

ASSEMBLY BILL

No. 494

Introduced by Assembly Member Logue

February 15, 2011

An act to add Section 25608.12 to the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 494, as introduced, Logue. Alcoholic beverages: possession: Sacramento River.

(1) The Alcoholic Beverage Control Act regulates the possession, sale, and consumption of alcohol. The act makes it a crime to violate any of its provisions.

This bill would prohibit specified persons on certain portions of the Sacramento River from possessing a container, as defined, with an alcoholic beverage during the summer holiday periods that the Glenn and Butte County Boards of Supervisors prohibit the consumption of an alcoholic beverage or possession of an open alcoholic beverage container on the land portions along those portions of the river. The bill would require Glenn and Butte Counties to provide notice on the land portions along the Sacramento River that this conduct is punishable as an infraction.

Because this bill would create a new crime and require Glenn and Butte Counties to provide notice on the land portions along the river that this conduct is punishable as an infraction, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute.

(2) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 25608.12 is added to the Business and
2 Professions Code, to read:

3 25608.12. (a) On the portion of the Sacramento River, from
4 the Highway 32 Bridge to the mouth of Big Chico Creek, a person
5 in a vessel, as defined by Section 651 of the Harbors and
6 Navigation Code, or a bather, as defined by Section 651.1 of the
7 Harbors and Navigation Code, shall not possess a container with
8 an alcoholic beverage, whether opened or closed, during the
9 summer holiday periods that the Glenn County Board of
10 Supervisors and the Butte County Board of Supervisors prohibit
11 the consumption of an alcoholic beverage or possession of an open
12 alcoholic beverage container on the land portions along this portion
13 of the river.

14 (b) For purposes of this section, “container” means a bottle,
15 can, or other receptacle.

16 (c) A violation of this section is punishable as an infraction
17 pursuant to subdivision (b) of Section 25132 of the Government
18 Code.

19 (d) Glenn County and Butte County shall provide notice on the
20 land portions along the Sacramento River described in subdivision

21 (a) that a violation of this section is punishable as an infraction.

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

1 Constitution because of the unique problem of prevalent
2 consumption of alcohol during certain summer holiday periods on
3 this portion of the Sacramento River.

4 SEC. 3. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution for certain
6 costs that may be incurred by a local agency or school district
7 because, in that regard, this act creates a new crime or infraction,
8 eliminates a crime or infraction, or changes the penalty for a crime
9 or infraction, within the meaning of Section 17556 of the
10 Government Code, or changes the definition of a crime within the
11 meaning of Section 6 of Article XIII B of the California
12 Constitution.

13 However, if the Commission on State Mandates determines that
14 this act contains other costs mandated by the state, reimbursement
15 to local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.

18 SEC. 4. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health, or safety within
20 the meaning of Article IV of the Constitution and shall go into
21 immediate effect. The facts constituting the necessity are:

22 In order to protect the health and safety of the public due to the
23 problem of consumption of alcohol during certain summer holiday
24 periods on a portion of the Sacramento River, it is necessary for
25 this act to take effect immediately.