

Introduced by Senator Kopp

December 2, 1996

~~An act to amend Sections 554 and 555.3 of the Penal Code, An act to amend Section 27174.2 of the Streets and Highways Code, relating to trespass.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 4, as amended, Kopp. Trespass: punishment.

~~Existing law~~

~~(1) The Bridge and Highway District Law makes it a misdemeanor to trespass upon or to loiter near specified properties that have been posted against trespassing and loitering, among other things, climb, without permission, upon any railing, cable, tower, or superstructure of a toll bridge.~~

~~This bill would make this offense a felony and would include a bridge or bridge tower among those specified properties, punishable by imprisonment in the state prison, or by a fine not exceeding \$25,000, or by both that imprisonment and fine, and would make those provisions also applicable to climbing on any suspender rope of the bridge. By increasing the punishment for existing crime expanding the scope of the crime and by making this crime a felony, the bill would impose increased duties on local criminal justice systems, this bill would impose thereby imposing a state-mandated local program.~~

(2) Existing law, known as “the three strikes law” and codified in 2 initiative statutes, prescribes alternative prison sentencing for any person convicted of a felony who has one or more prior serious or violent felony convictions. The initiative statutes provide that any amendment of these provisions requires a $\frac{2}{3}$ vote of the membership of each house of the Legislature.

This bill would provide that a felony conviction under the provisions in (1) above shall not constitute a current felony conviction for purposes of sentencing under the “three strikes” provisions of those initiative statutes. Because the bill would constitute an amendment of those initiative statutes, the bill would require a $\frac{2}{3}$ vote.

(3) 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~~ $\frac{2}{3}$. 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 554 of the Penal Code is~~
 2 ~~amended to read:~~
 3 ~~554. Any property, except that portion of the~~
 4 ~~property to which the general public is accorded access,~~
 5 ~~may be posted against trespassing and loitering in the~~
 6 ~~manner provided in Section 554.1, and thereby become~~
 7 ~~posted property subject to the provisions of this article~~
 8 ~~applicable to posted property, if the property consists of,~~
 9 ~~or is used, or is designed to be used, for any one or more~~
 10 ~~of the following:~~
 11 ~~(a) An oil well, oilfield, tank farm, refinery,~~
 12 ~~compressor plant, absorption plant, bulk plant, marine~~
 13 ~~terminal, pipeline, pipeline pumping station, or~~
 14 ~~reservoir, or any other plant, structure, or works, used for~~
 15 ~~the production, extraction, treatment, handling, storage,~~



1 ~~or transportation, of oil, gas, gasoline, petroleum, or any~~
2 ~~product or products thereof.~~

3 ~~(b) A gas plant, gas storage station, gas meter, gas~~
4 ~~valve, or regulator station, gas odorant station, gas~~
5 ~~pipeline, or appurtenances, or any other property used in~~
6 ~~the transmission or distribution of gas.~~

7 ~~(c) A reservoir, dam, generating plant, receiving~~
8 ~~station, distributing station, transformer, transmission~~
9 ~~line, or any appurtenances, used for the storage of water~~
10 ~~for the generation of hydroelectric power, or for the~~
11 ~~generation of electricity by water or steam or by any~~
12 ~~other apparatus or method suitable for the generation of~~
13 ~~electricity, or for the handling, transmission, reception, or~~
14 ~~distribution of electric energy.~~

15 ~~(d) Plant, structures or facilities used for or in~~
16 ~~connection with the rendering of telephone or telegraph~~
17 ~~service or for radio or television broadcasting.~~

18 ~~(e) A water well, dam, reservoir, pumping plant,~~
19 ~~aqueduct, canal, tunnel, siphon, conduit, or any other~~
20 ~~structure, facility, or conductor for producing, storing,~~
21 ~~diverting, conserving, treating, or conveying water.~~

22 ~~(f) The production, storage, or manufacture of~~
23 ~~munitions, dynamite, black blasting powder, gunpowder,~~
24 ~~or other explosives.~~

25 ~~(g) A railroad right-of-way, railroad bridge, railroad~~
26 ~~tunnel, railroad shop, railroad yard, or other railroad~~
27 ~~facility.~~

28 ~~(h) A plant and facility for the collection, pumping,~~
29 ~~transmission, treatment, outfall, and disposal of sanitary~~
30 ~~sewerage or storm and waste water, including a water~~
31 ~~pollution or quality control facility.~~

32 ~~(i) A quarry used for the purpose of extracting surface~~
33 ~~or subsurface material or where explosives are stored or~~
34 ~~used for that purpose.~~

35 ~~(j) A bridge or bridge tower.~~

36 ~~SEC. 2. Section 555.3 of the Penal Code is amended to~~
37 ~~read:~~

38 ~~555.3. Violation of any of the provisions of this article~~
39 ~~is a felony.~~

40 ~~SEC. 3.—~~



1 SECTION 1. Section 27174.2 of the Streets and
2 Highways Code is amended to read:

3 27174.2. (a) Every person who ~~shall~~, without
4 permission of the board or its authorized officers or
5 agents, ~~elimb~~ climbs upon any railing, cable, *suspender*
6 *rope*, tower, or superstructure of any district toll bridge,
7 ~~or district property, or shall be punished by~~
8 *imprisonment in the state prison, or by a fine not*
9 *exceeding twenty-five thousand dollars (\$25,000), or by*
10 *both that imprisonment and fine. Every person who*
11 *otherwise trespass* ~~trespasses~~ on any other portion of ~~such~~
12 *a district toll bridge or other district property* ~~which that~~
13 *is not intended for public use, shall be deemed guilty of*
14 *a misdemeanor punished by imprisonment in a county*
15 *jail.*

16 ~~The provisions of this~~

17 (b) This section ~~shall~~ does not apply to persons
18 engaged in the operation, maintenance, or repair of ~~such~~
19 *a bridge.*

20 (c) A *felony conviction under this section shall not*
21 *constitute a current felony conviction for purposes of*
22 *subdivisions (b) to (i), inclusive, of Section 667 or Section*
23 *1170.12.*

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

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

