

ASSEMBLY BILL

No. 2324

Introduced by Assembly Member John A. Perez

February 19, 2010

An act to amend Sections 602 and 640 of, and to add Section 171.7 to, the Penal Code, relating to transit.

LEGISLATIVE COUNSEL'S DIGEST

AB 2324, as introduced, John A. Perez. Transit: public transit vehicle stations.

Existing law prohibits a person from knowingly possessing specified weapons and other items within any sterile area, as defined, of an airport or passenger vessel terminal, except as specified.

This bill would make it a misdemeanor, punishable as specified, for any person to knowingly possess at a public transit vehicle station, as defined, specified weapons. By creating a new crime, the bill would impose a state-mandated local program.

Existing law prohibits an unauthorized person from knowingly entering any airport operations area or passenger vessel terminal, as defined, if the area has been posted with certain notices. Existing law provides that a person convicted of violating this provision is punishable by a specified fine or term of imprisonment, or both, if he or she refuses to leave the area after being requested to do so by a peace officer or authorized personnel.

This bill would apply this prohibition and penalty, in addition, to a public transit vehicle station, as defined. By expanding an existing crime, the bill would impose a state-mandated local program.

Existing law prohibits a person from intentionally avoiding submission to screening and inspection when entering or reentering a sterile area

of an airport or passenger vessel terminal, except as specified. Existing law provides that a violation of this prohibition that is responsible for the evacuation of an airport terminal or passenger vessel terminal is punishable by not more than one year in a county jail under certain circumstances.

This bill would apply this prohibition, in addition, to the sterile area of a public transit vehicle station, and would apply this penalty, in addition, to the evacuation of a public transit vehicle station under similar circumstances. By expanding an existing crime, the bill would impose a state-mandated local program.

Existing law provides that it is an infraction, punishable by a fine not to exceed \$250 and by specified community service, to evade the payment of any fare of, or engage in specified passenger misconduct on or in, a described facility or vehicle.

This bill would recast these provisions and make some of these acts of misconduct misdemeanors upon a first offense and make others of these acts of misconduct misdemeanors upon the 3rd or subsequent offense, as specified. The bill would additionally make it a misdemeanor to willfully tamper with, remove, displace, injure, or destroy any part of any light rail train or bus equipment. By creating a new crime and by increasing the penalties for existing crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 171.7 is added to the Penal Code, to read:
- 2 171.7. (a) For purposes of this section:
- 3 (1) "Public transit vehicle station" means any station on a public
- 4 transportation route, to which access is controlled in a manner
- 5 consistent with the public transit authority's security plan, used
- 6 by motor vehicles, streetcars, trackless trolleys, buses, shuttles,
- 7 light rail systems, rapid transit systems, subways, trains, taxi cabs,
- 8 or jitneys, that transport members of the public for hire.

1 (2) “Sterile area” means any portion of a public transit vehicle
2 station that is generally controlled in a manner consistent with the
3 public transit authority’s security plan.

4 (b) It is unlawful for any person to knowingly possess within
5 any sterile area of a public transit vehicle station any of the
6 following:

7 (1) Any unlawfully possessed firearm as provided in Section
8 12031, except as provided in Section 12027.

9 (2) Any weapon described in Section 12020.

10 (3) Any weapon of mass destruction as defined in Section 11417.

11 (4) Any imitation firearm as defined in Section 417.4.

12 (5) Any unauthorized tear gas weapon.

13 (6) Any instrument that expels a metallic projectile, such as a
14 BB or pellet, through the force of air pressure, CO₂ pressure, or
15 spring action, or any spot marker gun or paint gun.

16 (c) Subdivision (b) shall not apply to, or affect, any of the
17 following:

18 (1) A duly appointed peace officer, as defined in Chapter 4.5
19 (commencing with Section 830) of Title 3 of Part 2.

20 (2) A retired peace officer with authorization to carry concealed
21 weapons as described in subdivision (a) of Section 12027.

22 (3) A full-time paid peace officer of another state or the federal
23 government who is carrying out official duties while in California.

24 (4) Any person summoned by any of the officers listed in
25 paragraphs (1) to (3), inclusive, to assist in making arrests or
26 preserving the peace while he or she is actually engaged in assisting
27 the officer.

28 (d) A violation of this section is punishable by imprisonment
29 in a county jail for a period not exceeding six months, or by a fine
30 not exceeding one thousand dollars (\$1,000), or by both that fine
31 and imprisonment.

32 (e) The provisions of this section are cumulative, and shall not
33 be construed as restricting the application of any other law.
34 However, an act or omission that is punishable in different ways
35 by this and any other provision of law shall not be punished under
36 more than one provision.

37 SEC. 2. Section 602 of the Penal Code is amended to read:

38 602. Except as provided in paragraph (2) of subdivision (v),
39 subdivision (x), and Section 602.8, every person who willfully

1 commits a trespass by any of the following acts is guilty of a
2 misdemeanor:

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

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

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

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

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

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

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

39 (h) (1) Entering upon lands or buildings owned by any other
40 person without the license of the owner or legal occupant, where

1 signs forbidding trespass are displayed, and whereon cattle, goats,
2 pigs, sheep, fowl, or any other animal is being raised, bred, fed,
3 or held for the purpose of food for human consumption; or injuring,
4 gathering, or carrying away any animal being housed on any of
5 those lands, 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 (2) In order for there to be a violation of this subdivision, the
10 trespass signs under paragraph (1) must be displayed at intervals
11 not less than three per mile along all exterior boundaries and at all
12 roads and trails entering the land.

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

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

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

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

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

- 1 (1) Refusing or failing to leave the lands immediately upon
- 2 being requested by the owner of the land, the owner’s agent or by
- 3 the person in lawful possession to leave the lands, or
- 4 (2) Tearing down, mutilating, or destroying any sign, signboard,
- 5 or notice forbidding trespass or hunting on the lands, or
- 6 (3) Removing, injuring, unlocking, or tampering with any lock
- 7 on any gate on or leading into the lands, or
- 8 (4) Discharging any firearm.
- 9 (m) Entering and occupying real property or structures of any
- 10 kind without the consent of the owner, the owner’s agent, or the
- 11 person in lawful possession.
- 12 (n) Driving any vehicle, as defined in Section 670 of the Vehicle
- 13 Code, upon real property belonging to, or lawfully occupied by,
- 14 another and known not to be open to the general public, without
- 15 the consent of the owner, the owner’s agent, or the person in lawful
- 16 possession. This subdivision shall not apply to any person described
- 17 in Section 22350 of the Business and Professions Code who is
- 18 making a lawful service of process, provided that upon exiting the
- 19 vehicle, the person proceeds immediately to attempt the service
- 20 of process, and leaves immediately upon completing the service
- 21 of process or upon the request of the owner, the owner’s agent, or
- 22 the person in lawful possession.
- 23 (o) Refusing or failing to leave land, real property, or structures
- 24 belonging to or lawfully occupied by another and not open to the
- 25 general public, upon being requested to leave by (1) a peace officer
- 26 at the request of the owner, the owner’s agent, or the person in
- 27 lawful possession, and upon being informed by the peace officer
- 28 that he or she is acting at the request of the owner, the owner’s
- 29 agent, or the person in lawful possession, or (2) the owner, the
- 30 owner’s agent, or the person in lawful possession. The owner, the
- 31 owner’s agent, or the person in lawful possession shall make a
- 32 separate request to the peace officer on each occasion when the
- 33 peace officer’s assistance in dealing with a trespass is requested.
- 34 However, a single request for a peace officer’s assistance may be
- 35 made to cover a limited period of time not to exceed 30 days and
- 36 identified by specific dates, during which there is a fire hazard or
- 37 the owner, owner’s agent or person in lawful possession is absent
- 38 from the premises or property. In addition, a single request for a
- 39 peace officer’s assistance may be made for a period not to exceed
- 40 six months when the premises or property is closed to the public

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

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

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

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

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

1 2 (commencing with Section 1940) of Title 5 of Part 4 of Division
2 3 of the Civil Code.

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

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

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

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

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

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

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

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

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

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

18 (C) *“Public transit vehicle station” means any station on a*
19 *public transportation route, to which access is controlled in a*
20 *manner consistent with the public transit authority’s security plan,*
21 *used by motor vehicles, streetcars, trackless trolleys, buses,*
22 *shuttles, light rail systems, rapid transit systems, subways, trains,*
23 *taxi cabs, or jitneys, that transport members of the public for hire.*

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

39 ~~(D)~~

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

3 (v) (1) Except as permitted by federal law, intentionally
4 avoiding submission to the screening and inspection of one’s
5 person and accessible property in accordance with the procedures
6 being applied to control access when entering or reentering a sterile
7 area of an airport~~or~~, passenger vessel terminal, as defined in
8 Section 171.5, *or public transit vehicle station, as defined in*
9 *subdivision (u).*

10 (2) A violation of this subdivision that is responsible for the
11 evacuation of an airport terminal~~or~~, passenger vessel terminal, *or*
12 *public transit vehicle station* and is responsible in any part for
13 delays or cancellations of scheduled flights or departures is
14 punishable by imprisonment of not more than one year in a county
15 jail if the sterile area is posted with a statement providing
16 reasonable notice that prosecution may result from a trespass
17 described in this subdivision.

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

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

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

29 (x) (1) Knowingly entering or remaining in a neonatal unit,
30 maternity ward, or birthing center located in a hospital or clinic
31 without lawful business to pursue therein, if the area has been
32 posted so as to give reasonable notice restricting access to those
33 with lawful business to pursue therein and the surrounding
34 circumstances would indicate to a reasonable person that he or she
35 has no lawful business to pursue therein. Reasonable notice is that
36 which would give actual notice to a reasonable person, and is
37 posted, at a minimum, at each entrance into the area.

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

1 (A) As an infraction, by a fine not exceeding one hundred dollars
2 (\$100).

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

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

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

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

26 SEC. 3. Section 640 of the Penal Code is amended to read:

27 640. (a) (1) Any of the acts described in subdivision (b), *upon*
28 *a first or second violation*, is an infraction punishable by a fine
29 not to exceed two hundred fifty dollars (\$250) and by community
30 service for a total time not to exceed 48 hours over a period not to
31 exceed 30 days, during a time other than during his or her hours
32 of school attendance or employment, ~~when~~. *A third or subsequent*
33 *violation of any of the acts described in subdivision (b) is a*
34 *misdemeanor punishable by a fine of not more than four hundred*
35 *dollars (\$400) or by imprisonment in the county jail for a period*
36 *of not more than 90 days, or by both that fine and imprisonment.*
37 *Any of the acts described in subdivision (c) shall be punishable by*
38 *a fine of not more than four hundred dollars (\$400), by*
39 *imprisonment in the county jail for a period of not more than 90*
40 *days, or by both that fine and imprisonment.*

- 1 (2) *This section shall apply only to acts committed on or in any*
2 *of the following: a facility or vehicle of a public transportation*
3 *system.*
- 4 ~~(1) A facility or vehicle of a public transportation system as~~
5 ~~defined by Section 99211 of the Public Utilities Code.~~
- 6 ~~(2) A facility of, or vehicle operated by any entity subsidized~~
7 ~~by, the Department of Transportation.~~
- 8 ~~(3) A leased or rented facility or vehicle for which any of the~~
9 ~~entities described in paragraph (1) or (2) incur costs of cleanup,~~
10 ~~repair, or replacement as a result of any of those acts.~~
- 11 (b) (1) Evasion of the payment of a fare of the system.
- 12 (2) Misuse of a transfer, pass, ticket, or token with the intent to
13 evade the payment of a fare.
- 14 (3) Playing sound equipment on or in a system facility or
15 vehicle.
- 16 (4) Smoking, eating, or drinking in or on a system facility or
17 vehicle in those areas where those activities are prohibited by that
18 system.
- 19 (5) Expectoating upon a system facility or vehicle.
- 20 (6) *Skateboarding, roller skating, bicycle riding, or roller*
21 *blading in a system facility, vehicle, or parking structure. This*
22 *paragraph does not apply to an activity that is necessary for*
23 *utilization of the transit facility by a bicyclist, including, but not*
24 *limited to, an activity that is necessary for parking a bicycle or*
25 *transporting a bicycle aboard a transit vehicle, if that activity is*
26 *conducted with the permission of the transit agency in a manner*
27 *that does not interfere with the safety of the bicyclist or other*
28 *patrons of the transit facility.*
- 29 (7) (A) *Unauthorized use of a discount ticket or failure to*
30 *present, upon request from a transit system representative,*
31 *acceptable proof of eligibility to use a discount ticket, in*
32 *accordance with Section 99155 of the Public Utilities Code and*
33 *posted system identification policies when entering or exiting a*
34 *transit station or vehicle. Acceptable proof of eligibility must be*
35 *clearly defined in the posting.*
- 36 (B) *In the event that an eligible discount ticket user is not in*
37 *possession of acceptable proof at the time of request, any citation*
38 *issued shall be held for a period of 72 hours to allow the user to*
39 *produce acceptable proof. If the proof is provided, the citation*

1 *shall be voided. If the proof is not produced within that time period,*
2 *the citation shall be processed.*

3 ~~(6)~~

4 (c) (1) Willfully disturbing others on or in a system facility or
5 vehicle by engaging in boisterous or unruly behavior.

6 ~~(7)~~

7 (2) Carrying an explosive or acid, flammable liquid, or toxic or
8 hazardous material in a public transit facility or vehicle.

9 ~~(8)~~

10 (3) Urinating or defecating in a system facility or vehicle, except
11 in a lavatory. However, this paragraph shall not apply to a person
12 who cannot comply with this paragraph as a result of a disability,
13 age, or a medical condition.

14 ~~(9) (A)~~

15 (4) Willfully blocking the free movement of another person in
16 a system facility or vehicle.

17 ~~(B) This paragraph (9) vehicle. This paragraph shall not be~~
18 ~~interpreted to affect any lawful activities permitted or first~~
19 ~~amendment rights protected under the laws of this state or~~
20 ~~applicable federal law, including, but not limited to, laws related~~
21 ~~to collective bargaining, labor relations, or labor disputes.~~

22 ~~(10) Skateboarding, roller skating, bicycle riding, or roller~~
23 ~~blading in a system facility, vehicle, or parking structure. This~~
24 ~~paragraph does not apply to an activity that is necessary for~~
25 ~~utilization of the transit facility by a bicyclist, including, but not~~
26 ~~limited to, an activity that is necessary for parking a bicycle or~~
27 ~~transporting a bicycle aboard a transit vehicle, if that activity is~~
28 ~~conducted with the permission of the transit agency in a manner~~
29 ~~that does not interfere with the safety of the bicyclist or other~~
30 ~~patrons of the transit facility.~~

31 ~~(11) (A) Unauthorized use of a discount ticket or failure to~~
32 ~~present, upon request from a transit system representative,~~
33 ~~acceptable proof of eligibility to use a discount ticket, in~~
34 ~~accordance with Section 99155 of the Public Utilities Code and~~
35 ~~posted system identification policies when entering or exiting a~~
36 ~~transit station or vehicle. Acceptable proof of eligibility must be~~
37 ~~clearly defined in the posting.~~

38 ~~(B) In the event that an eligible discount ticket user is not in~~
39 ~~possession of acceptable proof at the time of request, any citation~~
40 ~~issued shall be held for a period of 72 hours to allow the user to~~

1 ~~produce acceptable proof. If the proof is provided, the citation~~
2 ~~shall be voided. If the proof is not produced within that time period,~~
3 ~~the citation shall be processed.~~

4 *(5) Willfully tampering with, removing, displacing, injuring, or*
5 *destroying any part of any light rail train or bus equipment.*

6 ~~(e)~~

7 *(d)* Notwithstanding subdivision (a), the City and County of
8 San Francisco and the Los Angeles County Metropolitan
9 Transportation Authority may enact and enforce an ordinance
10 providing that any of the acts described in subdivision (b) on or
11 in a facility or vehicle described in subdivision (a) for which the
12 City and County of San Francisco or the Los Angeles County
13 Metropolitan Transportation Authority has jurisdiction shall be
14 subject only to an administrative penalty imposed and enforced in
15 a civil proceeding. The ordinance for imposing and enforcing the
16 administrative penalty shall be governed by Chapter 8
17 (commencing with Section 99580) of Part 11 of Division 10 of
18 the Public Utilities Code and shall not apply to minors.

19 *(e) For purposes of this section, a “facility or vehicle of a public*
20 *transportation system” means any of the following:*

21 *(1) A facility or vehicle of a public transportation system as*
22 *defined by Section 99211 of the Public Utilities Code.*

23 *(2) A facility of, or vehicle operated by any entity subsidized*
24 *by, the Department of Transportation.*

25 *(3) A leased or rented facility or vehicle for which any of the*
26 *entities described in paragraph (1) or (2) incur costs of cleanup,*
27 *repair, or replacement as a result of any of those acts.*

28 SEC. 4. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.