

San Diego City Attorney's Office

Fact Sheet: What does the "alcohol ban" mean to me?

Amendment to City of San Diego Municipal Code 56.54: Alcohol Beverage Consumption Prohibited in Certain Areas

Introduction

While San Diego City Municipal Code (SDMC) § 56.54 has always prohibited alcohol beverage consumption in certain areas, the law has been amended several times over the past few years. This fact sheet summarizes the consequences associated with being cited for a violation of SDMC § 56.54 which has recently been amended to expand its application to certain beach areas and coastal parks for a one year. To view the newly amended SDMC § 56.54 please click [here](#).

- **What happens if I get cited for drinking where I am not supposed to?**

It depends on whether you are cited for an infraction or a misdemeanor. Pursuant to Division 2 of the SDMC, a violation of the code can be charged and prosecuted as either a misdemeanor *or* an infraction based upon the discretion of the City Attorney:

1. **Infractions:** Any person convicted of violating SDMC § 56.54 as an infraction shall be punishable by fine only as follows: "Upon a first conviction, by a fine of not exceeding two hundred fifty dollars (\$250) and for a second conviction or any subsequent conviction within a period of one year, by a fine of not exceeding five hundred dollars (\$500)." SDMC § 12.0201.
2. **Misdemeanors:** Any person convicted of violating SDMC § 56.54 as a misdemeanor shall be punishable by "a fine of not more than one thousand dollars (\$1000) or by imprisonment in the County Jail for a period of not more than six months or by both fine and imprisonment." SDMC § 12.0201.

- **Important Reminders:**

1. The San Diego Superior Court also adds a penalty assessment in addition to any fine that is noted so your fine will actually be higher than what is listed above.
2. Cases cited as infractions are heard at the Kearney Mesa Branch of the San Diego Superior Court, whereas all misdemeanor citations are heard at the Downtown Branch of the San Diego Superior Court. Be sure to consult your citation so that you appear at the correct location.
3. If you receive a citation for an infraction in Mission Beach, Pacific Beach, or Mission Bay Park, you *may be* eligible to participate in the Beach Area Community Court. Sign up information is provided to you at the time of your citation. The program is voluntary, free, and includes participation in a community impact panel and four hours of community service. If you successfully complete this program you can avoid a criminal conviction on your record. Eligibility is based upon criminal history and following the required procedures on the informational handout provided at the time of citation. For more information please contact the Neighborhood Prosecution Unit at 619-533-5500.