

AMENDED IN ASSEMBLY MAY 2, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2464

Introduced by Assembly Member Gatto

February 24, 2012

An act to add ~~Title 12.5 (commencing with Section 445)~~ *Section 243.85* to ~~Part 1~~ of the Penal Code, relating to personal safety, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2464, as amended, Gatto. ~~Improving Personal Safety at Stadiums Act.~~ *Professional sports facilities: safety.*

~~(1) Existing~~

Existing law makes it unlawful for any person attending a professional sporting event to throw any object on or across the court or field of play with the intent to interfere with play or distract a player, or enter upon the court or field of play without permission from an authorized person any time after the authorized participants of play have entered the court or field to begin the sporting event and until the participants of play have completed the playing time of the sporting event.

This bill would require the owner of any professional sports facility to post written notices displaying the text message number and telephone number to contact arena security in order to report a violent act, as provided.

~~This bill, the Improving Personal Safety at Stadiums Act, would create a banned persons list, as defined, and a court would be authorized to place a defendant, convicted of committing a serious or violent felony where the crime took place on the property of a professional sports arena, on the list thereby banning the person from all professional sports~~

arenas in the state for a certain period of time, such as a period of 1 to 5 years, inclusive for a first offense. The bill would require the banned persons list be distributed to certain entities, such as professional sports arenas, and require, on or before July 1, 2013, the Department of Justice to publish and maintain the banned persons list, including identifying information, via an Internet Web site.

The bill would require that any person convicted of a serious or violent felony, where the offense took place on the property of a professional sports arena, be subject to sentence enhancements and enhanced monetary penalties, the amount of which would be within the sound discretion of the court. Any person who enters the premises of a professional sports arena while his or her name is on the banned persons list would be guilty of a misdemeanor, punishable by up to one year in a county jail and a fine of up to ten thousand dollars (\$10,000). Because this bill would create a new crime, it would impose a state-mandated local program.

The bill would establish in the State Treasury, the Stadium Violence Reward Fund to be administered by the department, available upon appropriation by the Legislature, to fund the banned persons list Internet Web site and to provide rewards for members of the general public who assist in the identification and apprehension of persons committing serious or violent felonies at a professional sports arena. The Stadium Violence Reward Fund would be funded, as specified, by each professional sporting team belonging to Major League Baseball, National Basketball Association, National Hockey League, National Football League, and Major League Soccer, located within the State of California and enhanced monetary penalties from defendants convicted of serious or violent felonies on the property of a professional sports arena.

(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 no reimbursement is required by this act for a specified reason.

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

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: *yes-no*.

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

1 SECTION 1. Section 243.85 is added to the Penal Code, to
2 read:

3 243.85. The owner of any professional sports facility shall post,
4 visible from a majority of the seating in the stands at all times, at
5 controlled entry areas, and at parking facilities that are part of
6 the professional sports facility, written notices displaying the text
7 message number and telephone number to contact security in order
8 to report a violent act.

9 SECTION 1. ~~Title 12.5 (commencing with Section 445) is~~
10 ~~added to Part 1 of the Penal Code, to read:~~

11
12 TITILE 12.5. ~~IMPROVING PERSONAL SAFETY AT~~
13 STADIUMS ACT

14
15 CHAPTER 1. GENERAL PROVISIONS

16
17 445. ~~This act shall be known as may be cited as the Improving~~
18 ~~Personal Safety at Stadiums Act.~~

19 445.1. ~~The Legislature hereby finds and declares that the~~
20 ~~exclusion or ejection of certain persons from all professional sports~~
21 ~~arenas, which provide the physical venue for professional sporting~~
22 ~~events showcasing teams from Major League Baseball, National~~
23 ~~Basketball Association, National Hockey League, National Football~~
24 ~~League, and Major League Soccer, is necessary to protect the~~
25 ~~health and well-being of those in attendance and to discourage~~
26 ~~undesirable and violent behavior by those attending professional~~
27 ~~sporting events.~~

28 445.2. ~~For purposes of this title, the following terms have the~~
29 ~~following meanings:~~

30 (a) ~~“Banned persons list” means a list of individuals, developed,~~
31 ~~available, and maintained in accordance with this title, who are to~~
32 ~~be excluded or ejected from all professional sports arenas that~~
33 ~~provide the physical venue for professional sporting events~~
34 ~~showcasing teams from Major League Baseball, National~~
35 ~~Basketball Association, National Hockey League, National Football~~
36 ~~League, and Major League Soccer.~~

37 (b) ~~“Professional sports arena” means a venue within the state~~
38 ~~providing a physical place for professional sporting events~~

1 showeasing teams from Major League Baseball, National
2 Basketball Association, National Hockey League, National Football
3 League, and Major League Soccer.

4 (e) “Violent act” means any person who perpetrates a violent
5 felony, pursuant to subdivision (c) of Section 667.5, or a serious
6 felony, pursuant to subdivision (e) of Section 1192.7.

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8
9

CHAPTER 2. BANNED PERSONS LIST

10 445.3. (a) (1) A court may place a defendant, convicted of a
11 violent act, where the crime took place on the property of a
12 professional sports arena, on a list of persons banned from all
13 professional sports arenas in the state.

14 (2) Sentence enhancements pursuant to subdivisions (a) and (b)
15 of Section 12022.7 are applicable to any conviction of a defendant
16 for a violent act where the crime took place on the property of a
17 professional sports arena.

18 (b) (1) The banned persons list may include any person whose
19 presence in a professional sports arena is determined by the courts
20 to pose a threat to the well-being and safety of those in attendance
21 at professional sporting events.

22 (2) Any person placed on the banned persons list is banned from
23 all professional sports arenas in the state, and the ban is not limited
24 to the specific sport and the professional sports arena where the
25 original offense took place.

26 (c) In making the determination to place a person on the banned
27 persons list, a court shall consider prior convictions of any crime
28 or plea bargain in this state or under the laws of the United States,
29 involving a serious or violent felony, or the equivalent under
30 federal law, while in attendance of a professional sporting event
31 at a professional sports arena or in the parking facility intended
32 for event parking at a professional sports arena, within 24 hours
33 of a professional sporting event.

34 (d) (1) If the defendant has previously been convicted of a
35 violent act, where the crime took place on the property of a
36 professional sports arena, the court in deciding to place that person
37 on the banned persons list may do so for a period of one to five
38 years, inclusive.

39 (2) If the defendant has previously been convicted twice of a
40 violent act, where the crime took place on the property of a

1 professional sports arena, the court in deciding to place that person
2 on the banned persons list may do so for a period of three to 10
3 years, inclusive.

4 (3) If the defendant has previously been convicted three or more
5 times of a violent act, where the crime took place on the property
6 of a professional sports arena, the court in deciding to place that
7 person on the banned persons list may do so for a period of seven
8 to 25 years, inclusive.

9 (e) For the purposes of determining the length of time the
10 person's name is on the banned persons list, the court may consider
11 a written report from the Department of Justice containing
12 information from its records showing prior convictions. The
13 department's report is prima facie evidence of those convictions
14 if the defendant admits those convictions, regardless of whether
15 or not the complaint commencing the proceedings has alleged prior
16 convictions.

17 445.4. (a) The banned persons list shall be open to the public
18 and shall be distributed to all of the following:

19 (1) Every professional sports arena within the state.

20 (2) Every law enforcement agency within the state.

21 (3) Ticket vendors, including providers that sell tickets through
22 an Internet Web site.

23 (b) The banned persons list shall include all of the following
24 information:

25 (1) Name.

26 (2) Birthdate.

27 (3) Known aliases.

28 (4) A photograph of the person, including the date of the
29 photograph.

30 (5) A physical description of the person, including height,
31 weight, type of build, color of hair and eyes, any tattoos, scars, or
32 other distinguishing features on the person's body that would assist
33 in identifying the person.

34 (6) The date the person's name was placed on the list.

35 (e) (1) On or before July 1, 2013, the Department of Justice
36 shall make available information concerning persons on the banned
37 persons list to the public via an Internet Web site as specified in
38 this subdivision. The department shall update the Internet Web
39 site on an ongoing basis. The Internet Web site shall be translated
40 into languages other than English as determined by the department.

1 ~~(2) With respect to a person who has been placed by a court on~~
2 ~~the banned persons list, the Department of Justice shall make~~
3 ~~available to the public via the Internet Web site, all of the following~~
4 ~~information:~~
5 ~~(A) Name.~~
6 ~~(B) Birthdate.~~
7 ~~(C) Residential address.~~
8 ~~(D) Known aliases.~~
9 ~~(E) A photograph of the person.~~
10 ~~(F) A physical description of the person, including height,~~
11 ~~weight, type of build, color of hair and eyes, any tattoos, scars, or~~
12 ~~other distinguishing features on the person's body that would assist~~
13 ~~in identifying the person.~~
14 ~~(G) Criminal history.~~
15 ~~(3) Creation and maintenance of the banned persons list on the~~
16 ~~department's Internet Web site shall be funded, upon appropriation~~
17 ~~by the Legislature, with moneys from the Stadium Violence~~
18 ~~Reward Fund.~~

19
20 CHAPTER 3. PENALTIES

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22 ~~445.5. Any person who has been placed on the banned persons~~
23 ~~list who enters the premises of a professional sports arena while~~
24 ~~his or her name is on the banned persons list is guilty of a~~
25 ~~misdemeanor, punishable by up to one year in a county jail and a~~
26 ~~fine of up to ten thousand dollars (\$10,000).~~
27 ~~445.6. Any person convicted of a violent act at a professional~~
28 ~~sports arena shall be subject to sentence enhancements pursuant~~
29 ~~to subdivisions (a) and (b) of Section 12022.7, and enhanced~~
30 ~~monetary penalties over and above those already applicable. The~~
31 ~~amount of the enhanced monetary penalty shall be within the sound~~
32 ~~discretion of the court.~~

33
34 CHAPTER 4. VENUE NOTICE REQUIREMENTS

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36 ~~445.7. (a) The owner of any professional sports arena shall~~
37 ~~post, visible from a majority of seating in the stands at all times,~~
38 ~~at controlled entry areas, and at parking facilities which are part~~
39 ~~of the professional sports arena, written notices displaying the text~~

1 message number and telephone number to contact security in order
2 to report a violent act.

3 ~~(b) The professional sports arena management and the
4 professional sports franchise hosting the professional sporting
5 event shall provide verbal announcements of the locations of the
6 signage displaying the required information, as follows:~~

- 7 ~~(1) Once per quarter for a football game.~~
- 8 ~~(2) Four times per game for a baseball game.~~
- 9 ~~(3) Once per period for a hockey game.~~
- 10 ~~(4) At least three times for any other professional sporting event.~~

11
12 ~~CHAPTER 5. STADIUM VIOLENCE REWARD FUND~~

13
14 ~~445.8. (a) (1) The Stadium Violence Reward Fund is hereby
15 created in the State Treasury. The money in the fund is available,
16 upon appropriation by the Legislature, and may only be used for
17 the purposes of this title.~~

18 ~~(2) The moneys deposited in the fund shall not be used to
19 provide a loan to any other fund.~~

20 ~~(b) The Stadium Violence Reward Fund shall be administered
21 by the Department of Justice. The department may develop and
22 adopt any rules, regulations, and guidelines determined to be
23 necessary to carry out and enforce this chapter.~~

24 ~~(c) The Stadium Violence Reward Fund shall be used to fund
25 the banned persons list Internet Web site and to provide rewards
26 for members of the general public who assist in the identification
27 or apprehension of persons committing violent acts at a
28 professional sports arena.~~

29 ~~445.9. The following moneys shall be deposited into the
30 Stadium Violence Reward Fund:~~

31 ~~(a) (1) Each professional sporting team belonging to Major
32 League Baseball, National Basketball Association, National
33 Hockey League, National Football League, and Major League
34 Soccer, located within the State of California, shall deposit, with
35 the Department of Justice to be credited to the Stadium Violence
36 Reward Fund, ten thousand dollars (\$10,000) annually until the
37 fund reaches one hundred eighty thousand dollars (\$180,000).~~

38 ~~(2) In years where the fund falls below one hundred eighty
39 thousand dollars (\$180,000) due to the issuance of rewards and
40 the cost of maintenance of the banned persons list Internet Web~~

1 site, the professional sporting teams shall make proportional
2 contributions until the fund again reaches one hundred eighty
3 thousand dollars (\$180,000).

4 (b) Any enhanced monetary fines or penalties assessed by the
5 courts for those persons convicted of violent acts at a professional
6 sports arena.

7 (c) It is the intent of the Legislature that the fund shall be open
8 to donations by the general public, which would be deductible on
9 the California income tax return.

10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

19 SEC. 3. This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety within
21 the meaning of Article IV of the Constitution and shall go into
22 immediate effect. The facts constituting the necessity are:

23 In order to protect the health and well-being of those in
24 attendance at, and to discourage undesirable and violent behavior
25 by those attending professional sporting events and the earliest
26 possible time, it is necessary that this act take effect immediately.