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AB-1097 Trespass. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 17, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1097

Introduced by Assembly Member Ávila Farías

February 20, 2025

An act *to amend Section 602 of the Penal Code*, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1097, as amended, Ávila Farías. Trespass.

Existing law makes it a misdemeanor to commit a trespass by engaging in specified acts, including entering upon lands or buildings owned by another person where signs forbidding trespass are displayed where animals are being raised, as specified, or upon lands for the purpose of injuring property or property rights or with the intention of interfering with a lawful business, as specified. Existing federal law, commonly known as Public Law 280, authorizes the state to exercise jurisdiction over offenses committed by or against Indians in the areas of Indian country within the state, and gives state criminal laws the same force and effect within Indian country as they have elsewhere in the state.

This bill would additionally make it a misdemeanor to commit a trespass by entering Indian lands, as defined, where signs forbidding trespass are displayed where animals are being raised, as specified, and would clarify that it is a misdemeanor to commit a trespass by entering Indian lands for the purpose of injuring property or property rights or with the intention of interfering with a lawful business, as specified.

Existing law makes it a misdemeanor to commit a trespass by entering private property after having been informed by a peace officer that the property is not open to the person who was informed, or refusing or failing to leave upon being asked to leave, as specified, if the person has been convicted of a crime committed upon that property.

This bill would make it a misdemeanor to commit a trespass by entering Indian lands in the circumstances described above. The bill would, in the case of Indian lands, include trespass warnings or orders given by a tribal police officer. The bill would also make it a misdemeanor to commit a trespass by reentering private property or Indian lands, as specified, within 48 hours after having been requested by the owner, operator, or agent of the premises to leave the premises, or, in the case of Indian lands, after receiving an order of exclusion from a tribal government, as specified, if the person has been convicted of a crime committed

upon that property. The bill would authorize a tribe to enter into an agreement with a law enforcement agency to enforce an order of exclusion, as specified.

Because the bill would create a new crime and expand the scope of existing crimes, it would impose a state-mandated local program.

The bill would make other technical, nonsubstantive changes.

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.

~~Existing law makes it a crime to refuse or fail to leave land real property, or structures belonging to, or lawfully occupied by, another and not open to the general public, upon being requested to leave by a peace officer or the owner, as specified.~~

~~This bill would state that it is the intent of the Legislature to enact legislation to address trespassing on private property, as specified.~~

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: ~~no~~yes

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

SECTION 1. Section 602 of the Penal Code is amended to read:

602. Except as provided in subdivisions (u), (v), and (x), and Section 602.8, a person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor:

- (a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another.
- (b) Carrying away any kind of wood or timber lying on those lands.
- (c) Maliciously injuring or severing from the freehold of another anything attached to it, or its produce.
- (d) Digging, taking, or carrying away from a lot situated within the limits of an incorporated city, without the license of the owner or legal occupant, any earth, soil, or stone.
- (e) Digging, taking, or carrying away from land in a city or town laid down on the map or plan of the city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil, or stone.
- (f) Maliciously tearing down, damaging, mutilating, or destroying a sign, signboard, or notice placed upon, or affixed to, a property belonging to the state, or to a city, county, city and county, town, or village, or upon the property of a person, by the state or by an automobile association, which sign, signboard, or notice is intended to indicate or designate a road or a highway, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other matter involving the protection of the property, or putting up, affixing, fastening, printing, or painting upon any property belonging to the state, or to any city, county, town, or village, or dedicated to the public, or upon the property of a person, without license from the owner, a notice, advertisement, or designation of, or a name for a commodity, whether for sale or otherwise, or a picture, sign, or device intended to call attention to it.
- (g) (1) Entering upon lands owned by another person ~~whereon~~ *on which* oysters or other shellfish are planted or ~~growing; or injuring, gathering; growing.~~
- (2) Injuring, gathering,* or carrying away oysters or other shellfish planted, growing, or on any of ~~those lands; the lands described in paragraph (1),~~ whether covered by water or not, without the license of the owner or legal ~~occupant; or damaging, destroying; occupant.~~
- (3) Damaging, destroying,* or removing, or causing to be removed, damaged, or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of ~~those lands; the lands described in paragraph (1).~~
- (h) (1) (A) Entering upon lands or buildings owned by another person without the license of the owner or legal occupant, *or upon Indian lands, as defined in subdivision (t),* where signs forbidding trespass are ~~displayed, and whereon displayed if~~ cattle, goats, pigs, sheep, fowl, or any other animal is being raised, bred, fed, or held *on those lands* for the purpose of food for human ~~consumption; or injuring, gathering; consumption.~~

(B) Injuring, gathering, or carrying away any animal being housed on any of ~~those lands; the lands described in subparagraph (A)~~ without the license of the owner or legal ~~occupant; or damaging, destroying; occupant.~~

(C) Damaging, destroying, or removing, or causing to be removed, damaged, or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of ~~those lands~~ the lands described in subparagraph (A).

(2) In order for there to be a violation of this subdivision, the trespass signs under paragraph (1) shall be displayed at intervals not less than three per mile along all exterior boundaries and at all roads and trails entering the land.

(3) This subdivision does not preclude prosecution or punishment under any other law, including, but not limited to, grand theft or any provision that provides for a greater penalty or longer term of imprisonment.

(i) Willfully opening, tearing down, or otherwise destroying a fence on the enclosed land of another, or opening a gate, bar, or fence of another and willfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying a sign, signboard, or other notice forbidding shooting on private property.

(j) Building fires upon lands owned by another where signs forbidding trespass are displayed at intervals not greater than one mile along the exterior boundaries and at all roads and trails entering the lands, without first having obtained written permission from the owner of the lands or the owner's agent, or the person in lawful possession.

(k) Entering lands, including Indian lands, as defined in subdivision (t), whether unenclosed or enclosed by fence, for the purpose of injuring property or property rights or with the intention of interfering with, obstructing, or injuring a lawful business or occupation carried on by the owner of the land, the owner's agent, or the person in lawful possession.

(l) Entering lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering 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 without the written permission of the owner of the land, the owner's agent, or the person in lawful possession, and any of the following:

(1) Refusing or failing to leave the lands immediately upon being requested by the owner of the land, the owner's agent, or by the person in lawful possession to leave the lands.

(2) Tearing down, mutilating, or destroying a sign, signboard, or notice forbidding trespass or hunting on the lands.

(3) Removing, injuring, unlocking, or tampering with a lock on a gate on or leading into the lands.

(4) Discharging a firearm.

(m) Entering and occupying real property or structures of any kind without the consent of the owner, the owner's agent, or the person in lawful possession.

(n) Driving a vehicle, as defined in Section 670 of the Vehicle Code, upon real property belonging to, or lawfully occupied by, another and known not to be open to the general public, without the consent of the owner, the owner's agent, or the person in lawful possession. This subdivision does not apply to a person described in Section 22350 of the Business and Professions Code who is making a lawful service of process, provided that upon exiting the vehicle, the person proceeds immediately to attempt the service of process, and leaves immediately upon completing the service of process or upon the request of the owner, the owner's agent, or the person in lawful possession.

(o) (1) Refusing or failing to leave land, real property, or structures belonging to, or lawfully occupied by, another and not open to the general public, upon being requested to leave by ~~(1) a peace~~ either of the following:

(A) A peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that they are acting at the request of the owner, the owner's agent, or the person in lawful possession, or (2) the owner, possession.

(B) The owner, the owner's agent, or the person in lawful possession. ~~The~~

(2) (A) The owner, the owner's agent, or the person in lawful possession shall make a separate request to the peace officer on each occasion when the peace officer's assistance in dealing with a trespass is requested. ~~However, a single~~

(B) A single request for a peace officer's assistance, made in a notarized writing on a form provided by the law enforcement agency, may be made to cover a limited period of time not to exceed a time period determined by local ordinance or 12 months, whichever is shorter, and identified by specific dates, during which there is a fire hazard or the owner, owner's agent, or person in lawful possession is absent from the premises or ~~property. In addition, a single~~ property.

(3) (A) A single request for a peace officer's assistance, made in a notarized writing on a form provided by the law enforcement agency, may be made for a period not to exceed 12 months when the premises or property is closed to the public and posted as being closed. ~~The~~

(B) *The* requestor shall inform the law enforcement agency to which the request was made, in writing, when the assistance is no longer desired, before the period not exceeding 12 months expires. ~~However, this subdivision~~

(4) *This subdivision* does not apply to persons engaged in lawful labor union activities that are permitted to be carried out on the property by the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code) or by the federal National Labor Relations Act. ~~For~~

(5) *For the* purposes of this section, land, real property, or structures owned or operated by a housing authority for tenants, as defined in Section 34213.5 of the Health and Safety Code, constitutes property not open to the general ~~public; however, this subdivision-public.~~

(6) *This subdivision* does not apply to persons on the premises who are engaging in activities protected by the California or United States Constitution, or to persons who are on the premises at the request of a resident or management and who are not loitering or otherwise suspected of violating or actually violating a law or ordinance.

~~(2)~~

(7) A request for a peace officer's assistance shall expire upon transfer of ownership of the property or upon a change in the person in lawful possession.

~~(3)~~

(8) (A) A request for a peace officer's assistance in dealing with a trespass may be submitted electronically. ~~A~~

(B) A local government may accept electronic submissions of requests pursuant to this subdivision.

(p) Entering upon lands declared closed to entry, as provided in Section 4256 of the Public Resources Code, if the closed areas have been posted with notices declaring the closure, at intervals not greater than one mile along the exterior boundaries or along roads and trails passing through the lands.

(q) Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchperson, or custodian of the public agency owning or maintaining the building or property, if the surrounding circumstances would indicate to a reasonable person that the person has no apparent lawful business to pursue.

(r) Knowingly skiing in an area or on a ski trail that is closed to the public and that has signs posted indicating the closure.

(s) (1) Refusing or failing to leave a hotel or motel, where the person has obtained accommodations and has refused to pay for those accommodations, upon request of the proprietor or manager and the occupancy is exempt, pursuant to subdivision (b) of Section 1940 of the Civil Code, from Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

~~For~~

(2) *For the* purposes of this subdivision, occupancy at a hotel or motel for a continuous period of 30 days or less shall, in the absence of a written agreement to the contrary, or other written evidence of a periodic tenancy of indefinite duration, be exempt from Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

(t) (1) (A) Entering upon private ~~property; property or Indian lands~~, including contiguous land, real property, *private businesses*, or structures thereon belonging to the same owner, whether or not generally open to the public, after having been informed by a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, *or in the case of Indian lands or private property on Indian lands, by a peace officer or tribal police officer*, and upon being informed by the peace officer *or tribal police officer* that the peace officer *or tribal police officer* is acting at the request of the owner, the owner's agent, ~~or~~ the person in lawful possession, *or, in the case of Indian lands, the tribe*, that the property is not open to the particular ~~person; person~~, or refusing or failing to leave the property upon being asked to leave the property in the manner provided in this subdivision.

(B) Entering upon any of the premises described in subparagraph (A) within 48 hours after having been requested by the owner, operator, or agent of the premises to leave the premises or after receiving an order of exclusion from a tribal government.

(2) Notwithstanding any other law, a federally recognized Indian tribe may enter into an agreement with a law enforcement agency for services to enforce an order of exclusion made pursuant to this subdivision.

~~(2)~~

(3) This subdivision applies only to a person who has been convicted of a crime committed upon the particular private property.

(3)

(4) A single notification or request to the person ~~as set forth above~~ *as described in paragraph (1)* shall be valid and enforceable under this subdivision unless and until rescinded by the owner, the owner's agent, or the person in lawful possession of the property.

~~(4) Where~~

(5) (A) *If* the person has been convicted of a violent felony, as described in subdivision (c) of Section 667.5, this subdivision applies without time ~~limitation. Where the~~ *limitation*.

(B) *If the* person has been convicted of any other felony, this subdivision applies for no more than five years from the date of conviction. ~~Where the~~

(C) *If the* person has been convicted of a misdemeanor, this subdivision applies for no more than two years from the date of conviction. ~~Where the~~

(D) *If the* person was convicted for an infraction pursuant to Section 490.1, this subdivision applies for no more than one year from the date of conviction. ~~This~~

(E) *This* subdivision does not apply to convictions for any other infraction.

(6) *For the purposes of this subdivision, the following terms have the following meanings:*

(A) *"Federally recognized Indian tribe" means an Indian tribe as defined in the Federally Recognized Indian Tribe List Act of 1994 (Public Law 103-454).*

(B) *"Indian lands" means lands as defined in Section 1151 of Title 18 of the United States Code.*

(C) *"Order of exclusion" means a written order issued by a tribal government of a federally recognized Indian tribe prohibiting a person from entering the tribe's Indian lands.*

(D) *"Tribal government" means a council, or its designated agency under tribal law, that is primarily responsible for carrying out the federally recognized Indian tribe's inherent sovereign power of self-governance and for controlling internal relations and territorial management.*

(u) (1) Knowingly entering, by an unauthorized person, upon an airport operations area, passenger vessel terminal, or public transit facility if the area has been posted with notices restricting access to authorized personnel only and the postings occur not greater than every 150 feet along the exterior boundary, to the extent, in the case of a passenger vessel terminal, as defined in ~~subparagraph (B) of~~ paragraph (3), that the exterior boundary extends shoreside. To the extent that the exterior boundary of a passenger vessel terminal operations area extends waterside, this prohibition applies if notices have been posted in a manner consistent with the requirements for the shoreside exterior boundary, or in any other manner approved by the captain of the port.

(2) A person convicted of a violation of paragraph (1) shall be punished as follows:

(A) By a fine not exceeding one hundred dollars (\$100).

(B) By imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment, if the person refuses to leave the airport or passenger vessel terminal after being requested to leave by a peace officer or authorized personnel.

(C) By imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment, for a second or subsequent offense.

(3) As used in this subdivision, the following definitions shall control:

(A) "Airport operations area" means that part of the airport used by aircraft for landing, taking off, surface maneuvering, loading and unloading, refueling, parking, or maintenance, where aircraft support vehicles and facilities exist, and which is not for public use or public vehicular traffic.

(B) "Passenger vessel terminal" means only that portion of a harbor or port facility, as described in Section 105.105(a)(2) of Title 33 of the Code of Federal Regulations, with a secured area that regularly serves scheduled commuter or passenger operations. For the purposes of this section, "passenger vessel terminal" does not include any area designated a public access area pursuant to Section 105.106 of Title 33 of the Code of Federal Regulations.

(C) "Public transit facility" has the same meaning as specified in Section 171.7.

(D) (i) "Authorized personnel" means a person who has a valid airport identification card issued by the airport operator or has a valid airline identification card recognized by the airport operator, or any person not in possession of an airport or airline identification card who is being escorted for legitimate purposes by a person with an airport or airline identification card.

(ii) "Authorized personnel" also means a person who has a valid port identification card issued by the harbor operator, or who has a valid company identification card issued by a commercial maritime enterprise recognized by the harbor operator, or any other person who is being escorted for legitimate purposes by a person with a valid port or qualifying company identification card.

(iii) "Authorized personnel" also means a person who has a valid public transit employee identification card.

(E) "Airport" means a facility whose function is to support commercial aviation.

(v) (1) (A) Except as permitted by federal law, intentionally avoiding submission to the screening and inspection of one's person and accessible property in accordance with the procedures being applied to control access when entering or reentering a sterile area of an airport, passenger vessel terminal, as defined in subdivision (u), or public transit facility, as defined in Section 171.7, if the sterile area is posted with a statement providing reasonable notice that prosecution may result from a trespass described in this subdivision, is a violation of this subdivision, punishable by a fine of not more than five hundred dollars (\$500) for the first offense. ~~A~~

(B) A second and subsequent violation of this subdivision is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than one year, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment.

(2) Notwithstanding paragraph (1), if a first violation of this subdivision is responsible for the evacuation of an airport terminal, passenger vessel terminal, or public transit facility and is responsible in any part for delays or cancellations of scheduled flights or departures, it is punishable by imprisonment of not more than one year in a county jail.

(w) (1) Refusing or failing to leave the location of a domestic violence shelter-based program at any time after being requested to leave by a managing authority of the shelter.

~~(1)~~

(2) A person who is convicted of violating this subdivision shall be punished by imprisonment in a county jail for not more than one year.

~~(2)~~

(3) The court may order a defendant who is convicted of violating this subdivision to make restitution to a victim of domestic violence in an amount equal to the relocation expenses of the victim of domestic violence and the victim's children if those expenses are incurred as a result of trespass by the defendant at the location of a domestic violence shelter-based program.

(x) (1) Knowingly entering or remaining in a neonatal unit, maternity ward, or birthing center located in a hospital or clinic without lawful business to pursue therein, if the area has been posted so as to give reasonable notice restricting access to those with lawful business to pursue therein and the surrounding circumstances would indicate to a reasonable person that the person has no lawful business to pursue therein. Reasonable notice is that which would give actual notice to a reasonable person, and is posted, at a minimum, at each entrance into the area.

(2) A person convicted of a violation of paragraph (1) shall be punished as follows:

(A) As an infraction, by a fine not exceeding one hundred dollars (\$100).

(B) By imprisonment in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment, if the person refuses to leave the posted area after being requested to leave by a peace officer or other authorized person.

(C) By imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment, for a second or subsequent offense.

(D) If probation is granted or the execution or imposition of sentencing is suspended for a person convicted under this subdivision, it shall be a condition of probation that the person participate in counseling, as designated by the court, unless

the court finds good cause not to impose this requirement. The court shall require the person to pay for this counseling, if ordered, unless good cause not to pay is shown.

(y) Except as permitted by federal law, intentionally avoiding submission to the screening and inspection of one's person and accessible property in accordance with the procedures being applied to control access when entering or reentering a courthouse or a city, county, city and county, or state building if entrances to the courthouse or the city, county, city and county, or state building have been posted with a statement providing reasonable notice that prosecution may result from a trespass described in this subdivision.

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.*

~~SECTION 1. It is the intent of the Legislature to enact legislation to address trespassing on private property, including federally recognized tribal reservations.~~