

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE JULY 1, 2010

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

Introduced by Assembly Member Lieu

February 25, 2009

An act to amend Section 602 of the Penal Code, relating to trespass.

LEGISLATIVE COUNSEL'S DIGEST

AB 668, as amended, Lieu. 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 during a specified timeframe it is unlawful for a person who has been convicted of any felony, any misdemeanor, or a specified infraction, 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.

This bill would incorporate amendments to Section 602 of the Penal Code proposed by AB 451 and AB 2324, contingent on the prior enactment of those bills.

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:
- 3 602. Except as provided in paragraph (2) of subdivision (v),
- 4 subdivision (x), and Section 602.8, every person who willfully
- 5 commits a trespass by any of the following acts is guilty of a
- 6 misdemeanor:
- 7 (a) Cutting down, destroying, or injuring any kind of wood or
- 8 timber standing or growing upon the lands of another.
- 9 (b) Carrying away any kind of wood or timber lying on those
- 10 lands.
- 11 (c) Maliciously injuring or severing from the freehold of another
- 12 anything attached to it, or its produce.
- 13 (d) Digging, taking, or carrying away from any lot situated
- 14 within the limits of any incorporated city, without the license of
- 15 the owner or legal occupant, any earth, soil, or stone.
- 16 (e) Digging, taking, or carrying away from land in any city or
- 17 town laid down on the map or plan of the city, or otherwise
- 18 recognized or established as a street, alley, avenue, or park, without
- 19 the license of the proper authorities, any earth, soil, or stone.
- 20 (f) Maliciously tearing down, damaging, mutilating, or
- 21 destroying any sign, signboard, or notice placed upon, or affixed
- 22 to, any property belonging to the state, or to any city, county, city
- 23 and county, town or village, or upon any property of any person,

1 by the state or by an automobile association, which sign, signboard
2 or notice is intended to indicate or designate a road, or a highway,
3 or is intended to direct travelers from one point to another, or
4 relates to fires, fire control, or any other matter involving the
5 protection of the property, or putting up, affixing, fastening,
6 printing, or painting upon any property belonging to the state, or
7 to any city, county, town, or village, or dedicated to the public, or
8 upon any property of any person, without license from the owner,
9 any notice, advertisement, or designation of, or any name for any
10 commodity, whether for sale or otherwise, or any picture, sign, or
11 device intended to call attention to it.

12 (g) Entering upon any lands owned by any other person whereon
13 oysters or other shellfish are planted or growing; or injuring,
14 gathering, or carrying away any oysters or other shellfish planted,
15 growing, or on any of those lands, whether covered by water or
16 not, without the license of the owner or legal occupant; or
17 damaging, destroying, or removing, or causing to be removed,
18 damaged, or destroyed, any stakes, marks, fences, or signs intended
19 to designate the boundaries and limits of any of those lands.

20 (h) (1) Entering upon lands or buildings owned by any other
21 person without the license of the owner or legal occupant, where
22 signs forbidding trespass are displayed, and whereon cattle, goats,
23 pigs, sheep, fowl, or any other animal is being raised, bred, fed,
24 or held for the purpose of food for human consumption; or injuring,
25 gathering, or carrying away any animal being housed on any of
26 those lands, without the license of the owner or legal occupant; or
27 damaging, destroying, or removing, or causing to be removed,
28 damaged, or destroyed, any stakes, marks, fences, or signs intended
29 to designate the boundaries and limits of any of those lands.

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

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

38 (i) Willfully opening, tearing down, or otherwise destroying
39 any fence on the enclosed land of another, or opening any gate,
40 bar, or fence of another and willfully leaving it open without the

1 written permission of the owner, or maliciously tearing down,
2 mutilating, or destroying any sign, signboard, or other notice
3 forbidding shooting on private property.

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

10 (k) Entering any lands, whether unenclosed or enclosed by
11 fence, for the purpose of injuring any property or property rights
12 or with the intention of interfering with, obstructing, or injuring
13 any lawful business or occupation carried on by the owner of the
14 land, the owner's agent or by the person in lawful possession.

15 (l) Entering any lands under cultivation or enclosed by fence,
16 belonging to, or occupied by, another, or entering upon uncultivated
17 or unenclosed lands where signs forbidding trespass are displayed
18 at intervals not less than three to the mile along all exterior
19 boundaries and at all roads and trails entering the lands without
20 the written permission of the owner of the land, the owner's agent
21 or of the person in lawful possession, and

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

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

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

29 (4) Discharging any firearm.

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

33 (n) Driving any vehicle, as defined in Section 670 of the Vehicle
34 Code, upon real property belonging to, or lawfully occupied by,
35 another and known not to be open to the general public, without
36 the consent of the owner, the owner's agent, or the person in lawful
37 possession. This subdivision shall not apply to any person described
38 in Section 22350 of the Business and Professions Code who is
39 making a lawful service of process, provided that upon exiting the
40 vehicle, the person proceeds immediately to attempt the service

1 of process, and leaves immediately upon completing the service
2 of process or upon the request of the owner, the owner's agent, or
3 the person in lawful possession.

4 (o) Refusing or failing to leave land, real property, or structures
5 belonging to or lawfully occupied by another and not open to the
6 general public, upon being requested to leave by (1) a peace officer
7 at the request of the owner, the owner's agent, or the person in
8 lawful possession, and upon being informed by the peace officer
9 that he or she is acting at the request of the owner, the owner's
10 agent, or the person in lawful possession, or (2) the owner, the
11 owner's agent, or the person in lawful possession. The owner, the
12 owner's agent, or the person in lawful possession shall make a
13 separate request to the peace officer on each occasion when the
14 peace officer's assistance in dealing with a trespass is requested.
15 However, a single request for a peace officer's assistance may be
16 made to cover a limited period of time not to exceed 30 days and
17 identified by specific dates, during which there is a fire hazard or
18 the owner, owner's agent or person in lawful possession is absent
19 from the premises or property. In addition, a single request for a
20 peace officer's assistance may be made for a period not to exceed
21 six months when the premises or property is closed to the public
22 and posted as being closed. However, this subdivision shall not
23 be applicable to persons engaged in lawful labor union activities
24 which are permitted to be carried out on the property by the
25 California Agricultural Labor Relations Act, Part 3.5 (commencing
26 with Section 1140) of Division 2 of the Labor Code, or by the
27 National Labor Relations Act. For purposes of this section, land,
28 real property, or structures owned or operated by any housing
29 authority for tenants as defined under Section 34213.5 of the Health
30 and Safety Code constitutes property not open to the general public;
31 however, this subdivision shall not apply to persons on the premises
32 who are engaging in activities protected by the California or United
33 States Constitution, or to persons who are on the premises at the
34 request of a resident or management and who are not loitering or
35 otherwise suspected of violating or actually violating any law or
36 ordinance.

37 (p) Entering upon any lands declared closed to entry as provided
38 in Section 4256 of the Public Resources Code, if the closed areas
39 shall have been posted with notices declaring the closure, at

1 intervals not greater than one mile along the exterior boundaries
2 or along roads and trails passing through the lands.

3 (q) Refusing or failing to leave a public building of a public
4 agency during those hours of the day or night when the building
5 is regularly closed to the public upon being requested to do so by
6 a regularly employed guard, watchman, or custodian of the public
7 agency owning or maintaining the building or property, if the
8 surrounding circumstances would indicate to a reasonable person
9 that the person has no apparent lawful business to pursue.

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

12 (s) Refusing or failing to leave a hotel or motel, where he or
13 she has obtained accommodations and has refused to pay for those
14 accommodations, upon request of the proprietor or manager, and
15 the occupancy is exempt, pursuant to subdivision (b) of Section
16 1940 of the Civil Code, from Chapter 2 (commencing with Section
17 1940) of Title 5 of Part 4 of Division 3 of the Civil Code. For
18 purposes of this subdivision, occupancy at a hotel or motel for a
19 continuous period of 30 days or less shall, in the absence of a
20 written agreement to the contrary, or other written evidence of a
21 periodic tenancy of indefinite duration, be exempt from Chapter
22 2 (commencing with Section 1940) of Title 5 of Part 4 of Division
23 3 of the Civil Code.

24 (t) (1) Entering upon private property, including contiguous
25 land, real property, or structures thereon belonging to the same
26 owner, whether or not generally open to the public, after having
27 been informed by a peace officer at the request of the owner, the
28 owner's agent, or the person in lawful possession, and upon being
29 informed by the peace officer that he or she is acting at the request
30 of the owner, the owner's agent, or the person in lawful possession,
31 that the property is not open to the particular person; or refusing
32 or failing to leave the property upon being asked to leave the
33 property in the manner provided in this subdivision.

34 (2) This subdivision shall apply only to a person who has been
35 convicted of a crime committed upon the particular private
36 property.

37 (3) A single notification or request to the person as set forth
38 above shall be valid and enforceable under this subdivision unless
39 and until rescinded by the owner, the owner's agent, or the person
40 in lawful possession of the property.

1 (4) Where the person has been convicted of a violent felony, as
2 described in subdivision (c) of Section 667.5, this subdivision shall
3 apply without time limitation. Where the person has been convicted
4 of any other felony, this subdivision shall apply for no more than
5 five years from the date of conviction. Where the person has been
6 convicted of a misdemeanor, this subdivision shall apply for no
7 more than two years from the date of conviction. Where the person
8 was convicted for an infraction pursuant to Section 490.1, this
9 subdivision shall apply for no more than one year from the date
10 of conviction. This subdivision shall not apply to convictions for
11 any other infraction.

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

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

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

27 (B) By imprisonment in ~~the~~ a county jail not exceeding six
28 months, or by a fine not exceeding one thousand dollars (\$1,000),
29 ~~or both~~ *by both that fine and imprisonment*, if the person refuses
30 to leave the airport or passenger vessel terminal after being
31 requested to leave by a peace officer or authorized personnel.

32 (C) By imprisonment in ~~the~~ a county jail not exceeding six
33 months, or by a fine not exceeding one thousand dollars (\$1,000),
34 ~~or both~~ *by both that fine and imprisonment*, for a second or
35 subsequent offense.

36 (3) As used in this subdivision the following definitions shall
37 control:

38 (A) "Airport operations area" means that part of the airport used
39 by aircraft for landing, taking off, surface maneuvering, loading
40 and unloading, refueling, parking, or maintenance, where aircraft

1 support vehicles and facilities exist, and which is not for public
2 use or public vehicular traffic.

3 (B) “Passenger vessel terminal” means only that portion of a
4 harbor or port facility, as described in Section 105.105(a)(2) of
5 Title 33 of the Code of Federal Regulations, with a secured area
6 that regularly serves scheduled commuter or passenger operations.
7 For the purposes of this section, “passenger vessel terminal” does
8 not include any area designated a public access area pursuant to
9 Section 105.106 of Title 33 of the Code of Federal Regulations.

10 (C) “Authorized personnel” means any person who has a valid
11 airport identification card issued by the airport operator or has a
12 valid airline identification card recognized by the airport operator,
13 or any person not in possession of an airport or airline identification
14 card who is being escorted for legitimate purposes by a person
15 with an airport or airline identification card. “Authorized
16 personnel” also means any person who has a valid port
17 identification card issued by the harbor operator, or who has a
18 valid company identification card issued by a commercial maritime
19 enterprise recognized by the harbor operator, or any other person
20 who is being escorted for legitimate purposes by a person with a
21 valid port or qualifying company identification card.

22 (D) “Airport” means any facility whose function is to support
23 commercial aviation.

24 (v) (1) Except as permitted by federal law, intentionally
25 avoiding submission to the screening and inspection of one’s
26 person and accessible property in accordance with the procedures
27 being applied to control access when entering or reentering a sterile
28 area of an airport or passenger vessel terminal, as defined in Section
29 171.5.

30 (2) A violation of this subdivision that is responsible for the
31 evacuation of an airport terminal or passenger vessel terminal and
32 is responsible in any part for delays or cancellations of scheduled
33 flights or departures is punishable by imprisonment of not more
34 than one year in a county jail if the sterile area is posted with a
35 statement providing reasonable notice that prosecution may result
36 from a trespass described in this subdivision.

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

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

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

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

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

20 (A) As an infraction, by a fine not exceeding one hundred dollars
21 (\$100).

22 (B) By imprisonment in a county jail not exceeding one year,
23 or by a fine not exceeding one thousand dollars (\$1,000), or ~~both~~
24 *by both that fine and imprisonment*, if the person refuses to leave
25 the posted area after being requested to leave by a peace officer
26 or other authorized person.

27 (C) By imprisonment in a county jail not exceeding one year,
28 or by a fine not exceeding two thousand dollars (\$2,000), or ~~both~~
29 *by both that fine and imprisonment*, for a second or subsequent
30 offense.

31 (D) If probation is granted or the execution or imposition of
32 sentencing is suspended for any person convicted under this
33 subdivision, it shall be a condition of probation that the person
34 participate in counseling, as designated by the court, unless the
35 court finds good cause not to impose this requirement. The court
36 shall require the person to pay for this counseling, if ordered, unless
37 good cause not to pay is shown.

38 (y) Except as permitted by federal law, intentionally avoiding
39 submission to the screening and inspection of one’s person and
40 accessible property in accordance with the procedures being applied

1 to control access when entering or reentering a courthouse or a
2 city, county, city and county, or state building if entrances to the
3 courthouse or the city, county, city and county, or state building
4 have been posted with a statement providing reasonable notice
5 that prosecution may result from a trespass described in this
6 subdivision.

7 *SEC. 1.3. Section 602 of the Penal Code is amended to read:*

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

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

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

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

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

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

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

1 (g) Entering upon any lands owned by any other person whereon
2 oysters or other shellfish are planted or growing; or injuring,
3 gathering, or carrying away any oysters or other shellfish planted,
4 growing, or on any of those lands, whether covered by water or
5 not, without the license of the owner or legal occupant; or
6 damaging, destroying, or removing, or causing to be removed,
7 damaged, or destroyed, any stakes, marks, fences, or signs intended
8 to designate the boundaries and limits of any of those lands.

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

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

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

27 (i) Willfully opening, tearing down, or otherwise destroying
28 any fence on the enclosed land of another, or opening any gate,
29 bar, or fence of another and willfully leaving it open without the
30 written permission of the owner, or maliciously tearing down,
31 mutilating, or destroying any sign, signboard, or other notice
32 forbidding shooting on private property.

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

39 (k) Entering any lands, whether unenclosed or enclosed by
40 fence, for the purpose of injuring any property or property rights

1 or with the intention of interfering with, obstructing, or injuring
2 any lawful business or occupation carried on by the owner of the
3 land, the owner's agent or by the person in lawful possession.

4 (l) Entering any lands under cultivation or enclosed by fence,
5 belonging to, or occupied by, another, or entering upon uncultivated
6 or unenclosed lands where signs forbidding trespass are displayed
7 at intervals not less than three to the mile along all exterior
8 boundaries and at all roads and trails entering the lands without
9 the written permission of the owner of the land, the owner's agent
10 or of the person in lawful possession, and

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

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

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

18 (4) Discharging any firearm.

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

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

33 (o) Refusing or failing to leave land, real property, or structures
34 belonging to or lawfully occupied by another and not open to the
35 general public, upon being requested to leave by (1) a peace officer
36 at the request of the owner, the owner's agent, or the person in
37 lawful possession, and upon being informed by the peace officer
38 that he or she is acting at the request of the owner, the owner's
39 agent, or the person in lawful possession, or (2) the owner, the
40 owner's agent, or the person in lawful possession. The owner, the

1 owner's agent, or the person in lawful possession shall make a
2 separate request to the peace officer on each occasion when the
3 peace officer's assistance in dealing with a trespass is requested.
4 However, a single request for a peace officer's assistance may be
5 made to cover a limited period of time not to exceed 30 days and
6 identified by specific dates, during which there is a fire hazard or
7 the owner, owner's agent or person in lawful possession is absent
8 from the premises or property. In addition, a single request for a
9 peace officer's assistance may be made for a period not to exceed
10 six months when the premises or property is closed to the public
11 and posted as being closed. However, this subdivision shall not
12 be applicable to persons engaged in lawful labor union activities
13 which are permitted to be carried out on the property by the
14 California Agricultural Labor Relations Act, Part 3.5 (commencing
15 with Section 1140) of Division 2 of the Labor Code, or by the
16 National Labor Relations Act. For purposes of this section, land,
17 real property, or structures owned or operated by any housing
18 authority for tenants as defined under Section 34213.5 of the Health
19 and Safety Code constitutes property not open to the general public;
20 however, this subdivision shall not apply to persons on the premises
21 who are engaging in activities protected by the California or United
22 States Constitution, or to persons who are on the premises at the
23 request of a resident or management and who are not loitering or
24 otherwise suspected of violating or actually violating any law or
25 ordinance.

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

31 (q) Refusing or failing to leave a public building of a public
32 agency during those hours of the day or night when the building
33 is regularly closed to the public upon being requested to do so by
34 a regularly employed guard, watchman, or custodian of the public
35 agency owning or maintaining the building or property, if the
36 surrounding circumstances would indicate to a reasonable person
37 that the person has no apparent lawful business to pursue.

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

1 (s) Refusing or failing to leave a hotel or motel, where he or
2 she has obtained accommodations and has refused to pay for those
3 accommodations, upon request of the proprietor or manager, and
4 the occupancy is exempt, pursuant to subdivision (b) of Section
5 1940 of the Civil Code, from Chapter 2 (commencing with Section
6 1940) of Title 5 of Part 4 of Division 3 of the Civil Code. For
7 purposes of this subdivision, occupancy at a hotel or motel for a
8 continuous period of 30 days or less shall, in the absence of a
9 written agreement to the contrary, or other written evidence of a
10 periodic tenancy of indefinite duration, be exempt from Chapter
11 2 (commencing with Section 1940) of Title 5 of Part 4 of Division
12 3 of the Civil Code.

13 (t) (1) Entering upon private property, including contiguous
14 land, real property, or structures thereon belonging to the same
15 owner, whether or not generally open to the public, after having
16 been informed by a peace officer at the request of the owner, the
17 owner's agent, or the person in lawful possession, and upon being
18 informed by the peace officer that he or she is acting at the request
19 of the owner, the owner's agent, or the person in lawful possession,
20 that the property is not open to the particular person; or refusing
21 or failing to leave the property upon being asked to leave the
22 property in the manner provided in this subdivision.

23 ~~This~~

24 (2) *This* subdivision shall apply only to a person who has been
25 convicted of a violent felony, ~~as specified in subdivision (c) of~~
26 ~~Section 667.5~~; *crime* committed upon the particular private
27 property. ~~A~~

28 (3) A single notification or request to the person as set forth
29 above shall be valid and enforceable under this subdivision unless
30 and until rescinded by the owner, the owner's agent, or the person
31 in lawful possession of the property.

32 (4) *Where the person has been convicted of a violent felony, as*
33 *described in subdivision (c) of Section 667.5, this subdivision shall*
34 *apply without time limitation. Where the person has been convicted*
35 *of any other felony, this subdivision shall apply for no more than*
36 *five years from the date of conviction. Where the person has been*
37 *convicted of a misdemeanor, this subdivision shall apply for no*
38 *more than two years from the date of conviction. Where the person*
39 *was convicted for an infraction pursuant to Section 490.1, this*
40 *subdivision shall apply for no more than one year from the date*

1 *of conviction. This subdivision shall not apply to convictions for*
2 *any other infraction.*

3 (u) (1) Knowingly entering, by an unauthorized person, upon
4 any airport or passenger vessel terminal operations area if the area
5 has been posted with notices restricting access to authorized
6 personnel only and the postings occur not greater than every 150
7 feet along the exterior boundary, to the extent, in the case of a
8 passenger vessel terminal, as defined in subparagraph (B) of
9 paragraph (3), that the exterior boundary extends shoreside. To
10 the extent that the exterior boundary of a passenger vessel terminal
11 operations area extends waterside, this prohibition shall apply if
12 notices have been posted in a manner consistent with the
13 requirements for the shoreside exterior boundary, or in any other
14 manner approved by the captain of the port.

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

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

18 (B) By imprisonment in ~~the~~ a county jail not exceeding six
19 months, or by a fine not exceeding one thousand dollars (\$1,000),
20 or *by both that fine and imprisonment*, if the person refuses to
21 leave the airport or passenger vessel terminal after being requested
22 to leave by a peace officer or authorized personnel.

23 (C) By imprisonment in ~~the~~ a county jail not exceeding six
24 months, or by a fine not exceeding one thousand dollars (\$1,000),
25 or *by both that fine and imprisonment*, for a second or subsequent
26 offense.

27 (3) As used in this subdivision the following definitions shall
28 control:

29 (A) “Airport operations area” means that part of the airport used
30 by aircraft for landing, taking off, surface maneuvering, loading
31 and unloading, refueling, parking, or maintenance, where aircraft
32 support vehicles and facilities exist, and which is not for public
33 use or public vehicular traffic.

34 (B) “Passenger vessel terminal” means only that portion of a
35 harbor or port facility, as described in Section 105.105(a)(2) of
36 Title 33 of the Code of Federal Regulations, with a secured area
37 that regularly serves scheduled commuter or passenger operations.
38 For the purposes of this section, “passenger vessel terminal” does
39 not include any area designated a public access area pursuant to
40 Section 105.106 of Title 33 of the Code of Federal Regulations.

1 (C) “Authorized personnel” means any person who has a valid
2 airport identification card issued by the airport operator or has a
3 valid airline identification card recognized by the airport operator,
4 or any person not in possession of an airport or airline identification
5 card who is being escorted for legitimate purposes by a person
6 with an airport or airline identification card. “Authorized
7 personnel” also means any person who has a valid port
8 identification card issued by the harbor operator, or who has a
9 valid company identification card issued by a commercial maritime
10 enterprise recognized by the harbor operator, or any other person
11 who is being escorted for legitimate purposes by a person with a
12 valid port or qualifying company identification card.

13 (D) “Airport” means any facility whose function is to support
14 commercial aviation.

15 (v) (1) Except as permitted by federal law, intentionally
16 avoiding submission to the screening and inspection of one’s
17 person and accessible property in accordance with the procedures
18 being applied to control access when entering or reentering a sterile
19 area of an airport or passenger vessel terminal, as defined in Section
20 171.5.

21 (2) A violation of this subdivision that is responsible for the
22 evacuation of an airport terminal or passenger vessel terminal and
23 is responsible in any part for delays or cancellations of scheduled
24 flights or departures is punishable by imprisonment of not more
25 than one year in a county jail if the sterile area is posted with a
26 statement providing reasonable notice that prosecution may result
27 from a trespass described in this subdivision.

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

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

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

39 (x) (1) Knowingly entering or remaining in a neonatal unit,
40 maternity ward, or birthing center located in a hospital or clinic

1 without lawful business to pursue therein, if the area has been
2 posted so as to give reasonable notice restricting access to those
3 with lawful business to pursue therein and the surrounding
4 circumstances would indicate to a reasonable person that he or she
5 has no lawful business to pursue therein. Reasonable notice is that
6 which would give actual notice to a reasonable person, and is
7 posted, at a minimum, at each entrance into the area.

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

10 (A) As an infraction, by a fine not exceeding one hundred dollars
11 (\$100).

12 (B) By imprisonment in a county jail not exceeding one year,
13 or by a fine not exceeding one thousand dollars (\$1,000), or *by*
14 both *that fine and imprisonment*, if the person refuses to leave the
15 posted area after being requested to leave by a peace officer or
16 other authorized person.

17 (C) By imprisonment in a county jail not exceeding one year,
18 or by a fine not exceeding two thousand dollars (\$2,000), or *by*
19 both *that fine and imprisonment*, for a second or subsequent
20 offense.

21 (D) If probation is granted or the execution or imposition of
22 sentencing is suspended for any person convicted under this
23 subdivision, it shall be a condition of probation that the person
24 participate in counseling, as designated by the court, unless the
25 court finds good cause not to impose this requirement. The court
26 shall require the person to pay for this counseling, if ordered, unless
27 good cause not to pay is shown.

28 (y) Except as permitted by federal law, intentionally avoiding
29 submission to the screening and inspection of one's person and
30 accessible property in accordance with the procedures being applied
31 to control access when entering or reentering a courthouse or a
32 city, county, city and county, or state building if entrances to the
33 courthouse or the city, county, city and county, or state building
34 have been posted with a statement providing reasonable notice
35 that prosecution may result from a trespass described in this
36 subdivision.

37 (z) (1) *Knowingly entering or remaining at an annual event*
38 *that is televised live and not open to the general public without*
39 *authorization from the person lawfully in possession of the*
40 *property, if the area has been posted so as to give reasonable*

1 notice restricting access to authorized guests and persons with
2 lawful business to pursue therein. Reasonable notice is that which
3 would give actual notice to a reasonable person, and is posted at
4 each authorized entrance. The notice shall state that a person who
5 enters the event without authorization is subject to prosecution
6 for a misdemeanor.

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

9 (A) By imprisonment in a county jail not exceeding six months,
10 or by a fine not exceeding one thousand dollars (\$1,000), or by
11 both that fine and imprisonment, subject to Section 19.8, for a first
12 offense.

13 (B) By imprisonment in a county jail not exceeding six months,
14 or by a fine not exceeding two thousand dollars (\$2,000), or by
15 both that fine and imprisonment, for a second or subsequent
16 offense.

17 (3) For purposes of this subdivision, an event is not open to the
18 general public if entrance to the event is obtained through an
19 individual invitation or by a ticket.

20 (4) This subdivision does not apply to activities arising out of
21 labor disputes as defined in paragraph (4) of subdivision (b) of
22 Section 527.3 of the Code of Civil Procedure involving labor
23 organizations as defined in Section 1117 of the Labor Code.

24 SEC. 1.5. Section 602 of the Penal Code is amended to read:

25 602. Except as provided in ~~paragraph (2) of subdivision (u),~~
26 subdivision (v), subdivision (x), and Section 602.8, every person
27 who willfully commits a trespass by any of the following acts is
28 guilty of a misdemeanor:

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

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

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

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

38 (e) Digging, taking, or carrying away from land in any city or
39 town laid down on the map or plan of the city, or otherwise

1 recognized or established as a street, alley, avenue, or park, without
2 the license of the proper authorities, any earth, soil, or stone.

3 (f) Maliciously tearing down, damaging, mutilating, or
4 destroying any sign, signboard, or notice placed upon, or affixed
5 to, any property belonging to the state, or to any city, county, city
6 and county, town or village, or upon any property of any person,
7 by the state or by an automobile association, which sign, signboard
8 or notice is intended to indicate or designate a road, or a highway,
9 or is intended to direct travelers from one point to another, or
10 relates to fires, fire control, or any other matter involving the
11 protection of the property, or putting up, affixing, fastening,
12 printing, or painting upon any property belonging to the state, or
13 to any city, county, town, or village, or dedicated to the public, or
14 upon any property of any person, without license from the owner,
15 any notice, advertisement, or designation of, or any name for any
16 commodity, whether for sale or otherwise, or any picture, sign, or
17 device intended to call attention to it.

18 (g) Entering upon any lands owned by any other person whereon
19 oysters or other shellfish are planted or growing; or injuring,
20 gathering, or carrying away any oysters or other shellfish planted,
21 growing, or on any of those lands, whether covered by water or
22 not, without the license of the owner or legal occupant; or
23 damaging, destroying, or removing, or causing to be removed,
24 damaged, or destroyed, any stakes, marks, fences, or signs intended
25 to designate the boundaries and limits of any of those lands.

26 (h) (1) Entering upon lands or buildings owned by any other
27 person without the license of the owner or legal occupant, where
28 signs forbidding trespass are displayed, and whereon cattle, goats,
29 pigs, sheep, fowl, or any other animal is being raised, bred, fed,
30 or held for the purpose of food for human consumption; or injuring,
31 gathering, or carrying away any animal being housed on any of
32 those lands, without the license of the owner or legal occupant; or
33 damaging, destroying, or removing, or causing to be removed,
34 damaged, or destroyed, any stakes, marks, fences, or signs intended
35 to designate the boundaries and limits of any of those lands.

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

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

5 (i) Willfully opening, tearing down, or otherwise destroying
 6 any fence on the enclosed land of another, or opening any gate,
 7 bar, or fence of another and willfully leaving it open without the
 8 written permission of the owner, or maliciously tearing down,
 9 mutilating, or destroying any sign, signboard, or other notice
 10 forbidding shooting on private property.

11 (j) Building fires upon any lands owned by another where signs
 12 forbidding trespass are displayed at intervals not greater than one
 13 mile along the exterior boundaries and at all roads and trails
 14 entering the lands, without first having obtained written permission
 15 from the owner of the lands or the owner’s agent, or the person in
 16 lawful possession.

17 (k) Entering any lands, whether unenclosed or enclosed by
 18 fence, for the purpose of injuring any property or property rights
 19 or with the intention of interfering with, obstructing, or injuring
 20 any lawful business or occupation carried on by the owner of the
 21 land, the owner’s agent or by the person in lawful possession.

22 (l) Entering any lands under cultivation or enclosed by fence,
 23 belonging to, or occupied by, another, or entering upon uncultivated
 24 or unenclosed lands where signs forbidding trespass are displayed
 25 at intervals not less than three to the mile along all exterior
 26 boundaries and at all roads and trails entering the lands without
 27 the written permission of the owner of the land, the owner’s agent
 28 or of the person in lawful possession, and

29 (1) Refusing or failing to leave the lands immediately upon
 30 being requested by the owner of the land, the owner’s agent or by
 31 the person in lawful possession to leave the lands, or

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

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

36 (4) Discharging any firearm.

37 (m) Entering and occupying real property or structures of any
 38 kind without the consent of the owner, the owner’s agent, or the
 39 person in lawful possession.

1 (n) Driving any vehicle, as defined in Section 670 of the Vehicle
2 Code, upon real property belonging to, or lawfully occupied by,
3 another and known not to be open to the general public, without
4 the consent of the owner, the owner's agent, or the person in lawful
5 possession. This subdivision shall not apply to any person described
6 in Section 22350 of the Business and Professions Code who is
7 making a lawful service of process, provided that upon exiting the
8 vehicle, the person proceeds immediately to attempt the service
9 of process, and leaves immediately upon completing the service
10 of process or upon the request of the owner, the owner's agent, or
11 the person in lawful possession.

12 (o) Refusing or failing to leave land, real property, or structures
13 belonging to or lawfully occupied by another and not open to the
14 general public, upon being requested to leave by (1) a peace officer
15 at the request of the owner, the owner's agent, or the person in
16 lawful possession, and upon being informed by the peace officer
17 that he or she is acting at the request of the owner, the owner's
18 agent, or the person in lawful possession, or (2) the owner, the
19 owner's agent, or the person in lawful possession. The owner, the
20 owner's agent, or the person in lawful possession shall make a
21 separate request to the peace officer on each occasion when the
22 peace officer's assistance in dealing with a trespass is requested.
23 However, a single request for a peace officer's assistance may be
24 made to cover a limited period of time not to exceed 30 days and
25 identified by specific dates, during which there is a fire hazard or
26 the owner, owner's agent or person in lawful possession is absent
27 from the premises or property. In addition, a single request for a
28 peace officer's assistance may be made for a period not to exceed
29 six months when the premises or property is closed to the public
30 and posted as being closed. However, this subdivision shall not
31 be applicable to persons engaged in lawful labor union activities
32 which are permitted to be carried out on the property by the
33 California Agricultural Labor Relations Act, Part 3.5 (commencing
34 with Section 1140) of Division 2 of the Labor Code, or by the
35 National Labor Relations Act. For purposes of this section, land,
36 real property, or structures owned or operated by any housing
37 authority for tenants as defined under Section 34213.5 of the Health
38 and Safety Code constitutes property not open to the general public;
39 however, this subdivision shall not apply to persons on the premises
40 who are engaging in activities protected by the California or United

1 States Constitution, or to persons who are on the premises at the
2 request of a resident or management and who are not loitering or
3 otherwise suspected of violating or actually violating any law or
4 ordinance.

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

10 (q) Refusing or failing to leave a public building of a public
11 agency during those hours of the day or night when the building
12 is regularly closed to the public upon being requested to do so by
13 a regularly employed guard, watchman, or custodian of the public
14 agency owning or maintaining the building or property, if the
15 surrounding circumstances would indicate to a reasonable person
16 that the person has no apparent lawful business to pursue.

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

19 (s) Refusing or failing to leave a hotel or motel, where he or
20 she has obtained accommodations and has refused to pay for those
21 accommodations, upon request of the proprietor or manager, and
22 the occupancy is exempt, pursuant to subdivision (b) of Section
23 1940 of the Civil Code, from Chapter 2 (commencing with Section
24 1940) of Title 5 of Part 4 of Division 3 of the Civil Code. For
25 purposes of this subdivision, occupancy at a hotel or motel for a
26 continuous period of 30 days or less shall, in the absence of a
27 written agreement to the contrary, or other written evidence of a
28 periodic tenancy of indefinite duration, be exempt from Chapter
29 2 (commencing with Section 1940) of Title 5 of Part 4 of Division
30 3 of the Civil Code.

31 (t) (1) Entering upon private property, including contiguous
32 land, real property, or structures thereon belonging to the same
33 owner, whether or not generally open to the public, after having
34 been informed by a peace officer at the request of the owner, the
35 owner's agent, or the person in lawful possession, and upon being
36 informed by the peace officer that he or she is acting at the request
37 of the owner, the owner's agent, or the person in lawful possession,
38 that the property is not open to the particular person; or refusing
39 or failing to leave the property upon being asked to leave the
40 property in the manner provided in this subdivision.

1 This

2 (2) *This* subdivision shall apply only to a person who has been
3 convicted of a ~~violent felony, as specified in subdivision (c) of~~
4 ~~Section 667.5, crime~~ committed upon the particular private
5 property. ~~A~~

6 (3) A single notification or request to the person as set forth
7 above shall be valid and enforceable under this subdivision unless
8 and until rescinded by the owner, the owner's agent, or the person
9 in lawful possession of the property.

10 (4) *Where the person has been convicted of a violent felony, as*
11 *described in subdivision (c) of Section 667.5, this subdivision shall*
12 *apply without time limitation. Where the person has been convicted*
13 *of any other felony, this subdivision shall apply for no more than*
14 *five years from the date of conviction. Where the person has been*
15 *convicted of a misdemeanor, this subdivision shall apply for no*
16 *more than two years from the date of conviction. Where the person*
17 *was convicted for an infraction pursuant to Section 490.1, this*
18 *subdivision shall apply for no more than one year from the date*
19 *of conviction. This subdivision shall not apply to convictions for*
20 *any other infraction.*

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

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

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

37 (B) By imprisonment in ~~the a~~ county jail not exceeding six
38 months, or by a fine not exceeding one thousand dollars (\$1,000),
39 or by both *that fine and imprisonment*, if the person refuses to

1 leave the airport or passenger vessel terminal after being requested
 2 to leave by a peace officer or authorized personnel.

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

7 (3) As used in this subdivision the following definitions shall
 8 control:

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

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

21 (C) “Public transit facility” has the same meaning as specified
 22 in Section 171.7.

23 ~~(C)~~

24 (D) “Authorized personnel” means any person who has a valid
 25 airport identification card issued by the airport operator or has a
 26 valid airline identification card recognized by the airport operator,
 27 or any person not in possession of an airport or airline identification
 28 card who is being escorted for legitimate purposes by a person
 29 with an airport or airline identification card. “Authorized
 30 personnel” also means any person who has a valid port
 31 identification card issued by the harbor operator, or who has a
 32 valid company identification card issued by a commercial maritime
 33 enterprise recognized by the harbor operator, or any other person
 34 who is being escorted for legitimate purposes by a person with a
 35 valid port or qualifying company identification card. “Authorized
 36 personnel” also means any person who has a valid public transit
 37 employee identification.

38 ~~(D)~~

39 (E) “Airport” means any facility whose function is to support
 40 commercial aviation.

1 (v) (1) Except as permitted by federal law, intentionally
2 avoiding submission to the screening and inspection of one's
3 person and accessible property in accordance with the procedures
4 being applied to control access when entering or reentering a sterile
5 area of an airport ~~or~~, passenger vessel terminal, as defined in
6 Section 171.5, *or public transit facility, as defined in subdivision*
7 *(u), if the sterile area is posted with a statement providing*
8 *reasonable notice that prosecution may result from a trespass*
9 *described in this subdivision, is a violation of this subdivision,*
10 *punishable by a fine of not more than five hundred dollars (\$500)*
11 *for the first offense. A second and subsequent violation is a*
12 *misdemeanor, punishable by imprisonment in a county jail for a*
13 *period of not more than one year, or by a fine not to exceed one*
14 *thousand dollars (\$1,000), or by both that fine and imprisonment.*

15 (2) ~~A~~ *Notwithstanding paragraph (1), if a first violation of this*
16 *subdivision that is responsible for the evacuation of an airport*
17 *terminal ~~or~~, passenger vessel terminal, or public transit facility*
18 *and is responsible in any part for delays or cancellations of*
19 *scheduled flights or departures, it is punishable by imprisonment*
20 *of not more than one year in a county jail if the sterile area is posted*
21 *with a statement providing reasonable notice that prosecution may*
22 *result from a trespass described in this subdivision.*

23 (w) Refusing or failing to leave a battered women's shelter at
24 any time after being requested to leave by a managing authority
25 of the shelter.

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

29 (2) The court may order a defendant who is convicted of
30 violating this subdivision to make restitution to a battered woman
31 in an amount equal to the relocation expenses of the battered
32 woman and her children if those expenses are incurred as a result
33 of trespass by the defendant at a battered women's shelter.

34 (x) (1) Knowingly entering or remaining in a neonatal unit,
35 maternity ward, or birthing center located in a hospital or clinic
36 without lawful business to pursue therein, if the area has been
37 posted so as to give reasonable notice restricting access to those
38 with lawful business to pursue therein and the surrounding
39 circumstances would indicate to a reasonable person that he or she
40 has no lawful business to pursue therein. Reasonable notice is that

1 which would give actual notice to a reasonable person, and is
 2 posted, at a minimum, at each entrance into the area.

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

5 (A) As an infraction, by a fine not exceeding one hundred dollars
 6 (\$100).

7 (B) By imprisonment in a county jail not exceeding one year,
 8 or by a fine not exceeding one thousand dollars (\$1,000), or *by*
 9 both *that fine and imprisonment*, if the person refuses to leave the
 10 posted area after being requested to leave by a peace officer or
 11 other authorized person.

12 (C) By imprisonment in a county jail not exceeding one year,
 13 or by a fine not exceeding two thousand dollars (\$2,000), or *by*
 14 both *that fine and imprisonment*, for a second or subsequent
 15 offense.

16 (D) If probation is granted or the execution or imposition of
 17 sentencing is suspended for any person convicted under this
 18 subdivision, it shall be a condition of probation that the person
 19 participate in counseling, as designated by the court, unless the
 20 court finds good cause not to impose this requirement. The court
 21 shall require the person to pay for this counseling, if ordered, unless
 22 good cause not to pay is shown.

23 (y) Except as permitted by federal law, intentionally avoiding
 24 submission to the screening and inspection of one's person and
 25 accessible property in accordance with the procedures being applied
 26 to control access when entering or reentering a courthouse or a
 27 city, county, city and county, or state building if entrances to the
 28 courthouse or the city, county, city and county, or state building
 29 have been posted with a statement providing reasonable notice
 30 that prosecution may result from a trespass described in this
 31 subdivision.

32 *SEC. 1.7. Section 602 of the Penal Code is amended to read:*

33 602. Except as provided in ~~paragraph (2) of subdivision (u),~~
 34 subdivision (v), subdivision (x), and Section 602.8, every person
 35 who willfully commits a trespass by any of the following acts is
 36 guilty of a misdemeanor:

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

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

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

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

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

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

25 (g) Entering upon any lands owned by any other person whereon
26 oysters or other shellfish are planted or growing; or injuring,
27 gathering, or carrying away any oysters or other shellfish planted,
28 growing, or on any of those lands, whether covered by water or
29 not, without the license of the owner or legal occupant; or
30 damaging, destroying, or removing, or causing to be removed,
31 damaged, or destroyed, any stakes, marks, fences, or signs intended
32 to designate the boundaries and limits of any of those lands.

33 (h) (1) Entering upon lands or buildings owned by any other
34 person without the license of the owner or legal occupant, where
35 signs forbidding trespass are displayed, and whereon cattle, goats,
36 pigs, sheep, fowl, or any other animal is being raised, bred, fed,
37 or held for the purpose of food for human consumption; or injuring,
38 gathering, or carrying away any animal being housed on any of
39 those lands, without the license of the owner or legal occupant; or
40 damaging, destroying, or removing, or causing to be removed,

1 damaged, or destroyed, any stakes, marks, fences, or signs intended
2 to designate the boundaries and limits of any of those lands.

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

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

11 (i) Willfully opening, tearing down, or otherwise destroying
12 any fence on the enclosed land of another, or opening any gate,
13 bar, or fence of another and willfully leaving it open without the
14 written permission of the owner, or maliciously tearing down,
15 mutilating, or destroying any sign, signboard, or other notice
16 forbidding shooting on private property.

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

23 (k) Entering any lands, whether unenclosed or enclosed by
24 fence, for the purpose of injuring any property or property rights
25 or with the intention of interfering with, obstructing, or injuring
26 any lawful business or occupation carried on by the owner of the
27 land, the owner's agent or by the person in lawful possession.

28 (l) Entering any lands under cultivation or enclosed by fence,
29 belonging to, or occupied by, another, or entering upon uncultivated
30 or unenclosed lands where signs forbidding trespass are displayed
31 at intervals not less than three to the mile along all exterior
32 boundaries and at all roads and trails entering the lands without
33 the written permission of the owner of the land, the owner's agent
34 or of the person in lawful possession, and

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

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

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

3 (4) Discharging any firearm.

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

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

18 (o) Refusing or failing to leave land, real property, or structures
19 belonging to or lawfully occupied by another and not open to the
20 general public, upon being requested to leave by (1) a peace officer
21 at the request of the owner, the owner's agent, or the person in
22 lawful possession, and upon being informed by the peace officer
23 that he or she is acting at the request of the owner, the owner's
24 agent, or the person in lawful possession, or (2) the owner, the
25 owner's agent, or the person in lawful possession. The owner, the
26 owner's agent, or the person in lawful possession shall make a
27 separate request to the peace officer on each occasion when the
28 peace officer's assistance in dealing with a trespass is requested.
29 However, a single request for a peace officer's assistance may be
30 made to cover a limited period of time not to exceed 30 days and
31 identified by specific dates, during which there is a fire hazard or
32 the owner, owner's agent or person in lawful possession is absent
33 from the premises or property. In addition, a single request for a
34 peace officer's assistance may be made for a period not to exceed
35 six months when the premises or property is closed to the public
36 and posted as being closed. However, this subdivision shall not
37 be applicable to persons engaged in lawful labor union activities
38 which are permitted to be carried out on the property by the
39 California Agricultural Labor Relations Act, Part 3.5 (commencing
40 with Section 1140) of Division 2 of the Labor Code, or by the

1 National Labor Relations Act. For purposes of this section, land,
2 real property, or structures owned or operated by any housing
3 authority for tenants as defined under Section 34213.5 of the Health
4 and Safety Code constitutes property not open to the general public;
5 however, this subdivision shall not apply to persons on the premises
6 who are engaging in activities protected by the California or United
7 States Constitution, or to persons who are on the premises at the
8 request of a resident or management and who are not loitering or
9 otherwise suspected of violating or actually violating any law or
10 ordinance.

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

16 (q) Refusing or failing to leave a public building of a public
17 agency during those hours of the day or night when the building
18 is regularly closed to the public upon being requested to do so by
19 a regularly employed guard, watchman, or custodian of the public
20 agency owning or maintaining the building or property, if the
21 surrounding circumstances would indicate to a reasonable person
22 that the person has no apparent lawful business to pursue.

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

25 (s) Refusing or failing to leave a hotel or motel, where he or
26 she has obtained accommodations and has refused to pay for those
27 accommodations, upon request of the proprietor or manager, and
28 the occupancy is exempt, pursuant to subdivision (b) of Section
29 1940 of the Civil Code, from Chapter 2 (commencing with Section
30 1940) of Title 5 of Part 4 of Division 3 of the Civil Code. For
31 purposes of this subdivision, occupancy at a hotel or motel for a
32 continuous period of 30 days or less shall, in the absence of a
33 written agreement to the contrary, or other written evidence of a
34 periodic tenancy of indefinite duration, be exempt from Chapter
35 2 (commencing with Section 1940) of Title 5 of Part 4 of Division
36 3 of the Civil Code.

37 (t) (1) Entering upon private property, including contiguous
38 land, real property, or structures thereon belonging to the same
39 owner, whether or not generally open to the public, after having
40 been informed by a peace officer at the request of the owner, the

1 owner's agent, or the person in lawful possession, and upon being
2 informed by the peace officer that he or she is acting at the request
3 of the owner, the owner's agent, or the person in lawful possession,
4 that the property is not open to the particular person; or refusing
5 or failing to leave the property upon being asked to leave the
6 property in the manner provided in this subdivision.

7 ~~This~~

8 (2) *This* subdivision shall apply only to a person who has been
9 convicted of a ~~violent felony, as specified in subdivision (c) of~~
10 ~~Section 667.5, crime~~ committed upon the particular private
11 property. ~~A~~

12 (3) A single notification or request to the person as set forth
13 above shall be valid and enforceable under this subdivision unless
14 and until rescinded by the owner, the owner's agent, or the person
15 in lawful possession of the property.

16 (4) *Where the person has been convicted of a violent felony, as*
17 *described in subdivision (c) of Section 667.5, this subdivision shall*
18 *apply without time limitation. Where the person has been convicted*
19 *of any other felony, this subdivision shall apply for no more than*
20 *five years from the date of conviction. Where the person has been*
21 *convicted of a misdemeanor, this subdivision shall apply for no*
22 *more than two years from the date of conviction. Where the person*
23 *was convicted for an infraction pursuant to Section 490.1, this*
24 *subdivision shall apply for no more than one year from the date*
25 *of conviction. This subdivision shall not apply to convictions for*
26 *any other infraction.*

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

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

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

4 (B) By imprisonment in ~~the~~ a county jail not exceeding six
5 months, or by a fine not exceeding one thousand dollars (\$1,000),
6 or *by both that fine and imprisonment*, if the person refuses to
7 leave the airport or passenger vessel terminal after being requested
8 to leave by a peace officer or authorized personnel.

9 (C) By imprisonment in ~~the~~ a county jail not exceeding six
10 months, or by a fine not exceeding one thousand dollars (\$1,000),
11 or *by both that fine and imprisonment*, for a second or subsequent
12 offense.

13 (3) As used in this subdivision the following definitions shall
14 control:

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

20 (B) "Passenger vessel terminal" means only that portion of a
21 harbor or port facility, as described in Section 105.105(a)(2) of
22 Title 33 of the Code of Federal Regulations, with a secured area
23 that regularly serves scheduled commuter or passenger operations.
24 For the purposes of this section, "passenger vessel terminal" does
25 not include any area designated a public access area pursuant to
26 Section 105.106 of Title 33 of the Code of Federal Regulations.

27 (C) "*Public transit facility*" has the same meaning as specified
28 in Section 171.7.

29 (E)

30 (D) "Authorized personnel" means any person who has a valid
31 airport identification card issued by the airport operator or has a
32 valid airline identification card recognized by the airport operator,
33 or any person not in possession of an airport or airline identification
34 card who is being escorted for legitimate purposes by a person
35 with an airport or airline identification card. "Authorized
36 personnel" also means any person who has a valid port
37 identification card issued by the harbor operator, or who has a
38 valid company identification card issued by a commercial maritime
39 enterprise recognized by the harbor operator, or any other person
40 who is being escorted for legitimate purposes by a person with a

1 valid port or qualifying company identification card. *“Authorized*
2 *personnel” also means any person who has a valid public transit*
3 *employee identification.*

4 ~~(D)~~

5 (E) *“Airport” means any facility whose function is to support*
6 *commercial aviation.*

7 (v) (1) Except as permitted by federal law, intentionally
8 avoiding submission to the screening and inspection of one’s
9 person and accessible property in accordance with the procedures
10 being applied to control access when entering or reentering a sterile
11 area of an airport ~~or~~, passenger vessel terminal, as defined in
12 Section 171.5, *or public transit facility, as defined in subdivision*
13 *(u), if the sterile area is posted with a statement providing*
14 *reasonable notice that prosecution may result from a trespass*
15 *described in this subdivision, is a violation of this subdivision,*
16 *punishable by a fine of not more than five hundred dollars (\$500)*
17 *for the first offense. A second and subsequent violation is a*
18 *misdemeanor, punishable by imprisonment in a county jail for a*
19 *period of not more than one year, or by a fine not to exceed one*
20 *thousand dollars (\$1,000), or by both that fine and imprisonment.*

21 (2) ~~A~~ *Notwithstanding paragraph (1), if a first violation of this*
22 *subdivision that is responsible for the evacuation of an airport*
23 *terminal ~~or~~, passenger vessel terminal, or public transit facility*
24 *and is responsible in any part for delays or cancellations of*
25 *scheduled flights or departures, it is punishable by imprisonment*
26 *of not more than one year in a county jail if the sterile area is posted*
27 *with a statement providing reasonable notice that prosecution may*
28 *result from a trespass described in this subdivision.*

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

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

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

1 (x) (1) Knowingly entering or remaining in a neonatal unit,
2 maternity ward, or birthing center located in a hospital or clinic
3 without lawful business to pursue therein, if the area has been
4 posted so as to give reasonable notice restricting access to those
5 with lawful business to pursue therein and the surrounding
6 circumstances would indicate to a reasonable person that he or she
7 has no lawful business to pursue therein. Reasonable notice is that
8 which would give actual notice to a reasonable person, and is
9 posted, at a minimum, at each entrance into the area.

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

12 (A) As an infraction, by a fine not exceeding one hundred dollars
13 (\$100).

14 (B) By imprisonment in a county jail not exceeding one year,
15 or by a fine not exceeding one thousand dollars (\$1,000), or *by*
16 both *that fine and imprisonment*, if the person refuses to leave the
17 posted area after being requested to leave by a peace officer or
18 other authorized person.

19 (C) By imprisonment in a county jail not exceeding one year,
20 or by a fine not exceeding two thousand dollars (\$2,000), or *by*
21 both *that fine and imprisonment*, for a second or subsequent
22 offense.

23 (D) If probation is granted or the execution or imposition of
24 sentencing is suspended for any person convicted under this
25 subdivision, it shall be a condition of probation that the person
26 participate in counseling, as designated by the court, unless the
27 court finds good cause not to impose this requirement. The court
28 shall require the person to pay for this counseling, if ordered, unless
29 good cause not to pay is shown.

30 (y) Except as permitted by federal law, intentionally avoiding
31 submission to the screening and inspection of one's person and
32 accessible property in accordance with the procedures being applied
33 to control access when entering or reentering a courthouse or a
34 city, county, city and county, or state building if entrances to the
35 courthouse or the city, county, city and county, or state building
36 have been posted with a statement providing reasonable notice
37 that prosecution may result from a trespass described in this
38 subdivision.

39 (z) (1) *Knowingly entering or remaining at an annual event*
40 *that is televised live and not open to the general public without*

1 authorization from the person lawfully in possession of the
2 property, if the area has been posted so as to give reasonable
3 notice restricting access to authorized guests and persons with
4 lawful business to pursue therein. Reasonable notice is that which
5 would give actual notice to a reasonable person, and is posted at
6 each authorized entrance. The notice shall state that a person who
7 enters the event without authorization is subject to prosecution
8 for a misdemeanor.

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

11 (A) By imprisonment in a county jail not exceeding six months,
12 or by a fine not exceeding one thousand dollars (\$1,000), or by
13 both that fine and imprisonment, subject to Section 19.8, for a first
14 offense.

15 (B) By imprisonment in a county jail not exceeding six months,
16 or by a fine not exceeding two thousand dollars (\$2,000), or by
17 both that fine and imprisonment, for a second or subsequent
18 offense.

19 (3) For purposes of this subdivision, an event is not open to the
20 general public if entrance to the event is obtained through an
21 individual invitation or by a ticket.

22 (4) This subdivision does not apply to activities arising out of
23 labor disputes as defined in paragraph (4) of subdivision (b) of
24 Section 527.3 of the Code of Civil Procedure involving labor
25 organizations as defined in Section 1117 of the Labor Code.

26 SEC. 2. (a) Section 1.3 of this bill incorporates amendments
27 to Section 602 of the Penal Code proposed by both this bill and
28 AB 451. It shall only become operative if (1) both bills are enacted
29 and become effective on or before January 1, 2011, (2) each bill
30 amends Section 602 of the Penal Code, and (3) AB 2324 is not
31 enacted or as enacted does not amend that section, and (4) this
32 bill is enacted after AB 451, in which case Sections 1, 1.5, and 1.7
33 of this bill shall not become operative.

34 (b) Section 1.5 of this bill incorporates amendments to Section
35 602 of the Penal Code proposed by both this bill and AB 2324. It
36 shall only become operative if (1) both bills are enacted and
37 become effective on or before January 1, 2011, (2) each bill
38 amends Section 602 of the Penal Code, (3) AB 451 is not enacted
39 or as enacted does not amend that section, and (4) this bill is

1 *enacted after AB 2324 in which case Sections 1, 1.3, and 1.7 of*
2 *this bill shall not become operative.*

3 *(c) Section 1.7 of this bill incorporates amendments to Section*
4 *602 of the Penal Code proposed by this bill, AB 451, and AB 2324.*
5 *It shall only become operative if (1) all three bills are enacted and*
6 *become effective on or before January 1, 2011, (2) all three bills*
7 *amend Section 602 of the Penal Code, and (3) this bill is enacted*
8 *after AB 451 and AB 2324, in which case Sections 1, 1.3, and 1.5*
9 *of this bill shall not become operative.*

10 ~~SEC. 2.~~

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.