

AMENDED IN SENATE JULY 14, 2015

AMENDED IN ASSEMBLY MAY 18, 2015

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 718

**Introduced by Assembly Member Chu
(Coauthor: Assembly Member Gonzalez)**

February 25, 2015

An act to add Section 50034 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 718, as amended, Chu. Local government: powers.

Existing law authorizes the legislative body of a city or county to pass ordinances not in conflict with state or federal law and the state or federal constitution.

This bill would prohibit the legislative body of a city, county, or city and county from prohibiting or otherwise subjecting to civil or criminal penalties, or removing or impounding a motor vehicle by reason of, the act of sleeping or resting in a lawfully parked motor vehicle. The bill would also find and declare that the provisions of the bill address the health and safety of homeless individuals, a matter of statewide concern, and that therefore, they apply to charter cities, charter counties, and charter cities and counties.

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

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

1 SECTION 1. The Legislature finds and declares that the
2 provisions of this measure address the health and safety of
3 homeless individuals, a matter of statewide concern, and that
4 therefore, they apply to charter cities, charter counties, and charter
5 cities and counties.

6 SEC. 2. Section 50034 is added to the Government Code, to
7 read:

8 50034. (a) The legislative body of a city, county, or city and
9 county shall not prohibit or otherwise subject to civil or criminal
10 penalties, or remove and impound a motor vehicle by reason of,
11 the act of sleeping or resting in a lawfully parked motor vehicle.

12 (b) *Nothing in this section shall be interpreted to do any of the*
13 *following:*

14 (1) *Prohibit a law enforcement officer from arresting, citing,*
15 *or otherwise penalizing an occupant of a motor vehicle for any*
16 *criminal activity or violation of the Vehicle Code.*

17 (2) *Exempt an occupant of a motor vehicle from compliance*
18 *with any state or local law, including those relating to litter,*
19 *sanitation, alcohol or drug consumption, weapons possession,*
20 *animal control, or noise control.*

21 (3) *Exempt a vehicle owner from compliance with a local*
22 *ordinance that restricts the use of public streets for vehicle storage.*