

Senate Bill No. 4

CHAPTER 379

An act to amend Section 27174.2 of the Streets and Highways Code, relating to trespass.

[Approved by Governor August 26, 1997. Filed with Secretary of State August 26, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 4, 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 to otherwise trespass on any portion of the bridge 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 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.

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

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

27174.2. (a) Every person who, without permission of the board or its authorized officers or agents, climbs upon any railing, cable,



suspender rope, tower, or superstructure of any district toll bridge, or otherwise trespasses on any portion of the bridge that is not intended for public use, is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding one year, by a fine not exceeding ten thousand dollars (\$10,000), or by both that imprisonment and fine.

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

(c) If the court grants probation to any person punished under subdivision (a), in addition to any other terms or conditions imposed by the court, the court shall 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 in the county in which the violation occurred. To the extent practicable, the service shall involve work in homeless shelters, programs designed for the care of drug abuse, and hospices. The service shall be performed during a time that does not interfere with the person's school attendance or employment.

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

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

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

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

