

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 10, 2010
POSITION: Neutral

BILL NUMBER: AB 2324
AUTHOR: J. Perez

BILL SUMMARY: Transit: Public Transit Facilities

This bill would expand current law designed to promote airport and passenger vessel terminal security to include public transit vehicles and facilities. In addition, this bill would create new misdemeanors and recast the fines and punishments for crimes committed against public transit facilities.

FISCAL SUMMARY

The California Constitution requires the state to reimburse local government for the costs of any program or increased level of service mandated by the Legislature or any state agency. Any local government costs resulting from the mandate in this measure would not be state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the April 5, 2010 version are minor and do not alter our position. Specifically, this bill has been amended to make various changes to the provisions relating to passenger misconduct.

COMMENTS

Existing law:

- Specifies that the possession of various weapons, potential weapons, and simulated weapons within defined sterile areas of airports or passenger vessel terminals is a crime, punishable as a misdemeanor.
Specifies that trespassing in and refusal to leave restricted airport or passenger vessel terminal areas is a crime, punishable by up to six months in county jail, a fine not to exceed \$1,000, or by both imprisonment and a fine.
Prohibits a person from intentionally avoiding submission to screening and inspection when entering or reentering a sterile area of an airport or passenger vessel terminal, except as specified, and provides that a violation of this prohibition is punishable by no more than one year in a county jail, as specified.
Makes it a crime, punishable by a fine not to exceed \$250 and by specified community service, to evade the payment of any fare of, or engage in specified passenger misconduct on or in, a described facility or vehicle.
Makes it a crime, punishable as an infraction to carry an explosive, acid, flammable liquid, or toxic hazardous materials in a public transit facility or vehicle.

This bill would:

- Define a facility or vehicle of a public transit system as that portion of a facility or vehicle as described in Section 99211 of the Public Utilities Code, by any entity subsidized by the Department of Transportation, or a leased or rented vehicle or facility for which a public transit facility incurs the cost to clean, repair, or replace equipment, as specified.

(Continued)

COMMENTS (continued)

Analyst/Principal Date Assistant Program Budget Manager Date
(0236) J. Sturges Zlatko Theodorovic

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

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- Make it a crime, punishable as a misdemeanor for any person to knowingly possess various weapons at a public transit vehicle facility, as specified.
- Define controlled areas of public transit facilities as sterile areas and make unauthorized entry into and refusal to leave such an area, with the knowledge that entry is prohibited, a crime punishable by up to six months in county jail, a fine not to exceed \$1,000, or by both imprisonment and a fine.
- Recast the penalties for avoiding submission to screening to a punishment of a fine not to exceed \$500 for a first offense that does not result in an evacuation or delay, and by a fine of \$1,000 and up to six months imprisonment in county jail for a second or subsequent offense. For a first offense that results in the evacuation of the terminal or facility, as specified, this bill would impose a penalty of no more than one year in a county jail.
- Recast the penalties for passenger misconduct to make some acts of misconduct punishable as an infraction and others punishable as a misdemeanor, as specified.
- Make it a crime, punishable as a misdemeanor to carry explosives, acids, or flammable liquids in a public transit facility.
- Make it a crime, punishable as a misdemeanor to willfully tamper with, remove, displace, injure, or destroy any part of any facility or vehicle of a public transportation system.

| Code/Department Agency or Revenue Type | SO | (Fiscal Impact by Fiscal Year) | | | | | | | Fund Code |
|--|----|--------------------------------|-----------|----------|---------------|-------|-----------|------|--------------|
| | LA | (Dollars in Thousands) | | | | | | | |
| | CO | PROP | 2010-2011 | | 2011-2012 | | 2012-2013 | | |
| | RV | 98 | FC | FC | FC | FC | | | |
| 5225/Corr & Rehab | SO | No | ----- | No/Minor | Fiscal Impact | ----- | | 0001 | |
| 8885/Comm St Mndt | LA | No | ----- | No/Minor | Fiscal Impact | ----- | | 0001 | |