

**ASSEMBLY BILL**

**No. 2464**

---

---

**Introduced by Assembly Member Gatto**

February 24, 2012

---

---

An act to add Title 12.5 (commencing with Section 445) to Part 1 of the Penal Code, relating to personal safety, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2464, as introduced, Gatto. Improving Personal Safety at Stadiums Act.

(1) Existing law makes it unlawful for any person attending a professional sporting event to throw any object on or across the court or field of play with the intent to interfere with play or distract a player, or enter upon the court or field of play without permission from an authorized person any time after the authorized participants of play have entered the court or field to begin the sporting event and until the participants of play have completed the playing time of the sporting event.

This bill, the Improving Personal Safety at Stadiums Act, would create a banned persons list, as defined, and a court would be authorized to place a defendant, convicted of committing a serious or violent felony where the crime took place on the property of a professional sports arena, on the list thereby banning the person from all professional sports arenas in the state for a certain period of time, such as a period of 1 to 5 years, inclusive for a first offense. The bill would require the banned persons list be distributed to certain entities, such as professional sports arenas, and require, on or before July 1, 2013, the Department of Justice

to publish and maintain the banned persons list, including identifying information, via an Internet Web site.

The bill would require that any person convicted of a serious or violent felony, where the offense took place on the property of a professional sports arena, be subject to sentence enhancements and enhanced monetary penalties, the amount of which would be within the sound discretion of the court. Any person who enters the premises of a professional sports arena while his or her name is on the banned persons list would be guilty of a misdemeanor, punishable by up to one year in a county jail and a fine of up to ten thousand dollars (\$10,000). Because this bill would create a new crime, it would impose a state-mandated local program.

The bill would establish in the State Treasury, the Stadium Violence Reward Fund to be administered by the department, available upon appropriation by the Legislature, to fund the banned persons list Internet Web site and to provide rewards for members of the general public who assist in the identification and apprehension of persons committing serious or violent felonies at a professional sports arena. The Stadium Violence Reward Fund would be funded, as specified, by each professional sporting team belonging to Major League Baseball, National Basketball Association, National Hockey League, National Football League, and Major League Soccer, located within the State of California and enhanced monetary penalties from defendants convicted of serious or violent felonies on the property of a professional sports arena.

(2) 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.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Title 12.5 (commencing with Section 445) is  
2 added to Part 1 of the Penal Code, to read:

1 TITLE 12.5. IMPROVING PERSONAL SAFETY AT  
2 STADIUMS ACT

3  
4 CHAPTER 1. GENERAL PROVISIONS  
5

6 445. This act shall be known as may be cited as the Improving  
7 Personal Safety at Stadiums Act.

8 445.1. The Legislature hereby finds and declares that the  
9 exclusion or ejection of certain persons from all professional sports  
10 arenas, which provide the physical venue for professional sporting  
11 events showcasing teams from Major League Baseball, National  
12 Basketball Association, National Hockey League, National Football  
13 League, and Major League Soccer, is necessary to protect the  
14 health and well-being of those in attendance and to discourage  
15 undesirable and violent behavior by those attending professional  
16 sporting events.

17 445.2. For purposes of this title, the following terms have the  
18 following meanings:

19 (a) “Banned persons list” means a list of individuals, developed,  
20 available, and maintained in accordance with this title, who are to  
21 be excluded or ejected from all professional sports arenas that  
22 provide the physical venue for professional sporting events  
23 showcasing teams from Major League Baseball, National  
24 Basketball Association, National Hockey League, National Football  
25 League, and Major League Soccer.

26 (b) “Professional sports arena” means a venue within the state  
27 providing a physical place for professional sporting events  
28 showcasing teams from Major League Baseball, National  
29 Basketball Association, National Hockey League, National Football  
30 League, and Major League Soccer.

31 (c) “Violent act” means any person who perpetrates a violent  
32 felony, pursuant to subdivision (c) of Section 667.5, or a serious  
33 felony, pursuant to subdivision (c) of Section 1192.7.  
34

35 CHAPTER 2. BANNED PERSONS LIST  
36

37 445.3. (a) (1) A court may place a defendant, convicted of a  
38 violent act, where the crime took place on the property of a  
39 professional sports arena, on a list of persons banned from all  
40 professional sports arenas in the state.

1 (2) Sentence enhancements pursuant to subdivisions (a) and (b)  
2 of Section 12022.7 are applicable to any conviction of a defendant  
3 for a violent act where the crime took place on the property of a  
4 professional sports arena.

5 (b) (1) The banned persons list may include any person whose  
6 presence in a professional sports arena is determined by the courts  
7 to pose a threat to the well-being and safety of those in attendance  
8 at professional sporting events.

9 (2) Any person placed on the banned persons list is banned from  
10 all professional sports arenas in the state, and the ban is not limited  
11 to the specific sport and the professional sports arena where the  
12 original offense took place.

13 (c) In making the determination to place a person on the banned  
14 persons list, a court shall consider prior convictions of any crime  
15 or plea bargain in this state or under the laws of the United States,  
16 involving a serious or violent felony, or the equivalent under  
17 federal law, while in attendance of a professional sporting event  
18 at a professional sports arena or in the parking facility intended  
19 for event parking at a professional sports arena, within 24 hours  
20 of a professional sporting event.

21 (d) (1) If the defendant has previously been convicted of a  
22 violent act, where the crime took place on the property of a  
23 professional sports arena, the court in deciding to place that person  
24 on the banned persons list may do so for a period of one to five  
25 years, inclusive.

26 (2) If the defendant has previously been convicted twice of a  
27 violent act, where the crime took place on the property of a  
28 professional sports arena, the court in deciding to place that person  
29 on the banned persons list may do so for a period of three to 10  
30 years, inclusive.

31 (3) If the defendant has previously been convicted three or more  
32 times of a violent act, where the crime took place on the property  
33 of a professional sports arena, the court in deciding to place that  
34 person on the banned persons list may do so for a period of seven  
35 to 25 years, inclusive.

36 (e) For the purposes of determining the length of time the  
37 person's name is on the banned persons list, the court may consider  
38 a written report from the Department of Justice containing  
39 information from its records showing prior convictions. The  
40 department's report is prima facie evidence of those convictions

1 if the defendant admits those convictions, regardless of whether  
2 or not the complaint commencing the proceedings has alleged prior  
3 convictions.

4 445.4. (a) The banned persons list shall be open to the public  
5 and shall be distributed to all of the following:

- 6 (1) Every professional sports arena within the state.
- 7 (2) Every law enforcement agency within the state.
- 8 (3) Ticket vendors, including providers that sell tickets through  
9 an Internet Web site.

10 (b) The banned persons list shall include all of the following  
11 information:

- 12 (1) Name.
- 13 (2) Birthdate.
- 14 (3) Known aliases.
- 15 (4) A photograph of the person, including the date of the  
16 photograph.
- 17 (5) A physical description of the person, including height,  
18 weight, type of build, color of hair and eyes, any tattoos, scars, or  
19 other distinguishing features on the person's body that would assist  
20 in identifying the person.
- 21 (6) The date the person's name was placed on the list.

22 (c) (1) On or before July 1, 2013, the Department of Justice  
23 shall make available information concerning persons on the banned  
24 persons list to the public via an Internet Web site as specified in  
25 this subdivision. The department shall update the Internet Web  
26 site on an ongoing basis. The Internet Web site shall be translated  
27 into languages other than English as determined by the department.

28 (2) With respect to a person who has been placed by a court on  
29 the banned persons list, the Department of Justice shall make  
30 available to the public via the Internet Web site, all of the following  
31 information:

- 32 (A) Name.
- 33 (B) Birthdate.
- 34 (C) Residential address.
- 35 (D) Known aliases.
- 36 (E) A photograph of the person.
- 37 (F) A physical description of the person, including height,  
38 weight, type of build, color of hair and eyes, any tattoos, scars, or  
39 other distinguishing features on the person's body that would assist  
40 in identifying the person.

1 (G) Criminal history.  
 2 (3) Creation and maintenance of the banned persons list on the  
 3 department’s Internet Web site shall be funded, upon appropriation  
 4 by the Legislature, with moneys from the Stadium Violence  
 5 Reward Fund.

6  
 7 CHAPTER 3. PENALTIES  
 8

9 445.5. Any person who has been placed on the banned persons  
 10 list who enters the premises of a professional sports arena while  
 11 his or her name is on the banned persons list is guilty of a  
 12 misdemeanor, punishable by up to one year in a county jail and a  
 13 fine of up to ten thousand dollars (\$10,000).

14 445.6. Any person convicted of a violent act at a professional  
 15 sports arena shall be subject to sentence enhancements pursuant  
 16 to subdivisions (a) and (b) of Section 12022.7, and enhanced  
 17 monetary penalties over and above those already applicable. The  
 18 amount of the enhanced monetary penalty shall be within the sound  
 19 discretion of the court.

20  
 21 CHAPTER 4. VENUE NOTICE REQUIREMENTS  
 22

23 445.7. (a) The owner of any professional sports arena shall  
 24 post, visible from a majority of seating in the stands at all times,  
 25 at controlled entry areas, and at parking facilities which are part  
 26 of the professional sports arena, written notices displaying the text  
 27 message number and telephone number to contact security in order  
 28 to report a violent act.

29 (b) The professional sports arena management and the  
 30 professional sports franchise hosting the professional sporting  
 31 event shall provide verbal announcements of the locations of the  
 32 signage displaying the required information, as follows:

- 33 (1) Once per quarter for a football game.
- 34 (2) Four times per game for a baseball game.
- 35 (3) Once per period for a hockey game.
- 36 (4) At least three times for any other professional sporting event.

1           CHAPTER 5. STADIUM VIOLENCE REWARD FUND

2  
3       445.8. (a) (1) The Stadium Violence Reward Fund is hereby  
4 created in the State Treasury. The money in the fund is available,  
5 upon appropriation by the Legislature, and may only be used for  
6 the purposes of this title.

7       (2) The moneys deposited in the fund shall not be used to  
8 provide a loan to any other fund.

9       (b) The Stadium Violence Reward Fund shall be administered  
10 by the Department of Justice. The department may develop and  
11 adopt any rules, regulations, and guidelines determined to be  
12 necessary to carry out and enforce this chapter.

13       (c) The Stadium Violence Reward Fund shall be used to fund  
14 the banned persons list Internet Web site and to provide rewards  
15 for members of the general public who assist in the identification  
16 or apprehension of persons committing violent acts at a  
17 professional sports arena.

18       445.9. The following moneys shall be deposited into the  
19 Stadium Violence Reward Fund:

20       (a) (1) Each professional sporting team belonging to Major  
21 League Baseball, National Basketball Association, National  
22 Hockey League, National Football League, and Major League  
23 Soccer, located within the State of California, shall deposit, with  
24 the Department of Justice to be credited to the Stadium Violence  
25 Reward Fund, ten thousand dollars (\$10,000) annually until the  
26 fund reaches one hundred eighty thousand dollars (\$180,000).

27       (2) In years where the fund falls below one hundred eighty  
28 thousand dollars (\$180,000) due to the issuance of rewards and  
29 the cost of maintenance of the banned persons list Internet Web  
30 site, the professional sporting teams shall make proportional  
31 contributions until the fund again reaches one hundred eighty  
32 thousand dollars (\$180,000).

33       (b) Any enhanced monetary fines or penalties assessed by the  
34 courts for those persons convicted of violent acts at a professional  
35 sports arena.

36       (c) It is the intent of the Legislature that the fund shall be open  
37 to donations by the general public, which would be deductible on  
38 the California income tax return.

39       SEC. 2. No reimbursement is required by this act pursuant to  
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school  
2 district will be incurred because this act creates a new crime or  
3 infraction, eliminates a crime or infraction, or changes the penalty  
4 for a crime or infraction, within the meaning of Section 17556 of  
5 the Government Code, or changes the definition of a crime within  
6 the meaning of Section 6 of Article XIII B of the California  
7 Constitution.

8 SEC. 3. This act is an urgency statute necessary for the  
9 immediate preservation of the public peace, health, or safety within  
10 the meaning of Article IV of the Constitution and shall go into  
11 immediate effect. The facts constituting the necessity are:

12 In order to protect the health and well-being of those in  
13 attendance at, and to discourage undesirable and violent behavior  
14 by those attending professional sporting events and the earliest  
15 possible time, it is necessary that this act take effect immediately.