

An act to add Section 647.10 to the Penal Code, relating to public safety.

SECURED
COPY



THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 647.10 is added to the Penal Code, to read:

647.10. (a) For the purposes of this section:

- (1) "Peace officer" means a person described in Section 830.
- (2) "Sensitive area" means a school, daycare center, park, or library.

(b) A person shall not sit, lie, sleep, or store, use, maintain, or place personal property upon any street, sidewalk, or other public right-of-way within 1000 feet of a sensitive area.

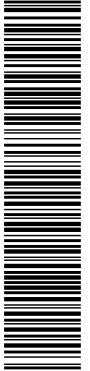
(c) Subject to subdivision (d), this section may be enforced as follows:

(1) A violation of this section is a public nuisance that may be enjoined, abated, and prevented. The district attorney, county counsel of the county, or the city attorney of any incorporated city or of any city and county, in the name of the people, may maintain an action to abate and prevent the nuisance. Before pursuing abatement authorized by this paragraph, the district attorney, county counsel, or city attorney, as applicable, shall ensure that the person found to be in violation of this section has received verbal or written information regarding alternative locations to sleep, homeless and mental health services, or homeless shelters in the area.

(2) A violation of this section may be charged as a misdemeanor or an infraction, at the discretion of the prosecutor.

(d) A person shall not be found to be in violation of this section unless a peace officer employed by the county or city, as applicable, with jurisdiction over the sensitive area has provided that person written notice, at least 72 hours before commencement of any enforcement action described in subdivision (c), that the person is prohibited from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon a street, sidewalk, or other public right-of-way within 1000 feet of a sensitive area pursuant to this section. A written notice shall only be deemed to have been provided for the purposes of this subdivision if the notice is given in a language understood by the person receiving the notice.

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.



LEGISLATIVE COUNSEL'S DIGEST

Bill No. _____
as introduced, _____.
General Subject: Encampments: sensitive areas: penalties.

Under existing law, a person who lodges in a public or private place without permission is guilty of disorderly conduct, a misdemeanor. Existing law also provides that a person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place is guilty of a misdemeanor.

Under existing law, a public nuisance is anything that is injurious to health, or is indecent or offensive to the senses, so as to interfere with the comfortable enjoyment of life or property by an entire community, neighborhood, or considerable number of persons. Existing law provides various remedies against a public nuisance, including abatement by any public body or officer authorized by law.

This bill would prohibit a person from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon any street, sidewalk, or other public right-of-way within 1000 feet of a sensitive area, as defined. The bill would specify that a violation of this prohibition is a public nuisance that can be abated and prevented, as provided. The bill would also provide that a violation of the prohibition may be charged as a misdemeanor or an infraction, at the discretion of the prosecutor. The bill would prohibit a person from being found in violation of the bill's provisions unless provided notice, at least 72 hours before commencement of any enforcement action, as provided. By imposing criminal penalties for a violation of these provisions, this bill would impose a state-mandated local program.

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.

