

Case Nos. 23-4354 and 23-4356

---

---

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

---

RENO MAY, ET AL.,  
*Plaintiffs-Appellees,*

v.

ROB BONTA, IN HIS OFFICIAL CAPACITY AS  
ATTORNEY GENERAL OF CALIFORNIA,  
*Defendant-Appellant.*

---

On Appeal from the United States District Court  
for the Central District of California  
No. 8:23-cv-01696-CJC-ADSx  
The Honorable Cormac J. Carney, Judge

---

**CIRCUIT RULE 28-2.7 ADDENDUM TO  
APPELLEES' ANSWERING BRIEF**

---

C. D. Michel  
Joshua Robert Dale  
Alexander A. Frank  
Konstadinos T. Moros  
MICHEL & ASSOCIATES, P.C.  
180 East Ocean Blvd., Suite 200  
Long Beach, CA 90802  
(562) 216-4444  
[cmichel@michellawyers.com](mailto:cmichel@michellawyers.com)

Donald Kilmer  
Law Offices of Donald Kilmer, APC  
14085 Silver Ridge Rd.  
Caldwell, Idaho 83607  
(408) 264-8489  
[don@dklawoffice.com](mailto:don@dklawoffice.com)

*Counsel for Plaintiffs-Appellants*

*(Additional caption appears on next page)*

---

---

February 16, 2024

---

---

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

---

MARCO ANTONIO CARRALERO, ET AL.,  
*Plaintiffs-Appellants,*

v.

ROB BONTA, IN HIS OFFICIAL CAPACITY AS  
ATTORNEY GENERAL OF CALIFORNIA,  
*Defendant-Appellee.*

---

On Appeal from the United States District Court  
for the Central District of California  
No. 8:23-cv-01798-CJC-ADSx  
The Honorable Cormac J. Carney, Judge

---

## TABLE OF CONTENTS

<b><u>DESCRIPTION</u></b>	<b><u>PAGE</u></b>
<b>CALIFORNIA STATUTES</b>	
Cal. Penal Code § 602 (West 2024) .....	A-1
Cal. Penal Code § 626.9 (West 2024) .....	A-8
Cal. Penal Code § 26350 (West 2024) .....	A-13
<b>CALIFORNIA REGULATIONS</b>	
Cal. Code Regs., tit. 5, § 14030 (2024) .....	A-15
<b>ARIZONA STATUTES</b>	
Ariz. Rev. Stat. Ann. § 13-1502 (2024) .....	A-27
<b>INDIANA STATUTES</b>	
An Act to Prevent Carrying Concealed or Dangerous Weapons, and to Provide Punishment Therefor, Feb. 23, 1859 .....	A-28
<b>MICHIGAN STATUTES</b>	
Mich. Comp. Laws Ann. § 750.234d (West 2024) .....	A-30
<b>NEBRASKA STATUTES</b>	
Neb. Rev. Stat. § 28-1202.01 (2024) .....	A-32

## § 602. Trespasses constituting misdemeanors; enumeration, CA PENAL § 602



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

West's Annotated California Codes  
Penal Code (Refs & Annos)  
Part 1. Of Crimes and Punishments (Refs & Annos)  
Title 14. Malicious Mischief (Refs & Annos)

West's Ann.Cal.Penal Code § 602

§ 602. Trespasses constituting misdemeanors; enumeration

Effective: January 1, 2024

[Currentness](#)

Except as provided in subdivisions (u), (v), and (x), and [Section 602.8](#), a 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 a lot situated within the limits of an 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 a 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 a sign, signboard, or notice placed upon, or affixed to, a property belonging to the state, or to a city, county, city and county, town, or village, or upon the property of a 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 the property of a person, without license from the owner, a notice, advertisement, or designation of, or a name for a commodity, whether for sale or otherwise, or a picture, sign, or device intended to call attention to it.
- (g) Entering upon lands owned by another person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away oysters or other shellfish planted, growing, or on any of those lands, whether covered by water



§ 602. Trespasses constituting misdemeanors; enumeration, CA PENAL § 602

---

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 those lands.

(h)(1) Entering upon lands or buildings owned by another 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 those lands.

(2) In order for there to be a violation of this subdivision, the trespass signs under paragraph (1) shall 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 does not preclude prosecution or punishment under any other 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 a fence on the enclosed land of another, or opening a 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 a sign, signboard, or other notice forbidding shooting on private property.

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

(l) Entering 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 the person in lawful possession, and any of the following:

(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.

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

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

(4) Discharging a firearm.

---

**§ 602. Trespasses constituting misdemeanors; enumeration, CA PENAL § 602**

---

(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 a 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 does not apply to a 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)(1) 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 they are 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, made in a notarized writing on a form provided by the law enforcement agency, may be made to cover a limited period of time not to exceed a time period determined by local ordinance or 12 months, whichever is shorter, 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, made in a notarized writing on a form provided by the law enforcement agency, may be made for a period not to exceed 12 months when the premises or property is closed to the public and posted as being closed. The requestor shall inform the law enforcement agency to which the request was made, in writing, when the assistance is no longer desired, before the period not exceeding 12 months expires. However, this subdivision does not apply to persons engaged in lawful labor union activities that are permitted to be carried out on the property by the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with [Section 1140](#)) of Division 2 of the Labor Code) or by the federal National Labor Relations Act. For purposes of this section, land, real property, or structures owned or operated by a housing authority for tenants, as defined in [Section 34213.5 of the Health and Safety Code](#), constitutes property not open to the general public; however, this subdivision does 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 a law or ordinance.

(2) A request for a peace officer's assistance shall expire upon transfer of ownership of the property or upon a change in the person in lawful possession.

(3) A request for a peace officer's assistance in dealing with a trespass may be submitted electronically. A local government may accept electronic submissions of requests pursuant to this subdivision.

(p) Entering upon lands declared closed to entry, as provided in [Section 4256 of the Public Resources Code](#), if the closed areas 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, watchperson, or custodian of the

---

**§ 602. Trespasses constituting misdemeanors; enumeration, CA PENAL § 602**

---

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 that is closed to the public and that has signs posted indicating the closure.

(s) Refusing or failing to leave a hotel or motel, where the person 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 the peace officer 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 applies 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 applies without time limitation. Where the person has been convicted of any other felony, this subdivision applies for no more than five years from the date of conviction. Where the person has been convicted of a misdemeanor, this subdivision applies 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 applies for no more than one year from the date of conviction. This subdivision does not apply to convictions for any other infraction.

(u)(1) Knowingly entering, by an unauthorized person, upon an 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 applies 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) A person convicted of a violation of paragraph (1) shall be punished as follows:

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

---

**§ 602. Trespasses constituting misdemeanors; enumeration, CA PENAL § 602**

---

(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)(i) “Authorized personnel” means a 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.

(ii) “Authorized personnel” also means a 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.

(iii) “Authorized personnel” also means a person who has a valid public transit employee identification card.

(E) “Airport” means a 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 subdivision (u), or public transit facility, as defined in [Section 171.7](#), 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.

§ 602. Trespasses constituting misdemeanors; enumeration, CA PENAL § 602

---

(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 the location of a domestic violence shelter-based program 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 victim of domestic violence in an amount equal to the relocation expenses of the victim of domestic violence and the victim's children if those expenses are incurred as a result of trespass by the defendant at the location of a domestic violence shelter-based program.

(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 the person 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) A 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 a 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.

**§ 602. Trespasses constituting misdemeanors; enumeration, CA PENAL § 602**

---

**Credits**

(Enacted in 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; Stats.2011, c. 296 (A.B.1023), § 207; Stats.2014, c. 373 (S.B.1295), § 1, eff. Jan. 1, 2015; Stats.2014, c. 453 (A.B.1686), § 1.5, eff. Jan. 1, 2015; Stats.2015, c. 303 (A.B.731), § 389, eff. Jan. 1, 2016; Stats.2022, c. 197 (S.B.1493), § 16, eff. Jan. 1, 2023; Stats.2023, c. 404 (S.B.602), § 1, eff. Jan. 1, 2024.)

## Notes of Decisions (79)

West's Ann. Cal. Penal Code § 602, CA PENAL § 602

Current with urgency legislation through Ch. 1 of 2024 Reg.Sess. Some statute sections may be more current, see credits for details.

---

End of Document

© 2024 Thomson Reuters. No claim to original U.S. Government Works.



§ 626.9. Gun-Free School Zone Act, CA PENAL § 626.9

---

West's Annotated California Codes  
Penal Code (Refs & Annos)  
Part 1. Of Crimes and Punishments (Refs & Annos)  
Title 15. Miscellaneous Crimes  
Chapter 1. Schools (Refs & Annos)

West's Ann.Cal.Penal Code § 626.9

§ 626.9. Gun-Free School Zone Act

Effective: January 1, 2024

Currentness

- (a) This section shall be known, and may be cited, as the Gun-Free School Zone Act of 1995.
- (b) Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone as defined in paragraph (4) of subdivision (e), shall be punished as specified in subdivision (f).
- (c) Subdivision (b) does not apply to the possession of a firearm under any of the following circumstances:
- (1) Within a place of residence or place of business or on private property, if the place of residence, place of business, or private property is not part of the school grounds and the possession of the firearm is otherwise lawful.
- (2)(A) When the firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person is within a locked container in a motor vehicle or is within the locked trunk of a motor vehicle at all times.
- (B) This section does not prohibit or limit the otherwise lawful transportation of any other firearm, other than a pistol, revolver, or other firearm capable of being concealed on the person, in accordance with state law.
- (3) When the person possessing the firearm reasonably believes that they are in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to their life or safety. This subdivision does not apply when the circumstances involve a mutual restraining order issued pursuant to [Division 10 \(commencing with Section 6200\) of the Family Code](#) absent a factual finding of a specific threat to the person's life or safety. Upon a trial for violating subdivision (b), the trier of a fact shall determine whether the defendant was acting out of a reasonable belief that they were in grave danger.
- (4) When the person is exempt from the prohibition against carrying a concealed firearm pursuant to [Section 25615, 25625, 25630, or 25645](#).
- (5) When the person holds a valid license to carry the firearm pursuant to Chapter 4 (commencing with [Section 26150](#)) of Division 5 of Title 4 of Part 6, who is carrying that firearm in an area that is within a distance of 1,000 feet from the grounds of

§ 626.9. Gun-Free School Zone Act, CA PENAL § 626.9

---

the public or private school, but is not within any building, real property, or parking area under the control of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or on a street or sidewalk immediately adjacent to a building, real property, or parking area under the control of that public or private school. Nothing in this paragraph shall prohibit a person holding a valid license to carry the firearm pursuant to Chapter 4 (commencing with [Section 26150](#)) of Division 5 of Title 4 of Part 6 from carrying a firearm in accordance with that license as provided in [subdivisions \(b\), \(c\), or \(e\) of Section 26230](#).

(d) Except as provided in subdivision (b), it shall be unlawful for any person, with reckless disregard for the safety of another, to discharge, or attempt to discharge, a firearm in a school zone as defined in paragraph (4) of subdivision (e).

The prohibition contained in this subdivision does not apply to the discharge of a firearm to the extent that the conditions of paragraph (1) of subdivision (c) are satisfied.

(e) As used in this section, the following definitions shall apply:

(1) “Concealed firearm” has the same meaning as that term is given in [Sections 25400 and 25610](#).

(2) “Firearm” has the same meaning as that term is given in [subdivisions \(a\) to \(d\), inclusive, of Section 16520](#).

(3) “Locked container” has the same meaning as that term is given in [Section 16850](#).

(4) “School zone” means an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school.

(f)(1) A person who violates subdivision (b) by possessing a firearm in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished by imprisonment pursuant to [subdivision \(h\) of Section 1170](#) for two, three, or five years.

(2) A person who violates subdivision (b) by possessing a firearm within a distance of 1,000 feet from the grounds of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished as follows:

(A) By imprisonment pursuant to [subdivision \(h\) of Section 1170](#) for two, three, or five years, if any of the following circumstances apply:

(i) If the person previously has been convicted of any felony, or of any crime made punishable by any provision listed in [Section 16580](#).

(ii) If the person is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 (commencing with [Section 29800](#)) or Chapter 3 (commencing with [Section 29900](#)) of Division 9 of Title 4 of Part 6 of this code or [Section 8100 or 8103 of the Welfare and Institutions Code](#).



---

**§ 626.9. Gun-Free School Zone Act, CA PENAL § 626.9**

---

(iii) If the firearm is any pistol, revolver, or other firearm capable of being concealed upon the person and the offense is punished as a felony pursuant to [Section 25400](#).

(B) By imprisonment in a county jail for not more than one year or by imprisonment pursuant to [subdivision \(h\) of Section 1170](#) for two, three, or five years, in all cases other than those specified in subparagraph (A).

(3) A person who violates [subdivision \(d\)](#) shall be punished by imprisonment pursuant to [subdivision \(h\) of Section 1170](#) for three, five, or seven years.

(g)(1) A person convicted under this section for a misdemeanor violation of [subdivision \(b\)](#) who has been convicted previously of a misdemeanor offense enumerated in [Section 23515](#) shall be punished by imprisonment in a county jail for not less than three months, or if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that they be imprisoned in a county jail for not less than three months.

(2) A person convicted under this section of a felony violation of [subdivision \(b\)](#) or [\(d\)](#) who has been convicted previously of a misdemeanor offense enumerated in [Section 23515](#), if probation is granted or if the execution of sentence is suspended, it shall be a condition thereof that they be imprisoned in a county jail for not less than three months.

(3) A person convicted under this section for a felony violation of [subdivision \(b\)](#) or [\(d\)](#) who has been convicted previously of any felony, or of any crime made punishable by any provision listed in [Section 16580](#), if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that they be imprisoned in a county jail for not less than three months.

(4) The court shall apply the three-month minimum sentence specified in this [subdivision](#), except in unusual cases where the interests of justice would best be served by granting probation or suspending the execution or imposition of sentence without the minimum imprisonment required in this [subdivision](#) or by granting probation or suspending the execution or imposition of sentence with conditions other than those set forth in this [subdivision](#), in which case the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by this disposition.

(h) Notwithstanding [Section 25605](#), any person who brings or possesses a loaded firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, their designee, or equivalent university or college authority, shall be punished by imprisonment pursuant to [subdivision \(h\) of Section 1170](#) for two, three, or four years. Notwithstanding [subdivision \(k\)](#), a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this [subdivision](#).

(i) Notwithstanding [Section 25605](#), any person who brings or possesses a firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, their designee, or equivalent university or college authority, shall be punished by imprisonment pursuant to [subdivision \(h\) of Section 1170](#) for one, two, or three years. Notwithstanding [subdivision \(k\)](#), a university or college shall

---

**§ 626.9. Gun-Free School Zone Act, CA PENAL § 626.9**

---

post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this subdivision.

(j) For purposes of this section, a firearm shall be deemed to be loaded when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(k) This section does not require that notice be posted regarding the proscribed conduct.

(l) This section does not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with [Section 830](#)) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any of these officers to assist in making arrests or preserving the peace while they are actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of their duties, or an armored vehicle guard, engaged in the performance of their duties as defined in subdivision (d) of [Section 7582.1](#) of the Business and Professions Code.

(m) This section does not apply to a security guard authorized to carry a loaded firearm pursuant to Article 4 (commencing with [Section 26000](#)) of Chapter 3 of Division 5 of Title 4 of Part 6.

(n) This section does not apply to an existing shooting range at a public or private school or university or college campus.

(o) This section does not apply to an honorably retired peace officer authorized to carry a concealed or loaded firearm pursuant to any of the following:

(1) Article 2 (commencing with [Section 25450](#)) of Chapter 2 of Division 5 of Title 4 of Part 6.

(2) [Section 25650](#).

(3) [Sections 25900](#) to [25910](#), inclusive.

(4) [Section 26020](#).

(5) Paragraph (2) of subdivision (c) of [Section 26300](#).

(p) This section does not apply to a peace officer appointed pursuant to [Section 830.6](#) who is authorized to carry a firearm by the appointing agency.

(q)(1) This section does not apply to the activities of a program involving shooting sports or activities, including, but not limited to, trap shooting, skeet shooting, sporting clays, and pistol shooting, that are sanctioned by a school, school district, college,

**§ 626.9. Gun-Free School Zone Act, CA PENAL § 626.9**

---

university, or other governing body of the institution, that occur on the grounds of a public or private school or university or college campus.

(2) This section does not apply to the activities of a state-certified hunter education program pursuant to [Section 3051 of the Fish and Game Code](#) if all firearms are unloaded and participants do not possess live ammunition in a school building.

**Credits**

(Added by Stats.1970, c. 259, p. 524, § 2. Amended by Stats.1974, c. 546, p. 1359, § 17; Stats.1976, c. 1139, p. 5133, § 256, operative July 1, 1977; Stats.1983, c. 143, § 207; Stats.1983, c. 1292, § 5; Stats.1985, c. 295, § 7; Stats.1988, c. 854, § 1; Stats.1991, c. 1202 (S.B.377), § 4; Stats.1994, c. 1015 (A.B.645), § 1; Stats.1995, c. 659 (A.B.624), § 1; Stats.1998, c. 115 (A.B.2609), § 1; Stats.1999, c. 83 (S.B.966), § 146; Stats.2010, c. 178 (S.B.1115), § 59, operative Jan. 1, 2012; Stats.2011, c. 15 (A.B.109), § 422, eff. April 4, 2011, operative Jan. 1, 2012; Stats.2015, c. 303 (A.B.731), § 390, eff. Jan. 1, 2016; Stats.2015, c. 766 (S.B.707), § 1, eff. Jan. 1, 2016; Stats.2017, c. 779 (A.B.424), § 1, eff. Jan. 1, 2018; Stats.2023, c. 249 (S.B.2), § 6, eff. Jan. 1, 2024.)

**Editors' Notes****LAW REVISION COMMISSION COMMENTS**

## 2010 Amendment

Section 626.9 is amended to reflect nonsubstantive reorganization of the statutes governing control of deadly weapons.

Subdivision (c) is amended to make a technical revision.

For guidance in applying this section, see [Section 16015](#) (determining existence of prior conviction). [38 Cal.L.Rev.Comm. Reports 217 (2009)].

[Notes of Decisions \(15\)](#)

West's Ann. Cal. Penal Code § 626.9, CA PENAL § 626.9

Current with urgency legislation through Ch. 1 of 2024 Reg.Sess. Some statute sections may be more current, see credits for details.

§ 26350. Openly carrying an unloaded handgun; penalties; definition, CA PENAL § 26350

---

West's Annotated California Codes  
Penal Code (Refs & Annos)  
Part 6. Control of Deadly Weapons (Refs & Annos)  
Title 4. Firearms (Refs & Annos)  
Division 5. Carrying Firearms (Refs & Annos)  
Chapter 6. Openly Carrying an Unloaded Handgun (Refs & Annos)  
Article 1. Crime of Openly Carrying an Unloaded Handgun (Refs & Annos)

West's Ann.Cal.Penal Code § 26350

§ 26350. Openly carrying an unloaded handgun; penalties; definition

Effective: January 1, 2012

Currentness

(a)(1) A person is guilty of openly carrying an unloaded handgun when that person carries upon his or her person an exposed and unloaded handgun outside a vehicle while in or on any of the following:

(A) A public place or public street in an incorporated city or city and county.

(B) A public street in a prohibited area of an unincorporated area of a county or city and county.

(C) A public place in a prohibited area of a county or city and county.

(2) A person is guilty of openly carrying an unloaded handgun when that person carries an exposed and unloaded handgun inside or on a vehicle, whether or not on his or her person, while in or on any of the following:

(A) A public place or public street in an incorporated city or city and county.

(B) A public street in a prohibited area of an unincorporated area of a county or city and county.

(C) A public place in a prohibited area of a county or city and county.

(b)(1) Except as specified in paragraph (2), a violation of this section is a misdemeanor.

(2) A violation of subparagraph (A) of paragraph (1) of subdivision (a) is punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment, if both of the following conditions exist:

§ 26350. Openly carrying an unloaded handgun; penalties; definition, CA PENAL § 26350

---

(A) The handgun and unexpended ammunition capable of being discharged from that handgun are in the immediate possession of that person.

(B) The person is not in lawful possession of that handgun.

(c)(1) Nothing in this section shall preclude prosecution under Chapter 2 (commencing with [Section 29800](#)) or Chapter 3 (commencing with [Section 29900](#)) of Division 9, [Section 8100](#) or [8103 of the Welfare and Institutions Code](#), or any other law with a penalty greater than is set forth in this section.

(2) The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of law shall not be punished under more than one provision.

(d) Notwithstanding the fact that the term “an unloaded handgun” is used in this section, each handgun shall constitute a distinct and separate offense under this section.

**Credits**

(Added by [Stats.2011, c. 725 \(A.B.144\)](#), § 14.)

[Notes of Decisions \(8\)](#)

West's Ann. Cal. Penal Code § 26350, CA PENAL § 26350

Current with urgency legislation through Ch. 1 of 2024 Reg.Sess. Some statute sections may be more current, see credits for details.

Barclays California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 13. School Facilities and Equipment  
Subchapter 1. School Housing  
Article 4. Standards, Planning and Approval of School Facilities

## 5 CCR § 14030

§ 14030. Standards for Development of Plans for the Design and Construction of School Facilities.

Currentness

The following standards for new schools are for the use of all school districts for the purposes of educational appropriateness and promotion of school safety:

(a) Educational Specifications.

Prior to submitting preliminary plans for the design and construction of school facilities, and as a condition of final plan approval by CDE, school board-approved educational specifications for school design shall be prepared and submitted to the California Department of Education based on the school district's goals, objectives, policies and community input that determine the educational program and define the following:

- (1) Enrollment of the school and the grade level configuration.
- (2) Emphasis in curriculum content or teaching methodology that influences school design.
- (3) Type, number, size, function, special characteristics of each space, and spatial relationships of the instructional area that are consistent with the educational program.
- (4) Community functions that may affect the school design.

(b) Site Layout.

Parent drop off, bus loading areas, and parking shall be separated to allow students to enter and exit the school grounds safely unless these features are unavailable due to limited acreage in urban areas or restrictive locations, specifically:

- (1) Buses do not pass through parking areas to enter or exit school site unless a barrier is provided that prevents vehicles from backing directly into the bus loading area.
- (2) Parent drop off area is adjacent to school entrance and separate from bus area and staff parking.

(3) Vehicle traffic pattern does not interfere with foot traffic patterns. Foot traffic does not have to pass through entrance driveways to enter school. Crosswalks are clearly marked to define desired foot path to school entrance.

(4) Parking stalls are not located so vehicles must back into bus or loading areas used by parents. Island fencing or curbs are used to separate parking areas from loading/unloading areas.

(5) To provide equal access to insure the purposes of the least restrictive environment, bus drop off for handicapped students is in the same location as for regular education students.

(c) Playground and Field Areas.

Adequate physical education teaching stations shall be available to accommodate course requirements for the planned enrollment, specifically:

(1) A variety of physical education teaching stations are available to provide a comprehensive physical education program in accordance with the district's adopted course of study (including hardcourt, field area and indoor spaces).

(2) The physical education teaching stations are adequate for the planned student enrollment to complete the minimum instruction and course work defined in [Education Code Sections 51210\(g\), 51220\(d\) and 51225.3\(a\)\(1\)\(F\)](#).

(3) Supervision of playfields is not obstructed by buildings or objects that impair observation.

(4) Joint use for educational purposes with other public agencies is explored. Joint use layout with parks is not duplicative and fulfills both agencies' needs.

(d) Delivery and Utility Areas.

Delivery and service areas shall be located to provide vehicular access that does not jeopardize the safety of students and staff:

(1) Delivery/utility vehicles have direct access from the street to the delivery area without crossing over playground or field areas or interfering with bus or parent loading unless a fence or other barrier protects students from large vehicle traffic on playgrounds.

(2) Trash pickup is fenced or otherwise isolated and away from foot traffic areas.

(e) Future Expansion.

Site layouts shall have capability for expansion without substantial alterations to existing structures or playgrounds:

(1) Site layout designates area(s) for future permanent or temporary additions that are compatible with the existing site plans for playground layout and supervision.

(2) Utilities to the expansion area are included in the plans and have the capacity to accommodate anticipated growth.

(3) Exits, corridors, stairs, and elevators are located to accommodate capacity of additions, particularly in such buildings added as the multi-purpose/cafeteria, administration, gymnasium/or auditorium.

(f) Placement of Buildings.

Building placement shall consider compatibility of the various functions on campus and provide optimum patterns of foot traffic flow around and within buildings. Site layout of buildings, parking, driveways, and physical education areas shall be adequate to meet the instructional, security and service needs of the educational program:

(1) Building placement is compatible with other functions on campus; e.g., band room is not next to library.

(2) Physical relationship of classrooms, auxiliary, and support areas allows unobstructed movement of staff and students around the campus.

(3) Building placement has favorable orientation to wind, sun, rain, and natural light.

(4) Restrooms are conveniently located, require minimum supervision, and, to the extent possible, are easily accessible from playground and classrooms.

(5) Parking spaces are sufficient for staff, visitors, and students (where applicable).

(6) The campus is secured by fencing and electronic devices such as code entries, electronic monitoring or motion sensors when needed.

(g) Classrooms.

Classrooms at new school sites shall have adequate space to perform the curriculum functions for the planned enrollment as described in the school district's facility master plan, specifically:

(1) Classroom size standards:

(A) General classrooms, grades one through twelve are not less than 960 square feet. Classrooms proposed of less than 960 square feet require written justification to be submitted to and approved by the State Superintendent of Public Instruction. Adjacent instructional space shall be included in the calculation of square feet for purposes of approving classroom design.



(B) Proposed classrooms of less than 960 square feet have written justification consistent with the educational program and curriculum indicating that the district's education program can be delivered in the proposed size classrooms.

(2) Total classroom space meets or exceeds the capacity planned for the school using the district's classroom loading standards in accordance with State Allocation Board policy.

(3) Consideration is given to some classrooms which are easily alterable in size and shape at a reasonable cost.

(4) Conduit/cabling and outlets are available for technology in each classroom to provide network and stand alone equipment related to the planned and future potential educational functions.

(h) Specialized Classrooms and Areas.

Specialized classrooms shall be designed to reflect the function planned for that portion of the educational program. If any of the following classrooms are needed, these standards apply:

(1) Small-Group Areas.

(A) Small-group instruction areas are not included in the computation of classroom size unless the area is an integral part of the classroom and can be visibly supervised by a teacher from the classroom.

(B) Small-group instruction areas are designed to allow for collaborative learning opportunities where appropriate to support the regular education program and are located in the vicinity of classrooms.

(2) Kindergarten Classrooms.

(A) Kindergarten classroom size for permanent structures is not less than 1350 square feet, including restrooms, storage, teacher preparation, wet and dry areas.

(B) Kindergarten classrooms are designed to allow supervision of play yards (unless prevented by site shape or size) and all areas of the classroom.

(C) Play yard design provides a variety of activities for development of large motor skills.

(D) Classrooms are located close to parent drop-off and bus loading areas.

(E) Storage, casework, and learning stations are functionally designed for use in free play and structured activities; e.g., shelves are deep and open for frequent use of manipulative materials.

(F) Windows, marking boards, sinks, drinking fountains, and furniture are appropriate heights for kindergarten-age students.

(G) Restrooms are self-contained within the classroom or within the kindergarten complex.

(3) Special Education Classrooms and Areas.

(A) A new school designates at least 240 square feet for the resource specialist program and provides additional space in accordance with the allocations in [Education Code Section 17747\(a\)](#) as larger enrollments are being planned.

(B) A new school designates at least 200 square feet for the speech and language program which is close to classrooms when an individualized instruction program is necessary.

(C) A new school designates office area for the psychologist/counseling program which provides for confidentiality and may be shared with other support service programs.

(D) Special day classrooms are at least the same size as regular education classrooms at that site and are properly equipped for the students who will occupy the space, for their age and type of disabling condition.

(E) The square footage allowance in [Education Code Section 17747\(a\)](#) for special day class programs is used for the design of classroom space and other space on the campus to support the special education program. The support space includes but is not limited to speech specialist area, psychologist, counseling offices and conference area.

(F) Special day classrooms are distributed throughout the campus with age appropriate regular education classrooms.

(G) A cluster of two special day classrooms may be considered if support or auxiliary services (e.g., bathrooming, feeding, physical or occupational therapy) are needed to serve the students throughout the school day.

(H) A conference area is available to conduct annual individualized education program meetings for each special education student.

(I) Medical therapy units, if planned for the site, are close to visitor parking areas and accessible after school hours.

(i) Laboratories shall be designed in accordance with the planned curriculum.

(1) Science laboratory:

§ 14030. Standards for Development of Plans for the Design..., 5 CA ADC § 14030

---

- (A) Size is at least 1300 square feet including storage and teacher preparation area.
  
  - (B) Science laboratory design is consistent with the requirements for proper hazardous materials management specified in both the "Science Facilities Design for California Public Schools," published by the California Department of Education, 1993, and the "Science Safety Handbook for California Public Schools," published by the California State Department of Education, 1999.
  
  - (C) Accommodations are made for necessary safety equipment and storage of supplies; e.g., fire extinguisher, first aid kit, master disconnect valve for gas.
  
  - (D) Secured storage areas are provided for volatile, flammable, and corrosive chemicals and cleaning agents.
  
  - (E) Properly designated areas are provided with appropriate ventilation for hazardous materials that emit noxious fumes, including a high volume purge system in the event of accidental release of toxic substances which may become airborne.
  
  - (F) Exhaust fume hoods, eye washes, deluge showers are provided.
  
  - (G) Floor and ceiling ventilation is provided in areas where chemicals are stored.
  
  - (H) Room is provided for movement of students around fixed-learning stations.
  
  - (I) There is the capability for technology which complements the curriculum.
  
  - (J) Classrooms are flexibly designed to insure full student access to laboratory stations and lecture areas.
- (2) Consumer Home Economics laboratory:
- (A) There is room for movement of students around fixed learning stations.
  
  - (B) Cooking equipment reflects current home food preparation practices and/or commercial food preparation simulation.
  
  - (C) There is the capability for technology which complements portions of the curriculum, such as fashion design, consumer economics, and nutritional analysis of foods.
  
  - (D) There is space for industrial or home sewing equipment consistent with the planned curriculum.
  
  - (E) There is storage for student projects and supplies.

(F) Space for work tables is provided for such activities as cutting fabric or completing interior design projects.

(G) Lecture area is provided.

(H) At least 1300 square feet is allocated for each laboratory.

(I) If part of the planned program, space for a child care area or for a laboratory to teach child growth and development is provided.

(3) Industrial and Technology/Education Laboratory:

(A) Room is provided for movement of students around fixed learning stations.

(B) Flexible stations with sufficient outlets and power source for industrial type equipment is provided.

(C) Space is provided for various simulations of job-related experiences and laboratory work stations.

(D) There is capability to utilize technology which complements the curriculum, such as computer-aided graphics, electronics and specialized tools.

(E) There is lecture area within each laboratory or near the laboratory area where appropriate.

(F) There are accommodations for necessary health and safety equipment, such as fire extinguisher and first aid kit.

(G) Secured storage areas for volatile, flammable and corrosive chemicals and cleaning agents are provided where appropriate.

(H) There are properly designated areas with appropriate ventilation for the use of hazardous material that emit noxious fumes or excessive dust particles.

(I) Proper storage and removal access for hazardous waste materials is provided in each laboratory using such materials.

(4) Computer Instructional Support Area:

(A) If a standard classroom is being designated as a computer laboratory, size is at least 960 square feet.

(B) Room is provided for movement of students around learning stations.

(C) Sufficient outlets, power sources, and network links for the amount of equipment are provided.

(D) Proper ventilation is provided.

(E) Room provides for security of equipment.

(F) Lighting minimizes screen glare and eye strain.

(j) Gymnasium, Shower/Locker shall be designed to accommodate multiple use activities in accordance with the planned enrollment:

(1) The gymnasium is secured from other parts of the campus for evening and weekend events or for public use purposes.

(2) The shower/locker area is of sufficient size to allow students enrolled in the physical education program to shower and dress each period.

(3) Toilets are available for the public in facilities intended for shared community use other than in shower/locker areas.

(4) Office space is provided for physical education teachers.

(5) Space is available for specialized age-appropriate physical education activities such as weight lifting, exercise equipment usage, aerobics.

(k) Auxiliary Areas.

(1) Multipurpose/cafeteria area (indoor or outdoor) shall be adequately sized and flexibly designed to protect students from the elements and to allow all students adequate eating time during each lunch period and to accommodate such uses as physical education activities, assemblies, and extracurricular activities:

(A) Tables and benches or seats are designed to maximize space and allow flexibility in the use of the space.

(B) The location is easily accessible for student and community use, but is close to street for delivery truck access.

(C) Stage/platform may have a dividing wall to be used for instructional purposes but is not intended as a classroom.

(D) Area for the cafeteria line is designed for the flow of traffic for each lunch period.

(E) Design of kitchen reflects its planned function; e.g., whether for food preparation or warming only.

(F) Space is available for refrigeration and preparation of foods to accommodate maximum number of students planned for the school.

(G) Office, changing, and restroom area for food preparation staff is available and shall comply with local department of health requirements.

(H) Ceiling height allows for clearance of light fixtures for physical education activities.

(2) Administrative Office.

The administrative office shall have sufficient square footage to accommodate the number of staff for the maximum enrollment planned for the school consistent with the master plan for the school district and shall be designed to efficiently conduct the administrative functions, specifically:

(A) Students have direct confidential access to pupil personnel area.

(B) Counter tops are accessible for an age-appropriate population both at a standing and wheelchair level.

(C) Clerical staff have a clear view of nurse's office.

(D) The nurse's office has a bathroom separate from staff bathroom(s) in administration area.

(E) Space for private conference and waiting area is available.

(F) Capability for such computer networking functions as attendance accounting and communicating to each classroom is considered.

(G) A faculty workroom is available for a staff size proportionate to the student population.

(3) Library/Media Center and Technology.

Library space shall be proportional to the maximum planned school enrollment. The size shall be no less than 960 square feet. However, to allow adaptation for changing technology and communication systems, the following is recommended:

-two square feet per unit of a.d.a. (average daily attendance) for elementary;

-three square feet per unit of a.d.a. for middle or junior high (grades 6-8);

-four square feet per unit of a.d.a. for high school. In addition:

(A) Provide security for technology and media equipment.

(B) Space and capability for computer terminals is considered for student use, research and report writing.

(C) Visual supervision from circulation desk is available to study areas, stack space, and student work centers.

(D) Design for open and closed-circuit television, dedicated phone line, electrical outlets for stand-alone computers, and conduit connecting all instructional areas is considered.

(I) Lighting.

Light design shall generate an illumination level that provides comfortable and adequate visual conditions in each educational space, specifically:

(1) Ceilings and walls are white or light colored for high reflectance unless function of space dictates otherwise.

(2) Lights do not produce glare or block the line of sight.

(3) Window treatment allows entrance of daylight but does not cause excessive glare or heat gain.

(4) Fixtures provide an even light distribution throughout the learning area.

(5) Light design follows the California Electrical Code found in Part 3 of Title 24 of the California Code of Regulations.

(m) Acoustical.

Hearing conditions shall complement the educational function by good sound control in school buildings, specifically:

(1) The sound-conditioning in a given space is acoustically comfortable to permit instructional activities to take place in this classroom.

(2) Sound is transmitted without interfering with adjoining instructional spaces; e.g., room partitions are acoustically designed to minimize noise.

(3) The ventilation system does not transmit an inordinate sound level to the instructional program.

(n) Plumbing.

Restroom stalls shall be sufficient to accommodate the maximum planned enrollment and shall be located on campus to allow for supervision.

(1) Refer to Part 5, Title 24, of the California Code of Regulations.

(2) Outdoor restrooms having direct outside access are located in areas that are visible from playground and are easily supervised.

(o) Year-Round Education.

If a school is being planned for multitrack year-round operation, additional space shall be provided for associated needs:

(1) Additional space is available for storage of records for staff for all tracks. Additional storage space for the supplies and projects of off-track students is considered.

(2) Storage and planning space is available for off-track teachers or teachers not assigned to a classroom.

(p) American Disabilities Act.

Schools shall comply with standards established by the American Disabilities Act ([Public Law 101-336](#), Title II).

(q) Child Care Programs.

Schools shall comply with the requirements set forth in [Education Code Section 39113.5](#) regarding plans and specifications for new schools being designed to provide appropriate space to accommodate before-school and after-school child care programs.

(r) Exemptions.

At the request of the governing board of a school district, the State Superintendent of Public Instruction may grant exemptions to any of the standards in this section if the district can demonstrate that the educational appropriateness and safety of a school design would not be compromised by an alternative to that standard.

**Credits**

NOTE: Authority cited: [Sections 17251\(c\)](#) and [33031](#), [Education Code](#). Reference: [Sections 17047\(a\)](#), [17251\(c\)](#), [17310](#), [51210\(g\)](#), [51220\(d\)](#) and [51225.3](#), [Education Code](#).

HISTORY

1. Amendment of section and NOTE filed 9-23-77; effective thirtieth day thereafter (Register 77, No. 39).



§ 14030. Standards for Development of Plans for the Design..., 5 CA ADC § 14030

---

2. Amendment of article heading, repealer and adoption of section heading and text, and amendment of NOTE filed 11-12-93; operative 12-13-93 (Register 93, No. 46).

3. Amendment of subsections (a), (b)-(b)(1), (g)(1)(A), (i)(1)(B), (n)-(n)(1) and (p)-(r), new subsection (i)(4)-(i)(4)(F), and amendment of NOTE filed 10-30-2000; operative 10-30-2000 pursuant to [Government Code section 11343.4\(d\)](#) (Register 2000, No. 44).

This database is current through 2/9/24 Register 2024, No. 6.

Cal. Admin. Code tit. 5, § 14030, 5 CA ADC § 14030

---

End of Document

© 2024 Thomson Reuters. No claim to original U.S. Government Works.

§ 13-1502. Criminal trespass in the third degree; classification, AZ ST § 13-1502

---

Arizona Revised Statutes Annotated  
Title 13. Criminal Code (Refs & Annos)  
Chapter 15. Criminal Trespass and Burglary (Refs & Annos)

A.R.S. § 13-1502

§ 13-1502. Criminal trespass in the third degree; classification

Effective: September 13, 2013

[Currentness](#)

**A.** A person commits criminal trespass in the third degree by:

1. Knowingly entering or remaining unlawfully on any real property after a reasonable request to leave by a law enforcement officer, the owner or any other person having lawful control over such property, or reasonable notice prohibiting entry.
2. Knowingly entering or remaining unlawfully on the right-of-way for tracks, or the storage or switching yards or rolling stock of a railroad company.

**B.** Pursuant to subsection A, paragraph 1 of this section, a request to leave by a law enforcement officer acting at the request of the owner of the property or any other person having lawful control over the property has the same legal effect as a request made by the property owner or other person having lawful control of the property.

**C.** Criminal trespass in the third degree is a class 3 misdemeanor.

**Credits**

Added by Laws 1977, Ch. 142, § 69, eff. Oct. 1, 1978. Amended by Laws 1978, Ch. 201, § 138, eff. Oct. 1, 1978; [Laws 2013, Ch. 135, § 1](#).

[Notes of Decisions \(28\)](#)

A. R. S. § 13-1502, AZ ST § 13-1502

Current through legislation of the First Regular Session of the Fifty-Sixth Legislature (2023).

---

End of Document

© 2024 Thomson Reuters. No claim to original U.S. Government Works.

1864

THE  
STATUTES  
OF THE  
STATE OF INDIANA:  
CONTAINING THE  
REVISED STATUTES OF 1852,  
WITH THE  
AMENDMENTS THERETO, AND THE SUBSEQUENT LEGISLATION  
WITH  
NOTES AND REFERENCES  
TO  
JUDICIAL DECISIONS.

EDITED BY

JAMES GAVIN AND OSCAR B. HORD.

---

VOLUME II.

---

INDIANAPOLIS:  
PUBLISHED BY J. J. BINGHAM.  
1862.

## MISDEMEANORS.

Acts 1857, p. 39. AN ACT to provide for the protection of wild game, defining the time in which the same  
Took effect August 24, 1857. may be taken or killed, and declaring the penalty for the violation of this act.

[APPROVED FEBRUARY 26, 1857.]

Unlawful to kill any of deer kind from January 1, to August 1, in each year, and penalty for killing. SECTION I. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be unlawful to kill, shoot, trap, or ensnare any deer, buck, doe, or fawn within this state, between the first day of January and the first day of August in each year, and for each deer, buck, doe, or fawn so killed, shot, trapped or ensnared, the person or persons so offending, shall, upon conviction thereof, be fined ten dollars; one half of which sum shall be paid to the person informing, and the other half to the common school fund.

Unlawful to kill any turkey from March 1, to September 1, of each year, and penalty. SEC. II. That it shall be unlawful to shoot, trap, or otherwise destroy wild turkeys, between the first day of March and the first day of September, in each year, and any person or persons so shooting, trapping, or otherwise destroying the same, shall, on conviction thereof, be fined three dollars for each and every wild turkey so shot, trapped or otherwise destroyed; one half to be paid to the informant, and the other half to the common school fund.

Acts 1861, p. 129. Took effect July 5, 1861. See Acts '63, 21. Pheasants and quails not to be taken between February 1, and November 1. Acts 1861, p. 128. Took effect July 5, 1861. SEC. III. That it shall be unlawful to shoot, trap or net pheasants or quails between the first day of February and the first day of November, in each year, and any person or persons so shooting, trapping or netting pheasants or quails in violation of this provision, shall, on conviction thereof, be fined the sum of one dollar for each pheasant or quail so shot, trapped or netted, the amount of said penalty to be appropriated to the common school fund.

Acts 1861, p. 128. Took effect July 5, 1861. SEC. IV. It shall be unlawful to shoot, trap or otherwise destroy any prairie hen or chicken, between the first day of February and the first day of August, in each year; and any person or persons so violating the provisions of this section, shall, upon conviction, be fined the sum of two dollars for each prairie hen or chicken so unlawfully shot, trapped or otherwise destroyed, the proceeds of such fine to be disposed of as heretofore provided.

Prairie chicken not to be taken between February 1, and August 1. Persons being in possession of wild game specified in this act, such possession *prima facie* evidence of guilt of shooting or destroying such game. SEC. V. If any person shall be found in possession of any species of game, herein above mentioned, within the periods respectively, within which the shooting, ensnaring, trapping, netting, or otherwise destroying the same, is prohibited, such possession shall be *prima facie* evidence that the same was shot, ensnared, netted, trapped, or otherwise destroyed by such person, in violation of the provisions of this act respectively.

Unlawful to have any game named in this act in possession, killed within the times specified in this act, shall be subject to same penalties as for killing and ensnaring. SEC. VI. It shall be unlawful for any person or persons to have in his or their possession any deer, buck, doe, or fawn, or any wild turkey, or any pheasants, or quails, or any prairie hen or chicken, killed within any of the respective times within which the shooting, ensnaring, taking or otherwise destroying the same, is prohibited in this act; and the person so offending shall be subject to the same penalty or penalties herein above provided, for shooting, ensnaring, taking, or otherwise destroying, any such game unlawfully: *Provided*, that the provisions of this act shall not extend to deer in parks and wild fowls domesticated.

Action for violation may be prosecuted in county or township where such person offending may be found. SEC. VII. Any action for the violation of this act may be prosecuted either in the township or county in which such person may be found having in possession any game taken or destroyed in violation of any provision of this act.

Acts 1859, p. 129. Took effect August 6, 1859. AN ACT to prevent carrying concealed or dangerous weapons, and to provide punishment therefor.

[APPROVED FEBRUARY 23, 1859.]

Carrying concealed weapons prohibited. SECTION I. *Be it enacted by the General Assembly of the State of Indiana,* That every person not being a traveler, who shall wear or carry any dirk, pistol, bowie-knife, dagger, sword in cane, or any other dangerous or deadly weapon concealed, or who shall carry or wear any such weapon openly, with the intent or avowed purpose of injuring his fellow man, shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars.<sup>1</sup>

Open carrying of weapons, with intent, etc.

<sup>1</sup> The act of 1851, prohibiting all persons, except travelers, from wearing concealed weapons, is not unconstitutional. *The State v. Mitchell*, 3 Blackf. 229.

a. The motive for carrying the pistol is immaterial. *Wells v. The State*, 7 Blackf. 572

b. The indictment, for carrying a pistol, need not state that the pistol was loaded. *State v. Dutton*, 6 Blackf. 31.

750.234d. Unlawful possession of firearms on various premises, MI ST 750.234d

---



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

Michigan Compiled Laws Annotated  
Chapter 750. Michigan Penal Code  
the Michigan Penal Code (Refs & Annos)  
Chapter XXXVII. Firearms (Refs & Annos)

M.C.L.A. 750.234d

750.234d. Unlawful possession of firearms on various premises

Currentness

Sec. 234d. (1) Except as provided in subsection (2), a person shall not possess a firearm on the premises of any of the following:

- (a) A depository financial institution or a subsidiary or affiliate of a depository financial institution.
  - (b) A church or other house of religious worship.
  - (c) A court.
  - (d) A theatre.
  - (e) A sports arena.
  - (f) A day care center.
  - (g) A hospital.
  - (h) An establishment licensed under the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being [sections 436.1 to 436.58 of the Michigan Compiled Laws](#).
- (2) This section does not apply to any of the following:
- (a) A person who owns, or is employed by or contracted by, an entity described in subsection (1) if the possession of that firearm is to provide security services for that entity.
  - (b) A peace officer.

750.234d. Unlawful possession of firearms on various premises, MI ST 750.234d

---

(c) A person licensed by this state or another state to carry a concealed weapon.

(d) A person who possesses a firearm on the premises of an entity described in subsection (1) if that possession is with the permission of the owner or an agent of the owner of that entity.

(3) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

**Credits**

P.A.1931, No. 328, § 234d, added by P.A.1990, No. 321, § 1, Eff. March 28, 1991. Amended by P.A.1992, No. 218, § 1, Imd. Eff. Oct. 13, 1992; P.A.1994, No. 158, § 1, Eff. Aug. 15, 1994.

Notes of Decisions (2)

M. C. L. A. 750.234d, MI ST 750.234d


The statutes are current through P.A.2023, No. 321, of the 2023 Regular Session, 102nd Legislature.

---

End of Document

© 2024 Thomson Reuters. No claim to original U.S. Government Works.

## 28-1202.01. Carrying concealed handgun; locations; restrictions;..., NE ST § 28-1202.01

 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

West's Revised Statutes of Nebraska Annotated  
Chapter 28. Crimes and Punishments  
Article 12. Offenses Against Public Health and Safety

Neb.Rev.St. § 28-1202.01  
Formerly cited as NE ST § 69-2441

28-1202.01. Carrying concealed handgun; locations; restrictions; posting  
of prohibition; violation; penalty; affirmative defense; applicability

Effective: September 2, 2023  
[Currentness](#)

(1) Except as otherwise provided in this section, a person, other than a minor or a prohibited person, may carry a concealed handgun anywhere in Nebraska, with or without a permit under the Concealed Handgun Permit Act.

(2) Except as provided in subsection (10) of this section, a person shall not carry a concealed handgun into or onto any place or premises where the person, persons, entity, or entities in control of the place or premises or employer in control of the place or premises has prohibited the carrying of concealed handguns into or onto the place or premises.

(3) Except as provided in subsection (10) of this section, a person shall not carry a concealed handgun into or onto any: Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail; courtroom or building which contains a courtroom; polling place during a bona fide election; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; financial institution; professional or semiprofessional athletic event; building, grounds, vehicle, or sponsored activity or athletic event of any public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in [section 85-1603](#), a community college, or a public or private college, junior college, or university; place of worship; hospital, emergency room, or trauma center; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; or any other place or premises where handguns are prohibited by state law.

(4)(a) A financial institution may authorize its security personnel to carry concealed handguns in the financial institution while on duty so long as each member of the security personnel, as authorized, is not otherwise prohibited by state law from possessing or carrying a concealed handgun and is in compliance with [sections 28-1202.02 to 28-1202.04](#).

(b) A place of worship may authorize its security personnel to carry concealed handguns on its property if:

(i) Each member of the security personnel, as authorized, is not otherwise prohibited by state law from possessing or carrying a concealed handgun and is in compliance with [sections 28-1202.02 to 28-1202.04](#);



(ii) Written notice is given to the congregation; and

(iii) For leased property, the carrying of concealed handguns on the property does not violate the terms of any real property lease agreement between the place of worship and the lessor.

(5) If a person, persons, entity, or entities in control of the place or premises or an employer in control of the place or premises prohibits the carrying of concealed handguns into or onto the place or premises and such place or premises are open to the public, a person does not violate this section unless the person, persons, entity, or entities in control of the place or premises or employer in control of the place or premises has posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or has made a request, directly or through an authorized representative or management personnel, that the person remove the concealed handgun from the place or premises.

(6) A person carrying a concealed handgun in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public, used by any location listed in subsection (2) or (3) of this section, does not violate this section if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, other than an autocycle, a hardened compartment securely attached to the motorcycle. This subsection does not apply to any parking area used by such location when the carrying of a concealed handgun into or onto such parking area is prohibited by federal law.

(7) An employer may prohibit employees or other persons from carrying concealed handguns in vehicles owned by the employer.

(8) A violation of this section is a Class III misdemeanor for a first offense and a Class I misdemeanor for any second or subsequent offense.

(9)(a) Except as provided in subdivision (9)(b) of this section, it is an affirmative defense to a violation of subsection (3) of this section that the defendant was engaged in any lawful business, calling, or employment at the time the defendant was carrying a concealed handgun and the circumstances in which the defendant was placed at the time were such as to justify a prudent person in carrying a concealed handgun for the defense of his or her person, property, or family.

(b) The affirmative defense provided for in this subsection:

(i) Does not prevent a prosecution for a violation of [section 28-1204.04](#); and

(ii) Is not available if the defendant refuses to remove the concealed handgun from the place or premises after a person in control of the place or premises has made a request, directly or through an authorized representative or management personnel, that the defendant remove the concealed handgun from the place or premises.

(10) Subsections (2) and (3) of this section do not apply to a qualified law enforcement officer or qualified retired law enforcement officer carrying a concealed handgun pursuant to [18 U.S.C. 926B](#) or [926C](#), respectively, as such sections existed on January 1, 2023.



**28-1202.01. Carrying concealed handgun; locations; restrictions;..., NE ST § 28-1202.01**

---

**Credits**

Laws 2006, LB 454, § 15; Laws 2007, LB 97, § 1; Laws 2009, LB 430, § 12, eff. Aug. 30, 2009; Laws 2018, LB 909, § 120, eff. April 12, 2018; Laws 2023, LB 77, § 9, eff. Sept. 2, 2023.

Notes of Decisions (2)

Neb. Rev. St. § 28-1202.01, NE ST § 28-1202.01

Current through the end of the 1st Regular Session of the 108th Legislature (2023)

---

End of Document

© 2024 Thomson Reuters. No claim to original U.S. Government Works.