

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1598

Introduced by Assembly Member Price

February 23, 2007

~~An act to amend Section 471.5 of the Business and Professions Code, relating to dispute resolution programs.~~ *An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1598, as amended, Price. ~~Dispute resolution programs: reporting requirements.~~ *Alcoholic beverages: places of consumption.*

Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides that this prohibition does not apply if the alcoholic beverage is acquired, possessed, or used in connection with a course of instruction given at the school and the person has been authorized to acquire, possess, or use it by the governing body or other administrative head of the school.

The bill would provide that the prohibition against the sale or consumption of alcoholic beverages on the grounds of a public schoolhouse does not apply if the alcoholic beverages is beer or wine acquired, possessed, used, sold, or consumed only in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a campus of a University of California, a California State University, or a California Community College and the person has been authorized to acquire, possess, use, sell, or consume the beer or wine by the governing body or other administrative head of the school.

~~Existing law authorizes counties to contract for the operation of dispute resolution programs and to establish a grant program for public entities and nonpartisan nonprofit corporations to establish and operate dispute resolution programs. Existing law requires that specified information be reported annually to the county regarding the dispute resolution program.~~

~~This bill would make nonsubstantive changes to this reporting requirement.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

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

1 SECTION 1. Section 25608 of the Business and Professions
2 Code is amended to read:

3 25608. (a) Every person who possesses, consumes, sells, gives,
4 or delivers to any other person, any alcoholic beverage in or on
5 any public schoolhouse or any of the grounds thereof, is guilty of
6 a misdemeanor. This section does not, however, make it unlawful
7 for any person to acquire, possess, or use any alcoholic beverage
8 in or on any public schoolhouse, or on any grounds thereof, if any
9 of the following applies:

10 (1) The alcoholic beverage possessed, consumed, or sold,
11 pursuant to a license obtained under this division, is wine that is
12 produced by a bonded winery owned or operated as part of an
13 instructional program in viticulture and enology.

14 (2) The alcoholic beverage is acquired, possessed, or used in
15 connection with a course of instruction given at the school and the
16 person has been authorized to acquire, possess, or use it by the
17 governing body or other administrative head of the school.

18 (3) The public schoolhouse is surplus school property and the
19 grounds thereof are leased to a lessee which is a general law city
20 with a population of less than 50,000, or the public schoolhouse
21 is surplus school property and the grounds thereof are located in
22 an unincorporated area and are leased to a lessee which is a civic
23 organization, and the property is to be used for community center
24 purposes and no public school education is to be conducted thereon
25 by either the lessor or the lessee and the property is not being used
26 by persons under the age of 21 years for recreational purposes at

1 any time during which alcoholic beverages are being sold or
2 consumed on the premises.

3 (4) The alcoholic beverages are acquired, possessed, or used
4 during events at a college-owned or college-operated veterans
5 stadium with a capacity of over 12,000 people, located in a county
6 with a population of over six million people. As used in this
7 subdivision, “events” mean football games sponsored by a college,
8 other than a public community college, or other events sponsored
9 by noncollege groups.

10 (5) The alcoholic beverages are acquired, possessed, or used
11 during an event not sponsored by any college at a performing arts
12 facility built on property owned by a community college district
13 and leased to a nonprofit organization which is a public benefit
14 corporation formed under Part 2 (commencing with Section 5110)
15 of Division 2 of Title 1 of the Corporations Code. As used in this
16 subdivision, “performing arts facility” means an auditorium with
17 more than 300 permanent seats.

18 (6) The alcoholic beverage is wine for sacramental or other
19 religious purposes and is used only during authorized religious
20 services held on or before January 1, 1995.

21 (7) The alcoholic beverages are acquired, possessed, or used
22 during an event at a community center owned by a community
23 services district and the event is not held at a time when students
24 are attending a public school-sponsored activity at the center.

25 (8) The alcoholic beverage is wine which is acquired, possessed,
26 or used during an event sponsored by a community college district
27 or an organization operated for the benefit of the community
28 college district where the college district maintains both an
29 instructional program in viticulture on no less than five acres of
30 land owned by the district and an instructional program in enology,
31 which includes sales and marketing.

32 (9) The alcoholic beverage is acquired, possessed, or used at a
33 professional minor league baseball game conducted at the stadium
34 of a community college located in a county with a population of
35 less than 250,000 inhabitants, and the baseball game is conducted
36 pursuant to a contract between the community college district and
37 a professional sports organization.

38 (10) The alcoholic beverages are acquired, possessed, or used
39 during events at a college-owned or college-operated stadium or
40 other facility. As used in this subdivision, “events” means

1 fundraisers held to benefit a nonprofit corporation that has obtained
2 a license pursuant to this division for the event. “Events” does not
3 include football games or other athletic contests sponsored by any
4 college or public community college. This subdivision shall not
5 apply to any public education facility in which any grade from
6 kindergarten to grade 12, inclusive, is schooled.

7 (11) The alcoholic beverages are possessed, consumed, or sold,
8 pursuant to a license obtained under this division, for an event
9 during the weekend or at other times when pupils are not on the
10 grounds of an overnight retreat facility owned and operated by a
11 county office of education in a county of the 18th class.

12 (12) The grounds of the public schoolhouse on which the
13 alcoholic beverage is acquired, possessed, used, or consumed is
14 property that has been developed and is used for residential
15 facilities or housing that is offered for rent, lease, or sale
16 exclusively to faculty or staff of a public school or community
17 college.

18 (13) The grounds of a public schoolhouse on which the alcoholic
19 beverage is acquired, possessed, used, or consumed is property of
20 a community college that is leased, licensed, or otherwise provided
21 for use as a water conservation demonstration garden and
22 community passive recreation resource by a joint powers agency
23 comprised of public agencies, including the community college,
24 and the event at which the alcoholic beverage is acquired,
25 possessed, used, or consumed is conducted pursuant to a written
26 policy adopted by the governing body of the joint powers agency
27 and no public funds are used for the purchase or provision of the
28 alcoholic beverage.

29 *(14) The alcoholic beverage is beer or wine acquired, possessed,*
30 *used, sold, or consumed only in connection with a course of*
31 *instruction, sponsored dinner, or meal demonstration given as*
32 *part of a culinary arts program at a campus of a University of*
33 *California, a California State University, or a California*
34 *Community College and the person has been authorized to acquire,*
35 *possess, use, sell, or consume the beer or wine by the governing*
36 *body or other administrative head of the school.*

37 (b) Any person convicted of a violation of this section shall, in
38 addition to the penalty imposed for the misdemeanor, be barred
39 from having or receiving any privilege of the use of public school

1 property which is accorded by Article 2 (commencing with Section
2 82537) of Chapter 8 of Part 49 of the Education Code.

3 ~~SECTION 1. Section 471.5 of the Business and Professions~~
4 ~~Code is amended to read:~~

5 ~~471.5. (a) Each program funded pursuant to this chapter shall~~
6 ~~annually provide the county with the following information:~~

7 ~~(1) Statistical data regarding its operating budget.~~

8 ~~(2) The number of referrals, categories, or types of cases referred~~
9 ~~to the program.~~

10 ~~(3) The number of persons served by the program.~~

11 ~~(4) The number of disputes resolved.~~

12 ~~(5) The nature of the disputes resolved and the rate of~~
13 ~~compliance.~~

14 ~~(6) The number of persons utilizing the process more than once.~~

15 ~~(7) The duration of, and the estimated costs of, the hearings~~
16 ~~conducted by the programs.~~

17 ~~(8) Any other information that the county may require.~~

18 ~~(b) The data shall maintain the confidentiality and anonymity~~
19 ~~of the persons employing the dispute resolution process.~~