

CALIFORNIA ENERGY COMMISSION
REPORT OF CONVERSATION Page 1 of 1



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|---|--|--|---|
| Siting, Transmission, and Environmental Protection Division | | File: 11-AFC-04 | |
| | | Project Title: Rio Mesa Solar Electric Generating Station | |
| Phone No: | N/A Via E-Mail | <input type="checkbox"/> Meeting Location: | |
| Name: | James Adams | Date: | 7/18/12-7/20/12 Time: 12:33 PM |
| With: | Andrew Shouse, Captain with Riverside County Sheriff's Department | | |
| Subject: | No Trespassing Letter | | |
| <p>Between July 18, 2012 and July 20, 2012, I exchanged e-mails with Captain Shouse regarding additional information on the Sheriff Department's request that the Rio Mesa Solar Electric Generating Facility project submit a "No Trespassing" letter to the Colorado River Substation. In summary, Captain Shouse provided additional information and documents related to what would typically be expected in a "No Trespass" letter.</p> <p>Attached is a copy of the e-mail, as well as copies of the attachments to the e-mail.</p> | | | |
| <div style="border: 1px solid blue; padding: 5px; width: fit-content; margin: auto;"> <p style="font-size: small; color: blue;">California Energy Commission</p> <p style="font-size: large; font-weight: bold; color: blue; margin: 0;">DOCKETED</p> <p style="font-size: large; font-weight: bold; color: blue; margin: 0;">11-AFC-04</p> <hr style="border: 0.5px solid blue;"/> <p style="color: blue; margin: 0;">TN # 67034</p> <p style="color: blue; margin: 0;">SEP 06 2012</p> </div> | | | |
| CC: | | | Signed: |
| | | | Name: James Adams |

From: Adams, Jim@Energy
To: Martinez, Pierre@Energy;
Subject: FW: Rio Mesa no trespassing letter
Date: Wednesday, September 05, 2012 9:06:12 AM
Attachments: [Blank Trespass Letter.doc](#)
[602 P.C..pdf](#)
[2011.10.07.Trespass Letter - Genesis Solar LLC.pdf](#)

FYI

From: Shouse, Andrew [mailto:ashouse@riversidesheriff.org]
Sent: Friday, July 20, 2012 12:33 PM
To: Adams, Jim@Energy
Cc: North, Tiffany
Subject: RE: Rio Mesa no trespassing letter

Hi Jim,

We would be looking for a letter with language similar to the attached. We would request it state the following:

1. That no one, other than employees, are permitted on the property.
2. That the owner or designee is requesting enforcement of trespass laws by the Riverside County Sheriff's Department.
3. That the owner or designee will testify in court.
4. That the property has been posted with "No Trespassing" signs.
5. Contact information of the owner/designee.

The letter allows us to take more effective action in dealing with thieves, scappers and others who trespass.

Andrew

Captain Andrew Shouse
Riverside County Sheriff's Department
Colorado River & Thermal Stations
ashouse@riversidesheriff.org
Colorado River desk 760-921-5765
Thermal desk 760-863-8952
Cell 760-409-5623

From: Adams, Jim@Energy [mailto:Jim.Adams@energy.ca.gov]
Sent: Wednesday, July 18, 2012 8:19 AM
To: Shouse, Andrew
Subject: Rio Mesa no trespassing letter

Hi Andrew,

I do have a follow-up question regarding Captain Navarro's request that the Rio Mesa Solar Electric Generating facility applicant submit a "No Trespassing" letter to the Colorado River Station. This is the first time we have had such a request and it is unclear to me what the letter should say. We need to give some direction to the applicant so they can produce a letter for our review. What would you like to see in the letter?

Thanks,
Jim

LETTER OF REQUEST
Trespass Arrest Authorization – Riverside County Sheriff’s Department
602(1) P.C. & 602(n) P.C. Trespass

James D. Navarro, Sheriff’s Captain
Colorado River Station Commander
260 North Spring Street
Blythe, CA 92225

Re: The properties located at:_____

Dear Captain Navarro:

Our name(s) are_____
We are the owners of the above properties.

Recently, trespassers have entered my property and without my permission reducing my ability to fully utilize this property or sell it.

I therefore request you direct your deputies to enforce the criminal statutes governing trespassing and other criminal activity that occurs on my property. Additionally, I request that you arrest any trespassers your deputies find on my property. **I will appear in court and testify against any violators.**

I have posted all entrances onto the property and common areas associated with my property, in plain view, “No Trespassing” signs.

My business address is:_____
Contact telephone number is:_____.

I will cooperate in the prosecution of person(s) arrested for trespassing. I understand and acknowledge this letter is valid for a maximum period of six (6) months and it is my responsibility to renew this letter.

Sincerely,

/s/_____ Date:_____

(d) A violation of this section shall be punishable by imprisonment in the state prison, or by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both a fine and imprisonment. (Added by Stats.1990, c. 1448 (S.B.1862), § 1. Amended by Stats.1993-94, 1st Ex.Sess., c. 25 (A.B.87), § 1; Stats.2005, c. 279 (S.B.1107), § 5.)

Research References

- California Jury Instructions - Criminal, 6th Ed. 9.15, Aggravated Trespass.
- 2 Witkin Cal. Crim. L. 3d Crimes Against Property § 252, Miscellaneous Statutes.
- 1 Witkin Cal. Crim. L. 3d Crimes Against the Person § 294, in General.

§ 602. Trespasses constituting misdemeanors; enumeration

Except as provided in * * * subdivision (u), subdivision (v), subdivision (x), and Section 602.8, every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor:

- (a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another.
- (b) Carrying away any kind of wood or timber lying on those lands.
- (c) Maliciously injuring or severing from the freehold of another anything attached to it, or its produce.
- (d) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant, any earth, soil, or stone.
- (e) Digging, taking, or carrying away from land in any city or town laid down on the map or plan of the city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil, or stone.
- (f) Maliciously tearing down, damaging, mutilating, or destroying any sign, signboard, or notice placed upon, or affixed to, any property belonging to the state, or to any city, county, city and county, town or village, or upon any property of any person, by the state or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road, or a highway, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other matter involving the protection of the property, or putting up, affixing, fastening, printing, or painting upon any property belonging to the state, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention to it.
- (g) Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or on any of those lands, whether covered by water or not, without the license of the owner or legal occupant; or damaging, destroying, or removing, or causing to be removed, damaged, or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any of those lands.
- (h)(1) Entering upon lands or buildings owned by any other person without the license of the owner or legal occupant, where signs forbidding trespass are displayed, and whereon cattle, goats, pigs, sheep, fowl, or any other animal is being raised, bred, fed, or held for the purpose of food for human consumption; or injuring, gathering, or carrying away any animal being housed on any of those lands, without the license of the owner or legal occupant; or damaging, destroying, or removing, or causing to be removed, damaged, or destroyed, any stakes, marks, fences,

or signs intended to designate the boundaries and limits of any of those lands.

(2) In order for there to be a violation of this subdivision, the trespass signs under paragraph (1) must be displayed at intervals not less than three per mile along all exterior boundaries and at all roads and trails entering the land.

(3) This subdivision shall not be construed to preclude prosecution or punishment under any other provision of law, including, but not limited to, grand theft or any provision that provides for a greater penalty or longer term of imprisonment.

(i) Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property.

(j) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one mile along the exterior boundaries and at all roads and trails entering the lands, without first having obtained written permission from the owner of the lands or the owner's agent, or the person in lawful possession.

(k) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of the land, the owner's agent or by the person in lawful possession.

(l) Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering the lands without the written permission of the owner of the land, the owner's agent or of the person in lawful possession, and

(1) Refusing or failing to leave the lands immediately upon being requested by the owner of the land, the owner's agent or by the person in lawful possession to leave the lands, or

(2) Tearing down, mutilating, or destroying any sign, signboard, or notice forbidding trespass or hunting on the lands, or

(3) Removing, injuring, unlocking, or tampering with any lock on any gate on or leading into the lands, or

(4) Discharging any firearm.

(m) Entering and occupying real property or structures of any kind without the consent of the owner, the owner's agent, or the person in lawful possession.

(n) Driving any vehicle, as defined in Section 670 of the Vehicle Code, upon real property belonging to, or lawfully occupied by, another and known not to be open to the general public, without the consent of the owner, the owner's agent, or the person in lawful possession. This subdivision shall not apply to any person described in Section 22350 of the Business and Professions Code who is making a lawful service of process, provided that upon exiting the vehicle, the person proceeds immediately to attempt the service of process, and leaves immediately upon completing the service of process or upon the request of the owner, the owner's agent, or the person in lawful possession.

(o) Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by (1) a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, or (2) the owner, the owner's agent, or the person in lawful possession.

The owner, the owner's agent, or the person in lawful possession shall make a separate request to the peace officer on each occasion when the peace officer's assistance in dealing with a trespass is requested. However, a single request for a peace officer's assistance may be made to cover a limited period of time not to exceed 30 days and identified by specific dates, during which there is a fire hazard or the owner, owner's agent or person in lawful possession is absent from the premises or property. In addition, a single request for a peace officer's assistance may be made for a period not to exceed six months when the premises or property is closed to the public and posted as being closed. However, this subdivision shall not be applicable to persons engaged in lawful labor union activities which are permitted to be carried out on the property by the California Agricultural Labor Relations Act, Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code, or by the National Labor Relations Act. For purposes of this section, land, real property, or structures owned or operated by any housing authority for tenants as defined under Section 34213.5 of the Health and Safety Code constitutes property not open to the general public; however, this subdivision shall not apply to persons on the premises who are engaging in activities protected by the California or United States Constitution, or to persons who are on the premises at the request of a resident or management and who are not loitering or otherwise suspected of violating or actually violating any law or ordinance.

(p) Entering upon any lands declared closed to entry as provided in Section 4256 of the Public Resources Code, if the closed areas shall have been posted with notices declaring the closure, at intervals not greater than one mile along the exterior boundaries or along roads and trails passing through the lands.

(q) Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchman, or custodian of the public agency owning or maintaining the building or property, if the surrounding circumstances would indicate to a reasonable person that the person has no apparent lawful business to pursue.

(r) Knowingly skiing in an area or on a ski trail which is closed to the public and which has signs posted indicating the closure.

(s) Refusing or failing to leave a hotel or motel, where he or she has obtained accommodations and has refused to pay for those accommodations, upon request of the proprietor or manager, and the occupancy is exempt, pursuant to subdivision (b) of Section 1940 of the Civil Code, from Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3 of the Civil Code. For purposes of this subdivision, occupancy at a hotel or motel for a continuous period of 30 days or less shall, in the absence of a written agreement to the contrary, or other written evidence of a periodic tenancy of indefinite duration, be exempt from Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

(t)(1) Entering upon private property, including contiguous land, real property, or structures thereon belonging to the same owner, whether or not generally open to the public, after having been informed by a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, that the property is not open to the particular person; or refusing or failing to leave the property upon being asked to leave the property in the manner provided in this subdivision.

(2) This subdivision shall apply only to a person who has been convicted of a * * * crime committed upon the particular private property.

(3) A single notification or request to the person as set forth above shall be valid and enforceable under this subdivision unless and until rescinded by the owner, the owner's agent, or the person in lawful possession of the property.

(4) Where the person has been convicted of a violent felony, as described in subdivision (c) of Section 667.5, this subdivision shall apply without time limitation. Where the person has been convicted of any other felony, this subdivision shall apply for no more than five years from the date of conviction. Where the person has been convicted of a misdemeanor, this subdivision shall apply for no more than two years from the date of conviction. Where the person was convicted for an infraction pursuant to Section 490.1, this subdivision shall apply for no more than one year from the date of conviction. This subdivision shall not apply to convictions for any other infraction.

(u)(1) Knowingly entering, by an unauthorized person, upon any airport * * * operations area, passenger vessel terminal * * *, or public transit facility if the area has been posted with notices restricting access to authorized personnel only and the postings occur not greater than every 150 feet along the exterior boundary, to the extent, in the case of a passenger vessel terminal, as defined in subparagraph (B) of paragraph (3), that the exterior boundary extends shoreside. To the extent that the exterior boundary of a passenger vessel terminal operations area extends waterside, this prohibition shall apply if notices have been posted in a manner consistent with the requirements for the shoreside exterior boundary, or in any other manner approved by the captain of the port.

(2) Any person convicted of a violation of paragraph (1) shall be punished as follows:

(A) By a fine not exceeding one hundred dollars (\$100).

(B) By imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment, if the person refuses to leave the airport or passenger vessel terminal after being requested to leave by a peace officer or authorized personnel.

(C) By imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment, for a second or subsequent offense.

(3) As used in this subdivision the following definitions shall control:

(A) "Airport operations area" means that part of the airport used by aircraft for landing, taking off, surface maneuvering, loading and unloading, refueling, parking, or maintenance, where aircraft support vehicles and facilities exist, and which is not for public use or public vehicular traffic.

(B) "Passenger vessel terminal" means only that portion of a harbor or port facility, as described in Section 105.105(a)(2) of Title 33 of the Code of Federal Regulations, with a secured area that regularly serves scheduled commuter or passenger operations. For the purposes of this section, "passenger vessel terminal" does not include any area designated a public access area pursuant to Section 105.106 of Title 33 of the Code of Federal Regulations.

(C) "Public transit facility" has the same meaning as specified in Section 171.7.

(D) "Authorized personnel" means any person who has a valid airport identification card issued by the airport operator or has a valid airline identification card recognized by the airport operator, or any person not in possession of an airport or airline identification card who is being escorted for legitimate purposes by a person with an airport or airline identification card. "Authorized personnel" also means any person who has a valid port identification card issued by the harbor operator, or who

has a valid company identification card issued by a commercial maritime enterprise recognized by the harbor operator, or any other person who is being escorted for legitimate purposes by a person with a valid port or qualifying company identification card. "Authorized personnel" also means any person who has a valid public transit employee identification.

(E) "Airport" means any facility whose function is to support commercial aviation.

(v)(1) Except as permitted by federal law, intentionally avoiding submission to the screening and inspection of one's person and accessible property in accordance with the procedures being applied to control access when entering or reentering a sterile area of an airport, passenger vessel terminal, as defined in Section 171.5, or public transit facility, as defined in subdivision (u), if the sterile area is posted with a statement providing reasonable notice that prosecution may result from a trespass described in this subdivision, is a violation of this subdivision, punishable by a fine of not more than five hundred dollars (\$500) for the first offense. A second and subsequent violation is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than one year, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment.

(2) * * * Notwithstanding paragraph (1), if a first violation of this subdivision * * * is responsible for the evacuation of an airport terminal, passenger vessel terminal, or public transit facility and is responsible in any part for delays or cancellations of scheduled flights or departures, it is punishable by imprisonment of not more than one year in a county jail * * *.

(w) Refusing or failing to leave a battered women's shelter at any time after being requested to leave by a managing authority of the shelter.

(1) A person who is convicted of violating this subdivision shall be punished by imprisonment in a county jail for not more than one year.

(2) The court may order a defendant who is convicted of violating this subdivision to make restitution to a battered woman in an amount equal to the relocation expenses of the battered woman and her children if those expenses are incurred as a result of trespass by the defendant at a battered women's shelter.

(x)(1) Knowingly entering or remaining in a neonatal unit, maternity ward, or birthing center located in a hospital or clinic without lawful business to pursue therein, if the area has been posted so as to give reasonable notice restricting access to those with lawful business to pursue therein and the surrounding circumstances would indicate to a reasonable person that he or she has no lawful business to pursue therein. Reasonable notice is that which would give actual notice to a reasonable person, and is posted, at a minimum, at each entrance into the area.

(2) Any person convicted of a violation of paragraph (1) shall be punished as follows:

(A) As an infraction, by a fine not exceeding one hundred dollars (\$100).

(B) By imprisonment in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment, if the person refuses to leave the posted area after being requested to leave by a peace officer or other authorized person.

(C) By imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment, for a second or subsequent offense.

(D) If probation is granted or the execution or imposition of sentencing is suspended for any person convicted under this subdivision, it shall be a condition of probation that the person

participate in counseling, as designated by the court, unless the court finds good cause not to impose this requirement. The court shall require the person to pay for this counseling, if ordered, unless good cause not to pay is shown.

(y) Except as permitted by federal law, intentionally avoiding submission to the screening and inspection of one's person and accessible property in accordance with the procedures being applied to control access when entering or reentering a courthouse or a city, county, city and county, or state building if entrances to the courthouse or the city, county, city and county, or state building have been posted with a statement providing reasonable notice that prosecution may result from a trespass described in this subdivision. (Enacted 1872. Amended by Code Am.1873-74, c. 614, p. 434, § 36; Code Am.1877-78, c. 467, p. 118, § 1; Stats.1905, c. 526, p. 688, § 1; Stats.1917, c. 208, p. 319, § 1; Stats.1927, c. 726, p. 1339, § 1; Stats.1929, c. 687, p. 1179, § 1; Stats.1931, c. 693, p. 1432, § 1; Stats.1941, c. 578, p. 1961, § 1; Stats.1945, c. 403, p. 864, § 1; Stats.1947, c. 647, p. 1684, § 1; Stats.1949, c. 1333, p. 2328, § 1; Stats.1957, c. 2013, p. 3581, § 1; Stats.1963, c. 1299, p. 2825, § 1; Stats.1967, c. 1187, p. 2896, § 4; Stats.1969, c. 43, p. 153, § 1; Stats.1970, c. 1607, p. 3375, § 1; Stats.1970, c. 1608, p. 3378, § 1; Stats.1977, c. 870, p. 2626, § 1; Stats.1978, c. 1392, p. 4605, § 1; Stats.1981, c. 349, p. 1509, § 1; Stats.1982, c. 312, p. 986, § 12, eff. June 28, 1982; Stats.1983, c. 199, § 1; Stats.1985, c. 1181, § 1, eff. Sept. 29, 1985; Stats.1988, c. 140, § 2; Stats.1988, c. 1024, § 1; Stats.1989, c. 870, § 1; Stats.1990, c. 424 (A.B.3147), § 1; Stats.1993, c. 589 (A.B.2211), § 115; Stats.1993, c. 583 (A.B.284), § 7; Stats.1993, c. 793 (A.B.504), § 3.5; Stats.1994, c. 680 (S.B.2088), § 2; Stats.2000, c. 149 (A.B.1787), § 1; Stats.2002, c. 608 (S.B.510), § 2, eff. Sept. 17, 2002; Stats.2003, c. 355 (A.B.936), § 1; Stats.2003, c. 361 (A.B.1263), § 1; Stats.2003, c. 805 (S.B.993), § 1.3; Stats.2005, c. 289 (A.B.280), § 2; Stats.2005, c. 378 (S.B.584), § 3; Stats.2010, c. 531 (A.B.668), § 1; Stats.2010, c. 675 (A.B.2324), § 2.5.)

Cross References

- Arson, see Penal Code § 450 et seq.
- Birds or mammals, confiscation of animal taken while trespassing, see Fish and Game Code § 12164.
- Defense preparation area, entry without permission prohibited, see Military and Veterans Code § 1650 et seq.
- Explosives, unlawfully entering manufacturing plant or magazine, see Health and Safety Code § 12083.
- Felonies, definition and penalties, see Penal Code §§ 17 and 18.
- Fire, liability in relation to, see Health and Safety Code § 13000 et seq.
- Fire marshal, right of access to vendor's premises, see Health and Safety Code § 19811.
- Highway signs,
 - Injury or removal prohibited, see Vehicle Code § 21464.
 - Mile or guide post, malicious injury prohibited, see Penal Code § 590.
- Hunters and fishermen,
 - Damaging property or leaving gates open prohibited, see Fish and Game Code § 2004.
 - Fenced, cultivated or posted land, hunting prohibited, see Fish and Game Code § 2016 et seq.
 - Injury to animal of another prohibited, see Penal Code § 384h.
- Juvenile court law, judgments and order, counseling, see Welfare and Institutions Code § 729.6.
- Larceny (theft), see Penal Code § 484 et seq.
- "Maliciously" defined, see Penal Code § 7.
- Mammals, confiscation of animal taken while trespassing, see Fish and Game Code § 12164.
- Minors under eighteen, certain violations, notice to appear, see Penal Code § 853.6a.
- Misdemeanor,
 - Defined, see Penal Code § 17.
 - Punishment, see Penal Code §§ 19, 19.2, 672.
- Municipal parks, violation of ordinance regulating, see Public Resources Code § 5193.
- Outdoor advertising, crimes and penalties, see Business and Professions Code § 5460 et seq.
- Person as including corporation, see Penal Code § 7.
- Public lands, entry for fishing purposes secured, see Const. Art. I, § 25.

"Real property" defined, see Penal Code § 7.

Signs.

Defined, see Business and Professions Code § 5221.
Unlawfully placing on public and private property, see Penal Code § 556 et seq.

Snowmobiles, see Vehicle Code § 23128.

"Street" defined, see Streets and Highways Code §§ 5014, 8006, 8308, 10007, 18311; Vehicle Code § 590.

Trespass.

Improper posting of no trespass sign prohibited, see Fish and Game Code § 2018.

Place devoted to military duty, trespass prohibited, see Military and Veterans Code § 398.

Posted industrial property, see Penal Code § 552 et seq.

Railroad property, see Penal Code §§ 369i, 587b.

Three year limitation of actions, see Code of Civil Procedure § 338.
Trespass damages for injuries to timber, see Civil Code § 3346; Code of Civil Procedure §§ 733, 734.

Unauthorized use or diversion of water, see Water Code § 1052.

Wiretapping, trespass for purpose of, see Penal Code § 634.

"Willfully" defined, see Penal Code § 7.

Research References

- California Jury Instructions - Criminal, 6th Ed. 9.15, Aggravated Trespass.
- California Jury Instructions - Criminal, 6th Ed. 16.330, Entering Land to Interfere With Business.
- California Jury Instructions - Criminal, 6th Ed. 16.340, Entering and Occupying Real Property.
- 2 Witkin Cal. Crim. L. 3d Crimes Against Property § 112, Nature of Crime.
- 2 Witkin Cal. Crim. L. 3d Crimes Against Property § 247, (S 247) in General.
- 2 Witkin Cal. Crim. L. 3d Crimes Against Property § 248, The Trespass Statute.
- 2 Witkin Cal. Crim. L. 3d Crimes Against Property § 253, Labor Activity Exception.
- 2 Witkin Cal. Crim. L. 3d Crimes Against Property § 254, Statutory Coverage.
- 2 Witkin Cal. Crim. L. 3d Crimes Against Property § 261, Other Property.
- 1 Witkin Cal. Crim. L. 3d Introduction to Crimes § 57, (S 57) Illustrations: Ordinance Held Valid.
- 1 Witkin Cal. Crim. L. 3d Introduction to Crimes § 74, Misdemeanor-Infracton.
- 3 Witkin Cal. Crim. L. 3d Punishment § 202, Statutory Provisions.

§ 602.1. Obstructing or intimidating business operators, public agencies or customers; misdemeanor; exempted persons; other laws not superseded

(a) Any person who intentionally interferes with any lawful business or occupation carried on by the owner or agent of a business establishment open to the public, by obstructing or intimidating those attempting to carry on business, or their customers, and who refuses to leave the premises of the business establishment after being requested to leave by the owner or the owner's agent, or by a peace officer acting at the request of the owner or owner's agent, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars (\$400), or by both that imprisonment and fine.

(b) Any person who intentionally interferes with any lawful business carried on by the employees of a public agency open to the public, by obstructing or intimidating those attempting to carry on business, or those persons there to transact business with the public agency, and who refuses to leave the premises of the public agency after being requested to leave by the office manager or a supervisor of the public agency, or by a peace officer acting at the request of the office manager or a supervisor of the public agency, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars (\$400), or by both that imprisonment and fine.

(c) This section shall not apply to any of the following persons:

(1) Any person engaged in lawful labor union activities that are permitted to be carried out on the property by state or federal law.

(2) Any person on the premises who is engaging in activities protected by the California Constitution or the United States Constitution.

(d) Nothing in this section shall be deemed to supersede the application of any other law. (*Added by Stats.1991, c. 673 (S.B.564), § 1. Amended by Stats.1994, c. 820 (S.B.1463), § 3.*)

Cross References

Misdemeanors, definition and penalties, see Penal Code §§ 17, 19 and 19.2.

Research References

- 2 Witkin Cal. Crim. L. 3d Crimes Against Property § 252, Miscellaneous Statutes.
- 2 Witkin Cal. Crim. L. 3d Crimes Against Property § 253, Labor Activity Exception.

§ 602.2. County ordinances or resolutions requiring permission to enter vacant or unimproved private land; conditions for application

Any ordinance or resolution adopted by a county which requires written permission to enter vacant or unimproved private land from either the owner, the owner's agent, or the person in lawful possession of private land, shall not apply unless the land is immediately adjacent and contiguous to residential property, or enclosed by fence, or under cultivation, or posted with signs forbidding trespass, displayed at intervals of not less than three to a mile, along all exterior boundaries and at all roads and trails entering the private land. (*Added by Stats.1986, c. 34, § 1.*)

§ 602.3. Single lodger in owner-occupied dwelling; failure to vacate after notice; infraction; arrest; removal from premises; disposition of personal property

(a) A lodger who is subject to Section 1946.5 of the Civil Code and who remains on the premises of an owner-occupied dwelling unit after receipt of a notice terminating the hiring, and expiration of the notice period, provided in Section 1946.5 of the Civil Code is guilty of an infraction and may, pursuant to Section 837, be arrested for the offense by the owner, or in the event the owner is represented by a court-appointed conservator, executor, or administrator, by the owner's representative. Notwithstanding Section 853.5, the requirement of that section for release upon a written promise to appear shall not preclude an assisting peace officer from removing the person from the owner-occupied dwelling unit.

(b) The removal of a lodger from a dwelling unit by the owner pursuant to subdivision (a) is not a forcible entry under the provisions of Section 1159 of the Code of Civil Procedure, and shall not be a basis for civil liability under that section.

(c) Chapter 5 (commencing with Section 1980) of Title 5 of Part 4 of Division 3 of the Civil Code applies to any personal property of the lodger which remains on the premises following the lodger's removal from the premises pursuant to this section.

(d) Nothing in this section shall be construed to limit the owner's right to have a lodger removed under other provisions of law.

(e) Except as provided in subdivision (b), nothing in this section shall be construed to limit or affect in any way any cause of action an owner or lodger may have for damages for any breach of the contract of the parties respecting the lodging.

(f) This section applies only to owner-occupied dwellings where a single lodger resides. Nothing in this section shall be construed to determine or affect in any way the rights of persons

residing as lodgers in an owner-occupied dwelling where more than one lodger resides. (Added by Stats.1986, c. 1010, § 2. Amended by Stats.1991, c. 930 (A.B.1222), § 1.)

§ 602.4. Airport property; unauthorized entry and sale etc., of goods, merchandise, etc.; misdemeanor; exception for licensed charter-party carriers operating at airport on prearranged basis

(a) Every person who enters or remains on airport property owned by a city, county, or city and county, but located in another county, and sells, peddles, or offers for sale any goods, merchandise, property, or services of any kind whatsoever, to members of the public, including transportation services, * * * on or from the airport property, without the express written consent of the governing board of the airport property, or its duly authorized representative, is guilty of a misdemeanor.

(b) Nothing in this section affects the power of a county, city, or city and county to regulate the sale, peddling, or offering for sale of goods, merchandise, property, or services.

(c) For purposes of this section, when a charter-party carrier licensed by the Public Utilities Commission operates at an airport on a prearranged basis, as defined in Section 5360.5 of the Public Utilities Code, that operation shall not constitute the sale, peddling, or offering of goods, merchandise, property, or services. (Added by Stats.1972, c. 784, p. 1397, § 1. Amended by Stats.1973, c. 167, p. 471, § 15; Stats.2010, c. 584 (A.B.1885), § 1.)

Cross References

Misdemeanors, definition and penalties, see Penal Code §§ 17, 19 and 19.2.

Research References

2 Witkin Cal. Crim. L. 3d Crimes Against Property § 252, Miscellaneous Statutes.

§ 602.5. Unauthorized entry of property

(a) Every person other than a public officer or employee acting within the course and scope of his or her employment in performance of a duty imposed by law, who enters or remains in any noncommercial dwelling house, apartment, or other residential place without consent of the owner, his or her agent, or the person in lawful possession thereof, is guilty of a misdemeanor.

(b) Every person other than a public officer or an employee acting within the course and scope of his employment in performance of a duty imposed by law, who, without the consent of the owner, his or her agent, or the person in lawful possession thereof, enters or remains in any noncommercial dwelling house, apartment, or other residential place while a resident, or another person authorized to be in the dwelling, is present at any time during the course of the incident is guilty of aggravated trespass punishable by imprisonment in a county jail for not more than one year or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(c) If the court grants probation, it may order a person convicted of a misdemeanor under subdivision (b) to up to three years of supervised probation. It shall be a condition of probation that the person participate in counseling, as designated by the court.

(d) If a person is convicted of a misdemeanor under subdivision (b), the sentencing court shall also consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to three years, as determined by the court. In determining the length of the restraining order, the court shall consider, among other factors, the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

(e) Nothing in this section shall preclude prosecution under Section 459 or any other provision of law. (Added by Stats.1961,

c. 1186, p. 2920, § 1. Amended by Stats.2000, c. 563 (S.B.1486), § 1.)

Cross References

Loitering on private property of another, prowling, see Penal Code § 647, Misdemeanor.

Defined, see Penal Code § 17.

Punishment, see Penal Code §§ 19, 19.2, 672.

Research References

California Jury Instructions - Criminal, 6th Ed. 16.350, Unauthorized Entry of Property.

California Jury Instructions - Criminal, 6th Ed. 16.531, Aggravated Trespass.

2 Witkin Cal. Crim. L. 3d Crimes Against Property § 248, The Trespass Statute.

2 Witkin Cal. Crim. L. 3d Crimes Against Property § 252, Miscellaneous Statutes.

6 Witkin Cal. Crim. L. 3d Criminal Judgment § 68, Test Inapplicable in Absence of Notice.

§ 602.6. Refusal to leave fair buildings or grounds not open to public

Every person who enters or remains in, or upon, any state, county, district, or citrus fruit fair buildings or grounds, when the buildings or grounds are not open to the general public, after having been ordered or directed by a peace officer or a fair manager to leave the building or grounds and when the order or direction to leave is issued after determination that the person has no apparent lawful business or other legitimate reason for remaining on the property, and fails to identify himself or herself and account for his or her presence, is guilty of a misdemeanor. (Added by Stats.1990, c. 631 (S.B.2656), § 1.)

Cross References

Misdemeanors, definition and penalties, see Penal Code §§ 17, 19 and 19.2.

Research References

2 Witkin Cal. Crim. L. 3d Crimes Against Property § 252, Miscellaneous Statutes.

§ 602.7. Selling or peddling on property, facilities or vehicles of San Francisco Bay Area Rapid Transit District or Southern California Rapid Transit District without consent; infraction

Every person who enters or remains on any property, facility, or vehicle owned by the San Francisco Bay Area Rapid Transit District or the Southern California Rapid Transit District, and sells or peddles any goods, merchandise, property, or services of any kind whatsoever on the property, facilities, or vehicles, without the express written consent of the governing board of the San Francisco Bay Area Rapid Transit District or the governing board of the Southern California Rapid Transit District, or its duly authorized representatives, is guilty of an infraction.

Nothing in this section affects the power of a county, city, transit district, or city and county to regulate the sale or peddling of goods, merchandise, property, or services. (Added by Stats. 1986, c. 1232, § 1.)

Cross References

Southern California rapid transit district, successor, see Public Utilities Code § 130050.2 et seq.

§ 602.8. Lands under cultivation, enclosed by fence or posted; entry without written permission; punishment; exemptions

(a) Any person who without the written permission of the landowner, the owner's agent, or the person in lawful possession of the land, willfully enters any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or who willfully enters upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than

three to the mile along all exterior boundaries and at all roads and trails entering the lands, is guilty of a public offense.

(b) Any person convicted of a violation of subdivision (a) shall be punished as follows:

(1) A first offense is an infraction punishable by a fine of seventy-five dollars (\$75).

(2) A second offense on the same land or any contiguous land of the same landowner, without the permission of the landowner, the landowner's agent, or the person in lawful possession of the land, is an infraction punishable by a fine of two hundred fifty dollars (\$250).

(3) A third or subsequent offense on the same land or any contiguous land of the same landowner, without the permission of the landowner, the landowner's agent, or the person in lawful possession of the land, is a misdemeanor.

(c) Subdivision (a) shall not apply to any of the following:

(1) Any person engaged in lawful labor union activities which are permitted to be carried out on property by the California Agricultural Labor Relations Act, Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code, or by the National Labor Relations Act.

(2) Any person on the premises who is engaging in activities protected by the California or United States Constitution.

(3) Any person described in Section 22350 of the Business and Professions Code who is making a lawful service of process.

(4) Any person licensed pursuant to Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code who is engaged in the lawful practice of land surveying as authorized by Section 846.5 of the Civil Code.

(d) For any infraction charged pursuant to this section, the defendant shall have the option to forfeit bail in lieu of making a court appearance. Notwithstanding subdivision (e) of Section 853.6, if the offender elects to forfeit bail pursuant to this subdivision, no further proceedings shall be had in the case. (Added by Stats.1989, c. 870, § 2. Amended by Stats.2003, c. 101 (A.B.924), § 1.)

Cross References

Misdemeanors, definition and penalties, see Penal Code §§ 17, 19 and 19.2.

Research References

2 Witkin Cal. Crim. L. 3d Crimes Against Property § 252, Miscellaneous Statutes.

§ 602.9. Unlawful possession of residential dwelling without owner's consent for purpose of renting that dwelling; penalties; exclusions; prosecution not precluded for grand theft, fraud, or other charges

(a) Except as provided in subdivision (c), any person who, without the owner's or owner's agent's consent, claims ownership or claims or takes possession of a residential dwelling for the purpose of renting that dwelling to another is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding * * * one year, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that imprisonment and fine. Each violation is a separate offense.

(b) Except as provided in subdivision (c), any person who, without the owner's or owner's agent's consent, causes another person to enter or remain in any residential dwelling for the purpose of renting that dwelling to another, is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding * * * one year, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that imprisonment and fine. Each violation is a separate offense.

(c) This section does not apply to any tenant, subtenant, lessee, sublessee, or assignee, nor to any other hirer having a lawful occupancy interest in the residential dwelling.

(d) Nothing in this section shall preclude the prosecution of a person under any other applicable provision of law.

(e) It is the intent of the Legislature that this section shall not preclude the prosecution of a person on grand theft or fraud charges. The Legislature finds that this section has never precluded prosecution of a person on grand theft or fraud charges. (Added by Stats.1998, c. 193 (A.B.583), § 2. Amended by Stats.2010, c. 580 (A.B.1800), § 1.)

Cross References

Misdemeanors, definition and penalties, see Penal Code §§ 17, 19 and 19.2.

Research References

2 Witkin Cal. Crim. L. 3d Crimes Against Property § 252, Miscellaneous Statutes.

§ 602.10. Obstruction of university teachers or students; punishment; physical force defined

Every person who, by physical force and with the intent to prevent attendance or instruction, willfully obstructs or attempts to obstruct any student or teacher seeking to attend or instruct classes at any of the campuses or facilities owned, controlled, or administered by the Regents of the University of California, the Trustees of the California State University, or the governing board of a community college district shall be punished by a fine not exceeding five hundred dollars (\$500), by imprisonment in a county jail for a period of not exceeding one year, or by both such fine and imprisonment.

As used in this section, "physical force" includes, but is not limited to, use of one's person, individually or in concert with others, to impede access to, or movement within, or otherwise to obstruct the students and teachers of the classes to which the premises are devoted. (Added by Stats.1969, c. 1122, p. 2186, § 1. Amended by Stats.1970, c. 102, p. 317, § 567; Stats.1972, c. 431, p. 795, § 50; Stats.1983, c. 143, § 202.)

Research References

2 Witkin Cal. Crim. L. 3d Crimes Against Peace Welf § 34, (S 34) in General.

2 Witkin Cal. Crim. L. 3d Crimes Against Peace Welf § 36, (S 36) Obstructing Attendance of Student or Teacher at College or University.

§ 602.11. Obstructing passage to or from health care facilities, places of worship or schools; punishment; definitions

(a) Any person, alone or in concert with others, who intentionally prevents an individual from entering or exiting a health care facility, place of worship, or school by physically detaining the individual or physically obstructing the individual's passage shall be guilty of a misdemeanor punishable by imprisonment in the county jail, or a fine of not more than two hundred fifty dollars (\$250), or both, for the first offense; imprisonment in the county jail for not less than five days and a fine of not more than five hundred dollars (\$500) for the second offense; and imprisonment in the county jail for not less than 30 days and a fine of not more than two thousand dollars (\$2,000) for a third or subsequent offense. However, the court may order the defendant to perform community service, in lieu of any fine or any imprisonment imposed under this section, if it determines that paying the fine would result in undue hardship to the defendant or his or her dependents.

(b) As used in subdivision (a), the following terms have the following meanings:

(1) "Physically" does not include speech.

(2) "Health-care facility" means a facility licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code, a health facility licensed pursuant to

Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, or any facility where medical care is regularly provided to individuals by persons licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, the Osteopathic Initiative Act, or the Chiropractic Initiative Act.

(3) "Person" does not include an officer, employee, or agent of the health care facility, or a law enforcement officer, acting in the course of his or her employment.

(c) This section shall not be interpreted to prohibit any lawful activities permitted under the laws of the State of California or by the National Labor Relations Act in connection with a labor dispute. (*Added by Stats.1992, c. 935 (A.B.1097), § 2.*)

Cross References

Misdemeanors, definition and penalties, see Penal Code §§ 17, 19 and 19.2.

Research References

- 2 Witkin Cal. Crim. L. 3d Crimes Against Peace Welf § 33, (S 33) Health Care Facility or Place of Worship.
- 2 Witkin Cal. Crim. L. 3d Crimes Against Peace Welf § 36, (S 36) Obstructing Attendance of Student or Teacher at College or University.

§ 602.12. Entering residential property of an academic researcher for purpose of chilling; trespassing; punishment

(a) Any person who enters the residential real property of an academic researcher for the purpose of chilling, preventing the exercise of, or interfering with the researcher's academic freedom is guilty of trespass, a misdemeanor.

(b) For the purposes of this section, the following definitions apply:

(1) "Academic researcher" means any person lawfully engaged in academic research who is a student, trainee, employee, or affiliated physician of an accredited California community college, a campus of the California State University or the University of California, or a Western Association of Schools and Colleges accredited, degree granting, nonprofit institution. Academic research does not include routine, nonlaboratory coursework or assignments.

(2) "Academic freedom" means the lawful performance, dissemination, or publication of academic research or instruction.

(c) This section shall not apply to any person who is lawfully engaged in labor union activities that are protected under state or federal law.

(d) This section shall not preclude prosecution under any other provision of law. (*Added by Stats.2008, c. 492 (A.B.2296), § 4, eff. Sept. 28, 2008.*)

Cross References

Misdemeanors, definition and penalties, see Penal Code §§ 17, 19 and 19.2.

Research References

- 2 Witkin Cal. Crim. L. 3d Crimes Against Property § 252, Miscellaneous Statutes.
- 2 Witkin Cal. Crim. L. 3d Crimes Against Peace Welf § 22A, (S 22A) (New)-Publishing Information for Crime Against Researcher.

§ 602.13. Entering animal enclosure at zoo, circus, or traveling animal exhibit; punishment; exceptions; other prosecution not precluded

(a) Every person who enters into an animal enclosure at a zoo, circus, or traveling animal exhibit, if the zoo, circus, or exhibit is licensed or permitted to display living animals to the public, and if signs prohibiting entrance into the animal enclosures have been posted either at the entrance to the zoo, circus, or traveling animal exhibit, or on the animal enclosure itself, without the consent of the governing authority of the zoo, circus,

or traveling animal exhibit, or a representative authorized by the governing authority, is guilty of an infraction or a misdemeanor, subject to Section 19.8. This subdivision shall not apply to an employee of the zoo, circus, or traveling animal exhibit, or to a public officer acting within the course and scope of his or her employment.

(b) For purposes of this section, "zoo" means a permanent or semipermanent collection of living animals kept in enclosures for the purpose of displaying the animals to the public. The term "zoo" includes a public aquarium displaying aquatic animals.

(c) For purposes of this section, an "animal enclosure" means the interior of any cage, stall, container, pen, aquarium or tank, or other discrete containment area that is used to house or display an animal and that is not generally accessible to the public.

(d) Prosecution under this section does not preclude prosecution under any other provision of law. (*Added by Stats.2010, c. 536 (A.B.1675), § 2.*)

§ 603. Forcible entry; vandalism

Every person other than a peace officer engaged in the performance of his duties as such who forcibly and without the consent of the owner, representative of the owner, lessee or representative of the lessee thereof, enters a dwelling house, cabin, or other building occupied or constructed for occupation by humans, and who damages, injures or destroys any property of value in, around or appertaining to such dwelling house, cabin or other building, is guilty of a misdemeanor. (*Added by Stats.1941, c. 635, p. 2094, § 1.*)

Cross References

- Appurtenances to land, see Civil Code § 662.
- Arson, see Penal Code § 450 et seq.
- Burglary, see Penal Code § 459 et seq.
- Defense preparation property,
 - Entry without permission prohibited, see Military and Veterans Code § 1650 et seq.
 - Violation highway restrictions prohibited, see Military and Veterans Code § 1650 et seq.
- "Fixtures" defined, see Civil Code § 660.
- Hunters and fishermen prohibited from damaging private property, see Fish and Game Code § 2004.
- Larceny (theft), see Penal Code § 484 et seq.
- Misdemeanor,
 - Defined, see Penal Code § 17.
 - Punishment, see Penal Code §§ 19, 19.2, 672.
- Peace officers, see Penal Code §§ 7, 830 et seq.
- Theft or larceny, see Penal Code § 484 et seq.

Research References

- 2 Witkin Cal. Crim. L. 3d Crimes Against Property § 112, Nature of Crime.
- 2 Witkin Cal. Crim. L. 3d Crimes Against Property § 261, Other Property.

§ 604. Crops

Every person who maliciously injures or destroys any standing crops, grain, cultivated fruits or vegetables, the property of another, in any case for which a punishment is not otherwise prescribed by this Code, is guilty of a misdemeanor. (*Enacted, 1872.*)

Cross References

- Fruits, nuts or vegetables defined, see Food and Agricultural Code § 42510.
- Hunters and fishermen prohibited from damaging property, see Fish and Game Code § 2004.
- "Maliciously" defined, see Penal Code § 7.
- Misdemeanor,
 - Defined, see Penal Code § 17.
 - Punishment, see Penal Code §§ 19, 19.2, 672.
- Person as including corporation, see Penal Code § 7.



October 7, 2011

LETTER OF REQUEST
Trespass Arrest Authorization – Riverside County Sheriff's Department
602(1) P.C. & 602(n) P.C. Trespass

James D. Navarro, Sheriff's Captain
Colorado River Station Commander
260 North Spring Street
Blythe, CA 92225

Re: The properties located at: 11995 Wiley's Well Road, Blythe, CA 92225.

Dear Captain Navarro:

Our name(s) are: Genesis Solar, LLC.

We are the owners of the above properties.

Recently, trespassers have entered property that is the subject of the Right of Way authorization that the Bureau of Land Management issued to Genesis Solar, LLC to construct and operate a solar thermal facility. The trespassers entered without Genesis Solar, LLC permission and reduced its ability to fully utilize this property.

Genesis Solar, LLC therefore requests that you direct your deputies to enforce the criminal statutes governing trespassing and other criminal activity that occurs on its property. Additionally, Genesis Solar, LLC requests that you arrest any trespassers your deputies find on its property. **An authorized representative of Genesis Solar, LLC will appear in court and testify against any violators.**

Genesis Solar, LLC has posted all entrances onto the property and common areas associated with my property, in plain view, "No Trespassing" signs.

My business address is: 700 Universe Blvd., Juno Beach, FL 33408.

Contact telephone number is: (561) 304 – 5127.



Genesis Solar, LLC will cooperate in the prosecution of person(s) arrested for trespassing. Genesis Solar, LLC understands and acknowledges this letter is valid for a maximum period of six (6) months and it is the responsibility of Genesis Solar, LLC to renew this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ashley Foster Pinnock".

Ashley Foster Pinnock, Senior Attorney

cc: Kevin Dunn
Dorian Daggs
Thomas Mazur