

ASSEMBLY BILL

No. 1748

Introduced by Assembly Member Hill

February 8, 2010

An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1748, as introduced, Hill. Alcoholic beverage control: public schoolhouses.

Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides that this prohibition does not apply if the alcoholic beverage is possessed, consumed, or sold, pursuant to a license, for special events held at the facilities of a public community college located in a county of the 1st or 4th class.

This bill would expand the exception to this prohibition to include special events held at the facilities of a public community college located in a county of the 10th class.

This bill would make legislative findings and declarations as to the necessity of a special statute for a county of the 10th class.

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

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

- 1 SECTION 1. Section 25608 of the Business and Professions
- 2 Code is amended to read:

1 25608. (a) Every person who possesses, consumes, sells, gives,
2 or delivers to any other person, any alcoholic beverage in or on
3 any public schoolhouse or any of the grounds thereof, is guilty of
4 a misdemeanor. This section does not, however, make it unlawful
5 for any person to acquire, possess, or use any alcoholic beverage
6 in or on any public schoolhouse, or on any grounds thereof, if any
7 of the following applies:

8 (1) The alcoholic beverage possessed, consumed, or sold,
9 pursuant to a license obtained under this division, is wine that is
10 produced by a bonded winery owned or operated as part of an
11 instructional program in viticulture and enology.

12 (2) The alcoholic beverage is acquired, possessed, or used in
13 connection with a course of instruction given at the school and the
14 person has been authorized to acquire, possess, or use it by the
15 governing body or other administrative head of the school.

16 (3) The public schoolhouse is surplus school property and the
17 grounds thereof are leased to a lessee which is a general law city
18 with a population of less than 50,000, or the public schoolhouse
19 is surplus school property and the grounds thereof are located in
20 an unincorporated area and are leased to a lessee which is a civic
21 organization, and the property is to be used for community center
22 purposes and no public school education is to be conducted thereon
23 by either the lessor or the lessee and the property is not being used
24 by persons under the age of 21 years for recreational purposes at
25 any time during which alcoholic beverages are being sold or
26 consumed on the premises.

27 (4) The alcoholic beverages are acquired, possessed, or used
28 during events at a college-owned or college-operated veterans
29 stadium with a capacity of over 12,000 people, located in a county
30 with a population of over six million people. As used in this
31 subdivision, "events" mean football games sponsored by a college,
32 other than a public community college, or other events sponsored
33 by noncollege groups.

34 (5) The alcoholic beverages are acquired, possessed, or used
35 during an event not sponsored by any college at a performing arts
36 facility built on property owned by a community college district
37 and leased to a nonprofit organization which is a public benefit
38 corporation formed under Part 2 (commencing with Section 5110)
39 of Division 2 of Title 1 of the Corporations Code. As used in this

1 subdivision, “performing arts facility” means an auditorium with
2 more than 300 permanent seats.

3 (6) The alcoholic beverage is wine for sacramental or other
4 religious purposes and is used only during authorized religious
5 services held on or before January 1, 1995.

6 (7) The alcoholic beverages are acquired, possessed, or used
7 during an event at a community center owned by a community
8 services district and the event is not held at a time when students
9 are attending a public school-sponsored activity at the center.

10 (8) The alcoholic beverage is wine which is acquired, possessed,
11 or used during an event sponsored by a community college district
12 or an organization operated for the benefit of the community
13 college district where the college district maintains both an
14 instructional program in viticulture on no less than five acres of
15 land owned by the district and an instructional program in enology,
16 which includes sales and marketing.

17 (9) The alcoholic beverage is acquired, possessed, or used at a
18 professional minor league baseball game conducted at the stadium
19 of a community college located in a county with a population of
20 less than 250,000 inhabitants, and the baseball game is conducted
21 pursuant to a contract between the community college district and
22 a professional sports organization.

23 (10) The alcoholic beverages are acquired, possessed, or used
24 during events at a college-owned or college-operated stadium or
25 other facility. As used in this subdivision, “events” means
26 fundraisers held to benefit a nonprofit corporation that has obtained
27 a license pursuant to this division for the event. “Events” does not
28 include football games or other athletic contests sponsored by any
29 college or public community college. This subdivision shall not
30 apply to any public education facility in which any grade from
31 kindergarten to grade 12, inclusive, is schooled.

32 (11) The alcoholic beverages are possessed, consumed, or sold,
33 pursuant to a license obtained under this division, for an event
34 during the weekend or at other times when pupils are not on the
35 grounds of an overnight retreat facility owned and operated by a
36 county office of education in a county of the 18th or 20th class.

37 (12) The grounds of the public schoolhouse on which the
38 alcoholic beverage is acquired, possessed, used, or consumed is
39 property that has been developed and is used for residential
40 facilities or housing that is offered for rent, lease, or sale

1 exclusively to faculty or staff of a public school or community
2 college.

3 (13) The grounds of a public schoolhouse on which the alcoholic
4 beverage is acquired, possessed, used, or consumed is property of
5 a community college that is leased, licensed, or otherwise provided
6 for use as a water conservation demonstration garden and
7 community passive recreation resource by a joint powers agency
8 comprised of public agencies, including the community college,
9 and the event at which the alcoholic beverage is acquired,
10 possessed, used, or consumed is conducted pursuant to a written
11 policy adopted by the governing body of the joint powers agency
12 and no public funds are used for the purchase or provision of the
13 alcoholic beverage.

14 (14) The alcoholic beverage is beer or wine acquired, possessed,
15 used, sold, or consumed only in connection with a course of
16 instruction, sponsored dinner, or meal demonstration given as part
17 of a culinary arts program at a campus of a California community
18 college and the person has been authorized to acquire, possess,
19 use, sell, or consume the beer or wine by the governing body or
20 other administrative head of the school.

21 (15) The alcoholic beverages are possessed, consumed, or sold,
22 pursuant to a license or permit obtained under this division for
23 special events held at the facilities of a public community college,
24 located in a county of the first ~~class~~ or *class*, a county of the fourth
25 class, or a county of the tenth class, during the special event. As
26 used in this subdivision, “special event” means festivals, shows,
27 private parties, concerts, theatrical productions, and other events
28 held on the premises of the public community college, pursuant
29 to a license or permit, and for which the principal attendees are
30 members of the general public or invited guests and not students
31 of the public community college.

32 (b) Any person convicted of a violation of this section shall, in
33 addition to the penalty imposed for the misdemeanor, be barred
34 from having or receiving any privilege of the use of public school
35 property which is accorded by Article 2 (commencing with Section
36 82537) of Chapter 8 of Part 49 of the Education Code.

37 SEC. 2. The Legislature finds and declares that a special law
38 is necessary and that a general law cannot be made applicable
39 within the meaning of Section 16 of Article IV of the California

- 1 Constitution because of the conditions unique to a county of the
- 2 tenth class.

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