

AMENDED IN ASSEMBLY JULY 3, 1997

AMENDED IN SENATE MAY 1, 1997

AMENDED IN SENATE JANUARY 22, 1997

SENATE BILL

No. 4

Introduced by Senator Kopp

December 2, 1996

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.

(1) The Bridge and Highway District Law makes it a misdemeanor to, among other things, climb, without permission, upon any railing, cable, tower, or superstructure of a toll bridge.

This bill would make these provisions applicable to climbing on any suspender rope of the bridge ~~or other district property~~ or to otherwise trespass on any portion of the bridge ~~or other district property~~ that is not intended for public use. The bill would make a violation of those provisions punishable by imprisonment in the county jail not exceeding one year, by a fine not exceeding \$10,000 or by both that imprisonment and fine.

The bill would require the court, if probation is granted to a person committing any of those acts, to impose as a condition of that probation that the person perform not less than 40 hours and not more than 160 hours of community service, as described. The bill would also require a person to reimburse

the bridge district for costs resulting from ~~the~~ a violation of these provisions.

The bill would also make it a misdemeanor to trespass on any other district property.

By expanding the scope of the crime and by requiring the imposition of certain conditions upon a person granted probation, the bill would impose increased duties on local criminal justice systems, thereby imposing a state-mandated local program.

(2) 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 27174.2 of the Streets and
2 Highways Code is amended to read:

3 27174.2. (a) Every person who, without permission
4 of the board or its authorized officers or agents, climbs
5 upon any railing, cable, suspender rope, tower, or
6 superstructure of any district toll bridge, ~~or other district~~
7 ~~property~~, or otherwise trespasses on any portion of the
8 bridge ~~or other district property~~ that is not intended for
9 public use, is guilty of a misdemeanor, punishable by
10 imprisonment in the county jail not exceeding one year,
11 by a fine not exceeding ten thousand dollars (\$10,000), or
12 by both that imprisonment and fine.

13 (b) *Every person who trespasses on district property*
14 *other than that referred to in subdivision (a) is guilty of*
15 *a misdemeanor.*

16 (c) If the court grants probation to any person
17 punished under subdivision (a), in addition to any other
18 terms or conditions imposed by the court, the court shall
19 impose as a condition of that probation that the person
20 perform not less than 40 hours and not more than 160



1 hours of community service in the county in which the
2 violation occurred. To the extent practicable, the service
3 shall involve work in homeless shelters, programs
4 designed for the care of drug abuse, and hospices. The
5 service shall be performed during a time that does not
6 interfere with the person's school attendance or
7 employment.

8 ~~(e)~~

9 (d) Any person convicted of a violation of *subdivision*
10 (a) of this section shall reimburse the bridge district for
11 costs resulting from the violation. The court shall consider
12 the costs to the bridge district and shall prorate the
13 defendant's share of the costs based on the defendant's
14 responsibility for the acts and in accordance with the
15 defendant's ability to pay, as the court deems appropriate
16 in the interest of justice.

17 ~~(d)~~

18 (e) This section does not apply to persons engaged in
19 the operation, maintenance, or repair of a bridge.

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

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

