

AMENDED IN ASSEMBLY MARCH 30, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**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 amended, 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~~ 90 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) If a person who is not a student, officer or  
4 employee of a public school, college, or university and  
5 who is not required by his or her employment to be on the  
6 campus or any other facility owned, operated, or  
7 controlled by the governing board of that school, college,  
8 or university, enters a campus or facility, and it reasonably  
9 appears to the chief administrative officer of the campus  
10 or facility, or to an officer or employee designated by the  
11 chief administrative officer to maintain order on the  
12 campus or facility, that the person is committing any act  
13 likely to interfere with the peaceful conduct of the  
14 activities of the campus or facility, or has entered the  
15 campus or facility for the purpose of committing any such  
16 act, the chief administrative officer or his or her designee  
17 may direct the person to leave the campus or facility. If  
18 that person fails to do so or if the person willfully and  
19 knowingly reenters upon the campus or facility within ~~30~~  
20 90 days after being directed to leave, he or she is guilty of  
21 a misdemeanor and shall be punished as follows:

22 (1) Upon a first conviction, by a fine of not more than  
23 five hundred dollars (\$500), by imprisonment in the  
24 county jail for a period of not more than six months, or by  
25 both that fine and imprisonment.

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

34 (3) If the defendant has been previously convicted  
35 two or more times of a violation of any offense defined in  
36 this chapter or Section 415.5, by imprisonment in the  
37 county jail for a period of not less than 90 days or more  
38 than six months, or by both that imprisonment and a fine



1 of not more than five hundred dollars (\$500), and shall  
2 not be released on probation, parole, or any other basis  
3 until he or she has served not less than 90 days.

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

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

14 (c) When a person is directed to leave pursuant to  
15 subdivision (a), the person directing him or her to leave  
16 shall inform the person that if he or she reenters the  
17 campus or facility within ~~30~~ 90 days he or she will be guilty  
18 of a crime.

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

29 Notwithstanding Section 17580 of the Government  
30 Code, unless otherwise specified, the provisions of this act  
31 shall become operative on the same date that the act  
32 takes effect pursuant to the California Constitution.

