

AMENDED IN SENATE MARCH 9, 1999

SENATE BILL

No. 170

Introduced by Senator Rainey

January 11, 1999

An act to add Section ~~30850~~ 100.75 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 170, as amended, Rainey. ~~Trespass—Bridges: trespass:~~ punishment.

(1) Existing law makes it a misdemeanor for any person to climb upon any railing, cable, suspender rope, tower, or superstructure of a toll bridge or other bridge property that is within the jurisdiction of the Bridge and Highway District Law. Under that law, if the court grants probation to a person punishable for a misdemeanor violation, the court is required, to the extent practicable, to require the person's mandatory community service to involve work in homeless shelters, programs designed for the care of drug abuse, and hospices.

This bill would enact ~~the same~~ provisions *similar to those specified above* with regard to toll bridges, *draw bridges, or suspension bridges* under the jurisdiction of the ~~California Department of Transportation Commission~~, except that the bill, ~~would include mandatory community service requirements, but~~ would not, include the specific community service requirements described above.

By creating a new 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 ~~30850~~ 100.75 is added to the
 2 Streets and Highways Code, to read:
 3 ~~30850.~~
 4 100.75. (a) Every person who, without the
 5 permission of the ~~California Transportation Commission~~
 6 *department* or its authorized officers or agents, climbs
 7 upon any railing, cable, suspender rope, tower, or
 8 superstructure of any toll bridge, ~~as defined in Section~~
 9 ~~30885, or otherwise trespasses on any portion of a bridge~~
 10 ~~that is not intended~~ *bridge, draw bridge, or suspension*
 11 *bridge that is under the jurisdiction of the department, or*
 12 *otherwise trespasses on any portion of that bridge that is*
 13 *not intended* for public use, is guilty of a misdemeanor,
 14 punishable by imprisonment in the county jail not
 15 exceeding one year, by a fine not exceeding ten thousand
 16 dollars (\$10,000), or by both that imprisonment and fine.
 17 (b) Every person who trespasses on ~~department~~ toll
 18 bridge ~~property~~, *draw bridge, or suspension bridge*
 19 *property that is under the jurisdiction of the department,*
 20 other than that referred to in subdivision (a), is guilty of
 21 a misdemeanor.
 22 (c) If the court grants probation to any person
 23 punished under subdivision (a), in addition to any other
 24 terms or conditions imposed by the court, the court shall
 25 impose as a condition of that probation that the person
 26 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.

3 (d) Any person convicted of a violation of subdivision
4 (a) ~~of this section~~ shall reimburse the department for
5 costs resulting from the violation. The court shall consider
6 the costs to the department and shall prorate the
7 defendant's share of the costs based on the defendant's
8 responsibility for the acts and in accordance with the
9 defendant's ability to pay, as the court deems appropriate
10 in the interest of justice.

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

13 SEC. 2. No reimbursement is required by this act
14 pursuant to Section 6 of Article XIII B of the California
15 Constitution because the only costs that may be incurred
16 by a local agency or school district will be incurred
17 because this act creates a new crime or infraction,
18 eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section
20 17556 of the Government Code, or changes the definition
21 of a crime within the meaning of Section 6 of Article
22 XIII B of the California Constitution.

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

