

## OFFICE OF OPERATIONS

**NOTICE**  
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October 26, 2022

**TO:** All Office of Operations Personnel

**FROM:** Director, Office of Operations

**SUBJECT:** SENATE BILL 748 – TRESPASS: PRIVATE UNIVERSITIES

The purpose of this Notice is to provide awareness relative to Senate Bill (SB) 748 – *Trespass: Private Universities*, and identifies the amendments to Penal Code (PC) sections 626, 626.2, 626.4, and 626.6.

On July 19, 2022, Governor Newsom signed SB 748: *Trespass: Private Universities*, into law. Effective immediately, SB 748 amends PC Sections pertaining to trespass on University of California, California State University, community college campuses, and schools (as defined in section 626(a)(5) below). The SB 748 also amended PC Section 626 to add Section (A)(4) to include independent institutions of higher education, such as private universities.

Penal Code Sections 626, 626.2, 626.4, and 626.6 cover the following institutions:

- 626 (A)(1) – “University” refers to the University of California and includes any affiliated institution thereof and any campus or facility owned, operated, or controlled by the Regents of the University of California.
- 626 (A)(2) – “State University” refers to any California state university, and includes any campus or facility owned, operated, or controlled by the Trustees of the California State University.
- 626 (A)(3) – “Community College” refers to any public community college established pursuant to the Education Code.
- 626 (A)(4) – “Independent institutions of higher education” refers to nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations in this state and are accredited by an agency recognized by the United States Department of Education.
- 626 (A)(5) – “School” refers to any public or private elementary school, junior high school, four-year high school, senior high school, adult school or any branch thereof, opportunity school, continuation high school, regional occupational center, evening high school, or technical school, including any public right-of-way

situated immediately adjacent to school property, or any other place if any teacher and one or more pupils are required to be at that place in connection with assigned school activities.

Senate Bill 748 amended PC section 626 and adds subsection (A)(4), to include private institutions of higher education that grant undergraduate or graduate degrees and that are considered nonprofit corporations by the state and are accredited by the United States Department of Education.

Section 626.2 was amended to state that every student or employee, following a hearing or institutional process, that has been suspended from a covered educational institution for disrupting orderly operation and has been denied access to the campus or institution for the duration of the suspension and for dismissals, for a period of time not to exceed one year and who willfully and knowingly enters the campus or facility of the institution where they have been denied access, without expressed written permission of the Chief Administrative Officer (or their designee) of the campus or facility, is guilty of a misdemeanor. Punishment can include a fine of up to \$500.00 and/or imprisonment in county jail for up to six months. The amended section 626.2 requires that the person be served by registered or certified mail, at their last given address, with a written notice of the suspension or dismissal and condition. Knowledge of the suspension or dismissal is presumed if notice is given as required by 626.2.

Section 626.4 was amended to update references to who has the authority to provide or withdraw consent for an individual to be present on a campus or facility of a covered educational institution, which is the Chief Administrative Officer of the institution or their designee. It also clarified that punishment for violating this section includes a fine not exceeding \$500.00 and/or imprisonment in county jail for up to six months.

Section 626.6 was amended to include independent institutions of higher education, as defined in section 626 above. It also amended the scope of possible punishments for violations of this section, to include a fine not exceeding \$500.00 and/or imprisonment in county jail for up to six months.

If you have any questions or require additional information, please contact the Evaluation and Administration Unit, Office of Operations, at (213) 486-6050.



ROBERT E. MARINO, Assistant Chief  
Director, Office of Operations

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