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AMENDED IN ASSEMBLY APRIL 12, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 716

**Introduced by Assembly Member Dickinson
(Principal coauthor: Assembly Member Perea)**

February 17, 2011

An act to amend Sections 369i and 830.14 of the Penal Code, and to amend Sections 99171, 99172, and 102122 of, the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 716, as amended, Dickinson. Transit districts: prohibition orders: Sacramento Regional Transit District: Fresno Area Express: San Francisco Bay Area Rapid Transit District.

(1) Existing law makes a person guilty of a misdemeanor if the person enters or remains upon any rail transit-related property, as defined, owned or operated by a county transportation commission or transportation authority without permission or whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders the safe and efficient operation of the ~~rail~~ *rail*line or rail-related facility.

This bill would instead make it a misdemeanor if a person enters or remains upon any transit-related property, as defined, that is used to provide public transportation by rail or passenger bus, without permission or whose entry, presence, or conduct upon the property

interferes with, interrupts, or hinders the safe and efficient operation of the ~~railline~~ *railline* or rail-related or transit-related facility.

(2) Existing law authorizes a local or regional transit agency or a joint powers agency operating rail service to contract with designated persons to act as its agent in the enforcement of specified provisions relative to certain prohibited acts on or in public transportation systems or vehicles if the persons satisfy specified training requirements.

This bill would authorize the governing board of the Sacramento Regional Transit District to designate persons regularly employed by the district as inspectors or supervisors to enforce those provisions relative to prohibited acts on or in public transportation systems or vehicles if the persons satisfy specified training requirements. The bill would make changes to cross-references in these provisions. The bill would also delete similar provisions that authorize the board to designate persons to enforce district ordinances and specified state laws, but which do not require the persons to satisfy the training requirements described above.

(3) Existing law prohibits certain acts by a person with respect to the property, facilities, or vehicles of a transit district. A violation is an infraction punishable by a fine not exceeding \$75 on a first offense, or a fine not exceeding \$250 or by community service on a subsequent offense.

Existing law, until January 1, 2012, authorizes the Sacramento Regional Transit District and the Fresno Area Express to issue a prohibition order to any person cited for committing one or more of certain prohibited acts in specified transit facilities, including, among other things, if a person has been cited on at least 3 separate occasions, within a period of 60 days, for specified infractions committed in or on a vehicle, bus stop, or light rail station of the transit district. Existing law prohibits a person subject to a prohibition order from entering the property, facilities, or vehicles of the transit district for specified periods of time up to one year. Existing law establishes notice requirements in that regard and provides for initial and administrative review of the order.

This bill would remove the January 1, 2012, repeal date for these provisions and would make these provisions operative indefinitely. The bill would authorize the Sacramento Regional Transit District, the Fresno Area Express, and, *until January 1, 2015*, the San Francisco Bay Area Rapid Transit District, to issue a prohibition order to a person who has been cited on at least 3 separate occasions, within a period of

90 days, for specified infractions committed in or on a vehicle, bus stop, or train or light rail station of the transit district.

(4) A violation of a prohibition order is punishable as an infraction. By extending the operative period of a crime, and by expanding the scope of existing crimes, the bill would impose a state-mandated local program.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 369i of the Penal Code is amended to
2 read:

3 369i. (a) Any person who enters or remains upon the property
4 of any railroad without the permission of the owner of the land,
5 the owner’s agent, or the person in lawful possession and whose
6 entry, presence, or conduct upon the property interferes with,
7 interrupts, or hinders, or which, if allowed to continue, would
8 interfere with, interrupt, or hinder the safe and efficient operation
9 of any locomotive, railway car, or train is guilty of a misdemeanor.

10 As used in this subdivision, “property of any railroad” means
11 any land owned, leased, or possessed by a railroad upon which is
12 placed a railroad track and the land immediately adjacent thereto,
13 to the distance of 20 feet on either side of the track, which is
14 owned, leased, or possessed by a railroad.

15 (b) Any person who enters or remains upon any transit-related
16 property without permission or whose entry, presence, or conduct
17 upon the property interferes with, interrupts, or hinders the safe
18 and efficient operation of the transit-related facility is guilty of a
19 misdemeanor.

20 As used in this subdivision, “transit-related property” means any
21 land, facilities, or vehicles owned, leased, or possessed by a county
22 transportation commission, transportation authority, or transit
23 district, as defined in Section 99170 of the Public Utilities Code,

1 that are used to provide public transportation by rail or passenger
2 bus or are directly related to that use.

3 (c) This section does not prohibit picketing in the immediately
4 adjacent area of the property of any railroad or transit-related
5 property or any lawful activity by which the public is informed of
6 the existence of an alleged labor dispute.

7 SEC. 2. Section 830.14 of the Penal Code is amended to read:

8 830.14. (a) A local or regional transit agency or a joint powers
9 agency operating rail service identified in an implementation
10 program adopted pursuant to Article 10 (commencing with Section
11 130450) of Chapter 4 of Division 12 of the Public Utilities Code
12 may authorize by contract designated persons as conductors
13 performing fare inspection duties who are employed by a railroad
14 corporation that operates public rail commuter transit services for
15 that agency to act as its agent in the enforcement of subdivisions
16 (a) to (d), inclusive, of Section 640 relating to the operation of the
17 rail service if they complete the training requirement specified in
18 this section.

19 (b) The governing board of the Altamont Commuter Express
20 Authority, a joint powers agency duly formed pursuant to Article
21 1 (commencing with Section 6500) of Chapter 5 of Division 7 of
22 Title 1 of the Government Code, by and between the Alameda
23 Congestion Management Agency, the Santa Clara County Transit
24 District, and the San Joaquin Regional Rail Commission, may
25 contract with designated persons to act as its agents in the
26 enforcement of subdivisions (a) to (d), inclusive, of Section 640
27 relating to the operation of a public transportation system if these
28 persons complete the training requirement specified in this section.

29 (c) The governing board of the Peninsula Corridor Joint Powers
30 Board, a joint powers agency duly formed pursuant to Article 1
31 (commencing with Section 6500) of Chapter 5 of Division 7 of
32 Title 1 of the Government Code, by and between the San Mateo
33 County Transit District, the Santa Clara County Transit District,
34 and the City and County of San Francisco, may appoint designated
35 persons to act as its agents in the enforcement of subdivisions (a)
36 to (d), inclusive, of Section 640 relating to the operation of a public
37 transportation system if these persons complete the training
38 requirement specified in this section.

39 (d) The governing board of Foothill Transit, a joint powers
40 agency duly formed pursuant to Article 1 (commencing with

1 Section 6500) of Chapter 5 of Division 7 of Title 1 of the
2 Government Code, by and between the Cities of Arcadia, Azusa,
3 Baldwin Park, Bradbury, Claremont, Covina, Diamond Bar, Duarte,
4 El Monte, Glendora, Industry, Irwindale, La Habra Heights, La
5 Puente, La Verne, Monrovia, Pomona, San Dimas, South El Monte,
6 Temple City, Walnut, West Covina, and the County of Los
7 Angeles, may resolve to contract with designated persons to act
8 as its agents in the enforcement of subdivisions (a) to (d), inclusive,
9 of Section 640 relating to the operation of a public transportation
10 system if these persons complete the training requirement specified
11 in this section.

12 (e) The governing board of the Sacramento Regional Transit
13 District, a transit district duly formed pursuant to Part 14
14 (commencing with Section 102000) of Division 10 of the Public
15 Utilities Code, may designate persons regularly employed by the
16 district as inspectors or supervisors to enforce subdivisions (a) to
17 (d), inclusive, of Section 640, relating to the operation of a public
18 transportation system, if these persons complete the training
19 requirement specified in this section.

20 (f) Persons authorized pursuant to this section to enforce
21 subdivisions (a) to (d), inclusive, of Section 640 shall complete a
22 specialized fare compliance course which shall be provided by the
23 authorizing agency. This training course shall include, but not be
24 limited to, the following topics:

- 25 (1) An overview of barrier-free fare inspection concepts.
- 26 (2) The scope and limitations of inspector authority.
- 27 (3) Familiarization with the elements of the infractions
28 enumerated in subdivisions (a) to (d), inclusive, of Section 640.
- 29 (4) Techniques for conducting fare checks, including inspection
30 procedures, demeanor, and contacting violators.
- 31 (5) Citation issuance and court appearances.
- 32 (6) Fare media recognition.
- 33 (7) Handling argumentative violators and diffusing conflict.
- 34 (8) The mechanics of law enforcement support and interacting
35 with law enforcement for effective incident resolution.

36 (g) Persons described in this section are public officers, not
37 peace officers, have no authority to carry firearms or any other
38 weapon while performing the duties authorized in this section, and
39 may not exercise the powers of arrest of a peace officer while
40 performing the duties authorized in this section. These persons

1 may be authorized by the agencies specified in this section to issue
2 citations involving infractions relating to the operation of the rail
3 service specified in this section.

4 (h) Nothing in this section shall affect the retirement or disability
5 benefits provided to employees described in this section or be in
6 violation of any collective bargaining agreement between a labor
7 organization and a railroad corporation.

8 (i) Notwithstanding any other provision of this section, the
9 primary responsibility of a conductor of a commuter passenger
10 train shall be functions related to safe train operation.

11 SEC. 3. Section 99171 of the Public Utilities Code is amended
12 to read:

13 99171. (a) (1) A transit district may issue a prohibition order
14 to any person to whom either of the following applies:

15 (A) On at least three separate occasions within a period of 90
16 consecutive days, the person is cited for an infraction committed
17 in or on a vehicle, bus stop, or train or light rail station of the transit
18 district for any act that is a violation of paragraph (2) or (5) of
19 subdivision (a) of Section 99170 of this code or *paragraph (1),*
20 *(2), (3), or (4) of* subdivision (d) of Section 640 or Section 640.5
21 of the Penal Code.

22 (B) The person is arrested or convicted for a misdemeanor or
23 felony committed in or on a vehicle, bus stop, or light rail station
24 of the transit district for acts involving violence, threats of violence,
25 lewd or lascivious behavior, or possession for sale or sale of a
26 controlled substance.

27 (C) The person is convicted of a violation of Section 11532 of
28 the Health and Safety Code or Section 653.22 of the Penal Code.

29 (2) A person subject to a prohibition order may not enter the
30 property, facilities, or vehicles of the transit district for a period
31 of time deemed appropriate by the transit district, provided that
32 the duration of a prohibition order shall not exceed the following,
33 as applicable:

34 (A) Thirty days if issued pursuant to subparagraph (A) of
35 paragraph (1), provided that a second prohibition order within one
36 year may not exceed 90 days, and a third or subsequent prohibition
37 order within one year may not exceed 180 days.

38 (B) Thirty days if issued pursuant to an arrest pursuant to
39 subparagraph (B) of paragraph (1). Upon conviction of a
40 misdemeanor offense, the duration of the prohibition order for the

1 conviction, when added to the duration of the prohibition order
2 for the initial arrest, if any, may not exceed 180 days. Upon
3 conviction of a felony offense, the duration of the prohibition order
4 for the conviction, when added to the duration of the prohibition
5 order for the initial arrest, if any, may not exceed one year.

6 (3) No prohibition order issued under this subdivision shall be
7 effective unless the transit district first affords the person an
8 opportunity to contest the transit district's proposed action in
9 accordance with procedures adopted by the transit district for this
10 purpose. A transit district's procedures shall provide, at a minimum,
11 for the notice and other protections set forth in subdivisions (b)
12 and (c), and the transit district shall provide reasonable notification
13 to the public of the availability of those procedures.

14 (b) (1) A notice of a prohibition order issued under subdivision
15 (a) shall set forth a description of the conduct underlying the
16 violation or violations giving rise to the prohibition order, including
17 reference to the applicable statutory provision, ordinance, or transit
18 district rule violated, the date of the violation, the approximate
19 time of the violation, the location where the violation occurred,
20 the period of the proposed prohibition, and the scope of the
21 prohibition. The notice shall include a clear and conspicuous
22 statement indicating the procedure for contesting the prohibition
23 order. The notice of prohibition order shall be personally served
24 upon the violator. The notice of prohibition order, or a copy, shall
25 be considered a record kept in the ordinary course of business of
26 the transit district and shall be prima facie evidence of the facts
27 contained in the notice establishing a rebuttable presumption
28 affecting the burden of producing evidence. For purposes of this
29 paragraph, "clear and conspicuous" means in larger type than the
30 surrounding text, or in contrasting type, font, or color to the
31 surrounding text of the same size, or set off from the surrounding
32 text of the same size by symbols or other marks that call attention
33 to the language.

34 (2) For purposes of this section, "personal service" means any
35 of the following:

- 36 (A) In-person delivery.
- 37 (B) Delivery by any form of mail providing for delivery
38 confirmation, postage prepaid, to at least one address provided by
39 the person being served, including, but not limited to, the address
40 set forth in any citation or in court records.

1 (C) Any alternate method approved in writing by the transit
2 district and the person being served.

3 (3) If a person served with a notice of prohibition order is not
4 able, or refuses, to provide a mailing address, the notice of
5 prohibition order shall set forth the procedure for obtaining any
6 letters, notices, or orders related to the prohibition order from the
7 administrative offices of the transit district. For purposes of this
8 section, delivery shall be deemed to have been made on the
9 following date, as applicable:

10 (A) On the date of delivery, if delivered in person.

11 (B) On the date of confirmed delivery, for any delivery by mail.

12 (C) For any alternate method of service, as provided in the
13 writing specifying the alternate method.

14 (4) Proof of service of the notice shall be filed with the transit
15 district.

16 (5) If a person contests a notice of prohibition order, the transit
17 district shall proceed in accordance with subdivision (c). If the
18 notice of prohibition order is not contested within 10 calendar days
19 after delivery by personal service, the prohibition order shall be
20 deemed final and shall go into effect, without further action by the
21 transit district, for the period of time set forth in the order.

22 (6) All prohibition orders shall be subject to an automatic stay
23 and shall not take effect until the latest of the following:

24 (A) Eleven calendar days after delivery of the prohibition order
25 by personal service.

26 (B) If an initial review is timely requested under paragraph (1)
27 of subdivision (c), 11 calendar days after delivery by personal
28 service of the results of the review.

29 (C) If an administrative hearing is timely requested under
30 paragraph (3) of subdivision (c), the date the hearing officer's
31 decision is delivered by personal service.

32 (c) (1) For a period of 10 calendar days from the delivery of
33 the prohibition order by personal service, the person may request
34 an initial review of the prohibition order by the transit district. The
35 request may be made by telephone, in writing, or in person. There
36 shall be no charge for this review. In conducting its review and
37 reaching a determination, the transit district shall determine
38 whether the prohibition order meets the requirements of subdivision
39 (a) and, unless the person has been convicted of the offense or
40 offenses, whether the offense or offenses for which the person was

1 cited or arrested are proven by a preponderance of the evidence.
2 If, following the initial review, based on these findings, the transit
3 district determines that the prohibition order is not adequately
4 supported or that extenuating circumstances make dismissal of the
5 prohibition order appropriate in the interest of justice, the transit
6 district shall cancel the notice. If, following the initial review,
7 based on these findings, the transit district determines that the
8 prohibition order should be upheld in whole or in part, the transit
9 district shall issue a written statement to that effect, including any
10 modification to the period or scope of the prohibition order. The
11 transit district shall serve the results of the initial review to the
12 person contesting the notice by personal service.

13 (2) The transit district may modify or cancel a prohibition order
14 in the interest of justice. The transit district shall cancel a
15 prohibition order if it determines that the person did not understand
16 the nature and extent of his or her actions or did not have the ability
17 to control his or her actions. If the person is dependent upon the
18 transit system for trips of necessity, including, but not limited to,
19 travel to or from medical or legal appointments, school or training
20 classes, places of employment, or obtaining food, clothing, and
21 necessary household items, the transit district shall modify a
22 prohibition order to allow for those trips. A person requesting a
23 cancellation or modification in the interest of justice shall have
24 the burden of establishing the qualifying circumstances by a
25 preponderance of the evidence.

26 (3) If the person is dissatisfied with the results of the initial
27 review, the person may request an administrative hearing of the
28 prohibition order no later than 10 calendar days after the results
29 of the initial review are delivered by personal service. The request
30 may be made by telephone, in writing, or in person. An
31 administrative hearing shall be held within 30 calendar days after
32 the receipt of a request for an administrative hearing. The person
33 requesting the hearing may request one continuance, not to exceed
34 seven calendar days.

35 (4) The administrative hearing process shall include all of the
36 following:

37 (A) The person requesting the hearing shall have the choice of
38 a hearing by mail or in person. An in-person hearing shall be
39 conducted within the jurisdiction of the transit district.

1 (B) The administrative hearing shall be conducted in accordance
2 with written procedures established by the transit district and
3 approved by the governing body or chief executive officer of the
4 transit district. The hearing shall provide an independent, objective,
5 fair, and impartial review of the prohibition order.

6 (C) The administrative review shall be conducted before a
7 hearing officer designated to conduct the review by the transit
8 district's governing body or chief executive officer. In addition to
9 any other requirements, a hearing officer shall demonstrate the
10 qualifications, training, and objectivity prescribed by the transit
11 agency's governing body or chief executive officer as are necessary
12 to fulfill and that are consistent with the duties and responsibilities
13 set forth in this subdivision. The hearing officer's continued
14 service, performance evaluation, compensation, and benefits, as
15 applicable, shall not be directly or indirectly linked to the number
16 of prohibition orders upheld by the hearing officer.

17 (D) The person who issued the notice of prohibition order shall
18 not be required to participate in an administrative hearing, unless
19 participation is requested by the person requesting the hearing.
20 The request for participation must be made at least five calendar
21 days prior to the date of the hearing and may be made by telephone,
22 in writing, or in person. The notice of prohibition order, in proper
23 form, shall be prima facie evidence of the violation or violations
24 pursuant to subdivision (a) establishing a rebuttable presumption
25 affecting the burden of producing evidence.

26 (E) In issuing a decision, the hearing officer shall determine
27 whether the prohibition order meets the requirements of subdivision
28 (a) and, unless the person has been convicted of the offense or
29 offenses, whether the offense or offenses for which the person was
30 cited or arrested are proven by a preponderance of the evidence.
31 Based upon these findings, the hearing officer may uphold the
32 prohibition order in whole, determine that the prohibition order is
33 not adequately supported, or cancel or modify the prohibition order
34 in the interest of justice. The hearing officer shall cancel a
35 prohibition order if he or she determines that the person did not
36 understand the nature and extent of his or her actions or did not
37 have the ability to control his or her actions. If the person is
38 dependent upon the transit system for trips of necessity, including,
39 but not limited to, travel to or from medical or legal appointments,
40 school or training classes, places of employment, or obtaining

1 food, clothing, and necessary household items, the transit district
2 shall modify a prohibition order to allow for those trips. A person
3 requesting a cancellation or modification in the interest of justice
4 shall have the burden of establishing the qualifying circumstances
5 by a preponderance of the evidence.

6 (F) The hearing officer’s decision following the administrative
7 hearing shall be delivered by personal service.

8 (G) A person aggrieved by the final decision of the hearing
9 officer may seek judicial review of the decision within 90 days of
10 the date of delivery of the decision by personal service, as provided
11 by Section 1094.6 of the Code of Civil Procedure.

12 (d) A person issued a prohibition order under subdivision (a)
13 may, within 10 calendar days of the date the order goes into effect
14 under paragraph (6) of subdivision (b), request a refund for any
15 prepaid fare media rendered unusable in whole or in part by the
16 prohibition order, including, but not limited to, monthly passes. If
17 the fare media remain usable for one or more days outside the
18 period of the prohibition order, the refund shall be prorated based
19 on the number of days the fare media will be unusable. The
20 issuance of a refund may be made contingent on surrender of the
21 fare media.

22 (e) For purposes of this section “transit district” means the
23 Sacramento Regional Transit District; ~~or the Fresno Area Express,~~
24 ~~or Express. Until January 1, 2015, for purposes of this section,~~
25 “transit district” also means the San Francisco Bay Area Rapid
26 Transit District.

27 SEC. 4. Section 99172 of the Public Utilities Code is amended
28 to read:

29 99172. (a) Prior to exercising the authority given in subdivision
30 (a) of Section 99171 to issue prohibition orders, a transit district
31 shall do all of the following:

32 (1) Establish an advisory committee for the purpose of
33 evaluating the procedures for and issuance of prohibition orders
34 and recommending a course of training for personnel charged with
35 issuance and enforcement of prohibition orders.

36 (2) Ensure that personnel to be charged with issuance and
37 enforcement of prohibition orders have received training as
38 recommended by the advisory committee.

39 (3) Provide reasonable notification to transit district riders that
40 persons who engage in disorderly conduct may be subject to a

1 prohibition order barring the person from the transit district’s
2 property, facilities, or vehicles for a period of up to one year.
3 “Reasonable notification” may include, but is not limited to,
4 information on the transit district’s Internet Web site, in written
5 materials, at transit stations, and on citations issued by the transit
6 district of the types of conduct that may result in issuance of a
7 prohibition order.

8 (b) The advisory committee shall be composed of at least five
9 members appointed by the legislative body of the transit district.
10 At least one of the members of the advisory committee shall have
11 experience working with individuals with psychiatric,
12 developmental, or other disabilities and at least one member shall
13 be a youth advocate.

14 (c) The advisory committee shall be tasked, at a minimum, with
15 all of the following:

16 (1) Providing recommendations, in consultation with the county
17 mental health director within the service area of the transit district,
18 regarding the type and extent of training that should be undertaken
19 by individuals with responsibility for issuance and enforcement
20 of prohibition orders, with particular emphasis on training designed
21 to assist those individuals in identifying and interacting with
22 persons who are homeless or who have psychiatric, developmental,
23 or other disabilities.

24 (2) Identifying, in consultation with the county mental health
25 director within the service area of the transit district, services and
26 programs to which persons who are homeless or who have
27 psychiatric, developmental, or other disabilities may be referred
28 by transit district enforcement personnel prior to or in conjunction
29 with issuance of a prohibition order.

30 (3) Monitoring the issuance of prohibition orders to assist the
31 transit district in ensuring compliance with Section 51 of the Civil
32 Code.

33 (4) Providing the governing board of the transit district and the
34 Legislature with an annual report summarizing the number of
35 prohibition orders that were issued by the transit district during
36 the preceding year, including, but not limited to, the types and
37 numbers of citations by category, and the number of exclusion
38 orders appealed, the appeals granted, the reasons granted, and other
39 relevant information directly related to those orders.

1 (d) The transit district may use an existing advisory committee
2 to fulfill the requirements of this section, provided that the
3 composition and purpose of the existing advisory committee meet
4 or are modified to meet the requirements of this section.

5 (e) For purposes of this section “transit district” means the
6 Sacramento Regional Transit District, *or* the Fresno Area ~~Express,~~
7 ~~or Express.~~ *Until January 1, 2015, for purposes of this section,*
8 *“transit district” also means* the San Francisco Bay Area Rapid
9 Transit District.

10 SEC. 5. Section 102122 of the Public Utilities Code, as added
11 by Section 4 of Chapter 528 of the Statutes of 2008, is amended
12 to read:

13 102122. (a) The board of directors may adopt ordinances that
14 do any of the following:

15 (1) Prohibit persons from knowingly giving false identification
16 to a district employee engaged in the enforcement of district
17 ordinances or state law, or otherwise obstructing the issuance of
18 a citation for violation of district ordinances or state law.

19 (2) Prohibit unauthorized operation of, interference with, entry
20 into, climbing upon, attaching to, or loitering on or in, transit
21 facilities or other transit property.

22 (3) Prohibit the removal, displacement, injury, destruction, or
23 obstruction of any part of any track, switch, turnout, bridge, culvert,
24 or any other district structure or fixture.

25 (4) Specify conditions under which a passenger may board a
26 district vehicle with a bicycle and where the bicycle may be stowed.

27 (b) The board may provide that a violation of any ordinance
28 adopted pursuant to subdivision (a) is an infraction punishable by
29 a fine not exceeding seventy-five dollars (\$75), and that a violation
30 by a person after the second conviction is punishable by a fine not
31 to exceed two hundred fifty dollars (\$250) and by community
32 service for a total time not to exceed 48 hours over a period not to
33 exceed 30 days which do not conflict with the violator’s hours of
34 school attendance or employment.

35 (c) This section does not prohibit any person from engaging in
36 activities that are protected under the laws of the United States or
37 of California, including, but not limited to, picketing,
38 demonstrating, or distributing handbills.

39 SEC. 6. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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