

ASSEMBLY BILL

No. 1513

Introduced by Assembly Member Fox

January 15, 2014

An act to add Section 1160.5 to the Code of Civil Procedure, relating to residential property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1513, as introduced, Fox. Residential property: possession by force.

Under existing law, a person who by force, or by menaces and threats of violence, unlawfully holds and keeps the possession of any real property, whether acquired peaceably or otherwise, is guilty of a forcible detainer. Existing law also establishes the criteria for determining when a tenant is guilty of an unlawful detainer of a premises.

This bill would provide that a person who knowingly holds and occupies any residential property, owned or managed by another, by force or threats of violence, or knowingly enters residential property without the property owner's express written permission and refuses or fails to leave the property after being requested to leave by the owner or agent of the owner is guilty of a felony punishable pursuant to existing law.

By creating new crimes 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.

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

1 SECTION 1. Section 1160.5 is added to the Code of Civil
2 Procedure, to read:
3 1160.5. A person who does either of the following is guilty of
4 a felony punishable pursuant to subdivision (h) of Section 1170
5 of the Penal Code:
6 (a) Knowingly holds and occupies any residential property,
7 owned or managed by another, by force or threats of violence.
8 (b) Knowingly enters residential property without the property
9 owner’s express written permission and refuses or fails to leave
10 the residential property after being requested to leave by the
11 property owner or agent of the owner.
12 SEC. 2. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.