

Introduced by Senator Stone

February 27, 2015

An act to amend Section 4571 of the Penal Code, relating to felons.

LEGISLATIVE COUNSEL'S DIGEST

SB 666, as amended, Stone. Felons: coming upon prison property.

Existing law makes it a felony for a person who was previously convicted of a felony and confined in the state prison to come upon the grounds of a prison, prison camp, prison farm, jail, or other place where prisoners are located under the custody of prison officials, or lands belonging or adjacent thereto, without the consent of the warden or other officer in charge.

This bill would *require that the person know or should know that he or she is required to obtain consent in order to be guilty of the above felony, and would expand the application of the above felony crime* to a person who was previously convicted of a felony under the laws of the United States or any other state and who was confined in a federal prison or a prison of another state. The bill would also expand application of the crime to a person who was convicted of a felony and confined in a county jail. By expanding the application of a 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. Section 4571 of the Penal Code is amended to
2 read:

3 4571. (a) Every person who, having been previously convicted
4 of a felony under the laws of the United States, the State of
5 California, or any other state, and confined in the state prison, a
6 prison of any other state, a federal prison, or a county jail pursuant
7 to subdivision (h) of Section 1170, without the consent of the
8 warden or other officer in charge of the state prison or prison road
9 camp, or prison forestry camp, or other prison camp or prison farm
10 or any other place where prisoners of the state prison are located
11 under the custody of prison officials, officers or employees, or a
12 jail or a county road camp in this state, *and who knows or should*
13 *know that he or she is required to obtain consent*, comes upon the
14 grounds of any of those institutions, or lands belonging or adjacent
15 thereto, is guilty of a felony.

16 (b) *For purposes of this section, a person was confined in a*
17 *county jail pursuant to subdivision (h) of Section 1170 if he or she*
18 *served an executed felony sentence pursuant to paragraph (1), (2),*
19 *or (5) of subdivision (h) of Section 1170.*

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.