

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE JUNE 10, 2010

AMENDED IN ASSEMBLY MAY 10, 2010

AMENDED IN ASSEMBLY MAY 4, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2324

Introduced by Assembly Member John A. Pérez
*(Coauthors: Assembly Members Beall, Block, Eng, Galgiani, Huber,
and Smyth)*

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 amended, John A. Pérez. Transit: public transit facilities. 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 facility, as defined, specified weapons, if a notice is posted at the facility, as specified. 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, and makes this conduct punishable by a fine. Existing law provides that a violation of this provision is punishable by a specified fine or term of imprisonment, or both, if the person refuses to leave the area after being requested to do so by a peace officer or authorized personnel.

This bill would apply these prohibitions and penalties, in addition, to knowingly entering, and to entering and refusing to leave, a public transit facility, 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 facility, if a notice is posted at the facility, as specified. This bill would recast the penalties for avoiding submission to screening to impose a \$500 fine for a first offense that does not result in an evacuation or delay, and a fine of \$1,000 and by imprisonment of not more than one year in a county jail for any 2nd or subsequent offense. For a first offense that results in the evacuation of the terminal or facility, as specified, this bill would impose a penalty of not more than one year in a county jail. 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, making some of these acts of misconduct misdemeanors upon a first offense, making others misdemeanors upon the 3rd or subsequent offense, while providing that some would remain as infractions, as specified. The bill would additionally make it a misdemeanor to willfully tamper with, remove, displace, injure, or destroy any part of any facility or vehicle of a public transportation system. By creating a new crime and by increasing the penalties for existing crimes, the bill would impose a state-mandated local program.

Existing law makes it an infraction to carry an explosive or acid, flammable liquid, or toxic or hazardous materials in a public transit facility or vehicle.

This bill would instead make it a misdemeanor, punishable as specified, to carry explosives, acids, or flammable liquids in a public transit facility or vehicle.

This bill would incorporate amendments to Section 602 of the Penal Code proposed by AB 451 and AB 668, contingent on the prior enactment of those bills.

This bill would incorporate amendments to Section 640 of the Penal Code made by SB 1320, contingent on the prior enactment of that bill.

The bill would make additional technical amendments.

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 facility" means any land, building, or
- 4 equipment, or any interest therein, including any station on a public
- 5 transportation route, to which access is controlled in a manner
- 6 consistent with the public transit authority's security plan, whether
- 7 or not the operation thereof produces revenue, that has as its
- 8 primary purpose the operation of a public transit system or the
- 9 providing of services to the passengers of a public transit system.
- 10 A public transit system includes the vehicles used in the system,
- 11 including, but not limited to, motor vehicles, streetcars, trackless
- 12 trolleys, buses, light rail systems, rapid transit systems, subways,
- 13 trains, or jitneys, that transport members of the public for hire.
- 14 (2) "Sterile area" means any portion of a public transit facility
- 15 that is generally controlled in a manner consistent with the public
- 16 transit authority's security plan.
- 17 (3) "Firearm" has the same meaning as specified in Section
- 18 12001.

- 1 (b) It is unlawful for any person to knowingly possess within
 2 any sterile area of a public transit facility any of the following, if
 3 the sterile area is posted with a statement providing reasonable
 4 notice that prosecution may result from possession of these items:
 5 (1) Any firearm.
 6 (2) Any imitation firearm as defined in Section 417.4.
 7 (3) Any instrument that expels a metallic projectile, such as a
 8 BB or pellet, through the force of air pressure, CO₂ pressure, or
 9 spring action, or any spot marker gun or paint gun.
 10 (4) Any metal military practice hand grenade.
 11 (5) Any metal replica hand grenade.
 12 (6) Any plastic replica hand grenade.
 13 (7) Any unauthorized tear gas weapon.
 14 (8) Any undetectable knife, as described in Section 12001.1.
 15 (c) (1) Subdivision (b) shall not apply to, or affect, any of the
 16 following:
 17 (A) A duly appointed peace officer, as defined in Chapter 4.5
 18 (commencing with Section 830) of Title 3 of Part 2.
 19 (B) A retired peace officer with authorization to carry concealed
 20 weapons as described in subdivision (a) of Section 12027.
 21 (C) A full-time paid peace officer of another state or the federal
 22 government who is carrying out official duties while in California.
 23 (D) A qualified law enforcement officer of another state or the
 24 federal government, as permitted under the Law Enforcement
 25 Officers Safety Act pursuant to Section 926B or 926C of Title 18
 26 of the United States Code.
 27 (E) Any person summoned by any of the officers listed in
 28 subparagraphs (A) to (C), inclusive, to assist in making arrests or
 29 preserving the peace while he or she is actually engaged in assisting
 30 the officer.
 31 (F) A person who is responsible for the security of the public
 32 transit system and who has been authorized by the public transit
 33 authority's security coordinator, in writing, to possess a weapon
 34 specified in subdivision (b).
 35 (2) Paragraph (1) of subdivision (b) does not apply to or affect
 36 a person who is exempt from the prohibition against carrying a
 37 handgun pursuant to Section 12025 if the carrying of that handgun
 38 is in accordance with the terms and conditions of the exemption
 39 specified in Section 12027.

1 (3) Paragraph (7) of subdivision (b) shall not apply to or affect
2 the possession of a tear gas weapon when possession is permitted
3 pursuant to Chapter 4 (commencing with Section 12401) of Title
4 2 of Part 4.

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

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

14 (f) This section does not prevent prosecution under any other
15 provision of law that may provide a greater punishment.

16 (g) *This section shall be interpreted so as to be consistent with*
17 *Section 926A of Title 18 of the United States Code.*

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

19 602. Except as provided in subdivision (u), subdivision (v),
20 subdivision (x), and Section 602.8, every person who willfully
21 commits a trespass by any of the following acts is guilty of a
22 misdemeanor:

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

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

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

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

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

36 (f) Maliciously tearing down, damaging, mutilating, or
37 destroying any sign, signboard, or notice placed upon, or affixed
38 to, any property belonging to the state, or to any city, county, city
39 and county, town or village, or upon any property of any person,
40 by the state or by an automobile association, which sign, signboard

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

11 (g) Entering upon any lands owned by any other person whereon
12 oysters or other shellfish are planted or growing; or injuring,
13 gathering, or carrying away any oysters or other shellfish planted,
14 growing, or on any of those lands, whether covered by water or
15 not, 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 (h) (1) Entering upon lands or buildings owned by any other
20 person without the license of the owner or legal occupant, where
21 signs forbidding trespass are displayed, and whereon cattle, goats,
22 pigs, sheep, fowl, or any other animal is being raised, bred, fed,
23 or held for the purpose of food for human consumption; or injuring,
24 gathering, or carrying away any animal being housed on any of
25 those lands, without the license of the owner or legal occupant; or
26 damaging, destroying, or removing, or causing to be removed,
27 damaged, or destroyed, any stakes, marks, fences, or signs intended
28 to designate the boundaries and limits of any of those lands.

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

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

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

1 mutilating, or destroying any sign, signboard, or other notice
2 forbidding shooting on private property.

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

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

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

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

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

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

28 (4) Discharging any firearm.

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

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

1 of process or upon the request of the owner, the owner's agent, or
2 the person in lawful possession.

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

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

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

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

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

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

32 This subdivision shall apply only to a person who has been
33 convicted of a violent felony, as specified in subdivision (c) of
34 Section 667.5, committed upon the particular private property. A
35 single notification or request to the person as set forth above shall
36 be valid and enforceable under this subdivision unless and until
37 rescinded by the owner, the owner's agent, or the person in lawful
38 possession of the property.

39 (u) (1) Knowingly entering, by an unauthorized person, upon
40 any airport operations area, passenger vessel terminal, or public

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

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

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

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

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

24 (3) As used in this subdivision the following definitions shall
25 control:

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

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

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

1 (D) “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. “Authorized
13 personnel” also means any person who has a valid public transit
14 employee identification.

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

17 (v) (1) Except as permitted by federal law, intentionally
18 avoiding submission to the screening and inspection of one’s
19 person and accessible property in accordance with the procedures
20 being applied to control access when entering or reentering a sterile
21 area of an airport, passenger vessel terminal, as defined in Section
22 171.5, or public transit facility, as defined in subdivision (u), if
23 the sterile area is posted with a statement providing reasonable
24 notice that prosecution may result from a trespass described in this
25 subdivision, is a violation of this subdivision, punishable by a fine
26 of not more than five hundred dollars (\$500) for the first offense.
27 A second and subsequent violation is a misdemeanor, punishable
28 by imprisonment in a county jail for a period of not more than one
29 year, or by a fine not to exceed one thousand dollars (\$1,000), or
30 by both that fine and imprisonment.

31 (2) Notwithstanding paragraph (1), if a first violation of this
32 subdivision is responsible for the evacuation of an airport terminal,
33 passenger vessel terminal, or public transit facility and is
34 responsible in any part for delays or cancellations of scheduled
35 flights or departures, it is punishable by imprisonment of not more
36 than one year in a county jail.

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. 2.3. Section 602 of the Penal Code is amended to read:*

8 602. Except as provided in ~~paragraph (2) of subdivision (u),~~
9 subdivision (v), subdivision (x), and Section 602.8, every person
10 who willfully commits a trespass by any of the following acts is
11 guilty of a 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) Entering upon private property, including contiguous land,
14 real property, or structures thereon belonging to the same owner,
15 whether or not generally open to the public, after having been
16 informed by a peace officer at the request of the owner, the owner's
17 agent, or the person in lawful possession, and upon being informed
18 by the peace officer that he or she is acting at the request of the
19 owner, the owner's agent, or the person in lawful possession, that
20 the property is not open to the particular person; or refusing or
21 failing to leave the property upon being asked to leave the property
22 in the manner provided in this subdivision.

23 This subdivision shall apply only to a person who has been
24 convicted of a violent felony, as specified in subdivision (c) of
25 Section 667.5, committed upon the particular private property. A
26 single notification or request to the person as set forth above shall
27 be valid and enforceable under this subdivision unless and until
28 rescinded by the owner, the owner's agent, or the person in lawful
29 possession of the property.

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

1 exterior boundary, or in any other manner approved by the captain
 2 of the port.

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

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

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

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

15 (3) As used in this subdivision the following definitions shall
 16 control:

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

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

29 (C) “*Public transit facility*” has the same meaning as specified
 30 in Section 171.7.

31 (E)

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

1 enterprise recognized by the harbor operator, or any other person
2 who is being escorted for legitimate purposes by a person with a
3 valid port or qualifying company identification card. *“Authorized*
4 *personnel” also means any person who has a valid public transit*
5 *employee identification.*

6 ~~(D)~~

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

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

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

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

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

37 (2) The court may order a defendant who is convicted of
38 violating this subdivision to make restitution to a battered woman
39 in an amount equal to the relocation expenses of the battered

1 woman and her children if those expenses are incurred as a result
2 of trespass by the defendant at a battered women's shelter.

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

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

14 (A) As an infraction, by a fine not exceeding one hundred dollars
15 (\$100).

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

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

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

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

1 (z) (1) *Knowingly entering or remaining at an annual event*
2 *that is televised live and not open to the general public without*
3 *authorization from the person lawfully in possession of the*
4 *property, if the area has been posted so as to give reasonable*
5 *notice restricting access to authorized guests and persons with*
6 *lawful business to pursue therein. Reasonable notice is that which*
7 *would give actual notice to a reasonable person, and is posted at*
8 *each authorized entrance. The notice shall state that a person who*
9 *enters the event without authorization is subject to prosecution*
10 *for a misdemeanor.*

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

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

17 (B) *By imprisonment in a county jail not exceeding six months,*
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 (3) *For purposes of this subdivision, an event is not open to the*
22 *general public if entrance to the event is obtained through an*
23 *individual invitation or by a ticket.*

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

28 *SEC. 2.5. Section 602 of the Penal Code is amended to read:*

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

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

35 (b) *Carrying away any kind of wood or timber lying on those*
36 *lands.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (4) Discharging any firearm.

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

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

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

1 and Safety Code constitutes property not open to the general public;
2 however, this subdivision shall not apply to persons on the premises
3 who are engaging in activities protected by the California or United
4 States Constitution, or to persons who are on the premises at the
5 request of a resident or management and who are not loitering or
6 otherwise suspected of violating or actually violating any law or
7 ordinance.

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

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

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

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

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

1 that the property is not open to the particular person; or refusing
2 or failing to leave the property upon being asked to leave the
3 property in the manner provided in this subdivision.

4 (2) *This subdivision shall apply only to a person who has been*
5 *convicted of a crime committed upon the particular private*
6 *property.*

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

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

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

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

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

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

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

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

10 (3) As used in this subdivision the following definitions shall
11 control:

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

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

24 (C) “Public transit facility” *has the same meaning as specified*
25 *in Section 171.7.*

26 (E)

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

1 (D)

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

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

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

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

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

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

37 (x) (1) Knowingly entering or remaining in a neonatal unit,
38 maternity ward, or birthing center located in a hospital or clinic
39 without lawful business to pursue therein, if the area has been
40 posted so as to give reasonable notice restricting access to those

1 with lawful business to pursue therein and the surrounding
2 circumstances would indicate to a reasonable person that he or she
3 has no lawful business to pursue therein. Reasonable notice is that
4 which would give actual notice to a reasonable person, and is
5 posted, at a minimum, at each entrance into the area.

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

8 (A) As an infraction, by a fine not exceeding one hundred dollars
9 (\$100).

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

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

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

35 *SEC. 2.7. Section 602 of the Penal Code is amended to read:*

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

- 1 (a) Cutting down, destroying, or injuring any kind of wood or
2 timber standing or growing upon the lands of another.
- 3 (b) Carrying away any kind of wood or timber lying on those
4 lands.
- 5 (c) Maliciously injuring or severing from the freehold of another
6 anything attached to it, or its produce.
- 7 (d) Digging, taking, or carrying away from any lot situated
8 within the limits of any incorporated city, without the license of
9 the owner or legal occupant, any earth, soil, or stone.
- 10 (e) Digging, taking, or carrying away from land in any city or
11 town laid down on the map or plan of the city, or otherwise
12 recognized or established as a street, alley, avenue, or park, without
13 the license of the proper authorities, any earth, soil, or stone.
- 14 (f) Maliciously tearing down, damaging, mutilating, or
15 destroying any sign, signboard, or notice placed upon, or affixed
16 to, any property belonging to the state, or to any city, county, city
17 and county, town or village, or upon any property of any person,
18 by the state or by an automobile association, which sign, signboard
19 or notice is intended to indicate or designate a road, or a highway,
20 or is intended to direct travelers from one point to another, or
21 relates to fires, fire control, or any other matter involving the
22 protection of the property, or putting up, affixing, fastening,
23 printing, or painting upon any property belonging to the state, or
24 to any city, county, town, or village, or dedicated to the public, or
25 upon any property of any person, without license from the owner,
26 any notice, advertisement, or designation of, or any name for any
27 commodity, whether for sale or otherwise, or any picture, sign, or
28 device intended to call attention to it.
- 29 (g) Entering upon any lands owned by any other person whereon
30 oysters or other shellfish are planted or growing; or injuring,
31 gathering, or carrying away any oysters or other shellfish planted,
32 growing, or on any of those lands, whether covered by water or
33 not, without the license of the owner or legal occupant; or
34 damaging, destroying, or removing, or causing to be removed,
35 damaged, or destroyed, any stakes, marks, fences, or signs intended
36 to designate the boundaries and limits of any of those lands.
- 37 (h) (1) Entering upon lands or buildings owned by any other
38 person without the license of the owner or legal occupant, where
39 signs forbidding trespass are displayed, and whereon cattle, goats,
40 pigs, sheep, fowl, or any other animal is being raised, bred, fed,

1 or held for the purpose of food for human consumption; or injuring,
2 gathering, or carrying away any animal being housed on any of
3 those lands, without the license of the owner or legal occupant; or
4 damaging, destroying, or removing, or causing to be removed,
5 damaged, or destroyed, any stakes, marks, fences, or signs intended
6 to designate the boundaries and limits of any of those lands.

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

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

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

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

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

32 (l) Entering any lands under cultivation or enclosed by fence,
33 belonging to, or occupied by, another, or entering upon uncultivated
34 or unenclosed lands where signs forbidding trespass are displayed
35 at intervals not less than three to the mile along all exterior
36 boundaries and at all roads and trails entering the lands without
37 the written permission of the owner of the land, the owner's agent
38 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) (1) Entering upon private property, including contiguous
4 land, real property, or structures thereon belonging to the same
5 owner, whether or not generally open to the public, after having
6 been informed by a peace officer at the request of the owner, the
7 owner’s agent, or the person in lawful possession, and upon being
8 informed by the peace officer that he or she is acting at the request
9 of the owner, the owner’s agent, or the person in lawful possession,
10 that the property is not open to the particular person; or refusing
11 or failing to leave the property upon being asked to leave the
12 property in the manner provided in this subdivision.

13 This

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

18 (3) A single notification or request to the person as set forth
19 above shall be valid and enforceable under this subdivision unless
20 and until rescinded by the owner, the owner’s agent, or the person
21 in lawful possession of the property.

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

33 (u) (1) Knowingly entering, by an unauthorized person, upon
34 any ~~airport or operations area, passenger vessel terminal operations~~
35 ~~area, or public transit facility~~ if the area has been posted with
36 notices restricting access to authorized personnel only and the
37 postings occur not greater than every 150 feet along the exterior
38 boundary, to the extent, in the case of a passenger vessel terminal,
39 as defined in subparagraph (B) of paragraph (3), that the exterior
40 boundary extends shoreside. To the extent that the exterior

1 boundary of a passenger vessel terminal operations area extends
2 waterside, this prohibition shall apply if notices have been posted
3 in a manner consistent with the requirements for the shoreside
4 exterior boundary, or in any other manner approved by the captain
5 of the port.

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

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

9 (B) 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*, if the person refuses to
12 leave the airport or passenger vessel terminal after being requested
13 to leave by a peace officer or authorized personnel.

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

18 (3) As used in this subdivision the following definitions shall
19 control:

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

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

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

34 (E)

35 (D) “Authorized personnel” means any person who has a valid
36 airport identification card issued by the airport operator or has a
37 valid airline identification card recognized by the airport operator,
38 or any person not in possession of an airport or airline identification
39 card who is being escorted for legitimate purposes by a person
40 with an airport or airline identification card. “Authorized

1 personnel” also means any person who has a valid port
 2 identification card issued by the harbor operator, or who has a
 3 valid company identification card issued by a commercial maritime
 4 enterprise recognized by the harbor operator, or any other person
 5 who is being escorted for legitimate purposes by a person with a
 6 valid port or qualifying company identification card. *“Authorized
 7 personnel” also means any person who has a valid public transit
 8 employee identification.*

9 ~~(D)~~

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

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

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

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

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

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

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

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

17 (A) As an infraction, by a fine not exceeding one hundred dollars
18 (\$100).

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

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

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

35 (y) Except as permitted by federal law, intentionally avoiding
36 submission to the screening and inspection of one’s person and
37 accessible property in accordance with the procedures being applied
38 to control access when entering or reentering a courthouse or a
39 city, county, city and county, or state building if entrances to the
40 courthouse or the city, county, city and county, or state building

1 have been posted with a statement providing reasonable notice
2 that prosecution may result from a trespass described in this
3 subdivision.

4 (z) (1) *Knowingly entering or remaining at an annual event*
5 *that is televised live and not open to the general public without*
6 *authorization from the person lawfully in possession of the*
7 *property, if the area has been posted so as to give reasonable*
8 *notice restricting access to authorized guests and persons with*
9 *lawful business to pursue therein. Reasonable notice is that which*
10 *would give actual notice to a reasonable person, and is posted at*
11 *each authorized entrance. The notice shall state that a person who*
12 *enters the event without authorization is subject to prosecution*
13 *for a misdemeanor.*

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

16 (A) *By imprisonment in a county jail not exceeding six months,*
17 *or by a fine not exceeding one thousand dollars (\$1,000), or by*
18 *both that fine and imprisonment, subject to Section 19.8, for a first*
19 *offense.*

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

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

27 (4) *This subdivision does not apply to activities arising out of*
28 *labor disputes as defined in paragraph (4) of subdivision (b) of*
29 *Section 527.3 of the Code of Civil Procedure involving labor*
30 *organizations as defined in Section 1117 of the Labor Code.*

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

32 640. (a) (1) Any of the acts described in paragraphs (1) to (5),
33 inclusive, of subdivision (b) is an infraction punishable by a fine
34 not to exceed two hundred fifty dollars (\$250) and by community
35 service for a total time not to exceed 48 hours over a period not to
36 exceed 30 days, during a time other than during the violator's hours
37 of school attendance or employment. Any of the acts described in
38 paragraphs (1) to (3), inclusive, of subdivision (c), upon a first or
39 second violation, is an infraction punishable by a fine not to exceed
40 two hundred fifty dollars (\$250) and by community service for a

1 total time not to exceed 48 hours over a period not to exceed 30
2 days, during a time other than during the violator's hours of school
3 attendance or employment. A third or subsequent violation of any
4 of the acts described in paragraphs (1) to (3), inclusive, of
5 subdivision (c) is a misdemeanor punishable by a fine of not more
6 than four hundred dollars (\$400) or by imprisonment in ~~the~~ a
7 county jail for a period of not more than 90 days, or by both that
8 fine and imprisonment. Any of the acts described in subdivision
9 (d) shall be punishable by a fine of not more than four hundred
10 dollars (\$400), by imprisonment in ~~the~~ a county jail for a period
11 of not more than 90 days, or by both that fine and imprisonment.

12 (2) This section shall apply only to acts committed on or in a
13 facility or vehicle of a public transportation system.

14 (b) (1) Eating or drinking in or on a system facility or vehicle
15 in areas where those activities are prohibited by that system.

16 (2) Disturbing another person by loud or unreasonable noise.

17 (3) Smoking in or on a system facility or vehicle in areas where
18 those activities are prohibited by that system.

19 (4) Expecterating upon a system facility or vehicle.

20 (5) Skateboarding, roller skating, bicycle riding, roller blading,
21 or operating a motorized scooter or similar device as defined in
22 Section 407.5 of the Vehicle Code in a system facility, vehicle, or
23 parking structure. This paragraph does not apply to an activity that
24 is necessary for utilization of the transit facility by a bicyclist,
25 including, but not limited to, an activity that is necessary for
26 parking a bicycle or transporting a bicycle aboard a transit vehicle,
27 if that activity is conducted with the permission of the transit
28 agency in a manner that does not interfere with the safety of the
29 bicyclist or other patrons of the transit facility.

30 (c) (1) Evasion of the payment of a fare of the system. For
31 purposes of this section, fare evasion includes entering an enclosed
32 area of a public transit facility beyond posted signs prohibiting
33 entrance without obtaining valid fare, in addition to entering a
34 transit vehicle without valid fare.

35 (2) Misuse of a transfer, pass, ticket, or token with the intent to
36 evade the payment of a fare.

37 (3) (A) Unauthorized use of a discount ticket or failure to
38 present, upon request from a transit system representative,
39 acceptable proof of eligibility to use a discount ticket, in
40 accordance with Section 99155 of the Public Utilities Code and

1 posted system identification policies when entering or exiting a
2 transit station or vehicle. Acceptable proof of eligibility must be
3 clearly defined in the posting.

4 (B) In the event that an eligible discount ticket user is not in
5 possession of acceptable proof at the time of request, any citation
6 issued shall be held for a period of 72 hours to allow the user to
7 produce acceptable proof. If the proof is provided, the citation
8 shall be voided. If the proof is not produced within that time period,
9 the citation shall be processed.

10 (d) (1) Willfully disturbing others on or in a system facility or
11 vehicle by engaging in boisterous or unruly behavior.

12 (2) Carrying an explosive, acid, or flammable liquid in a public
13 transit facility or vehicle.

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

18 (4) Willfully blocking the free movement of another person in
19 a system facility or vehicle. This paragraph shall not be interpreted
20 to affect any lawful activities permitted or first amendment rights
21 protected under the laws of this state or applicable federal law,
22 including, but not limited to, laws related to collective bargaining,
23 labor relations, or labor disputes.

24 (5) Willfully tampering with, removing, displacing, injuring,
25 or destroying any part of any facility or vehicle of a public
26 transportation system.

27 (e) Notwithstanding subdivision (a), the City and County of San
28 Francisco and the Los Angeles County Metropolitan Transportation
29 Authority may enact and enforce an ordinance providing that any
30 of the acts described in subdivision (b) or (c) on or in a facility or
31 vehicle described in subdivision (a) for which the City and County
32 of San Francisco or the Los Angeles County Metropolitan
33 Transportation Authority has jurisdiction shall be subject only to
34 an administrative penalty imposed and enforced in a civil
35 proceeding. The ordinance for imposing and enforcing the
36 administrative penalty shall be governed by Chapter 8
37 (commencing with Section 99580) of Part 11 of Division 10 of
38 the Public Utilities Code and shall not apply to minors.

39 (f) For purposes of this section, a “facility or vehicle of a public
40 transportation system” means any of the following:

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

3 (2) A facility of, or vehicle operated by any entity subsidized
4 by, the Department of Transportation.

5 (3) A leased or rented facility or vehicle for which any of the
6 entities described in paragraph (1) or (2) ~~incur~~ incurs costs of
7 cleanup, repair, or replacement as a result of any of those acts.

8 *SEC. 3.5. Section 640 of the Penal Code is amended to read:*

9 640. (a) (1) Any of the acts described in paragraphs (1) to
10 (5), inclusive, of subdivision (b) is an infraction punishable by a
11 fine not to exceed two hundred fifty dollars (\$250) and by
12 community service for a total time not to exceed 48 hours over a
13 period not to exceed 30 days, during a time other than during ~~his~~
14 ~~or her~~ the violator's hours of school attendance or employment;
15 ~~when committed on or in any of the following:~~ Any of the acts
16 described in paragraphs (1) to (3), inclusive, of subdivision (c),
17 upon a first or second violation, is an infraction punishable by a
18 fine not to exceed two hundred fifty dollars (\$250) and by
19 community service for a total time not to exceed 48 hours over a
20 period not to exceed 30 days, during a time other than during the
21 violator's hours of school attendance or employment. A third or
22 subsequent violation of any of the acts described in paragraphs
23 (1) to (3), inclusive, of subdivision (c) is a misdemeanor punishable
24 by a fine of not more than four hundred dollars (\$400) or by
25 imprisonment in a county jail for a period of not more than 90
26 days, or by both that fine and imprisonment. Any of the acts
27 described in subdivision (d) shall be punishable by a fine of not
28 more than four hundred dollars (\$400), by imprisonment in a
29 county jail for a period of not more than 90 days, or by both that
30 fine and imprisonment.

31 (2) This section shall apply only to acts committed on or in a
32 facility or vehicle of a public transportation system.

33 ~~(1) A facility or vehicle of a public transportation system as~~
34 ~~defined by Section 99211 of the Public Utilities Code.~~

35 ~~(2) A facility of, or vehicle operated by any entity subsidized~~
36 ~~by, the Department of Transportation.~~

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

40 ~~(b) (1) Evasion of the payment of a fare of the system.~~

- 1 ~~(2) Misuse of a transfer, pass, ticket, or token with the intent to~~
- 2 ~~evade the payment of a fare.~~
- 3 ~~(3) Playing sound equipment on or in a system facility or~~
- 4 ~~vehicle.~~
- 5 ~~(4) Smoking, eating,~~
- 6 ~~(b) (1) Eating or drinking in or on a system facility or vehicle~~
- 7 ~~in those areas where those activities are prohibited by that system.~~
- 8 ~~(2) Disturbing another person by loud or unreasonable noise.~~
- 9 ~~(3) Smoking in or on a system facility or vehicle in areas where~~
- 10 ~~those activities are prohibited by that system.~~
- 11 ~~(5)~~
- 12 ~~(4) Expectorating upon a system facility or vehicle.~~
- 13 ~~(6) Willfully disturbing others on or in a system facility or~~
- 14 ~~vehicle by engaging in boisterous or unruly behavior.~~
- 15 ~~(7) Carrying an explosive or acid, flammable liquid, or toxic or~~
- 16 ~~hazardous material in a public transit facility or vehicle.~~
- 17 ~~(8) Urinating or defecating in a system facility or vehicle, except~~
- 18 ~~in a lavatory. However, this paragraph shall not apply to a person~~
- 19 ~~who cannot comply with this paragraph as a result of a disability,~~
- 20 ~~age, or a medical condition.~~
- 21 ~~(9) (A) Willfully blocking the free movement of another person~~
- 22 ~~in a system facility or vehicle.~~
- 23 ~~(B) This paragraph shall not be interpreted to affect any lawful~~
- 24 ~~activities permitted or first amendment rights protected under the~~
- 25 ~~laws of this state or applicable federal law, including, but not~~
- 26 ~~limited to, laws related to collective bargaining, labor relations,~~
- 27 ~~or labor disputes.~~
- 28 ~~(10)~~
- 29 ~~(5) Skateboarding, roller skating, bicycle riding, or roller~~
- 30 ~~blading, or operating a motorized scooter or similar device, as~~
- 31 ~~defined in Section 407.5 of the Vehicle Code in a system facility,~~
- 32 ~~vehicle, or parking structure. This paragraph does not apply to an~~
- 33 ~~activity that is necessary for utilization of the transit facility by a~~
- 34 ~~bicyclist, including, but not limited to, an activity that is necessary~~
- 35 ~~for parking a bicycle or transporting a bicycle aboard a transit~~
- 36 ~~vehicle, if that activity is conducted with the permission of the~~
- 37 ~~transit agency in a manner that does not interfere with the safety~~
- 38 ~~of the bicyclist or other patrons of the transit facility.~~
- 39 ~~(c) (1) Evasion of the payment of a fare of the system. For~~
- 40 ~~purposes of this section, fare evasion includes entering an enclosed~~

1 *area of a public transit facility beyond posted signs prohibiting*
2 *entrance without obtaining valid fare, in addition to entering a*
3 *transit vehicle without valid fare.*

4 (2) *Misuse of a transfer, pass, ticket, or token with the intent to*
5 *evade the payment of a fare.*

6 ~~(11)~~

7 (3) (A) *Unauthorized use of a discount ticket or failure to*
8 *present, upon request from a transit system representative,*
9 *acceptable proof of eligibility to use a discount ticket, in*
10 *accordance with Section 99155 of the Public Utilities Code and*
11 *posted system identification policies when entering or exiting a*
12 *transit station or vehicle. Acceptable proof of eligibility must be*
13 *clearly defined in the posting.*

14 (B) *In the event that an eligible discount ticket user is not in*
15 *possession of acceptable proof at the time of request, any citation*
16 *issued shall be held for a period of 72 hours to allow the user to*
17 *produce acceptable proof. If the proof is provided, the citation*
18 *shall be voided. If the proof is not produced within that time period,*
19 *the citation shall be processed.*

20 (d) (1) *Willfully disturbing others on or in a system facility or*
21 *vehicle by engaging in boisterous or unruly behavior.*

22 (2) *Carrying an explosive, acid, or flammable liquid in a public*
23 *transit facility or vehicle.*

24 (3) *Urinating or defecating in a system facility or vehicle, except*
25 *in a lavatory. However, this paragraph shall not apply to a person*
26 *who cannot comply with this paragraph as a result of a disability,*
27 *age, or a medical condition.*

28 (4) *Willfully blocking the free movement of another person in*
29 *a system facility or vehicle. This paragraph shall not be interpreted*
30 *to affect any lawful activities permitted or First Amendment rights*
31 *protected under the laws of this state or applicable federal law,*
32 *including, but not limited to, laws related to collective bargaining,*
33 *labor relations, or labor disputes.*

34 (5) *Willfully tampering with, removing, displacing, injuring, or*
35 *destroying any part of any facility or vehicle of a public*
36 *transportation system.*

37 ~~(e)~~

38 (e) *Notwithstanding subdivision (a), the City and County of San*
39 *Francisco—and, the Los Angeles County Metropolitan*
40 *Transportation Authority, the Santa Clara Valley Transportation*

1 Authority, the Sacramento Regional Transit District, Long Beach
 2 Transit, Foothill Transit, and the Alameda-Contra Costa Transit
 3 District may enact and enforce an ordinance providing that any of
 4 the acts described in subdivision (b) or (c) on or in a facility or
 5 vehicle described in subdivision (a) for which the City and County
 6 of San Francisco—~~or~~, the Los Angeles County Metropolitan
 7 Transportation Authority, the Santa Clara Valley Transportation
 8 Authority, the Sacramento Regional Transit District, Long Beach
 9 Transit, Foothill Transit, or the Alameda-Contra Costa Transit
 10 District has jurisdiction shall be subject only to an administrative
 11 penalty imposed and enforced in a civil proceeding. The ordinance
 12 for imposing and enforcing the administrative penalty shall be
 13 governed by Chapter 8 (commencing with Section 99580) of Part
 14 11 of Division 10 of the Public Utilities Code and shall not apply
 15 to minors.

16 (f) For purposes of this section, a “facility or vehicle of a public
 17 transportation system” means any of the following:

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

20 (2) A facility of, or vehicle operated by any entity subsidized
 21 by, the Department of Transportation.

22 (3) A leased or rented facility or vehicle for which any of the
 23 entities described in paragraph (1) or (2) incurs costs of cleanup,
 24 repair, or replacement as a result of any of those acts.

25 SEC. 4. (a) Section 2.3 of this bill incorporates amendments
 26 to Section 602 of the Penal Code proposed by both this bill and
 27 AB 451. It shall only become operative if (1) both bills are enacted
 28 and become effective on or before January 1, 2011, (2) each bill
 29 amends Section 602 of the Penal Code, and (3) AB 668 is not
 30 enacted or as enacted does not amend that section, and (4) this
 31 bill is enacted after AB 451, in which case Sections 2, 2.5, and 2.7
 32 of this bill shall not become operative.

33 (b) Section 2.5 of this bill incorporates amendments to Section
 34 602 of the Penal Code proposed by both this bill and AB 668. It
 35 shall only become operative if (1) both bills are enacted and
 36 become effective on or before January 1, 2011, (2) each bill
 37 amends Section 602 of the Penal Code, (3) AB 451 is not enacted
 38 or as enacted does not amend that section, and (4) this bill is
 39 enacted after AB 668 in which case Sections 2, 2.3 and 2.7 of this
 40 bill shall not become operative.

1 (c) Section 2.7 of this bill incorporates amendments to Section
2 602 of the Penal Code proposed by this bill, AB 451, and AB 668.
3 It shall only become operative if (1) all three bills are enacted and
4 become effective on or before January 1, 2011, (2) all three bills
5 amend Section 602 of the Penal Code, and (3) this bill is enacted
6 after AB 451 and AB 668, in which case Sections 2, 2.3 and 2.5 of
7 this bill shall not become operative.

8 SEC. 5. Section 3.5 of this bill incorporates amendments to
9 Section 640 of the Penal Code proposed by both this bill and SB
10 1320. It shall only become operative if (1) both bills are enacted
11 and become effective on or before January 1, 2011, (2) each bill
12 amends Section 640 of the Penal Code, and (3) this bill is enacted
13 after SB 1320, in which case Section 3 of this bill shall not become
14 operative.

15 ~~SEC. 4.~~

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