

AMENDED IN SENATE JUNE 15, 2014

AMENDED IN ASSEMBLY APRIL 24, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2457**

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**Introduced by Assembly Member Levine**

February 21, 2014

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An act to add Sections ~~241.9 and 243.87~~ 241.9, 243.87, and 602.14 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2457, as amended, Levine. Assault and battery: stadium or arena: enhancement.

Existing law makes it a misdemeanor to commit an assault or a battery, except in specified instances, and makes these crimes punishable by a fine, not to exceed \$1,000 or \$2,000, respectively, or by imprisonment in a county jail not to exceed 6 months, or by both that fine and imprisonment.

This bill would additionally make it a ~~crime~~, *misdemeanor*, punishable by a fine, as specified, punishment in the county jail not to exceed 6 months, or by both that fine and imprisonment, to commit an assault or battery on stadium or arena property on an event day. The bill would specify that this provision does not apply to sports officials or athletes engaged in an event. By creating a new crime, this bill would impose a state-mandated local program.

*Existing law provides that every person who willfully commits a trespass is guilty of a misdemeanor.*

*This bill would make it an infraction, punishable by a fine of up to \$250 for each violation, to intentionally leave the area or areas set aside for spectators and enter an area set apart for the participants, performers, officials, attendants, or service personnel at a stadium, auditorium, sports arena, playing field, theater, race track, skating rink, fair, or other place where sporting or theatrical events, or exhibitions, are held, except as specified. The bill would also make it an infraction, punishable by a fine of up to \$250 for each violation, to intentionally throw, discharge, launch, or pour any solid or liquid substance or object, or otherwise cause a substance or object to be thrown, discharged, launched, or poured, or to intentionally commit an act that delays the event or interferes with the participants, performers, officials, attendants, service personnel, or spectators at a stadium, auditorium, sports arena, playing field, theater, race track, skating rink, fair, or other place where sporting or theatrical events, or exhibitions, are held, except as specified. By creating new 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 241.9 is added to the Penal Code, to read:
- 2 241.9. (a) A person who commits an assault on stadium or
- 3 arena property on an event day shall be ~~punished~~ *guilty of a*
- 4 *misdemeanor, punishable* by a fine of up to two thousand dollars
- 5 (\$2,000), by imprisonment in the county jail not exceeding six
- 6 months, or by both that fine and imprisonment.
- 7 (b) This section shall not apply to sports officials, as defined in
- 8 subdivision (b) of Section ~~243.8~~ *243.8*, or athletes engaged in an
- 9 event.
- 10 (c) As used in this section, the following definitions shall apply:
- 11 (1) “Event day” means the period of time from ~~12~~ *four* hours
- 12 prior to the start of an event at a stadium or arena through ~~12~~ *four*
- 13 hours after the conclusion of the event, inclusive.

1 (2) “Stadium or arena” means a venue within the state that is  
2 capable of seating an audience. *state.*

3 (3) “Stadium or arena property” means within or upon the  
4 stadium or arena structure, the parking structure, and a parking lot  
5 adjacent to or serving the stadium or arena.

6 (4) ~~“Stadium or arena event”~~ “Event” means an event at a  
7 stadium or arena where the attendees have paid admission.

8 (d) This section does not limit or prevent prosecution under any  
9 other applicable provision of law.

10 SEC. 2. Section 243.87 is added to the Penal Code, to read:

11 243.87. (a) A person who commits a battery on stadium or  
12 arena property on an event day shall be ~~punished guilty of a~~  
13 *misdemeanor, punishable* by a fine of up to four thousand dollars  
14 ~~(\$4,000): (\$4,000), by imprisonment in the county jail not~~  
15 *exceeding six months, or by both that fine and imprisonment.*

16 (b) This section shall not apply to sports officials, as defined in  
17 subdivision (b) of Section ~~243.8~~ 243.8, or athletes engaged in an  
18 event.

19 (c) As used in this section, the following definitions shall apply:

20 (1) “Event day” means the period of time from ~~12~~ *four* hours  
21 prior to the start of an event at a stadium or arena through ~~12~~ *four*  
22 hours after the conclusion of the event, inclusive.

23 (2) “Stadium or arena” means a venue within the state that is  
24 capable of seating an audience. *state.*

25 (3) “Stadium or arena property” means within or upon the  
26 stadium or arena structure, the parking structure, and a parking lot  
27 adjacent to or serving the stadium or arena.

28 (4) ~~“Stadium or arena event”~~ “Event” means an event at a  
29 stadium or arena ~~with an audience of more than 1,000 people in~~  
30 ~~attendance.~~ *where the attendees have paid admission.*

31 (d) This section does not limit or prevent prosecution under any  
32 other applicable provision of law.

33 SEC. 3. Section 602.14 is added to the Penal Code, to read:

34 602.14. (a) *It is unlawful for a person at any stadium,*  
35 *auditorium, sports arena, playing field, theater, race track, skating*  
36 *rink, fair, or other place where sporting or theatrical events, or*  
37 *exhibitions, are held to intentionally do any of the following:*

38 (1) *Leave the area or areas set aside for spectators and enter*  
39 *upon the grounds, field, stage, floor, or any other area set apart*  
40 *for the participants, performers, officials, attendants, or service*

1 *personnel, unless authorized to do so by an usher or by an*  
2 *authorized representative of the sponsor of the event.*

3 *(2) Commit an act that delays the event or interferes with the*  
4 *participants, performers, officials, attendants, service personnel,*  
5 *or spectators at the event.*

6 *(3) Throw, discharge, launch, or pour any solid or liquid*  
7 *substance or object, or otherwise cause a substance or object to*  
8 *be thrown, discharged, launched, or poured, unless the person is*  
9 *a duly authorized participant, performer, official, attendant, service*  
10 *personnel, or peace officer acting within the scope of his or her*  
11 *employment or duty.*

12 *(b) A person who violates this section shall be guilty of an*  
13 *infraction, punishable by a fine of up to two hundred fifty dollars*  
14 *(\$250) for each violation.*

15 ~~SEC. 3.~~

16 *SEC. 4.* 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.