

Senate Bill No. 570

CHAPTER 1013

An act to amend Sections 48110 and 48111 of, and to add Article 6 (commencing with Section 49370) to Chapter 8 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to school safety.

[Approved by Governor October 10, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 570, Alarcon. School personnel: disruptions or threats: mandatory reporting of missing children.

(1) Existing law provides that any minor over 16 years of age or any adult, not a pupil at a school, who comes upon any school ground and interferes with any school activity, as specified, is guilty of a misdemeanor punishable by a fine of not less than \$100, or more than \$1,000, or imprisonment in a county jail not to exceed 6 months, or by both the fine and imprisonment. Existing law also provides that any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties, disrupts classwork or extracurricular activities, as specified, is guilty of a misdemeanor punishable by a fine not exceeding \$100, or imprisonment in a county jail not exceeding 10 days, or by both imprisonment and the fine.

This bill would provide that for either of the above-described misdemeanors, the offense would be punishable by a fine of not less than \$500, nor more than \$1,000, or by imprisonment in a county jail not exceeding one year, or by both imprisonment and the fine. The bill would also provide for certain minimum periods of imprisonment in a county jail for subsequent commissions of the above-described offenses, as specified. The bill would also provide that upon a showing of good cause, the court may grant probation, or suspension of the execution or imposition of the sentence, with regard to subsequent commissions of the above-described crimes. By changing the definition of a crime, this bill would impose a state-mandated local program.

(2) Existing law requires the reporting by certain persons of known or suspected instances of child abuse to a child protective agency, as specified.

This bill would declare the intent of the Legislature regarding the reporting by school personnel, to a law enforcement agency of missing children as specified.

(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.

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

SECTION 1. Section 44810 of the Education Code is amended to read:

44810. (a) Every minor over 16 years of age or adult who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school, who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor.

(b) A violation of subdivision (a) shall be punished as follows:

(1) Upon the first conviction, by a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.

(2) Upon a second conviction, by imprisonment in a county jail for a period of not less than 10 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 10 days in a county jail.

(3) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 90 days in a county jail.

(4) Upon a showing of good cause, the court may find that for any mandatory minimum imprisonment specified by paragraph (2) or (3) of this subdivision, the imprisonment shall not be imposed, and the court may grant probation, or the suspension of the execution or imposition of the sentence.

SEC. 2. Section 44811 of the Education Code is amended to read:

44811. (a) Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor.

(b) A violation of subdivision (a) shall be punished as follows:

(1) Upon the first conviction, by a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars



(\$1,000), or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.

(2) Upon a second conviction, by imprisonment in a county jail for a period of not less than 10 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 10 days in a county jail.

(3) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 90 days in a county jail.

(4) Upon a showing of good cause, the court may find that for any mandatory minimum imprisonment specified by paragraph (2) or (3) of this subdivision, the imprisonment shall not be imposed, and the court may grant probation, or the suspension of the execution or imposition of the sentence.

(c) This section shall not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills.

SEC. 3. Article 6 (commencing with Section 49370) is added to Chapter 8 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

Article 6. Reporting of Missing Children

49370. The Legislature hereby declares its intent in enacting this article to require that specified persons, including school teachers, school administrators, school aides, school playground workers, and school bus drivers, report missing children to a law enforcement agency in a timely manner, in order to provide those children a necessary level of protection when they are at serious risk.

SEC. 4. 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.

