

AMENDED IN ASSEMBLY APRIL 14, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2709

Introduced by Assembly Member Quirk
(Coauthor: Assembly Member McCarty)

February 19, 2016

An act to amend, repeal, and add Section 653.1 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2709, as amended, Quirk. Crimes: balloons.

Existing law makes it a crime to sell or distribute any balloon constructed of electrically conductive material and filled with a gas lighter than air without affixing an object of sufficient weight to the balloon or its appurtenance to counter the lift capability of the balloon, affixing a statement warning the consumer about the risk if the balloon comes in contact with power lines, and a printed identification of the manufacturer of the balloon. Existing law further prohibits selling or distributing 2 or more balloons that are constructed of electrically conductive material and filled with a gas lighter than air and attached to each other. Existing law additionally prohibits any person or group from releasing, outdoors, balloons made of electrically conductive material and filled with a gas lighter than air as part of a public or civic event, promotional activity, or product advertisement. Existing law makes a first and 2nd violation of these provisions punishable by a fine not to exceed \$100, and a 3rd or subsequent violation punishable as a misdemeanor.

This bill would, on January 1, 2018, remove these prohibitions and instead make it a crime to sell or distribute any balloon constructed of electrically conductive material or any balloon that is attached to an electrically conductive material. The bill would make a first violation of this provision punishable by a fine not to exceed \$250, and a 2nd or further violation punishable as a misdemeanor. The bill would additionally, on January 1, 2018, make it a crime to release, outdoors, balloons made of electrically conductive material, regardless of whether the outdoor release is part of a public or civic event, promotional activity, or product advertisement, and would make the crime punishable by a fine not to exceed \$250. The bill would exempt specified balloons from these provisions, including balloons that are not designed to be buoyant in ambient air when filled with any gas.

Because the bill would revise the definition of a crime, 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 653.1 of the Penal Code is amended to
 2 read:
 3 653.1. (a) A person shall not sell or distribute any balloon that
 4 is constructed of electrically conductive material, and filled with
 5 a gas lighter than air without:
 6 (1) Affixing an object of sufficient weight to the balloon or its
 7 appurtenance to counter the lift capability of the balloon.
 8 (2) Affixing a statement on the balloon, or ensuring that a
 9 statement is so affixed, that warns the consumer about the risk if
 10 the balloon comes in contact with electrical power lines.
 11 (3) A printed identification of the manufacturer of the balloon.
 12 (b) A person shall not sell or distribute any balloon filled with
 13 a gas lighter than air that is attached to an electrically conductive
 14 string, tether, streamer, or other electrically conductive
 15 appurtenance.

1 (c) A person shall not sell or distribute any balloon that is
2 constructed of electrically conductive material and filled with a
3 gas lighter than air and that is attached to another balloon
4 constructed of electrically conductive material and filled with a
5 gas lighter than air.

6 (d) A person or group shall not release, outdoors, balloons made
7 of electrically conductive material and filled with a gas lighter
8 than ~~air~~, *air* as part of a public or civic event, promotional activity,
9 or product advertisement.

10 (e) Any person who violates subdivision (a), (b), (c), or (d) is
11 guilty of an infraction punishable by a fine not exceeding one
12 hundred dollars (\$100). Any person who violates subdivision (a),
13 (b), (c), or (d) who has been previously convicted twice of violating
14 subdivision (a), (b), (c), or (d) is guilty of a misdemeanor.

15 (f) This section shall not apply to manned hot air balloons, or
16 to balloons used in governmental or scientific research projects.

17 (g) This section shall remain in effect only until January 1, 2018,
18 and as of that date is repealed, unless a later enacted statute, that
19 is enacted before January 1, 2018, deletes or extends that date.

20 SEC. 2. Section 653.1 is added to the Penal Code, to read:

21 653.1. (a) A person shall not sell or distribute any balloon that
22 is constructed of electrically conductive material or any balloon
23 that is attached to an electrically conductive string, tether, streamer,
24 or other electrically conductive material.

25 (b) A person or group shall not release, outdoors, balloons made
26 of electrically conductive material.

27 (c) Any person who violates subdivision (a) is guilty of an
28 infraction punishable by a fine not exceeding two hundred fifty
29 dollars (\$250). Any person who violates subdivision (a) who has
30 been previously convicted of violating subdivision (a) shall be
31 guilty of a misdemeanor.

32 (d) Any person who violates subdivision (b) is guilty of an
33 infraction punishable by a fine not exceeding two hundred fifty
34 dollars (\$250).

35 (e) This section shall not apply to manned hot air balloons,
36 balloons used in governmental or scientific research projects, or
37 any balloons that are not designed to be buoyant in ambient air
38 when filled with any gas.

39 (f) This section shall become operative on January 1, 2018.

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

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