

Trespassing: In California It's About More than Signs



In California disobeying signs such

as this one is just one of the more than 20 ways in which you could commit trespass under California Penal Code 620. (Photograph by: Natalie Rodriguez/Full Sail University)

Ignoring a “No Trespassing” sign is not the only way in which you might end up trespassing in California. The entertainment industry is not always glitz and glam and things can get messy for celebrities and paparazzi alike when trying to get an exclusive. In addition to [California Penal Code Section 602](#), which covers more than 20 acts that can be considered trespass, California has cracked down on paparazzi through the [California Civil Code Section 1708.8](#). Dave Martinez, owner of [Dave Martinez Social Media Direct](#), former entertainment manager and entertainment company owner shared his own experiences with trespassers in the industry over a phone interview. In recent weeks celebrities such as [Justin Bieber](#), [Rob Kardashian](#) and [Halle Berry](#) have made headlines because of their altercations with paparazzi.

Trespass and Common Sense

There is a popular saying that common sense isn't always common. Would you go into your neighbor's back yard if they had not invited you over? According to the [Associated Press Stylebook, 2012](#), “A person commits a trespass by entering a property that is in the possession of another, without authorization or consent. To avoid a claim, permission must be obtained by an owner, a tenant or someone acting on their behalf.” The laws in regards to trespass differ by state. Under [California Penal Code](#)

[Section 602](#), trespassing is considered a misdemeanor that may be punishable by imprisonment and/or a fine. These definitions include:

- Destroying and/or taking the property of another party.
- Entering private property without consent and refusing to leave after being asked to do so.
- Driving on private property without the owner's consent.
- Refusing to leave a hotel or motel when asked to do so.
- Refusing to leave a neonatal, maternity ward or birthing center when you have no lawful business there.
- Opening, tearing down or destroying a fence that is not your own.

[California Civil Code Section 1708.8](#) holds paparazzi's liable for:

- "Physical invasion of privacy": Entering a property without the owner's consent in order to take pictures, video, or sound recordings of the person in a "personal or familial activity" in a way

that would be “offensive to a reasonable person.”

- “Constructive invasion of privacy”: As previously stated, without physically trespassing.
- Obtaining any of the previously mentioned material through assault.

Celebrities

Martinez, who has worked with Latin American celebrities such as Pete Escobedo, Sheila E, and the late Tito Puente and Celia Cruz, says that the paparazzi will “do anything.” Before this recent incident with the paparazzi at LAX that has made headlines, in 2008 actress, Halle Berry, filed a criminal complaint after pictures of her and her daughter were published. Berry alleged that these were taken in the privacy of her backyard and that the [photographers had trespassed](#). Martinez remembers having had his and the artist’s hotel rooms broken into in order to take pictures of their belongings. He says that, “A lot of times what we would have to do is, we register under one room, and people think we’re in that room, but we wouldn’t really be in that room.”



Oakland, Calif.- The Oracle Arena and O.co Coliseum are home to the A's, the Raiders and the Warriors. This summer the arena will host celebrities such as The Rolling Stones, One Direction and P!nk in concert. (Photograph by: Natalie Rodriguez/Full Sail University)

Tips from a former entertainment manager

With summertime around the corner and concerts and festivals such as the three day [Outside Lands Festival](#) featuring Sir Paul McCartney, [Bruno Mars](#), [P!nk](#), [Weezer](#), [Of Monster's and Men](#) and others hitting the Bay Area all summer long, Martinez tells journalist who are hopeful of scoring interviews, without breaking the law, to “do your homework, like a month, two months ahead of time and create a buzz for yourself, you know, create chatter, and then you can create engagement.” He also says that it is also essential to have a real press credential and be affiliated to a well-known publication.