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RESISTING EXECUTIVE OFFICER

PENAL CODE SECTION 69

Every person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, or who knowingly resists, by the use of force or violence, such officer, in the performance of his duty, is punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the state prison, or in a county jail not exceeding one year, or by both such fine and imprisonment.

CALJIC 7.50 OBSTRUCTING/RESISTING EXECUTIVE OFFICERS

Every person who willfully [and unlawfully] attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon that officer by law, or who knowingly resists, by the use of force or violence, an executive officer in the performance of his or her duty, is guilty of a violation of Penal Code § 69, a crime.

An "executive officer" is a public employee whose lawful activities are in the exercise of a part of the sovereign power of the governmental entity employer, and whose duties are discretionary, in whole or in part. Any employee charged with the responsibility of enforcing the law is an executive officer.

In order to prove this crime, each of the following elements must be proved:

[1. A person willfully [and unlawfully] attempted to deter or prevent an executive officer from performing any duty imposed upon that officer by law; and

2. The attempt was accomplished by means of any threat or violence.]

[1. A person knowingly [and unlawfully] resisted an executive officer in the performance of his or her duty; and

2. The resistance was accomplished by means of force or violence.]

RESISTING ARREST

PENAL CODE SECTION 148

(a) (1) Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

**CALJIC 16.102
RESISTING ARREST**

[Defendant is accused [in Count[s] _____] of having violated Penal Code section 148, subdivision (a), a misdemeanor.]

Every person who willfully resists, delays, or obstructs any [peace officer] [public officer] [_____ (other)] in the discharge or attempt to discharge any duty of [his] [her] office or employment, and who knows or reasonably should know that the other person is a [peace officer] [public officer] [_____ (other)] engaged in the performance of [his] [her] duties, is guilty of a violation of Penal Code section 148, subdivision (a), a misdemeanor.

In order to prove this crime, each of the following elements must be proved:

1. A person willfully resisted, delayed, or obstructed a [peace officer] [public officer] [_____ (other)];
2. At the time the [peace officer] [public officer] [_____ (other)] was engaged in the performance of [his] [her] duties; and
3. The person who willfully resisted, delayed, or obstructed knew or reasonably should have known that:
 - (a) the other person was a [peace officer] [public officer] [_____ (other)];
 - (b) and was engaged in the performance of [his] [her] duties.

**CALJIC 16.107
RESISTING ARREST – PASSIVE RESISTANCE**

A person may not use passive resistance or interpose any obstacle which in any manner impedes, hinders, interrupts, or delays a lawful arrest. A person who becomes intentionally inert or limp and thereby requires that [he] [she] be dragged or lifted bodily to make an arrest is passively resisting arrest.

FALSE REPORT OF CRIMINAL OFFENSE

Penal Code Section 148.5

(a) Every person who reports to any peace officer listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, district attorney, or deputy district attorney that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor.

(b) Every person who reports to any other peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor if (1) the false information is given while the peace officer is engaged in the performance of his or her duties as a peace officer and (2) the person providing the false information knows or should have known that the person receiving the information is a peace officer.

(c) Except as provided in subdivisions (a) and (b), every person who reports to any employee who is assigned to accept reports from citizens, either directly or by telephone, and who is employed by a state or local agency which is designated in Section 830.1, 830.2, subdivision (e) of Section 830.3, Section 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, or 830.4, that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor if (1) the false information is given while the employee is engaged in the performance of his or her duties as an agency employee and (2) the person providing the false information knows or should have known that the person receiving the information is an agency employee engaged in the performance of the duties described in this subdivision.

(d) Every person who makes a report to a grand jury that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor. This subdivision shall not be construed as prohibiting or precluding a charge of perjury or contempt for any report made under oath in an investigation or proceeding before a grand jury.

(e) This section does not apply to reports made by persons who are required by statute to report known or suspected instances of child abuse, dependent adult abuse, or elder abuse

FALSELY REPRESENTING SELF AS ANOTHER PERSON TO PEACE OFFICER

PENAL CODE SECTION 148.9

(a) Any person who falsely represents or identifies himself or herself as another person or as a fictitious person to any peace officer listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, upon a lawful detention or arrest of the person, either to evade the process of the court, or to evade the proper identification of the person by the investigating officer is guilty of a misdemeanor.

(b) Any person who falsely represents or identifies himself or herself as another person or as a fictitious person to any other peace officer defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, upon lawful detention or arrest of the person, either to evade the process of the court, or to evade the proper identification of the person by the arresting officer is guilty of a misdemeanor if (1) the false information is given while the peace officer is engaged in the performance of his or her duties as a peace officer and (2) the person providing the false information knows or should have known that the person receiving the information is a peace officer.

ASSAULT

PENAL CODE SECTION 240

An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

CALJIC 9.00 ASSAULT—DEFINED

[Defendant is accused [in Count[s] _____] of having violated section 240 of the Penal Code, a crime.]

[Every person who commits an assault upon another person is guilty of a violation of Penal Code section 240, a [misdemeanor] [crime].]

In order to prove an assault, each of the following elements must be proved:

1. A person willfully [and unlawfully] committed an act which by its nature would probably and directly result in the application of physical force on another person; and
2. At the time the act was committed, the person intended to use physical force upon another person or to do an act that was substantially certain to result in the application of physical force upon another person; and
3. At the time the act was committed, the person had the present ability to apply physical force to the person of another.

"Willfully" means that the person committing the act did so intentionally.

To constitute an assault, it is not necessary that any actual injury be inflicted. However, if an injury is inflicted it may be considered in connection with other evidence in determining whether an assault was committed [and, if so, the nature of the assault].

[A willful application of physical force upon the person of another is not unlawful when done in lawful [self-defense] [or] [defense of others]. The People have the burden to prove that the application of physical force was not in lawful [self-defense] [defense of others]. If you have a reasonable doubt that the application of physical force was unlawful, you must find the defendant not guilty.]

BATTERY

PENAL CODE SECTION 242

A battery is any willful and unlawful use of force or violence upon the person of another.

**CALJIC 16.140
BATTERY**

[Defendant is accused [in Count[s] _____] of having committed the crime of battery in violation of section 242 of the Penal Code, a misdemeanor.]

Every person who willfully [and unlawfully] uses any force or violence upon the person of another is guilty of the crime of battery in violation of Penal Code section 242.

In order to prove this crime, each of the following elements must be proved:

1. A person used force or violence upon the person of another; and
2. The use was willful [and unlawful].

[The use of force or violence is not unlawful when done in lawful [self-defense] [or] [defense of others]. The burden is on the People to prove that the use of force or violence was not in lawful [self-defense] [or] [defense of others]. If you have a reasonable doubt that the use of force or violence was unlawful, you must find the defendant not guilty.]

DISTURBANCE OF PUBLIC MEETING

PENAL CODE SECTION 403

Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.

CALJIC 16.225

DISTURBANCE OF PUBLIC ASSEMBLY OR MEETING

[Defendant is accused [in Count[s] _____] of having violated section 403 of the Penal Code, a misdemeanor.]

Every person who, without authority of law, willfully disturbs or breaks up any public assembly or public meeting, not unlawful in its character, is guilty of a violation of Penal Code section 403, a misdemeanor.

In order to prove this crime, each of the following elements must be proved:

1. The defendant substantially impaired the conduct of a public assembly or public meeting by committing acts in violation of implicit customs or usages applicable to the type of meeting being held, or in violation of explicit rules for the conduct of that meeting;

2. The defendant knew, or as a reasonable person should have known, of these customs, usages or rules;

3. The defendant's acts were intentionally committed; and

4. The defendant's activity itself, and not the content of the activity's expression, substantially impaired the effective conduct of the meeting.

RIOT

PENAL CODE SECTION 404

(a) Any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot.

PENAL CODE SECTION 404.6

(a) Every person who with the intent to cause a riot does an act or engages in conduct that urges a riot, or urges others to commit acts of force or violence, or the burning or destroying of property, and at a time and place and under circumstances that produce a clear and present and immediate danger of acts of force or violence or the burning or destroying of property, is guilty of incitement to riot.

**CALJIC 16.231
INCITEMENT TO RIOT—"RIOT"—DEFINED**

A "riot" is any use of force or violence which disturbs the public peace, or any threat to use force or violence, if accompanied by the immediate power of execution, by two or more persons acting together without authority of law.

**CALJIC 16.235
RIOT**

[Defendant is accused [in Count[s] _____] of having violated sections 404, subdivision (a) of the Penal Code, a misdemeanor.

Every person who participates in any riot is guilty of a violation of Penal Code sections 404, subdivision (a), a misdemeanor.

In order to prove this crime, each of the following elements must be proved:

1. A riot occurred; and
2. The defendant willfully participated in the riot.

**CALJIC 16.230
INCITEMENT TO RIOT**

[Defendant is accused [in Count[s] _____] of having violated section 404.6, subdivision (a) of the Penal Code, a misdemeanor.]

Every person who with the specific intent to cause a riot does an act or engages in conduct which urges a riot, or urges others to commit acts of force, or violence or the burning or destroying of property, at a time and place and under circumstances which produce a clear and present and immediate danger of

acts of force or violence or the burning or destroying of property, is guilty of a violation of Penal Code section 404.6, subdivision (a), a misdemeanor.

In order to prove this crime, each of the following elements must be proved:

1. The defendant specifically intended to cause a riot;
2. With that intent [he] [she] committed an act or engaged in conduct which urged a riot, or with that intent [he] [she] urged others [to commit violent acts] [or] [to burn or destroy property]; and
3. This conduct took place under circumstances which produced a clear and present and immediate danger that [force or violence] [, or] [the burning or destruction of property] would take place.

To constitute the crime charged, no actual force need be used or violence occur, nor need there be any actual burning or destruction of property.

UNLAWFULLY ASSEMBLY

PENAL CODE SECTION 407

Whenever two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner, such assembly is an unlawful assembly.

PENAL CODE SECTION 408

Every person who participates in any rout or unlawful assembly is guilty of a misdemeanor.

**CALJIC 16.240
UNLAWFUL ASSEMBLY**

It is an unlawful assembly:

[Whenever two or more persons assemble together for the purpose of doing an unlawful act[.]] [,
or]

[Whenever two or more persons who are assembled together do a lawful act in a violent, boisterous, or tumultuous manner, that is, where such act or acts are themselves violent or tend to incite others to violence.]

[An assembly of two or more persons assembled together to do a lawful act is not unlawful unless the assembly is or becomes violent or gives rise to a clear and present danger of immediate violence.]

FAILURE TO DISPERSE

PENAL CODE SECTION 409

Every person remaining present at the place of any riot, rout, or unlawful assembly, after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same, is guilty of a misdemeanor.

**CALJIC 16.250
REFUSAL TO DISPERSE WHEN ORDERED**

[Defendant is accused [in Count[s] _____] of having violated section 409 of the Penal Code, a misdemeanor.]

Every person who remains present at the place of any [riot] [or] [rout] [or] [unlawful assembly], after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same, is guilty of a violation of Penal Code section 409, a misdemeanor.

[A commission of this offense may be established by proof of failure to disperse after a lawful warning to disperse, even though the accused person had not participated in any riot, rout or unlawful assembly.]

In order to prove this crime, each of the following elements must be proved:

1. A [riot] [rout] [unlawful assembly] occurred;
2. Defendant was present at the place of the _____ (riot, etc.);
3. Defendant was lawfully warned to disperse;
4. Defendant was not a public officer or a person assisting a public officer in attempting to disperse the _____ (riot, etc.); and
5. Defendant willfully remained notwithstanding the warning.

DISTURBING THE PEACE

PENAL CODE SECTION 415

Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine: (1) Any person who unlawfully fights in a public place or challenges another person in a public place to fight. (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise. (3) Any person who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction.

**CALJIC 16.260
BREACH OF PEACE**

[Defendant is accused [in Count[s] _____] of having violated section 415, subdivision [(1)][(2)][(3)] of the Penal Code, a misdemeanor.]

Every person who:

[(1) Unlawfully [fights] [challenges another person to fight] in a public place] [or]

[(2) Willfully and maliciously disturbs another person by loud and unreasonable noise] [or]

[(3) In a public place directs at one or more persons offensive words which are inherently likely to provoke an immediate violent reaction]

is guilty of a violation of section 415, subdivision [(1)][(2)][(3)] of the Penal Code, a misdemeanor.

In order to prove this crime, each of the following elements must be proved:

[1. A person willfully [and unlawfully] fought another person, or challenged another person to fight; and

2. The fight, or the challenge, occurred in a public place[.] [; or]

[1. A person willfully and maliciously caused loud and unreasonable noise; and

2. The loud and unreasonable noise caused another person to be disturbed[.] [; or]

[1. A person used offensive words which were inherently likely to provoke an immediate violent reaction; and

2. Those words were [directed at one or more other persons and] uttered in a public place.]

ASSEMBLY FOR PURPOSE OF DISTURBING THE PEACE

Penal Code Section 416

(a) If two or more persons assemble for the purpose of disturbing the public peace, or committing any unlawful act, and do not disperse on being desired or commanded so to do by a public officer, the persons so offending are severally guilty of a misdemeanor.

(b) Any person who, as a result of violating subdivision (a), personally causes damage to real or personal property, which is either publicly or privately owned, shall make restitution for the damage he or she caused, including, but not limited to, the costs of cleaning up, repairing, replacing, or restoring the property. Any restitution required to be paid pursuant to this subdivision shall be paid directly to the victim. If the court determines that the defendant is unable to pay restitution, the court shall order the defendant to perform community service, as the court deems appropriate, in lieu of the direct restitution payment.

(c) This section shall not preclude the court from imposing restitution in the form of a penalty assessment pursuant to Section 1464 if the court, in its discretion, deems that additional restitution appropriate.

(d) The burden of proof on the issue of whether any defendant or defendants personally caused any property damage shall rest with the prosecuting agency or claimant. In no event shall the burden of proof on this issue shift to the defendant or any of several defendants to prove that he or she was not responsible for the property damage.

THREATS

Penal Code Section 422

Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.

For the purposes of this section, "immediate family" means any spouse, whether by marriage or not, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

"Electronic communication device" includes, but is not limited to, telephones, cellular telephones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

POSTED PROPERTY

Penal Code Section 554

Any property, except that portion of such property to which the general public is accorded access, may be posted against trespassing and loitering in the manner provided in Section 554.1, and thereby become posted property subject to the provisions of this article applicable to posted property, if such property consists of, or is used, or is designed to be used, for any one or more of the following:

(a) An oil well, oilfield, tank farm, refinery, compressor plant, absorption plant, bulk plant, marine terminal, pipeline, pipeline pumping station, or reservoir, or any other plant, structure, or works, used for the production, extraction, treatment, handling, storage, or transportation, of oil, gas, gasoline, petroleum, or any product or products thereof.

(b) A gas plant, gas storage station, gas meter, gas valve, or regulator station, gas odorant station, gas pipeline, or appurtenances, or any other property used in the transmission or distribution of gas.

(c) A reservoir, dam, generating plant, receiving station, distributing station, transformer, transmission line, or any appurtenances, used for the storage of water for the generation of hydroelectric power, or for the generation of electricity by water or steam or by any other apparatus or method suitable for the generation of electricity, or for the handling, transmission, reception, or distribution of electric energy.

(d) Plant, structures or facilities used for or in connection with the rendering of telephone or telegraph service or for radio or television broadcasting.

(e) A water well, dam, reservoir, pumping plant, aqueduct, canal, tunnel, siphon, conduit, or any other structure, facility, or conductor for producing, storing, diverting, conserving, treating, or conveying water.

(f) The production, storage, or manufacture of munitions, dynamite, black blasting powder, gunpowder, or other explosives.

(g) A railroad right-of-way, railroad bridge, railroad tunnel, railroad shop, railroad yard, or other railroad facility.

(h) A plant and facility for the collection, pumping, transmission, treatment, outfall, and disposal of sanitary sewerage or storm and waste water, including a water pollution or quality control facility.

(i) A quarry used for the purpose of extracting surface or subsurface material or where explosives are stored or used for that purpose.

Penal Code Section 552.1

This article [above section] does not prohibit:

a) Any lawful activity for the purpose of engaging in any organizational effort on behalf of any labor union, agent, or member thereof, or of any employee group, or any member thereof, employed or

formerly employed in any place of business or manufacturing establishment described in this article, or for the purpose of carrying on the lawful activities of labor unions, or members thereof.

(b) Any lawful activity for the purpose of investigation of the safety of working conditions on posted property by a representative of a labor union or other employee group who has upon his person written evidence of due authorization by his labor union or employee group to make such investigation.

DAMAGE TO PROPERTY

PENAL CODE SECTION 594

(a) Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:

- (1) Defaces with graffiti or other inscribed material.
- (2) Damages.
- (3) Destroys.

Whenever a person violates this subdivision with respect to real property, vehicles, signs, fixtures, furnishings, or property belonging to any public entity, as defined by Section 811.2 of the Government Code, or the federal government, it shall be a permissive inference that the person neither owned the property nor had the permission of the owner to deface, damage, or destroy the property.

(b) (1) If the amount of defacement, damage, or destruction is four hundred dollars (\$400) or more, vandalism is punishable by imprisonment in the state prison or in a county jail not exceeding one year, or by a fine of not more than ten thousand dollars (\$10,000), or if the amount of defacement, damage, or destruction is ten thousand dollars (\$10,000) or more, by a fine of not more than fifty thousand dollars (\$50,000), or by both that fine and imprisonment.

(2) (A) If the amount of defacement, damage, or destruction is less than four hundred dollars (\$400), vandalism is punishable by imprisonment in a county jail not exceeding one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(B) If the amount of defacement, damage, or destruction is less than four hundred dollars (\$400), and the defendant has been previously convicted of vandalism or affixing graffiti or other inscribed material under Section 594, 594.3, 594.4, 640.5, 640.6, or 640.7, vandalism is punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment.

(c) Upon conviction of any person under this section for acts of vandalism consisting of defacing property with graffiti or other inscribed materials, the court may, in addition to any punishment imposed under subdivision (b), order the defendant to clean up, repair, or replace the damaged property himself or herself, or order the defendant, and his or her parents or guardians if the defendant is a minor, to keep the damaged property or another specified property in the community free of graffiti for up to one year. Participation of a parent or guardian is not required under this subdivision if the court deems this participation to be detrimental to the defendant, or if the parent or guardian is a single parent who must care for young children.

(d) If a minor is personally unable to pay a fine levied for acts prohibited by this section, the parent of that minor shall be liable for payment of the fine. A court may waive payment of the fine, or any part thereof, by the parent upon a finding of good cause.

(e) As used in this section, the term "graffiti or other inscribed material" includes any unauthorized inscription, word, figure, mark, or design, that is written, marked, etched, scratched, drawn, or painted on real or personal property.

(f) The court may order any person ordered to perform community service or graffiti removal pursuant to paragraph (1) of subdivision (c) to undergo counseling.

(g) This section shall become operative on January 1, 2002.

CALJIC 16.320
VANDALISM

Every person who maliciously [defaces with graffiti or other inscribed material] [damages] [or] [destroys] any [real] [or] [personal] property not [his] [her] own , the amount of damage being less than \$400, [and who has previously been convicted of vandalism or affixing graffiti or other inscribed material under § _____,] is guilty of vandalism in violation of Penal Code § 594, subdivision (a)/[(b)(2)(A)] [(b)(2)(B)], a misdemeanor.

["Graffiti or other inscribed material" includes any unauthorized inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn or painted on real or personal property.]

[If the property involved belonged to a public entity, you may, but are not required to, infer that the person neither owned nor had the permission of the owner to deface, damage or destroy the property.]

In order to prove this crime, each of the following elements must be proved:

1. A person [defaced with graffiti or other inscribed material] [,] [damaged] [or] [destroyed] any [real] [or] [personal] property belonging to another person; [and]

2. The person acted maliciously in doing so [; and]

[3. The amount of the [defacement] [damage] [destruction] to the property was less than \$400.00][.]; and

4. The person had previously been convicted of vandalism or affixing graffiti or other inscribed material under § _____].

TRESPASS

PENAL CODE SECTION 602

Except as provided in paragraph (2) of 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) 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.

This subdivision shall apply only to a person who has been convicted of a violent felony, as specified in subdivision (c) of Section 667.5, committed upon the particular private property. 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.

(u) (1) Knowingly entering, by an unauthorized person, upon any airport or passenger vessel terminal operations area 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 the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or both, 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 the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or both, 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) "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.

(D) "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 or passenger vessel terminal, as defined in Section 171.5.

(2) A violation of this subdivision that is responsible for the evacuation of an airport terminal or passenger vessel terminal and is responsible in any part for delays or cancellations of scheduled flights or departures is punishable by imprisonment of not more than one year in a county jail if the sterile area is posted with a statement providing reasonable notice that prosecution may result from a trespass described in this subdivision.

(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 both, 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 both, 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.

OBSTRUCTING OR INTIMIDATING BUSINESS OPERATORS

PENAL CODE SECTION 602.1

(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.

OBSTRUCTING STREETS OR SIDEWALKS

PENAL CODE SECTION 647c

Every person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of a misdemeanor. Nothing in this section affects the power of a county or a city to regulate conduct upon a street, sidewalk, or other public place or on or in a place open to the public.

LOS ANGELES MUNICIPAL CODE INFRACTIONS AND PUNISHMENT

LOS ANGELES MUNICIPAL CODE SECTION 11.00

(m) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. **Any violation of this Code that is designated as a misdemeanor, may be charged by the City Attorney as either a misdemeanor or an infraction.**

Every violation of this Code is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

Every violation of this Code which is established as an infraction, or is charged as an infraction, is punishable by a fine as set forth in this Code section, or as otherwise provided in this Code, not to exceed \$250.00 for each violation.

Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by that person, and shall be punishable accordingly.

HAND-BILLS, SIGNS - PUBLIC PLACES AND OBJECTS

Los Angeles Municipal Code Section 28.04

(a) No person shall paint, mark or write on, or post or otherwise affix, any hand-bill or sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph or trolley wire pole, or wire appurtenant thereof or upon any fixture of the fire alarm or police telegraph system or upon any lighting system, public bridge, drinking fountain, life buoy, life preserver, life boat, or other life saving equipment, street sign or traffic sign.

(b) Nothing in this section contained shall apply to the installation of terrazo sidewalks or sidewalks of similar construction, sidewalks permanently colored by an admixture in the material of which the same are constructed, and for which the Board of Public Works has granted a written permit.

(c) Removal of Signs - Costs.

(1) Any hand-bill or sign found posted or otherwise affixed upon any public or utility property contrary to the provisions of this section may be removed by any company, utility, organization, or individual owning or responsible for maintaining that property, the Police Department or the Department of Public Works. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof, and the Department of Public Works is authorized to effect the collection of said cost incurred by the City of Los Angeles.

(2) For purposes of this subsection, there shall be a presumption that: (i) the real estate agent, broker, brokerage firm or other person whose name or telephone number appears on the hand-bill or sign is the person responsible for posting a hand-bill or sign advertising property for sale, lease or rent; (ii) the candidate seeking office is the person responsible for posting a hand-bill or sign promoting the candidate for public office; (iii) the owner, or lessee if the property is leased, of property used for a yard or garage sale is the person responsible for posting a hand-bill or sign advertising a yard or garage sale; (iv) the owner, or lessee if the property is leased, of property used for a commercial activity or event is the person responsible for posting a hand-bill or sign advertising the subject commercial activity or event; (v) the person whose name, telephone number or address appears as the sponsor for a sporting event, concert, theatrical performance, or similar activity or event is the person responsible for posting a hand-bill or sign advertising the subject activity or event; and (vi) the person whose name, telephone number or address appears as the person to contact on any hand-bill or sign posted is the person responsible for having posted the same.

For purposes of this subsection, the person presumed to be responsible for posting a hand-bill or sign on public or utility property may rebut such presumption by declaring under penalty of perjury or swearing under oath that the person did not cause, authorize, allow or permit the posting of the hand-bill or sign on public or utility property .

(3) With the concurrence of the Director of the Office of Administrative and Research Services, the Board of Public Works shall determine the verifiable costs to the City of Los Angeles incurred in removing hand-bills and signs pursuant to this section. Such costs shall include, but not be limited to, direct labor, material and equipment costs, as well as departmental and general City overhead costs attributable to the removal of signs. Prior to the beginning of each fiscal year, the Board shall

adopt a schedule of charges which persons responsible for the illegal posting of hand-bills and signs are required to pay pursuant to this subsection, based on those costs.

(4) Persons billed for the costs of removing hand-bills or signs may appeal such cost assessments to the Board of Public Works in accordance with rules adopted by the Board.

(d) Nothing in this section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating an historical, cultural, or artistic event, location or personality for which the Board of Public Works, with the approval of the City Council, has granted a written permit.

INJURY TO PUBLIC PROPERTY

LOS ANGELES MUNICIPAL CODE SECTION 41.14

No person shall cut, break, destroy, remove, deface, tamper with, mar, injure, disfigure, interfere with, damage, tear, remove, change or alter any:

- (a) part of any building belonging to this City;
- (b) drinking fountain situated on any public street or sidewalk or any appliance used in or about such foundation;
- (c) (1) electric lamp erected or suspended on or over any street, sidewalk or park and used in the lighting thereof, or any wire or other apparatus immediately attached to such lamp;
(2) any lamp standard or lamp pole, nor attach thereto any banner, pennant, streamer, flag, sign, picture, wire, rope or other attachment of any kind for any purpose without first obtaining a permit to do so, as required by Sec. 62.132 of this Code;
- (d) parts or appurtenances of the fire alarm, telegraph system or police signal system, lamp post, street sign post, fire alarm box, police signal box, post, standard, or pole or any fixture or apparatus used about or in connection with any such post, box, standard or pole;
- (e) life buoy, life preserver, life boat, rope, gang or other materials, property or apparatus owned by this City and used or intended to be used for the purpose of saving life except when necessary for that purpose;
- (f) public bridge or any portion thereof;
- (g) water main, pipe, conduit, hydrant, reservoir or ditch, or to tap the same without permission of the Board of Water and Power Commissioners;
- (h) water meter or any box containing any pipe, stop-cock or cut-off valve of the Department of Water and Power of this City or cover the same with earth, brick, stone, mortar, debris, or building material;
- (i) tree, shrub, tree stake or guard in any public street, or affix or attach in any manner any other thing whatsoever, including any guy wire or rope, to any tree, shrub, tree stake or guard except for the purpose of protecting it or unless otherwise authorized by this Code;
- (j) property owned by any public utility located on any street or sidewalk;
- (k) other property owned or leased by this City, the County of Los Angeles, the State of California or the United States government or any political subdivision or department thereof, and not specifically enumerated in this section;
- (l) public document, notice or advertisement or any private or legal document required to be posted or exhibited in the manner and place provided by law, or any copy of any ordinance posted in any

public building or place, or on private property when such public notice or ordinance is required by law to be placed or posted thereon.

LOITERING ON SIDEWALKS

LOS ANGELES MUNICIPAL CODE SECTION 41.18

(a) No person shall stand in or upon any street, sidewalk or other public way open for pedestrian travel or otherwise occupy any portion thereof in such a manner as to annoy or molest any pedestrian thereon or so as to obstruct or unreasonably interfere with the free passage of pedestrians.

(b) No person shall loiter in any tunnel, pedestrian subway, or on any bridge overpass, or at or near the entrance thereto or exit therefrom, or at or near any abutment or retaining wall adjacent to such entrance or exit, or any retaining wall or abutment adjacent to any freeway, street or highway open and used for vehicular traffic, or adjacent to that portion thereof used for vehicular traffic, or on any public property in the proximity of such bridge, overpass, or retaining wall or abutment.

(c) No person in or about any pedestrian subway, shall annoy or molest another or make any remark to or concerning another to the annoyance of such other person, and no person shall commit any nuisance in or about such subway.

(d) No person shall sit, lie or sleep in or upon any street, sidewalk or other public way. The provisions of this subsection shall not apply to persons sitting on the curb portion of any sidewalk or street while attending or viewing any parade permitted under the provisions of Section 103.111 of Article 2, Chapter X of this Code; nor shall the provisions of this subsection supply to persons sitting upon benches or other seating facilities provided for such purpose by municipal authority by this Code.

OBSTRUCTING ENTRANCE TO PUBLIC ASSEMBLAGE

LOS ANGELES MUNICIPAL CODE SECTION 41.19

No person shall sit or stand on or at the entrance of any church, hall, theatre or other place of public assemblage in any manner so as to obstruct such entrance.

TRESPASS ON PRIVATE PROPERTY

LOS ANGELES MUNICIPAL CODE SECTION 41.24

(a) No person shall enter or be present upon any private property or portion of private property not open to the general public without the consent of the owner, the owner's agent, or the person in lawful possession, where signs forbidding entry are displayed as provided in Subsection (f).

(b) No person shall enter upon any private property or portion of private property, not open to the general public, who within the immediately preceding six months was advised as follows: to leave and not return, and that if he or she returns to the property within six months of the advisement he or she will be subject to arrest. This advisement must be made by the owner, the owner's agent, the person in lawful possession or a peace officer at the request of the owner, owner's agent or person in lawful possession. The advisement shall be documented in writing by the individual making it and shall include the name of the person advised, the date, approximate time, address and type of property involved. Such documentation shall be retained for a minimum period of one year. This subsection is not violated if a person so advised enters the property within the designated six month period, if he or she has been expressly authorized to do so by the owner, the owner's agent or a person in lawful possession.

(c) Entry requiring Express Consent of Owner.

1. No person shall enter or be present upon private property not open to the general public without the express consent of the owner or the owner's agent when that person:

A. has been convicted of any violation of the law involving narcotics, prostitution, vandalism, weapons, disturbance of the peace, loitering, threat to commit a violent act, or a violent act, on that same private property not open to the general public, whether or not such property is posted in accordance with Subsection (f); and

B. has, subsequent to the conviction been told to leave and not return to that same property, by the owner, the owner's agent or a peace officer at the request of the owner or the owner's agent.

2. The request to leave must be made within six months of the date of the conviction and shall be documented in writing by the individual making the request. The documentation of the request shall include the name of the person being requested to leave, the date, the approximate time, the address and the type of property involved.

3. This subsection applies even if the person has the consent of a person in lawful possession but does not apply to persons who have a right of lawful possession to the subject property. An individual who has the consent of the person in lawful possession may not be refused entry by the owner or the owner's agent for a period exceeding twelve months, computed from the date of the request.

(d) No person shall enter or be present upon any private property or portion of private property open to the general public who within the immediately preceding 24 hours was advised to leave and not return, and that if he or she returns to the property within 24 hours of the advisement, he or she will be subject to arrest. This advisement must be made by the owner, the owner's agent, the person in lawful possession or a peace officer at the request of the owner, owner's agent or the person in lawful

possession. A request to leave may be made only if it is rationally related to the services performed or the facilities provided.

(e) The term “private property” shall mean any real property, including but not limited to, buildings, structures, yards, open spaces, walkways, courtyards, driveways, carports, parking areas and vacant lots, except land which is used exclusively for agricultural purposes, owned by any person or legal entity other than property owned or lawfully possessed by any governmental entity or agency.

(f) For purposes of Subsection (a), one sign must be printed or posted in a conspicuous manner at every walkway and driveway entering any enclosed property or portion thereof and at a minimum of every fifty feet along the boundary of any unenclosed lot. This requirement is met if at least one sign is conspicuously printed or posted on the outside of every structure on such property, so as to be readable from each walkway and driveway entering such property. The sign shall state as follows:

THIS PROPERTY CLOSED TO THE PUBLIC
No Entry Without Permission
L.A.M.C. SEC. 41.24

The language “**THIS PROPERTY CLOSED TO THE PUBLIC No Entry Without Permission**” on said sign shall be at least two inches high.

(g) When a peace officer’s assistance in dealing with a trespass is requested, the owner, owner’s agent, or the person in lawful possession shall make a separate request to the peace officer on each occasion. However, a single request for a peace officer’s assistance may be made to cover a limited period of time not to exceed twelve months when such request is made in writing and provides the specific dates of the authorization period.

(h) This section shall not apply in any of the following instances:

(1) when its application results in, or is coupled with, any act prohibited by the Unruh Civil Rights Act, or any other provision of law relating to prohibited discrimination against any person;

(2) when its application results in, or is coupled with, an act prohibited by Section 365 of the California Penal Code, or any other provision of law relating to the duties of innkeepers;

(3) when public officers or employees are acting within the course and scope of their employment or in the performance of their official duties; or

(4) when persons are engaging in activities protected by the United States Constitution or the California Constitution or when persons are engaging in acts which are expressly required or permitted by any provision of law.

(i) Violation of any of the provisions of this section shall be a misdemeanor or an infraction.

(j) If any part or provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of the section, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this section are severable.

LOUD AND RAUCOUS NOISE

LOS ANGELES MUNICIPAL CODE SECTION 41.57

(a) It is unlawful for any person to cause, allow or permit the emission or transmission of any loud or raucous noise from any sound making or sound amplifying device in his possession or under his control.

- (1) upon any private property, or
- (2) upon any public street alley, sidewalk or thoroughfare, or
- (3) in or upon any public park or other public place or property.

(b) The words “loud and raucous noise” as used herein shall mean any sound or any recording thereof when amplified or increased by any electrical, mechanical, or other device to such volume, intensity or carrying power as to unreasonably interfere with the peace and quiet of other persons within or upon any one or more of such places or areas, or as to unreasonably annoy, disturb, impair or endanger the comfort, repose, health, or safety of other persons within or upon any one or more of such places or areas. The word “unreasonably” as used herein shall include but not be limited to, consideration of the hour, place, nature, and circumstances of the emission or transmission of any such loud and raucous noise.

DEMONSTRATION EQUIPMENT PROHIBITED

LOS ANGELES MUNICIPAL CODE SECTION 55.07

(a) No person shall carry or possess while participating in any demonstration, rally, picket line or public assembly, any length of lumber, wood, or wood lath unless that object is one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-quarters inch in its thickest dimension.

LOS ANGELES COUNTY CODE SECTION 13.64.010

A. No person shall carry or possess, while participating in any demonstration, rally, picket line or other such public assembly, any length of lumber, wood, wood lath or other wood product, unless the other dimensions of such object do not exceed a thickness of one-fourth inch and a width of two inches; or, if not generally rectangular in shape, such object shall not exceed three-quarters inch in its thickest dimension; and such object is blunt and unsharpened at its end and edge.

B. No person shall carry or possess, while participating in any demonstration, rally, picket line or other such public assembly, any bar, shaft, rod, cable, wire or other such length of hard metal, hard plastic or other hard, synthetic material.

C. Nothing in this section shall be deemed to prohibit any person from carrying any knife not prohibited by state law or any county ordinance other than the ordinance codified in this chapter.

BEVERLY HILLS MUNICIPAL CODE SECTION 4-3.209

(a) It shall be unlawful for any person to carry or possess, while participating in any parade or assembly, any length of lumber, wood, or wood lath greater than one foot in length, unless such object is of wood, is blunted at its ends, and is one-fourth (1/4") inch or less in thickness and two (2") inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths (3/4") inch in its thickest dimension.

(b) It shall be unlawful for any person to carry or possess any length of plastic pipe or metal greater than one foot in length or greater than one quarter inch (1/4") in its thickest dimension.

(c) It shall be unlawful for any person to carry any sign, poster, plaque, or notice, whether or not mounted on a length of wood as specified in subsection (a) of this Section, unless such sign, poster, plaque, or notice is constructed solely of a cloth, paper, or cardboard material no greater than one quarter inch (1/4") in thickness.

(f) It shall be unlawful for any person to carry, possess or wear, any gas mask or similar device designed to filter all air breathed and that would protect the respiratory tract and face against irritating, noxious or poisonous gases.

RESIDENTIAL PICKETING

MUNICIPAL CODE SECTION 56.45

(e) Prohibition Against Targeted Demonstrations Focused Upon and At or About a Private Residence.

Any person, acting alone or in concert with others, who pickets, parades or patrols in a manner that is both (1) focused upon the private residence or dwelling of any individual residing within the City of Los Angeles, and (2) takes place within one hundred (100) feet of such private residence shall be guilty of a misdemeanor.

Except as specified herein, nothing in this subsection shall prohibit generally the peaceful picketing or distributing pamphlets, going door-to-door, alone or in groups, in residential neighborhoods.

OBEDIENCE TO OFFICERS

LOS ANGELES MUNICIPAL CODE SECTION 80.02

No person shall willfully fail or refuse to comply with any lawful order, direction or signal of a Police Officer or Traffic Officer.

Notwithstanding any other provision of this Code, violation of this section is an infraction.

AMPLIFIED SOUND

LOS ANGELES MUNICIPAL CODE SECTION 115.02

It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, or permittees duly authorized to use the same pursuant to Sec. 103.111 of this Code, to install, use, or operate within the City a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any public street, alley, sidewalk, park or place, or other public property except when installed, used or operated in compliance with the following provisions:

(a) In all residential zones and within 500 feet thereof, no sound amplifying equipment shall be installed, operated or used for commercial purposes at any time.

(b) The operation or use of sound amplifying equipment for noncommercial purposes in all residential zones and within 500 feet thereof, except when used for regularly scheduled operative functions by any school or for the usual and customary purposes of any church, is prohibited between the hours of 4:30 p.m. and 9:00 a.m. of the following day.

(c) In all other zones, except such portions thereof as may be included within 500 feet of any residential zone, the operation or use of sound amplifying equipment for commercial purposes is prohibited between the hours of 9:00 p.m. and 8:00 a.m. of the following day.

(d) In all other zones, except such portions thereof as may be included within 500 feet of any residential zone, the operation or use of sound amplifying equipment for noncommercial purposes is prohibited between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

(e) The only sounds permitted shall be either music, human speech, or both.

(f) Sound emanating from sound amplifying equipment shall be limited in volume, tone and intensity as follows:

1. The sound shall not be audible at a distance in excess of 200 feet from the sound equipment.

2. In no event shall the sound be loud and raucous or unreasonably jarring, disturbing, annoying or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

(g) Except as provided in (b) above, no sound amplifying equipment shall be operated upon any property adjacent to and within 200 feet of any hospital grounds or any school or church building while in use.

(h) The operation or use of any sound amplifying equipment installed, mounted, attached or carried in or by any sound truck is further prohibited:

1. Within the Central Traffic district at any time;

2. Upon Hollywood Boulevard between Vermont Avenue and La Brea at any time;
3. Upon Wilshire Boulevard at any time;
4. Upon Sunset Boulevard at any time;
5. Upon Vine Street at any time;
6. Upon any street between the hours of 4:30 p.m. and 9:00 a.m. of the following day;
7. Upon any street on any Sunday.

DELAYING TRAFFIC

VEHICLE CODE SECTION 21950(b)

(b) The provisions of this section shall not relieve a pedestrian from the duty to using due care for his or her safety. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard. No pedestrian shall unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.

SECRET SERVICE SECURE ZONES

18 U.S.C. § 1752. Temporary residences and offices of the President and others

(a) It shall be unlawful for any person or group of persons -

(1) willfully and knowingly to enter or remain in

(i) any building or grounds designated by the Secretary of the Treasury as temporary residences of the President or other person protected by the Secret Service or as temporary offices of the President and his staff or of any other person protected by the Secret Service, or

(ii) any posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting,

in violation of the regulations governing ingress or egress thereto:

(2) with intent to impede or disrupt the orderly conduct of Government business or official functions, to engage in disorderly or disruptive conduct in, or within such proximity to, any building or grounds designated in paragraph (1) when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

(3) willfully and knowingly to obstruct or impede ingress or egress to or from any building, grounds, or area designated or enumerated in paragraph (1); or

(4) willfully and knowingly to engage in any act of physical violence against any person or property in any building, grounds, or area designated or enumerated in paragraph (1).

(b) Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by a fine under this title or imprisonment not exceeding six months, or both.

(c) Violation of this section, and attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney in the Federal district court having jurisdiction of the place where the offense occurred.

(d) The Secretary of the Treasury is authorized -

(1) to designate by regulations the buildings and grounds which constitute the temporary residences of the President or other person protected by the Secret Service and the temporary offices of the President and his staff or of any other person protected by the Secret Service, and

(2) to prescribe regulations governing ingress or egress to such buildings and grounds and to posted, cordoned off, or otherwise restricted areas where the President or other person protected by the Secret Service is or will be temporarily visiting.

(e) None of the laws of the United States or of the several States and the District of Columbia shall be superseded by this section.

(f) As used in this section, the term "other person protected by the Secret Service" means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection.

MASKS

PENAL CODE SECTION 185

It shall be unlawful for any person to wear any mask, false whiskers, or any personal disguise (whether complete or partial) for the purpose of:

One -- Evading or escaping discovery, recognition, or identification in the commission of any public offense.

Two -- Concealment, flight, or escape, when charged with, arrested for, or convicted of, any public offense. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

Note

In *Ghafari v. Municipal Court*, 87 Cal. App. 3d 255, 150 Cal. Rptr. 813 (1978), the court declared Penal Code Section 650a unconstitutional. This section prohibited any person from appearing “on any street or highway, or in any other public places or any place open to view by the general public, with his face partially or completely concealed by means of a mask or other regalia or paraphernalia, with intent thereby to conceal his identity.” The court found that this section violated the First Amendment by prohibiting anonymity in the exercise of free speech rights. In so doing, court made clear that Penal Code Section 185 requires a showing that the person is wearing the mask for the purpose of evading or escaping identification in the commission of a public offense. Thus, simply wearing a mask at a demonstration is not prohibited by this section.