

ASSEMBLY BILL

No. 1344

Introduced by Assembly Member Sweeney

February 23, 1995

An act to amend Section 626.6 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1344, as introduced, Sweeney. Crimes on school property.

Existing law makes it a misdemeanor for any person to reenter upon the campus or facility of any public school, college, or university if the person willfully and knowingly does so within 7 days after being directed to leave under specified conditions.

This bill would provide the same penalty if the person reenters the campus or facility within 30 days after being directed to leave. By expanding the scope of an existing crime, the bill would create 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 626.6 of the Penal Code is
2 amended to read:

3 626.6. (a) ~~In any case in which~~ *If* a person who is not
4 a student ~~or~~ officer or employee of a ~~community college,~~
5 ~~a state university, the university, or a~~ *public* school,
6 *college, or university* and who is not required by his or her
7 employment to be on the campus or any other facility
8 owned, operated, or controlled by the governing board of
9 ~~any such community college, state university, university,~~
10 ~~or that~~ school, *college, or university*, enters ~~such a~~
11 campus or facility, and it reasonably appears to the chief
12 administrative officer of the campus or facility, or to an
13 officer or employee designated by the chief
14 administrative officer to maintain order on ~~such the~~
15 campus or facility, that ~~such the~~ person is committing any
16 act likely to interfere with the peaceful conduct of the
17 activities of the campus or facility, or has entered the
18 campus or facility for the purpose of committing any such
19 act, the chief administrative officer ~~or officer or employee~~
20 ~~designated by him or her to maintain order on the~~
21 ~~campus or facility~~ *his or her designee* may direct the
22 person to leave the campus or facility, ~~and if the~~. *If that*
23 person fails to do so or if the person willfully and
24 knowingly reenters upon the campus or facility within ~~7~~
25 *30* days after being directed to leave, he or she is guilty of
26 a misdemeanor and shall be punished as follows:

27 (1) Upon a first conviction, by a fine of not ~~exceeding~~
28 *more than* five hundred dollars (\$500), by imprisonment
29 in the county jail for a period of not more than six months,
30 or by both ~~such that~~ fine and imprisonment.

31 (2) If the defendant has been previously convicted
32 once of a violation of any offense defined in this chapter
33 or Section 415.5, by imprisonment in the county jail for a
34 period of not less than 10 days or more than six months,
35 or by both ~~such that~~ imprisonment and a fine of not
36 ~~exceeding more than~~ five hundred dollars (\$500), and
37 shall not be released on probation, parole, or any other
38 basis until he or she has served not less than 10 days.



1 (3) If the defendant has been previously convicted
2 two or more times of a violation of any offense defined in
3 this chapter or Section 415.5, by imprisonment in the
4 county jail for a period of not less than 90 days or more
5 than six months, or by both ~~such~~ *that* imprisonment and
6 a fine of not ~~exceeding~~ *more than* five hundred dollars
7 (\$500), and shall not be released on probation, parole, or
8 any other basis until he or she has served not less than 90
9 days.

10 For purposes of this section, a representative of a school
11 employee organization engaged in activities related to
12 representation, as provided for in Chapter 10.7
13 (commencing with Section 3540) of Division 4 of Title 1
14 of the Government Code, shall be deemed a person
15 required by his or her employment to be in a school
16 building or on the grounds of a school.

17 (b) The provisions of this section shall not be utilized
18 to impinge upon the lawful exercise of constitutionally
19 protected rights of freedom of speech or assembly.

20 (c) When a person is directed to leave pursuant to
21 subdivision (a), the person directing him or her to leave
22 shall inform the person that if he or she reenters the
23 campus or facility within ~~7~~ *30* days he or she will be guilty
24 of a crime.

25 SEC. 2. No reimbursement is required by this act
26 pursuant to Section 6 of Article XIII B of the California
27 Constitution because the only costs that may be incurred
28 by a local agency or school district will be incurred
29 because this act creates a new crime or infraction,
30 eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section
32 17556 of the Government Code, or changes the definition
33 of a crime within the meaning of Section 6 of Article
34 XIII B of the California Constitution.

35 Notwithstanding Section 17580 of the Government
36 Code, unless otherwise specified, the provisions of this act
37 shall become operative on the same date that the act
38 takes effect pursuant to the California Constitution.

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