

AMENDED IN ASSEMBLY MARCH 24, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 74**

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**Introduced by Assembly Member Ma**

December 21, 2010

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An act to add Section ~~421~~ to the Penal Code *11000.10 to the Government Code*, relating to public events.

LEGISLATIVE COUNSEL'S DIGEST

AB 74, as amended, Ma. Public events: Raves: prohibitions: event action plan.

Existing law generally authorizes state agencies, including district agricultural associations, to allow private individuals or corporations to hold events on state property.

This bill would require that any state agency that seeks to hold an event with an expected attendance level over a specified amount on property that is either owned or operated by a state agency to, prior to the event, conduct a threat assessment that addresses specified topics. This bill would also require that if the state agency determines, based on the facts presented to it in the assessment, that there is a strong probability that loss of life or harm to the participants could occur, then the state agency must require the promoter to prepare an event action plan that includes specified information. This bill would also require the state agency to approve the event action plan before the promoter may hold the event.

Existing law generally prohibits certain assemblages or events that disturb the peace.

This bill would provide, subject to exceptions, that any person who conducts a public event at night that includes prerecorded music and

lasts more than  $3 \frac{1}{2}$  hours is guilty of a misdemeanor punishable by a fine of \$10,000 or twice the actual or estimated gross receipts for the event, whichever is greater.

By creating a new crime, this bill would impose a state-mandated local program:

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

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

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

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

1 SECTION 1. This act shall be known and may be cited as the  
2 ~~Anti-Raves Act of 2011 Raves Safety Act.~~

3 SEC. 2. ~~Section 421 is added to the Penal Code, to read:~~

4 ~~421. (a) Any person who conducts a public event at night that~~  
5 ~~includes prerecorded music and lasts more than three and one-half~~  
6 ~~hours is guilty of a misdemeanor punishable by a fine of ten~~  
7 ~~thousand dollars (\$10,000) or twice the actual or estimated gross~~  
8 ~~receipts for the event, whichever is greater.~~

9 ~~(b) Subdivision (a) shall not apply to a public event on private~~  
10 ~~property if the entity that conducts the public event has a business~~  
11 ~~license to operate a bar, club, theater, entertainment venue, or other~~  
12 ~~similar business, or to conduct sporting events, and conducting~~  
13 ~~the public event is consistent with the business license.~~

14 ~~(c) For purposes of this section, "night" means that period~~  
15 ~~between sunset and sunrise.~~

16 SEC. 3. ~~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.~~

1     SEC. 2. Section 11000.10 is added to the Government Code,  
2 to read:

3     11000.10. (a) (1) Any state agency, including, but not limited  
4 to, a district agricultural association, or a joint powers agency  
5 that includes a district agricultural association, that seeks to hold  
6 an event with an expected attendance level over 1,000 participants  
7 on property that is either owned or operated by a state agency  
8 shall, at a normally scheduled meeting, and at least 30 days prior  
9 to the event date, assess the threat of loss of life or harm to  
10 participants that the event poses. The assessment shall consider,  
11 among others, all of the following topics:

- 12       (A) Prior events held by the promoter.  
13       (B) Prior events held at the facility.  
14       (C) Similar types of events in general.  
15       (D) The potential need for law enforcement.  
16       (E) The potential need for onsite medical care.  
17       (F) The potential for drug use and distribution.

18       (2) If the state agency determines that, based on the facts  
19 presented to it in the assessment, there is a strong probability that  
20 loss of life or harm to the participants could occur, then the state  
21 agency shall require the promoter to prepare an event action plan.  
22 The promoter shall not hold the event until the state agency  
23 approves the event action plan. The event action plan shall address  
24 all of the following:

25       (A) Health and safety concerns, including, but not limited to,  
26 whether the promoter should provide free water, whether the  
27 promoter should prohibit any person under 18 years of age from  
28 attending the event, adequacy of ventilation, attendance capacity,  
29 and exit signs.

30       (B) Law enforcement concerns, including, but not limited to,  
31 the ratio of peace officers or security guards to event attendees,  
32 and mechanisms for the control of drug use and drug trafficking.

33       (C) The potential need for supplying educational pamphlets, or  
34 other relevant emergency materials, including, but not limited to,  
35 first aid, to help alleviate any risk posed by the event.

36       (b) For purposes of this section, "promoter" means the  
37 individual, association, corporation, partnership, or other

- 1 *organization that arranges, holds, organizes, or otherwise conducts*
- 2 *the event.*

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