

**BILL:** SB 1011 (Jones, R-San Diego)  
Introduced February 5, 2024

**SUBJECT:** SB 1011 would make a conditional prohibition for a person to unlawfully occupy a on a space street, sidewalk, or within a certain distance of specified public property, including public transit stops, open space, and schools.

**STATUS:** Pending in the Senate Public Safety Committee

**SUMMARY AS OF MARCH 6, 2024:**

SB 1011 (Jones, R-San Diego) would prohibit a person from unlawfully occupying space on a street, sidewalk, or within a public property, as specified. This legislation is coauthored by Senator Blakespear (D-Encinitas), Senator Nguyen (R-Huntington Beach), Senator Seyarto (R-Murrieta), Assembly Member Davies (R-Oceanside), and Assembly Member Sanchez (R-Murrieta).

Specifically, SB 1011 would prohibit a person from sitting, lying, sleeping, or storing, using, maintaining, or placing their personal property on a street or sidewalk if a homeless shelter is available. Additionally, SB 1011 makes those same prohibitions within 500 feet of a public or private school, within open spaces, and at major transit stops. For reference, a major transit stop is defined as containing an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or an intersection of two or more major bus routes with a service frequency of 15 minutes or less during peak commute periods. Open space is broadly defined, however, it does encapsulate outdoor recreation spaces including beaches, rivers and streams, and scenic highway corridors as well as land used for the preservation of natural resources.

This legislation would classify this violation as a public nuisance, which could result in a misdemeanor or an infraction. The responsibility to enforce would be placed on a district attorney, county counsel of the county, or the city attorney. In order to enforce these provisions several actions must be taken, including ensuring that the person found to be in violation of these provisions must have received verbal or written information regarding alternative locations to sleep, homeless and mental health services, or homeless shelters. A peace officer is also required to provide the person with a written notice that they cannot sit, lie, sleep, store, use, maintain, or place personal property on a street sidewalk, or other public property, such as a major transit stop, open space, or a school, at least 72 hours before commencing enforcement activities. The written notice must be provided in a language understood by the person receiving the notice.

**EFFECTS ON ORANGE COUNTY:**

SB 1011 provides an opportunity to offer critical services to those experiencing homelessness in public areas while also preserving safety in these public spaces by making it a violation to sit, lie, sleep, store, use, maintain, or place personal property on a street sidewalk, or other public property, such as a major transit stop, open space,

or a school. OCTA has approximately 100 transit stops that meet the definition outlined in the bill and several open space preserves that would be affected by this legislation. OCTA strives to ensure that its facilities and services are safe. It is not uncommon for persons experiencing homelessness to use transit stations as shelters. This can present challenges for passengers who may not feel safe waiting in these areas due to the presence of these individuals and can also deter riders from utilizing transit altogether. SB 1011 provides law enforcement with tools to not only provide resources to individuals experiencing homelessness on shelters and mental health services available to them, but also with the ability to compassionately remove the individuals from these public places so long as the proper notice is provided. Similarly, this would be applied to OCTA's protected preserves, including Eagle Ridge Preserve, Pacific Horizon Preserve, Silverado Chaparral Preserve, and more. These properties are part of the Measure M2 Freeway Mitigation Program, which allocates funds to acquire land and fund habitat restoration projects in exchange for streamlined environmental approvals for Measure M2 freeway improvement projects.

A SUPPORT position is consistent with OCTA's 2023-24 State Legislative Platform principle to "Support policies that aim to enhance transit services and the overall safety and security of transit riders, public transit employees, and on-road vehicles while avoiding undue burden on transportation agencies to implement unfunded safety measures."

**OCTA POSITION:**

Staff recommends: SUPPORT

**Introduced by Senator Jones**

**(Principal coauthor: Senator Blakespear)**

**(Coauthors: Senators Alvarado-Gil, Dahle, Dodd, Grove, Nguyen, Niello, Ochoa Bogh, Seyarto, and Wilk)**

**(Coauthors: Assembly Members Alanis, Megan Dahle, Davies, Essayli, Flora, Gallagher, Joe Patterson, and Sanchez)**

February 5, 2024

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An act to add Section 647.10 to the Penal Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1011, as introduced, Jones. Encampments: penalties.

Under existing law, a person who lodges in a public or private place without permission is guilty of disorderly conduct, a misdemeanor. Existing law also provides that a person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place is guilty of a misdemeanor.

Under existing law, a nuisance is anything that is injurious to health or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. Existing law also provides that a nuisance is anything that obstructs the free passage or use of any public park, square, street, or highway, among other things. Under existing law, a public nuisance is a nuisance that affects the entire community, neighborhood, or a considerable number of persons. Existing law provides various remedies against a public nuisance, including abatement by any public body or officer authorized by law.

This bill would prohibit a person from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon a street

or sidewalk if a homeless shelter, as defined, is available to the person. The bill would also prohibit sitting, lying, sleeping, or storing, using, maintaining, or placing personal property within 500 feet of a public or private school, open space, or major transit stop, as specified. The bill would specify that a violation of this prohibition is a public nuisance that can be abated and prevented, as specified. The bill would also provide that a violation of the prohibition may be charged as a misdemeanor or an infraction, at the discretion of the prosecutor. The bill would prohibit a person from being found in violation of the bill’s provisions unless provided notice, at least 72 hours before commencement of any enforcement action, as specified. By imposing criminal penalties for a violation of these provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 647.10 is added to the Penal Code, to
- 2 read:
- 3 647.10. (a) For the purposes of this section, the following
- 4 definitions apply:
- 5 (1) “Homeless shelter” means any of the following:
- 6 (A) An emergency shelter, as defined in Section 576.2 of Title
- 7 24 of the Code of Federal Regulations.
- 8 (B) An emergency shelter, as defined in subdivision (e) of
- 9 Section 50801 of the Health and Safety Code.
- 10 (C) A navigation center, as defined in Section 50216 of the
- 11 Health and Safety Code.
- 12 (2) “Major transit stop” has the same meaning as defined in
- 13 Section 21064.3 of the Public Resources Code.
- 14 (3) “Open space” means a parcel or area of land or water that
- 15 is substantially unimproved and devoted to an open-space use, as
- 16 defined in Section 65560 of the Government Code.
- 17 (4) “Peace officer” means a person described in Section 830.

1 (b) A person shall not sit, lie, sleep, or store, use, maintain, or  
2 place personal property upon a street or sidewalk if a homeless  
3 shelter is available to the person.

4 (c) A person shall not sit, lie, sleep, or store, use, maintain, or  
5 place personal property upon a street, sidewalk, or other public  
6 property within the following locations:

7 (1) Five hundred feet of a public or private school providing  
8 instruction in kindergarten or grades 1 to 12, inclusive.

9 (2) An open space.

10 (3) A major transit stop.

11 (d) Subject to subdivision (e), this section may be enforced as  
12 follows:

13 (1) A violation of this section is a public nuisance that may be  
14 enjoined, abated, and prevented. The district attorney, county  
15 counsel of the county, or the city attorney of any incorporated city  
16 or of any city and county, in the name of the people, may maintain  
17 an action to abate and prevent the nuisance. Before pursuing  
18 abatement authorized by this paragraph, the district attorney, county  
19 counsel, or city attorney, as applicable, shall ensure that the person  
20 found to be in violation of this section has received verbal or  
21 written information regarding alternative locations to sleep,  
22 homeless and mental health services, or homeless shelters in the  
23 area.

24 (2) A violation of this section may be charged as a misdemeanor  
25 or an infraction, at the discretion of the prosecutor.

26 (e) A person shall not be found to be in violation of this section  
27 unless a peace officer employed by the county or city, as applicable,  
28 with jurisdiction over the location has provided that person written  
29 notice, at least 72 hours before commencement of any enforcement  
30 action described in subdivision (d), that the person is prohibited  
31 from sitting, lying, sleeping, or storing, using, maintaining, or  
32 placing personal property upon a street, sidewalk, or other public  
33 property pursuant to this section. A written notice shall only be  
34 deemed to have been provided for the purposes of this subdivision  
35 if the notice is given in a language understood by the person  
36 receiving the notice.

37 SEC. 2. No reimbursement is required by this act pursuant to  
38 Section 6 of Article XIII B of the California Constitution because  
39 the only costs that may be incurred by a local agency or school  
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty  
2 for a crime or infraction, within the meaning of Section 17556 of  
3 the Government Code, or changes the definition of a crime within  
4 the meaning of Section 6 of Article XIII B of the California  
5 Constitution.

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