on those  
8 lands.

9 (c) Maliciously injuring or severing from the freehold of another  
10 anything attached to it, or its produce.

11 (d) Digging, taking, or carrying away from any lot situated  
12 within the limits of any incorporated city, without the license of  
13 the owner or legal occupant, any earth, soil, or stone.

14 (e) Digging, taking, or carrying away from land in any city or  
15 town laid down on the map or plan of the city, or otherwise  
16 recognized or established as a street, alley, avenue, or park, without  
17 the license of the proper authorities, any earth, soil, or stone.

18 (f) Maliciously tearing down, damaging, mutilating, or  
19 destroying any sign, signboard, or notice placed upon, or affixed  
20 to, any property belonging to the state, or to any city, county, city  
21 and county, town or village, or upon any property of any person,  
22 by the state or by an automobile association, which sign, signboard  
23 or notice is intended to indicate or designate a road, or a highway,  
24 or is intended to direct travelers from one point to another, or  
25 relates to fires, fire control, or any other matter involving the  
26 protection of the property, or putting up, affixing, fastening,  
27 printing, or painting upon any property belonging to the state, or  
28 to any city, county, town, or village, or dedicated to the public, or  
29 upon any property of any person, without license from the owner,  
30 any notice, advertisement, or designation of, or any name for any  
31 commodity, whether for sale or otherwise, or any picture, sign, or  
32 device intended to call attention to it.

33 (g) Entering upon any lands owned by any other person whereon  
34 oysters or other shellfish are planted or growing; or injuring,  
35 gathering, or carrying away any oysters or other shellfish planted,  
36 growing, or on any of those lands, whether covered by water or  
37 not, without the license of the owner or legal occupant; or  
38 damaging, destroying, or removing, or causing to be removed,  
39 damaged, or destroyed, any stakes, marks, fences, or signs intended  
40 to designate the boundaries and limits of any of those lands.

1 (h) (1) Entering upon lands or buildings owned by any other  
2 person without the license of the owner or legal occupant, where  
3 signs forbidding trespass are displayed, and whereon cattle, goats,  
4 pigs, sheep, fowl, or any other animal is being raised, bred, fed,  
5 or held for the purpose of food for human consumption; or injuring,  
6 gathering, or carrying away any animal being housed on any of  
7 those lands, without the license of the owner or legal occupant; or  
8 damaging, destroying, or removing, or causing to be removed,  
9 damaged, or destroyed, any stakes, marks, fences, or signs intended  
10 to designate the boundaries and limits of any of those lands.

11 (2) In order for there to be a violation of this subdivision, the  
12 trespass signs under paragraph (1) must be displayed at intervals  
13 not less than three per mile along all exterior boundaries and at all  
14 roads and trails entering the land.

15 (3) This subdivision shall not be construed to preclude  
16 prosecution or punishment under any other provision of law,  
17 including, but not limited to, grand theft or any provision that  
18 provides for a greater penalty or longer term of imprisonment.

19 (i) Willfully opening, tearing down, or otherwise destroying  
20 any fence on the enclosed land of another, or opening any gate,  
21 bar, or fence of another and willfully leaving it open without the  
22 written permission of the owner, or maliciously tearing down,  
23 mutilating, or destroying any sign, signboard, or other notice  
24 forbidding shooting on private property.

25 (j) Building fires upon any lands owned by another where signs  
26 forbidding trespass are displayed at intervals not greater than one  
27 mile along the exterior boundaries and at all roads and trails  
28 entering the lands, without first having obtained written permission  
29 from the owner of the lands or the owner's agent, or the person in  
30 lawful possession.

31 (k) Entering any lands, whether unenclosed or enclosed by  
32 fence, for the purpose of injuring any property or property rights  
33 or with the intention of interfering with, obstructing, or injuring  
34 any lawful business or occupation carried on by the owner of the  
35 land, the owner's agent or by the person in lawful possession.

36 (l) Entering any lands under cultivation or enclosed by fence,  
37 belonging to, or occupied by, another, or entering upon uncultivated  
38 or unenclosed lands where signs forbidding trespass are displayed  
39 at intervals not less than three to the mile along all exterior  
40 boundaries and at all roads and trails entering the lands without

1 the written permission of the owner of the land, the owner's agent  
2 or of the person in lawful possession, and

3 (1) Refusing or failing to leave the lands immediately upon  
4 being requested by the owner of the land, the owner's agent or by  
5 the person in lawful possession to leave the lands, or

6 (2) Tearing down, mutilating, or destroying any sign, signboard,  
7 or notice forbidding trespass or hunting on the lands, or

8 (3) Removing, injuring, unlocking, or tampering with any lock  
9 on any gate on or leading into the lands, or

10 (4) Discharging any firearm.

11 (m) Entering and occupying real property or structures of any  
12 kind without the consent of the owner, the owner's agent, or the  
13 person in lawful possession.

14 (n) Driving any vehicle, as defined in Section 670 of the Vehicle  
15 Code, upon real property belonging to, or lawfully occupied by,  
16 another and known not to be open to the general public, without  
17 the consent of the owner, the owner's agent, or the person in lawful  
18 possession. This subdivision shall not apply to any person described  
19 in Section 22350 of the Business and Professions Code who is  
20 making a lawful service of process, provided that upon exiting the  
21 vehicle, the person proceeds immediately to attempt the service  
22 of process, and leaves immediately upon completing the service  
23 of process or upon the request of the owner, the owner's agent, or  
24 the person in lawful possession.

25 (o) Refusing or failing to leave land, real property, or structures  
26 belonging to or lawfully occupied by another and not open to the  
27 general public, upon being requested to leave by (1) a peace officer  
28 at the request of the owner, the owner's agent, or the person in  
29 lawful possession, and upon being informed by the peace officer  
30 that he or she is acting at the request of the owner, the owner's  
31 agent, or the person in lawful possession, or (2) the owner, the  
32 owner's agent, or the person in lawful possession. The owner, the  
33 owner's agent, or the person in lawful possession shall make a  
34 separate request to the peace officer on each occasion when the  
35 peace officer's assistance in dealing with a trespass is requested.  
36 However, a single request for a peace officer's assistance may be  
37 made to cover a limited period of time not to exceed 30 days and  
38 identified by specific dates, during which there is a fire hazard or  
39 the owner, owner's agent or person in lawful possession is absent  
40 from the premises or property. In addition, a single request for a

1 peace officer's assistance may be made for a period not to exceed  
2 six months when the premises or property is closed to the public  
3 and posted as being closed. However, this subdivision shall not  
4 be applicable to persons engaged in lawful labor union activities  
5 which are permitted to be carried out on the property by the  
6 California Agricultural Labor Relations Act, Part 3.5 (commencing  
7 with Section 1140) of Division 2 of the Labor Code, or by the  
8 National Labor Relations Act. For purposes of this section, land,  
9 real property, or structures owned or operated by any housing  
10 authority for tenants as defined under Section 34213.5 of the Health  
11 and Safety Code constitutes property not open to the general public;  
12 however, this subdivision shall not apply to persons on the premises  
13 who are engaging in activities protected by the California or United  
14 States Constitution, or to persons who are on the premises at the  
15 request of a resident or management and who are not loitering or  
16 otherwise suspected of violating or actually violating any law or  
17 ordinance.

18 (p) Entering upon any lands declared closed to entry as provided  
19 in Section 4256 of the Public Resources Code, if the closed areas  
20 shall have been posted with notices declaring the closure, at  
21 intervals not greater than one mile along the exterior boundaries  
22 or along roads and trails passing through the lands.

23 (q) Refusing or failing to leave a public building of a public  
24 agency during those hours of the day or night when the building  
25 is regularly closed to the public upon being requested to do so by  
26 a regularly employed guard, watchman, or custodian of the public  
27 agency owning or maintaining the building or property, if the  
28 surrounding circumstances would indicate to a reasonable person  
29 that the person has no apparent lawful business to pursue.

30 (r) Knowingly skiing in an area or on a ski trail which is closed  
31 to the public and which has signs posted indicating the closure.

32 (s) Refusing or failing to leave a hotel or motel, where he or  
33 she has obtained accommodations and has refused to pay for those  
34 accommodations, upon request of the proprietor or manager, and  
35 the occupancy is exempt, pursuant to subdivision (b) of Section  
36 1940 of the Civil Code, from Chapter 2 (commencing with Section  
37 1940) of Title 5 of Part 4 of Division 3 of the Civil Code. For  
38 purposes of this subdivision, occupancy at a hotel or motel for a  
39 continuous period of 30 days or less shall, in the absence of a  
40 written agreement to the contrary, or other written evidence of a

1 periodic tenancy of indefinite duration, be exempt from Chapter  
2 2 (commencing with Section 1940) of Title 5 of Part 4 of Division  
3 3 of the Civil Code.

4 (t) Entering upon private property, including contiguous land,  
5 real property, or structures thereon belonging to the same owner,  
6 whether or not generally open to the public, after having been  
7 informed by a peace officer at the request of the owner, the owner's  
8 agent, or the person in lawful possession, and upon being informed  
9 by the peace officer that he or she is acting at the request of the  
10 owner, the owner's agent, or the person in lawful possession, that  
11 the property is not open to the particular person; or refusing or  
12 failing to leave the property upon being asked to leave the property  
13 in the manner provided in this subdivision.

14 This subdivision shall apply only to a person who has been  
15 convicted of a ~~violent felony, as specified in subdivision (c) of~~  
16 ~~Section 667.5, crime~~ committed upon the particular private  
17 property. A single notification or request to the person as set forth  
18 above shall be valid and enforceable under this subdivision unless  
19 and until rescinded by the owner, the owner's agent, or the person  
20 in lawful possession of the property.

21 (u) (1) Knowingly entering, by an unauthorized person, upon  
22 any airport or passenger vessel terminal operations area if the area  
23 has been posted with notices restricting access to authorized  
24 personnel only and the postings occur not greater than every 150  
25 feet along the exterior boundary, to the extent, in the case of a  
26 passenger vessel terminal, as defined in subparagraph (B) of  
27 paragraph (3), that the exterior boundary extends shoreside. To  
28 the extent that the exterior boundary of a passenger vessel terminal  
29 operations area extends waterside, this prohibition shall apply if  
30 notices have been posted in a manner consistent with the  
31 requirements for the shoreside exterior boundary, or in any other  
32 manner approved by the captain of the port.

33 (2) Any person convicted of a violation of paragraph (1) shall  
34 be punished as follows:

35 (A) By a fine not exceeding one hundred dollars (\$100).

36 (B) By imprisonment in the county jail not exceeding six  
37 months, or by a fine not exceeding one thousand dollars (\$1,000),  
38 or both, if the person refuses to leave the airport or passenger vessel  
39 terminal after being requested to leave by a peace officer or  
40 authorized personnel.

1 (C) By imprisonment in the county jail not exceeding six  
2 months, or by a fine not exceeding one thousand dollars (\$1,000),  
3 or both, for a second or subsequent offense.

4 (3) As used in this subdivision the following definitions shall  
5 control:

6 (A) "Airport operations area" means that part of the airport used  
7 by aircraft for landing, taking off, surface maneuvering, loading  
8 and unloading, refueling, parking, or maintenance, where aircraft  
9 support vehicles and facilities exist, and which is not for public  
10 use or public vehicular traffic.

11 (B) "Passenger vessel terminal" means only that portion of a  
12 harbor or port facility, as described in Section 105.105(a)(2) of  
13 Title 33 of the Code of Federal Regulations, with a secured area  
14 that regularly serves scheduled commuter or passenger operations.  
15 For the purposes of this section, "passenger vessel terminal" does  
16 not include any area designated a public access area pursuant to  
17 Section 105.106 of Title 33 of the Code of Federal Regulations.

18 (C) "Authorized personnel" means any person who has a valid  
19 airport identification card issued by the airport operator or has a  
20 valid airline identification card recognized by the airport operator,  
21 or any person not in possession of an airport or airline identification  
22 card who is being escorted for legitimate purposes by a person  
23 with an airport or airline identification card. "Authorized  
24 personnel" also means any person who has a valid port  
25 identification card issued by the harbor operator, or who has a  
26 valid company identification card issued by a commercial maritime  
27 enterprise recognized by the harbor operator, or any other person  
28 who is being escorted for legitimate purposes by a person with a  
29 valid port or qualifying company identification card.

30 (D) "Airport" means any facility whose function is to support  
31 commercial aviation.

32 (v) (1) Except as permitted by federal law, intentionally  
33 avoiding submission to the screening and inspection of one's  
34 person and accessible property in accordance with the procedures  
35 being applied to control access when entering or reentering a sterile  
36 area of an airport or passenger vessel terminal, as defined in Section  
37 171.5.

38 (2) A violation of this subdivision that is responsible for the  
39 evacuation of an airport terminal or passenger vessel terminal and  
40 is responsible in any part for delays or cancellations of scheduled

1 flights or departures is punishable by imprisonment of not more  
2 than one year in a county jail if the sterile area is posted with a  
3 statement providing reasonable notice that prosecution may result  
4 from a trespass described in this subdivision.

5 (w) Refusing or failing to leave a battered women’s shelter at  
6 any time after being requested to leave by a managing authority  
7 of the shelter.

8 (1) A person who is convicted of violating this subdivision shall  
9 be punished by imprisonment in a county jail for not more than  
10 one year.

11 (2) The court may order a defendant who is convicted of  
12 violating this subdivision to make restitution to a battered woman  
13 in an amount equal to the relocation expenses of the battered  
14 woman and her children if those expenses are incurred as a result  
15 of trespass by the defendant at a battered women’s shelter.

16 (x) (1) Knowingly entering or remaining in a neonatal unit,  
17 maternity ward, or birthing center located in a hospital or clinic  
18 without lawful business to pursue therein, if the area has been  
19 posted so as to give reasonable notice restricting access to those  
20 with lawful business to pursue therein and the surrounding  
21 circumstances would indicate to a reasonable person that he or she  
22 has no lawful business to pursue therein. Reasonable notice is that  
23 which would give actual notice to a reasonable person, and is  
24 posted, at a minimum, at each entrance into the area.

25 (2) Any person convicted of a violation of paragraph (1) shall  
26 be punished as follows:

27 (A) As an infraction, by a fine not exceeding one hundred dollars  
28 (\$100).

29 (B) By imprisonment in a county jail not exceeding one year,  
30 or by a fine not exceeding one thousand dollars (\$1,000), or both,  
31 if the person refuses to leave the posted area after being requested  
32 to leave by a peace officer or other authorized person.

33 (C) By imprisonment in a county jail not exceeding one year,  
34 or by a fine not exceeding two thousand dollars (\$2,000), or both,  
35 for a second or subsequent offense.

36 (D) If probation is granted or the execution or imposition of  
37 sentencing is suspended for any person convicted under this  
38 subdivision, it shall be a condition of probation that the person  
39 participate in counseling, as designated by the court, unless the  
40 court finds good cause not to impose this requirement. The court

1 shall require the person to pay for this counseling, if ordered, unless  
2 good cause not to pay is shown.

3 (y) Except as permitted by federal law, intentionally avoiding  
4 submission to the screening and inspection of one’s person and  
5 accessible property in accordance with the procedures being applied  
6 to control access when entering or reentering a courthouse or a  
7 city, county, city and county, or state building if entrances to the  
8 courthouse or the city, county, city and county, or state building  
9 have been posted with a statement providing reasonable notice  
10 that prosecution may result from a trespass described in this  
11 subdivision.

12 *SEC. 2. No reimbursement is required by this act pursuant to*  
13 *Section 6 of Article XIII B of the California Constitution because*  
14 *the only costs that may be incurred by a local agency or school*  
15 *district will be incurred because this act creates a new crime or*  
16 *infraction, eliminates a crime or infraction, or changes the penalty*  
17 *for a crime or infraction, within the meaning of Section 17556 of*  
18 *the Government Code, or changes the definition of a crime within*  
19 *the meaning of Section 6 of Article XIII B of the California*  
20 *Constitution.*

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Assembly, June 1, 2009. (JR11)**