

ASSEMBLY BILL

No. 74

Introduced by Assembly Member Ma

December 21, 2010

An act to add Section 421 to the Penal Code, relating to public events.

LEGISLATIVE COUNSEL'S DIGEST

AB 74, as introduced, Ma. Public events: Raves: prohibitions.

Existing law generally prohibits certain assemblages or events that disturb the peace.

This bill would provide, subject to exceptions, that any person who conducts a public event at night that includes prerecorded music and lasts more than 3½ hours is guilty of a misdemeanor punishable by a fine of \$10,000 or twice the actual or estimated gross receipts for the event, whichever is greater.

By creating a new crime, 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.

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

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Anti-Raves Act of 2011.

1 SEC. 2. Section 421 is added to the Penal Code, to read:

2 421. (a) Any person who conducts a public event at night that
3 includes prerecorded music and lasts more than three and one-half
4 hours is guilty of a misdemeanor punishable by a fine of ten
5 thousand dollars (\$10,000) or twice the actual or estimated gross
6 receipts for the event, whichever is greater.

7 (b) Subdivision (a) shall not apply to a public event on private
8 property if the entity that conducts the public event has a business
9 license to operate a bar, club, theater, entertainment venue, or other
10 similar business, or to conduct sporting events, and conducting
11 the public event is consistent with the business license.

12 (c) For purposes of this section, “night” means that period
13 between sunset and sunrise.

14 SEC. 3. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.