

AMENDED IN SENATE JUNE 29, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1953**

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**Introduced by Assembly Member Baldwin**

February 24, 1995

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An act to add Section 53077 to the Government Code, relating to the use of local public property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1953, as amended, Baldwin. Local public entities: use of public property.

Existing law provides for the use of local public property, as specified.

This bill would provide that no local public entity, as defined, shall adopt or enforce any law, ordinance, or rule denying ~~the Boy Scouts of America or any charter organization of the Boy Scouts of America~~ *certain nonprofit tax exempt youth organizations* use of or access to public land, property, or facility except on the same terms provided to other persons or organizations seeking similar use of public property. The bill would also specify that ~~the Boy Scouts of America, any organization chartered by the Boy Scouts of America, or any individual member or organizational leader of the Boy Scouts of America~~ *those nonprofit tax-exempt youth organizations* may commence a civil action to obtain appropriate injunctive and declaratory relief to enforce this provision, as determined by the court; and upon motion, a

court may award attorney’s fees and costs of litigation to a prevailing plaintiff pursuant to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 53077 is added to the  
2 Government Code, to read:

3 53077. (a) No local public entity, as defined in  
4 Section 53040, shall adopt or enforce any law, ordinance,  
5 or rule denying the use of or access to any public land,  
6 ~~property, or facility to the Boy Scouts of America or any~~  
7 ~~charter organization of the Boy Scouts of America except~~  
8 ~~on the same terms provided as to other persons or~~  
9 ~~organizations seeking similar use of public property.~~

10 ~~(b) The Boy Scouts of America, any organization~~  
11 ~~chartered by the Boy Scouts of America, or any individual~~  
12 ~~member or organizational leader of the Boy Scouts of~~  
13 ~~America may commence a civil action to obtain property,~~  
14 ~~or facility to any nonprofit organization serving youth~~  
15 ~~which qualifies for tax exemption pursuant to Section~~  
16 ~~501(c)(3) of the Internal Revenue Code, including the~~  
17 ~~Boy Scouts, the Girl Scouts, or the Campfire Girls, except~~  
18 ~~on the same terms provided as to other persons or~~  
19 ~~organizations seeking similar use of public property.~~

20 *(b) Any nonprofit organization serving youth which*  
21 *qualifies for tax exemption pursuant to Section 501(c)(3)*  
22 *of the Internal Revenue Code youth may commence a*  
23 *civil action to obtain appropriate injunctive and*  
24 *declaratory relief to enforce this section, as determined*  
25 *by the court. Upon motion, a court may award attorney’s*  
26 *fees and costs of litigation to a prevailing plaintiff*  
27 *pursuant to this section.*

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