

## Assembly Bill No. 924

### CHAPTER 101

An act to amend Section 602.8 of the Penal Code, relating to crimes.

[Approved by Governor July 22, 2003. Filed with  
Secretary of State July 22, 2003.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 924, Maldonado. Trespass.

Existing law provides that, with specified exceptions, any person who, without the written permission of the landowner, owner's agent, or person in lawful possession of the land, willfully enters any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, is for a first offense guilty of an infraction punishable by a fine of \$10; and for a 2nd offense guilty of an infraction punishable by a fine of not less than \$100 nor more than \$250.

This bill would revise the above penalty provisions to instead provide that for a trespass on the same land or any contiguous land of the same landowner, without the permission of the landowner, the landowner's agent, or the person in lawful possession of the land, a first offense is punishable by a fine of \$75 and a 2nd offense is punishable by a fine of \$250. The bill would exempt licensed land surveyors engaged in specified lawful and authorized work from these provisions and would make clarifying and conforming changes to these and related provisions.

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

SECTION 1. Section 602.8 of the Penal Code is amended to read:

602.8. (a) Any person who without the written permission of the landowner, the owner's agent, or the person in lawful possession of the land, willfully enters any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or who willfully enters upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering the lands, is guilty of a public offense.

(b) Any person convicted of a violation of subdivision (a) shall be punished as follows:

(1) A first offense is an infraction punishable by a fine of seventy-five dollars (\$75).



(2) A second offense on the same land or any contiguous land of the same landowner, without the permission of the landowner, the landowner's agent, or the person in lawful possession of the land, is an infraction punishable by a fine of two hundred fifty dollars (\$250).

(3) A third or subsequent offense on the same land or any contiguous land of the same landowner, without the permission of the landowner, the landowner's agent, or the person in lawful possession of the land, is a misdemeanor.

(c) Subdivision (a) shall not apply to any of the following:

(1) Any person engaged in lawful labor union activities which are permitted to be carried out on property by the California Agricultural Labor Relations Act, Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code, or by the National Labor Relations Act.

(2) Any person on the premises who is engaging in activities protected by the California or United States Constitution.

(3) Any person described in Section 22350 of the Business and Professions Code who is making a lawful service of process.

(4) Any person licensed pursuant to Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code who is engaged in the lawful practice of land surveying as authorized by Section 846.5 of the Civil Code.

(d) For any infraction charged pursuant to this section, the defendant shall have the option to forfeit bail in lieu of making a court appearance. Notwithstanding subdivision (e) of Section 853.6, if the offender elects to forfeit bail pursuant to this subdivision, no further proceedings shall be had in the case.

