

AMENDED IN ASSEMBLY MAY 26, 1995  
AMENDED IN ASSEMBLY APRIL 25, 1995  
AMENDED IN ASSEMBLY MARCH 30, 1995

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1344**

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**Introduced by Assembly Member Sweeney**

February 23, 1995

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An act to amend Section 626.6 of, and to add Section 626.7 to, 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 of any public school 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) If a person who is not a student, officer or  
4 employee of a college or university and who is not  
5 required by his or her employment to be on the campus  
6 or any other facility owned, operated, or controlled by the  
7 governing board of that college or university, enters a  
8 campus or facility, and it reasonably appears to the chief  
9 administrative officer of the campus or facility, or to an  
10 officer or employee designated by the chief  
11 administrative officer to maintain order on the campus or  
12 facility, that the person is committing any act likely to  
13 interfere with the peaceful conduct of the activities of the  
14 campus or facility, or has entered the campus or facility  
15 for the purpose of committing any such act, the chief  
16 administrative officer or his or her designee may direct  
17 the person to leave the campus or facility. If that person  
18 fails to do so or if the person willfully and knowingly  
19 reenters upon the campus or facility within seven days  
20 after being directed to leave, he or she is guilty of a  
21 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.



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 that imprisonment and a fine  
6 of not more than five hundred dollars (\$500), and shall  
7 not be released on probation, parole, or any other basis  
8 until he or she has served not less than 90 days.

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

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

17 SEC. 2. Section 626.7 is added to the Penal Code, to  
18 read:

19 626.7. (a) If a person who is not a student, officer, or  
20 employee of a public school, *or a parent or guardian of a*  
21 *student at that school*, and who is not required by his or  
22 her employment to be on the campus or any other facility  
23 owned, operated, or controlled by the governing board of  
24 that school, enters a campus or facility, and it reasonably  
25 appears to the chief administrative officer of the campus  
26 or facility, or to an officer or employee designated by the  
27 chief administrative officer to maintain order on the  
28 campus or facility, that the person is committing any act  
29 likely to interfere with the peaceful conduct of the  
30 activities of the campus or facility, or has entered the  
31 campus or facility for the purpose of committing any such  
32 act, the chief administrative officer or his or her designee  
33 may direct the person to leave the campus or facility. If  
34 that person fails to do so or if the person willfully and  
35 knowingly reenters upon the campus or facility within 30  
36 days after being directed to leave, he or she is guilty of a  
37 misdemeanor and shall be punished as follows:

38 (1) Upon a first conviction, by a fine of not more than  
39 five hundred dollars (\$500), by imprisonment in a county



1 jail for a period of not more than six months, or by both  
2 that fine and imprisonment.

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

11 (3) If the defendant has been previously convicted  
12 two or more times of a violation of any offense defined in  
13 this chapter or Section 415.5, by imprisonment in a county  
14 jail for a period of not less than 90 days or more than six  
15 months, or by both that imprisonment and a fine of not  
16 more than five hundred dollars (\$500), and the defendant  
17 shall not be released on probation, parole, or any other  
18 basis until he or she has served not less than 90 days.

19 For purposes of this section, a representative of a school  
20 employee organization engaged in activities related to  
21 representation, as provided for in Chapter 10.7  
22 (commencing with Section 3540) of Division 4 of Title 1  
23 of the Government Code, shall be deemed a person  
24 required by his or her employment to be in a school  
25 building or on the grounds of a school.

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

29 (c) When a person is directed to leave pursuant to  
30 subdivision (a), the person directing him or her to leave  
31 shall inform the person that if he or she reenters the  
32 campus or facility within 30 days he or she will be guilty  
33 of a crime.

34 SEC. 3. No reimbursement is required by this act  
35 pursuant to Section 6 of Article XIII B of the California  
36 Constitution because the only costs that may be incurred  
37 by a local agency or school district will be incurred  
38 because this act creates a new crime or infraction,  
39 eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section



1 17556 of the Government Code, or changes the definition  
2 of a crime within the meaning of Section 6 of Article  
3 XIII B of the California Constitution.

4 Notwithstanding Section 17580 of the Government  
5 Code, unless otherwise specified, the provisions of this act  
6 shall become operative on the same date that the act  
7 takes effect pursuant to the California Constitution.

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