

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY MARCH 10, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1675

Introduced by Assembly Member Hagman
(Coauthors: Assembly Members *DeVore*, Gilmore, *Jones*, Smyth,
and Solorio)

January 21, 2010

An act to add Section 602.13 to the Penal Code, relating to trespassing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1675, as amended, Hagman. Trespassing: animal enclosures at zoos.

Under existing law, every person who willfully enters and occupies real property without the consent of the owner, owner's agent, or person in lawful possession, is guilty of a misdemeanor.

This bill would, with exemptions for employees and public officers, make it *an infraction or* a misdemeanor to enter an animal enclosure at a zoo, defined to include a public aquarium, without the consent of the zoo's governing authority or representative. Because this bill would create a new crime, it 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 602.13 is added to the Penal Code, to
2 read:

3 602.13. (a) Every person, other than an employee of the zoo
4 acting within the course of his or her employment, or a public
5 officer acting within the course and scope of his or her employment
6 in performance of a duty imposed by law, who enters into an
7 animal enclosure at a zoo, where signs prohibiting entrance into
8 the zoo's animal enclosures have been posted either at the zoo's
9 entrance or on the animal enclosure itself, without the consent of
10 the zoo's governing authority, or a representative of the zoo
11 authorized by the zoo's governing authority, is guilty of *an*
12 *infraction* or a misdemeanor.

13 (b) For purposes of this section, "zoo" means a permanent or
14 semipermanent collection of living animals kept in enclosures for
15 the purpose of displaying the animals to the public. The term "zoo"
16 includes a public aquarium displaying aquatic animals.

17 (c) For purposes of this section, an "animal enclosure" includes,
18 but is not limited to, an aquarium or tank used to house or display
19 aquatic animals.

20 (d) Prosecution under this section does not preclude prosecution
21 under any other provision of law.

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.

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2 CORRECTIONS:
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