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ARTICLE XI. FELONIES

Section 4.01, Case Disposition Policies

A. GENERAL POLICY

The Ventura County District Attorney's Office does not engage in plea bargaining. Plea bargaining is a practice in which a criminal defendant is allowed to avoid taking responsibility for his/her most serious provable conduct in exchange for a plea to some lesser offense. Plea bargaining demeans the cause of justice and undermines public safety.

It is the responsibility of every deputy district attorney to do justice and protect the public. "Plea bargaining in any case in which the indictment or information charges any serious felony, any felony in which it is alleged that a firearm was personally used by the defendant, or any offense of driving while under the influence of alcohol, drugs, narcotics, or any other intoxicating substance, or any combination thereof, is prohibited, unless there is insufficient evidence to prove the people's case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence." (Penal Code section 1192.7(a)(2))

Deputies shall follow the law and any plea disposition shall hold the defendant responsible for the most serious charges which most accurately describe the essence of the criminal conduct.² A defendant who wishes to enter a plea of Nolo Contendere must plead to all counts charged, except those counts which are barred from duplicate sentencing by Penal Code section 654. Charge bargaining is prohibited. These are the central principles of our "no plea bargaining" policy.

Examples of application of these principles are:

- (a) A defendant charged with multiple felonies shall be required to plead to those counts sufficient to authorize appropriate punishment. This will usually require

² The more serious offense is generally the charge that carries the higher sentencing exposure. However, in some cases, a count carrying a lesser sentencing exposure might be considered the more serious count if it constituted a strike offense. In these instances a deputy should consult their supervisor.

pleas to one-third of the most serious counts and special allegations associated with those counts.

- (b) A defendant uses physical force to take cash or property from his victim. The essence of the crime is robbery (PC section 211), not grand theft person or petty theft. If the provable offense is of the first degree, the defendant must plead to that offense.
- (c) A defendant charged with sexual assaults or violent crimes against multiple victims shall generally be required to plead to at least one of the most serious offenses against each victim which most accurately describes the defendant's conduct toward that victim.
- (d) A defendant enters a residence and steals jewelry, cash and small appliances. The defendant must plead to first degree burglary.
- (e) A defendant enters a residence, rapes the occupant and has the victim orally copulate him. The defendant is charged with burglary, rape, oral copulation and a Penal Code section 667.61 allegation. The defendant must plead to rape and admit a Penal Code section 667.61 allegation.
- (f) On three occasions the defendant enters different residences and rapes the occupants. He is charged with three counts each of burglary and rape. The defendant must plead to three counts of rape.
- (g) The defendant robs a bartender and two customers during a single incident. The defendant must plead to one count of robbery.
- (h) The defendant enters a bar to kill a person. He fires at and wounds the person. The defendant is charged with burglary, attempted murder, use of a firearm and infliction of great bodily injury. The defendant must plead to attempted murder, use of a firearm and infliction of great bodily injury.

In fashioning a disposition offer, a deputy shall adhere to strict ethical guidelines and refrain from engaging in any undue coercion. No count or allegation unsupported by sufficient evidence shall appear on the charging document.

It is inappropriate to consider matters of caseload expediency or other personal or non-case related concerns in determining a case disposition.

1. COLLATERAL CONSEQUENCES

Except as provided below, the deputy district attorney shall not agree, and shall object, to the amendment of charges or of charging language for the purpose of allowing the defendant to avoid immigration consequences, or to avoid the effect of conviction upon professional licensure or upon eligibility for public benefits. Courts have the authority to amend accusatory pleadings to correct a "defect or insufficiency" (Penal Code section

1009), not to confer benefits in matters collateral to the criminal justice process. If the court makes such an amendment, the deputy district attorney shall discuss with his or her supervisor the possibility of appeal.

Collateral consequences are generally a normal and just consequence of a criminal conviction. However, in unusual cases, the collateral consequences may be so disproportionate to the severity of the crime and to the criminal punishment imposed as to be unjust. In such cases, the deputy district attorney's supervisor may approve deviation from our case disposition policy to avoid such consequences.

The prosecution, in the interests of justice, and in furtherance of the findings and declarations of Penal Code section 1016.2, shall consider the avoidance of adverse immigration consequences in the plea negotiation process as one factor in an effort to reach a just resolution. (Penal Code § 1016.3.)

The determination regarding collateral consequences is highly case specific and shall be based upon careful consideration of all relevant factors relating to both the crime and the defendant. The following guidelines are appropriate:

- a. Case disposition based upon collateral consequences is generally not in the interest of justice in a case involving a serious or violent felony pursuant to Penal Code sections 667 or 1170.
- b. In general, the less serious the crime, the more likely a collateral consequence will unjustly impact the resolution of a case.
- c. In general, the shorter the sentence, the more likely a collateral consequence will unjustly impact the resolution of a case.
- d. In contrast, a serious felony accompanied by a lengthy sentence will rarely warrant significant consideration of collateral consequences.
- e. The prosecutor should determine an appropriate sentence based upon all appropriate traditional factors, and then if a significant downward departure is appropriate due to a disproportionate collateral consequence, the prosecutor should insist upon a concession to maintain parity with the original sentence. For example, if a charge will be modified to arrive at an immigration-neutral result, such as an alteration that precludes later charging the offense as a prior, the prosecutor may insist upon more custody time or a longer period of probation.
- f. Any alteration of a charge must be justified by the facts, either in the original police report, or from subsequent investigation. For example, if a charge will be modified from possession of narcotics for sale to transportation of narcotics, the factual basis for the transportation charge can be secured through an admission by the defendant.

- g. In immigration matters, an individual will often allege severe immigration consequences. However, these determinations are sufficiently complicated that they are often difficult to predict or verify. The remedy is to structure the disposition so that it is comparable to the original offer. For example, if the new offer includes additional custody time to compensate for a change in charge, it is unlikely that anyone would accept the offer unless they were actually facing the claimed collateral consequence.
- h. The prosecutor's decision concerning collateral consequences should be transparent, always noted in the file, and when appropriate noted on the record.

Commentary

Robert Johnson, past president of the National District Attorneys Association, wrote in 2007, "Our job, our duty is to seek justice. How can we ignore a consequence of our prosecution that we know will surely be imposed by the operation of law? . . . These collateral consequences cannot easily be changed or bargained away when justice requires them. But we must consider them if we are to see that justice is done. . . . As a prosecutor, you must comprehend this full range of consequences that flow from a crucial conviction. If not, we will suffer the disrespect and lose the confidence of the very society we seek to protect." (NDAA, Message from the President, Feb. 14, 2007.)

In *Padilla v. Kentucky* (2010) 130 S.Ct. 1473, 1481, 176 L.Ed.2d 284, the Supreme Court noted, "We have long recognized that deportation is a particularly severe 'penalty,'[citation] but it is not, in a strict sense, a criminal sanction. . . . And, importantly, recent changes in our immigration law have made removal nearly an automatic result for a broad class of noncitizen offenders." The court continued, "By bringing deportation consequences into this process, the defense and prosecution may well be able to reach agreements that better satisfy the interests of both parties. As in this case, a criminal episode may provide the basis for multiple charges, of which only a subset mandate deportation following conviction. Counsel who possess the most rudimentary understanding of the deportation consequences of a particular criminal offense may be able to plea bargain creatively with the prosecutor in order to craft a conviction and sentence that reduce the likelihood of deportation, as by avoiding a conviction for an offense that automatically triggers the removal consequence." (*Id.* at p. 1486.)

The California Legislature has made findings regarding immigration consequences of convictions, and requires that prosecutors consider immigration consequences as one factor in plea negotiations. (Penal Code §§ 1016.2, 1016.3.)

(See Cal. Rules of Court, rule 4.414(b)(6), which includes as a factor as to whether to grant probation "[t]he adverse collateral consequences on the defendant's life resulting from the felony conviction.")

2. DEPUTIES SHALL ENSURE THE RIGHTS OF CRIME VICTIMS

Deputies shall ensure that crime victims have a voice in the criminal justice system. Whenever possible, the victim should be contacted to ascertain the impact of the crime and be given an opportunity to express their sentiments concerning punishment. Deputies shall comply with Section 28 of Article 1 of the California Constitution (Proposition 9, Victims' Bill of Rights Act of 2008, also known as "Marsy's Rights") which provisions include that upon request, a victim has the right to be notified of and informed before any pretrial disposition of the case and to receive the pre-sentence report when available to the defendant, except for those portions made confidential by law.

A 'victim' is defined under the California Constitution as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated." (Cal. Const., art. 1, section 28(e).)

3. COMMUNICATING THE DISPOSITION OFFER

The assigned deputy shall be responsible for communicating any disposition offer. When a supervisor sets the offer (counts and sentence), the assigned deputy shall zealously advocate that offer at all times and never represent that the attorney favors a disposition different from the official position of the office. Offers shall be written prominently in the case file. Where practicable, offers should be communicated to defense counsel in writing (electronic mail, letter, or facsimile). Any correspondence concerning the District Attorney's position on sentencing shall be stored in the physical and/or electronic case file (VCIJIS). Every aspect of a sentencing agreement shall be written on the plea form and acknowledged by the deputy and defendant at the time of the defendant's change of plea and advisement of rights.

In extraordinary cases, when the interests of justice require it, a supervising attorney may authorize a disposition which departs from the standard disposition requirement and should note this in VCIJIS.

4. SENTENCE COMMITMENTS

While sentencing is a judicial function, deputies should advocate for sentences that are lawful, just and protect the community. California Rule of Court 4.410(b) mandates that the sentencing judge should be guided by statutory statements of policy, the criteria in the California Rules of Court, and the facts and circumstances of the cases.

A deputy should never remain silent or articulate a vague position on sentencing (e.g. "No Deals"). Unless a deputy has been granted dispositional authority by the supervisor, supervisorial approval is required prior to making a sentence commitment. The felony

pretrial and EDC court (currently Division 12) calendar deputy or a deputy granted dispositional authority by the supervisor may commit to a specific term of years in a disposition agreement. A deputy must advocate for a specific term of incarceration. A deputy without dispositional authority must obtain supervisory approval for a sentence commitment on non PC 1170(h) cases prior to making a sentencing commitment. The deputy shall consider the circumstances of the crime(s), the defendant's criminal history and all other factors bearing on punishment, provided that any reduction or dismissal of charges would not result in a substantial change in sentence. The deputy's offer is not an invitation to bargain with defense counsel or the court. The offer should reflect the deputy's sound judgment concerning an appropriate punishment for those charges which most accurately describe a defendant's criminal conduct.

If a judicial officer attempts to sentence bargain with a defendant and undercuts the deputy's position, the deputy shall require the defendant to plead guilty to all felony charges and admit all special allegations. For example, when a deputy takes a position that a case is worth a specific number of years in prison and offers to dismiss counts in return for that sentence, and the court indicates a lesser prison sentence or probation, the deputy shall require the defendant to plead to all felony charges and admit all special allegations. If a deputy and the court agree that a defendant merits probation, but disagree on the length of a jail sentence, a deputy may use his/her discretion in determining whether to require a defendant to plead to all non-PC 654 counts. A deputy is responsible for zealously advocating a position on sentencing which ensures the protection of society during any court discussion.

A deputy should not engage the court with regard to minor terms and conditions of probation such as where a defendant serves custody time. A defendant's position or standing in the community should not result in special terms and conditions of probation unavailable to most defendants. A deputy should advocate to ensure a similar result for similar crimes, while of course taking into account different criminal histories of defendants and other pertinent factors in assessing an appropriate sentence.

5. ENHANCEMENTS

There are generally two kinds of enhancements: (1) those that go to the nature of the offense (specific or conduct enhancements); and (2) those that concern the nature of the offender (recidivist enhancements or priors). As directed in Article II, section C of this policy manual, a deputy shall utilize all applicable special allegations which will enhance the penalty or which will result in the denial of probation. Accordingly, a deputy shall not use the threat of charging a currently uncharged enhancement to induce a plea. In cases in which the defense asks the court to strike an enhancement and such action is contrary to the position of the District Attorney, the deputy should state our position on the record and on the plea form filed with the court.

Second and third strike enhancements shall always be charged. If the assigned deputy believes the interests of justice require dismissal of a strike enhancement, the deputy shall notify the unit supervisor. If the supervisor agrees a strike enhancement should be

stricken, s/he shall direct the deputy to prepare a memorandum to the Chief Deputy recommending the dismissal. If the court indicates an intention to dismiss a strike enhancement and our office has declined to dismiss the enhancement, the deputy shall state our objection on the record and document our objection in part III(D) of the filed Felony Disposition Statement. As resources permit, the best practice is for the deputy to file an opposition to the court dismissing a strike enhancement. This should be done in cases in which the deputy believes there is a legitimate chance that our opposition will influence the court.

When making a sentence commitment, a deputy may agree to a court-approved disposition when an enhancement is stricken at the time of sentencing with the following exceptions:

- (a) Two Strikes Enhancements: Only the chief assistant may authorize a deputy to omit a second strike (PC 667(e)(1), PC 1170.12(c)(1)) punishment enhancement from a disposition agreement.
- (b) Three Strikes Enhancements: Only the District Attorney may authorize a deputy to omit a third strike (PC 667(e)(2)(A)(i)-(iii), PC 1170.12(c)(2)(A)(i)-(iii)) punishment enhancement from a disposition agreement.
- (c) Penal Code section 667(a)(1) Enhancements: Only a chief deputy may authorize a deputy to omit a prior punishment enhancement pled pursuant to Penal Code section 667(a)(1) from a disposition agreement.
- (d) 10-20-Life Firearm Enhancements (PC 12022.53): Only a chief deputy may authorize a deputy to omit a firearm enhancement pursuant to PC 12022.53 from a disposition agreement in favor of an alternative firearm enhancement (PC 12022.5(a)).
- (e) Great Bodily Injury Enhancements: Only a supervisor may authorize a deputy to omit a punishment enhancement for great bodily injury (P.C. 12022.7) from a disposition agreement.
- (f) Vulnerable Victim Enhancements: Only a supervisor may authorize a deputy to omit punishment enhancements pertaining to vulnerable victims (PC 667.9(a),(b)), elderly victims (368(b)(2), (b)(3)) and hate-motivated crimes (PC 422.75(a),(b)) from a disposition agreement.
- (g) Sex Crime Enhancements: Only a supervisor may authorize a deputy to omit the punishment enhancement defined in PC 1203.066 from a disposition agreement. Written authorization that includes the supporting rationale shall be placed into the file.

- (h) Life Allegations Not Referenced Above: Only a chief deputy may authorize a deputy to omit a punishment enhancement carrying a possible life sentence from a disposition agreement. (e.g., PC 186.22(b)(4), 667.61).
- (i) Mandatory Prison Enhancements: Only a supervisor may authorize a deputy to omit an allegation which mandates a state prison sentence from a disposition agreement. The supervisor should only authorize such a disposition upon a determination that a grant of felony probation to be in the interest of justice.
- (j) Out on Bail Enhancement: Only a supervisor may authorize a deputy to omit the punishment enhancement defined in PC 12022.1(b) from a disposition agreement.
- (k) Gang Enhancements: Only a supervisor may authorize a deputy to omit the punishment enhancement defined in PC 186.22(b)(1) from a disposition agreement.
- (l) Use of a Deadly Weapon Enhancements: Only a supervisor may authorize a deputy to omit the punishment enhancements defined in PC 12022 from a disposition agreement.

6. COMMITTING TO PROBATION

- (a) Serious and Violent Felony Cases (PC 667.5(c), PC 1192.7): A deputy shall zealously advocate for state prison sentences. A deputy shall not commit to a grant of probation except in unusual cases where the interest of justice would best be served. Unless granted disposition authority by the supervisor, a deputy shall not commit to probation. The deputy shall clearly note his/her reasoning in the case file and in tab 19 in VCIJIS and advise the supervisor. ***In a multiple count case the defendant shall plead the sheet if the court indicates or commits to probation at an EDC or pre-trial conference when we are seeking prison.***
- (b) Non-Serious and Non-Violent Felony Cases: In cases not involving an allegation mandating a state prison sentence or a presumptive state prison sentence, a deputy may enter into a disposition which commits to a grant of probation. The deputy shall consider all circumstances relevant to the case and the defendant's criminal history when evaluating the defendant's suitability for probation. Above all else, the deputy shall consider public safety before committing to a grant of felony probation.
- (c) Presumptive State Prison Cases: In cases in which the law indicates a presumption that a state prison sentence will be imposed, unless granted disposition authority by the supervisor, a deputy shall not commit to probation. The deputy shall clearly note his/her reasoning in the case file and in tab 19 in VCIJIS.

7. REDUCING FELONIES TO MISDEMEANORS (WOBBLEERS)

Only a supervisor may authorize a deputy to reduce a felony charge to a misdemeanor. This may only occur where new facts and insight demonstrate that the defendant is deserving of a misdemeanor conviction. The deputy shall memorialize the justification for the reduction in the case file and in tab 19 in VCIJIS.

A supervisor shall not use the felony-misdemeanor alternative as a form of charge bargaining. A deputy shall amend the charging document and reduce the felony count at issue to a misdemeanor and communicate to the defense that the reduction is not part of a plea bargain and that the defendant may proceed to trial on the misdemeanor charge. Deputies should only reduce a felony to a misdemeanor where the defendant is deserving of a misdemeanor conviction, irrespective of the defendant's desire to defend against the allegation in court.

8. SUBMISSIONS ON TRANSCRIPT

Counts will not be dismissed in connection with SOTS without supervisorial approval.

9. INTERIM REALIGNMENT POLICY CHANGES

The following interim policies are adopted in response to the enactment of the Criminal Justice Realignment Legislation. It is anticipated that these interim policies will be modified after we have some experience with the new law.

The existing policy regarding sentence commitments which appears beginning on page 154 of this manual under the heading "3. Sentence Commitments:" does not apply to Penal Code section 1170(h) crimes. In the absence of specific supervisorial direction, deputy district attorneys are authorized to fashion disposition offers and make specific sentencing commitments on all 1170(h) crimes. The disposition offers should be based on sound discretion consistent with Section (b) below.

(a) Prison-Eligible Offenses (Violent, Serious, Sex, Or Excluded Offenses and Priors)

1. The deputy shall charge provable counts, priors and enhancements that would make a defendant eligible for state prison.
2. In offering a disposition or when handling a sentencing, the deputy shall determine which offenses, priors or allegations would make a defendant eligible for prison.
3. Our existing policy provides: "Deputies shall follow the law and any plea disposition shall hold the defendant responsible for the most serious charges which most accurately describe the essence of the criminal conduct." A footnote explains, "The more serious offense is generally the charge that carries the higher sentencing exposure. However, in some cases, a count carrying a lesser sentencing exposure might be considered the more serious count if it constituted a strike offense. In these instances a

deputy should consult their supervisor.” Under realignment, if a defendant is charged with both prison-eligible and non/non/non offenses (Penal Code section 1170(h)), prison-eligible offenses will generally be considered more serious. Absent supervisory approval, the defendant shall plead to one or more prison-eligible offenses.

4. Pursuant to Penal Code section 1170(f), allegations that would make a defendant eligible for prison are not subject to dismissal under Penal Code section 1385. Dismissal or striking of priors or other enhancements must be approved as provided in the existing policy.

5. The existing policy regarding committing to probation remains in effect for prison-eligible offenses.

(b) Non/Non/Non Offenses (Penal Code section 1170(h)(1)(2) & (5))

1. In some cases, a terminal disposition of a jail sentence, or a hybrid sentence of jail followed by mandatory supervision (Penal Code 1170(h)(5)) may serve the interests of justice better than a traditional probation term (which generally will include jail as a condition of probation) (Penal Code section 1203). In other cases, a traditional probation term may be more appropriate. In offering a disposition and in arguing sentencing, the deputy shall take into account the following factors:

a. The imposition of an adequate period of incarceration for purposes of punishment, deterrence, and protection of society.

b. The severity of the crime and the prior record of the defendant.

c. The need for probation supervision to protect society and to deter the defendant from reoffending.

d. If restitution is ordered, the availability of opportunities and mechanisms to obtain restitution.

B. CORRUPTION, OBSTRUCTION OF JUSTICE, AND CIVIL RIGHTS VIOLATIONS

1. POLICY

A defendant charged with an offense involving corruption, obstruction of justice, or a civil rights violation shall plead guilty to the charge or proceed to trial. The policy is the same for felonies as it is for misdemeanors. (Refer to Article III, Section 3.01D.)

2. CIVIL RIGHTS VIOLATIONS

For these purposes “civil rights violations” include all crimes motivated, in whole or part, by race, color, religion, ancestry, national origin, disability, gender or sexual orientation.

The following are examples of charges involving civil rights violations: Penal Code sections 422.6, 422.7, and 422.9.

The requirement of a plea to a charged civil rights violation applies even where another, more serious offense is involved in the case. In such situations there must be a plea to both the civil rights violation and the more serious charge.

C. DISMISSAL OF CASES REVERSED ON APPEAL

Only the Special Assistant District Attorney or Chief Deputy District Attorney may authorize dismissal of a case that a Court of Appeal has reversed on appeal.

Commentary

The purpose of this policy is to avoid dismissing a case that involves legal issues on which the State Attorney General may seek review. Dismissal renders review moot.

D. REPORT OF DISMISSAL, ACQUITTAL, HUNG JURY OR REDUCTION

A deputy shall prepare a Report of Dismissal, Acquittal, Hung Jury or Reduction in VCIJIS and forward it to the case file and to the unit supervisor within two business days of:

- A dismissal by the court of all counts against an accused without the deputy's concurrence;
- An acquittal on all counts;
- A decision by DA supervisory personnel not to seek resetting of case after a hung jury;
- A reduction by the court of a felony to a misdemeanor after the case has been assigned to the court for jury trial. In such circumstances the assigned deputy shall object during any chambers conference as well as on the record.

Commentary

The Report of Dismissal, Acquittal or Reduction serves three purposes:

- It permits internal constructive review;
- It facilitates the initiation of appellate relief; and
- Makes a clear record of the reasons for a given outcome.

These memos should be an honest attempt to explore what went wrong and what can be done to improve. In preparing the memo, consideration should be given to:

- Police investigation and work up;
- Initial filing decisions;
- Preliminary examination/post indictment memorandum and recommendation;
- Pretrial workup;
- Jury selection;
- Trial problems;
- Comments of jurors, judges, etc.

ARTICLE XII. FELONIES

Section 4.02, Preliminary Examination

A. WAIVER OF PRELIMINARY EXAMINATION

Advanced written supervisory approval is required ***since waiver of a preliminary examination may foreclose our ability to amend the information to include additional charges.*** When a waiver occurs, the assigned deputy is responsible for obtaining the defendant's waiver in open court. A Preliminary Examination Memorandum shall be prepared even if a waiver has occurred.

B. PRO TEMPORE "PRO TEM" JUDGES

A deputy district attorney may not stipulate to a judge pro tem without the approval of a Chief Deputy District Attorney or the Chief Assistant District Attorney.

C. DISQUALIFICATION OF A JUDGE (CODE OF CIV. PROC. 170 et seq.)

(Refer to Article III, Section 3.03A. The policy is the same for misdemeanors and felonies.)

D. PRELIMINARY EXAMINATION MEMORANDUM

(For additional guidelines refer to the "Prelim Manual" located on the DA Web)

The prelim deputy shall prepare a preliminary examination memorandum within 96 hours after the prelim. The deputy shall use the following format:

DATE

TO FILE

FROM

DEFENDANT (indicate age)

CASE NO.

COMPLAINT DEEMED INFORMATION OR COURT DATE FOR ARRAIGNMENT

OFFENSE (indicate triads)

DATE OF PRELIM

DEFENSE COUNSEL

MAGISTRATE

RESULTS OF PRELIM

BAIL STATUS

ISSUING DEPUTY

POLICE AGENCY

EDC OFFER

RECOMMENDED FILING

APPROVED FILING

APPROVED OFFER

STATEMENT OF FACTS

(Summary)

(Details)

DEFENDANT'S STATEMENT

OTHER INFORMATION

WITNESS AVAILABILITY

LOCATION OF EVIDENCE

INVESTIGATION TO DO

EVALUATION OF TAPES

THEORY OF DEFENSE

NEGOTIATIONS

RAP SHEET (Date/Agency/Offense/Dispo)

EVALUATION

RECOMMENDATION

The information to be provided under each title is as follows:

DATE: The date the deputy dictates or otherwise prepares the memorandum.

FROM: The name of the prelim deputy.

DEFENDANT: The defendant's full name and age, as well as any aliases.

CASE NO.:

INFORMATION ARRAIGNMENT: The date when the defendant is ordered to appear in Superior Court by the magistrate.

The date when the Information is due for filing in the Superior Court.

Commentary: These two dates are generally the same. The magistrate generally orders a defendant to appear in the Superior Court two weeks (14 days) from the order holding to answer, and the District Attorney's Office prepares and files an Information on that day which is within the requirement of Penal Code section 739 (that an Information be filed within 15 days of the commitment order).

OFFENSE: All charges and special allegations. Indicate the charge and special allegation(s) that relate to each count. Specify the time period of each offense.

DATE OF PRELIM: The date of the preliminary examination. If the preliminary examination took more than one session, list all dates of the preliminary examination.

DEFENSE COUNSEL: The attorney who represents the defendant. In the case of multiple defendants, indicate which attorney represents which defendant. If the defendant is represented by the Public Defender's Office, identify the deputy public defender.

MAGISTRATE: The judge who presided over the preliminary examination.

RESULTS OF PRELIMINARY EXAMINATION: Set forth all the offenses on which the defendant was held to answer, whether charged or uncharged. Identify any charges on which the defendant was not held to answer. Indicate the magistrate's findings concerning any special allegations.

BAIL STATUS: Indicate the amount of bail and whether the defendant is in custody. Set forth any change in the bail or custody status during or after the preliminary examination.

ISSUING DEPUTY: The name of the filing deputy.

POLICE AGENCY:

EDC OFFER:

RECOMMENDED FILING:

APPROVED FILING/APPROVED OFFER: Leave these blank. These will be filled in by the Info Review Team, with a notation of the charges and special allegations the defendant may plead to and, where appropriate, an office commitment regarding sentence.

STATEMENT OF FACTS:

(Summary) A one-paragraph summary of the case. Provide an overview of all the pertinent facts essential to a quick evaluation/review of the case. Include the relationship of the witnesses to the defendant. Bear in mind that this is all a supervisor may have time to read before being called upon to engage in a discussion of the case at some later time with the court, defense counsel, the public, etc.

(Details) A detailed summary of all the facts in the case. Include all of the evidence presented at the preliminary examination, as well as the other case facts from police reports, witness interviews, and discussions with investigating officers. Identify the sources of the facts in the course of the discussion. Discuss the credibility of the key witnesses and participants, including the defendant. Distinguish what was said by a witness in court from what is in a police report. Set out any inconsistencies.

DEFENDANT'S STATEMENT: Indicate whether or not the defendant was interviewed and whether or not this interview was preceded by a valid *Miranda* waiver. Listen to any taped interview and report upon the quality of the advisement and waiver of *Miranda*, and the probative force of the statements.

OTHER INFORMATION: Set forth any information not discussed under Detailed Facts that relates to the case and may have a bearing on its evaluation. Include here other cases involving the defendant, witnesses, police officers, etc. Indicate significant case developments since complaint issuance. Set forth any inconsistencies between the reports and the evidence at prelim. Assess the impact of these inconsistencies on the

strength of the case. Indicate the reasons for the inconsistencies and discrepancies between the police reports, and any facts that reconcile the conflicts.

WITNESS AVAILABILITY: Note if witnesses are going to be out of town, on vacation, out of the country, etc. Note any problems in getting witnesses to attend the preliminary examination and what their future cooperativeness is expected to be. Note any need for an interpreter and the foreign language spoken.

LOCATION OF EVIDENCE: List all exhibits introduced at the preliminary examination, as well as all significant items of evidence in police custody. Note, as well, any items taken to the Crime Lab for analysis.

INVESTIGATION TO DO/STATUS OF FOLLOW-UP: Identify all investigation that should be completed prior to trial. Set forth the status of previously requested investigation.

EVALUATION OF TAPES: Describe the quality of each reviewed taped statement. In a narcotics case featuring a "controlled" buy, describe the clarity and completeness of the recording of the transaction. Review the recording for entrapment issues. Describe the clarity and contents of the defendant's statements under the title, "Defendant's Statements."

THEORY OF DEFENSE: Discuss the most reasonably foreseeable defenses (legal and factual) that the defense will put forward.

NEGOTIATIONS: All settlement discussion by the defense attorney, preliminary hearing judge, or defendant.

RAP SHEET (OR DATE REQUESTED): Set forth all prior convictions (whether felony or misdemeanor).

EVALUATION: A factual and legal assessment of the case's provability. Discuss the significant legal issues and include applicable references to cases. Discuss the defendant's record of convictions and its effect on the provability of the case and/or its seriousness.

RECOMMENDATION: Recommend one of the following:

1. A filing as a felony. Specify the charges and special allegations. Indicate whether the office should commit against state prison.
2. A filing as a misdemeanor. Specify the charges and special allegations. Provide reasons the victim and agency can understand for our decision to file misdemeanor.
3. No filing. Provide reasons the victim and agency can understand for our decision not to file.

Additionally, if the case is a three strikes case, a recommendation should be made whether or not to strike any of the qualifying priors.

ARTICLE XIII. FELONIES

Section 4.03, Post Preliminary Hearing

A. FILING OF INFORMATION

If a defendant does not agree to the original complaint being deemed an Information, the deputy assigned the preliminary examination shall promptly prepare an Information alleging all authorized charges and enhancements. The deputy is responsible for the accuracy of the pleading and shall, therefore, carefully proofread the document before signing it.

B. PRETRIAL CONFERENCE

1. PRETRIAL CONFERENCE

The deputy assigned a felony case for workup and/or trial shall complete the Readiness and Master Calendar Memorandum and, where applicable, provide it and the file to the calendar deputy no later than noon on the day preceding the pretrial conference.

2. UNUSUAL DISPOSITIONS

A deputy assigned to a felony case shall obtain supervisorial approval before agreeing to, or not opposing any disposition of the case other than a guilty plea as required by the Information Review committee. Examples of such dispositions are CRC commitments, finding of incompetency to stand trial (PC 1026), and mental health commitments which result in the suspension of criminal proceedings.

C. TRIAL

1. DISQUALIFICATION OF A JUDGE

(Policy is the same as stated previously. Refer to Article III, Section 3.03A.)

2. PRO TEMPORE ("PRO TEM") JUDGES

A deputy shall not stipulate to a judge pro tem in felony trials.

3. WAIVER OF A JURY

A deputy shall not waive jury without prior supervisorial approval.

4. EXERCISE OF PEREMPTORY JUROR CHALLENGES

Deputy district attorneys shall not exercise a peremptory challenge against a juror based upon race, ethnicity, gender, or membership in another constitutionally protected cognizable group. (People v. Wheeler (1978) 22 Cal.3d 258; Batson v. Kentucky (1986) 476 U.S. 79; Code Civ. Proc. 231.5.) When a Wheeler/Batson motion is made, before the court makes a determination as to whether a prima facie case has been made of group bias, the deputy district attorney should state the reasons why the jurors were excluded on the record. (Williams v. Runnels (9th Cir. 2006) 432 F.3d 1102; People v. Gray (2001) 87 Cal.App.4th 781, 788.) If the court finds no prima facie case has been made without first obtaining input from the deputy district attorney, the deputy district attorney shall state for the record the reasons why the jurors were excused for purposes of appellate review. When a Wheeler/Batson motion has been made, the deputy district attorney shall preserve the notes from jury selection for later appellate review.

5. COMMUNICATIONS WITH JURORS AFTER VERDICT

A deputy or other district attorney employee may communicate with jurors after a trial so long as the jurors have been excused from further jury service and the deputy refrains from asking questions or making comments that might tend to harass or embarrass a juror or are intended to influence the actions of a juror in future jury service.

To improve future trial performance and law enforcement operations, a deputy shall make reasonable efforts to debrief the jury foreperson upon conclusion of a case. Information should be sought about issues or evidence which were of concern to the panel, and what might be done in future cases to enhance prosecution efforts. This information shall be included in the jury trial report.

Commentary

State Bar Rule 5-320(D) reads as follows: "After discharge of the jury from further consideration of a case, a member shall not ask questions of or make comments to a member of that jury that are intended to harass or embarrass the juror or to influence the juror's actions in future jury service."

An October 1986, informal opinion of the Attorney General in response to a request from this office concludes as follows:

A prosecutor may engage in reasonable post-trial discussion with a consenting juror. In the absence of a specific prohibitory rule or other binding provision, the prosecutor is not forbidden from providing trial jurors who have completed current jury service with information, not otherwise privileged, which was not admitted at trial, where the intent of the prosecutor is not to influence subsequent jury service or to harass or embarrass jurors. However, the prosecutor should ensure that the manner in which he goes about this does not create the appearance that his intent is to influence subsequent jury service or to achieve any other prohibited objective.

Formal Opinion No. 1987-95 of the Committee on Professional Ethics of the State Bar of California concludes, under the predecessor to Rule 5-320, that: "...an attorney may disclose to jurors after trial evidence which was excluded at trial as long as in doing so the attorney does not intend to harass or embarrass or influence the juror in future jury service."

Code of Civil Procedure section 206 provides that jurors have "... an absolute right to discuss or not to discuss the deliberation or verdict with anyone." Subsection (b) authorizes counsel to discuss the case with consenting jurors "... at a reasonable time and place." Subsections (c) and (d) require a report to the trial judge of any "unreasonable contact with a juror," and provide for monetary sanctions pursuant to Code of Civil Procedure section 177.5.

District Attorney employees should carefully consider the potential consequence of sharing with the juror facts about the case or the defendant which are not introduced at trial. The right of a juror as a citizen to know certain matters, especially matters of public record, should be balanced with the likelihood of prejudicing a juror's future jury service.

Although the applicable ethical rules directly affect only attorneys, all employees shall apply the same standards as a matter of office policy.

D. POST-TRIAL

1. PROBATION AND SENTENCE HEARINGS

- a. A deputy district attorney shall represent the People at every probation and sentence hearing. The deputy who handled the guilt phase of the case shall, whenever possible, represent the People at this hearing. When not possible, this deputy's supervisor shall have another deputy represent the People.
- b. Whenever the pre-sentence report fails to provide all necessary sentence information, the deputy shall provide such information to the court consistent with Penal Code section 1204.
- c. The deputy who represents the People at this hearing shall be familiar with the facts, the District Attorney case file, the probation report, the law concerning probation eligibility, and sentencing procedures. When appropriate, the deputy shall make a sentence recommendation. A deputy district attorney has discretion to recommend whatever sentence he/she believes is most appropriate, unless the Chief Deputy District Attorney or Chief Assistant District Attorney has made a sentencing commitment or otherwise determined the office's sentencing position.
- d. A proper sentence shall be commensurate with the severity of the offense and shall reflect:

- 1) The adequate protection of society from individuals who pose a danger to persons or property;
- 2) The appropriate punishment of individuals who violate the law;
- 3) The deterrence of the individual defendant at bar, and members of the general public, from posing a similar danger in the future;
- 4) The rehabilitation of individuals so they can become law-abiding participants in a free society as a result of which other members of society can thereby be secure in the enjoyment of freedom.

Commentary

A deputy district attorney is urged to recommend on the record the sentence which in his or her considered judgment promotes the ends of justice. If an immediate commitment to state prison is in order, the deputy shall so advocate, articulating the reasons that compel such a decision. In cases involving multiple offenses, the possibility of consecutive sentences should always be considered. Every effort should be made to obtain maximum state prison commitments where career criminals or dangerous persons are concerned. Applicable enhancements shall be pursued vigorously where appropriate. If, at the other end of the spectrum, a probationary or a misdemeanor sentence is called for, a deputy should not hesitate to so state, urging strongly any conditions that are in order.

In matters involving sentence, the gravity of the accused's conduct, the accused's prior record, if any, and the community's needs to be protected shall always be taken into account.

2. APPEALS AND WRITS

A deputy district attorney interested in seeking appellate review of a court order in a felony case (Penal Code section 995 or section 1538.5 motion granted, defendant placed on probation, etc.), or in responding to defendant-initiated appellate review, shall follow this procedure:

- a. Determine whether appellate review is possible and appropriate.
- b. Discuss the matter with his/her immediate supervisor.
- c. Prepare an Appellate Review memorandum if the immediate supervisor concurs that appellate review might be sought.
- d. Provide the memorandum, signed by the supervisor, to the Special Assistant District Attorney.

- e. The Special Assistant District Attorney will decide whether or not to seek appellate review or to respond to defendant-initiated appellate review.

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Taking the Felony Plea

The Advisement of Rights

Is your true and correct name (**state the full name**)?

Is your date of birth (**state date of birth**)?

Is it your intention today in court case number (**state the case number**) to withdraw your previously entered plea of not guilty, and plead guilty to Count (**state the number of the count**) of the felony complaint (**and admit the special allegations**)?

I am holding a document in my right hand entitled Felony Disposition Statement, throughout which appear the initials (**state the defendant's initials that are contained in the document**), are those your initials?

Did you place your initials at those sections to indicate that you went over those sections with your attorney, and you agree to the rights and consequences contained in those sections?

Do you understand that by entering a plea of guilty today, you could ultimately be sentenced to state prison for a maximum period of (**state maximum term**), followed by a three year parole period?

Do you understand that you would have a lifetime prohibition from owning, purchasing, possessing, or having in your custody and control any firearms?

Do you understand that if you are not a citizen of the United States, you could be deported from the US, excluded from re-entry, and denied naturalization?

Do you understand that there may be fines and fees owing in this case, including restitution to any victims, to the State of California that may go up to and include (**state the fine amount required by law**)? [Advise of this right only if restitution is being sought.]

Do you understand there may be restitution owing to the victims in this case as well?

Do you understand that you have a right to have a preliminary hearing in this matter and that by entering a plea of guilty, you are giving up that right?

Do you understand that you also have a right to a jury trial in this matter?

Do you understand that at that jury trial, you would have the right to confront and cross-examine all witnesses who are called to testify against you, by and through your attorney, as well as the right against self-incrimination, which means that no one could force you to take the witness stand or admit your guilt and that by entering a plea of guilty today, you are giving up those very important jury trial rights?

Has anyone made any threats or promises to you today to get you to change your plea?

On page (**state the page number**) of the felony disposition statement, under the section titled, Defendant's and Defense Attorney's Position, next to the date (**state the date as it is written on the form**), there is a signature, is that your signature?

Did you place your signature there to indicate that you went over this entire document with your attorney, including the sections I went over with you in court today, as well as any other sections that bear your initials, and it is your intention to plead guilty today?

The Plea of Guilty

In court case number (**state the case number**), it is alleged in Count (**state the count number**) of the felony complaint, that on or about (**state the date of the offense**), here in the county of Ventura, you committed a violation of (**state the code name and section, followed by the full title of the crime** [e.g. Penal Code section 245(a)(1), that being assault with a deadly weapon]), a felony. To that charge, how do you plea, guilty or not guilty?

The Admission of Special Allegations

Strike Prior
Do you further admit, that prior to that offense, you were previously convicted of what is commonly referred to as a strike offense pursuant to Penal Code section 667(c)(1)?

(b) Prior
Do you further admit, that prior to that offense, you had previously served a term in state prison, and failed to remain felony conviction free for a period of five years after that offense, pursuant to Penal Code section 667.5(b)?

Just on Bail
Do you further admit that you committed that offense while released from custody (**on bail/your own recognizance**) pursuant to Penal Code section 12022.1(b)?

Personal Use
Do you further admit, that during the commission of that offense, you personally (**used a deadly or dangerous weapon/firearm or inflicted great bodily injury**), pursuant to Penal Code section (**name the use allegation section**)?

Your Honor, the people now ask the court to accept this Felony Disposition Statement, to incorporate this plea into the minutes and make the appropriate findings.



Crime Time™

Crimes & Enhancements Listing 2008

Report Legend

Strike	(Blank) = Not a strike	• = Is a strike crime	? = May be a strike
Violent	(Blank) = Not violent	• = Is a violent crime	
Serious	(Blank) = Not serious	• = Is a serious crime	
Probation	(Blank) = Eligible	• = Ineligible	• = Unusual case □ = Special
Wobbles - Felony	(Blank) = No	• = Yes	
Wobbles - Misd	(Blank) = No	• = Yes	
Firearm	(Blank) = No prohibition	• = Prohibition for life	• = 10 year prohibition
DL suspension	(Blank) = No suspension	• = Suspension < 1 year	• = Suspension 1 year +
All others	(Blank) = Not required	• = Required	

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Code Section	Severity	Description	- Credit - Jail/Prison	Firearm	Sex registration	Wobblers	Probation	Serious	Violent	Strike	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower	Middle	Upper
B&P 25661	Misd	Possession or presentation of false ID	33%															180d
B&P 25662(a)	Misd	Possession of alcohol by minor																
B&P 25662(a)	Misd	Possession of alcohol by minor with prior																
B&P 25665	Misd	Permit minor in on-sale establishment	33%															180d
CIV 2985.3	Felony	Misuse of funds received on real estate	33% 50%													1y4m	2y	3y
CIV 2985.3	Misd	Misuse of funds received on real estate	33%															1y
COR 25400	Felony	Misrepresentation of securities	33% 50%													2y	3y	5y
COR 25401	Felony	False statements of securities	33% 50%													2y	3y	5y
COR 25402	Felony	Unlawful sale by official	33% 50%													2y	3y	5y
FIN 3361	Felony	Misapplication of funds	33% 50%													1y4m	2y	3y
F&G 2000	Misd	Unlawful taking (poaching)	33%															180d
F&G 2001	Misd	Unlawful possession (game)	33%															180d
F&G 2002	Misd	Unlawful possession of creature	33%															180d
F&G 2005	Misd	Artificial light while armed with weapon	33%															180d
F&G 2006	Misd	Possess loaded rifle or shotgun on highway	33%															180d
F&G 3003(a)	Misd	Shoot or kill bird or mammal via internet	33%															180d
F&G 3009	Felony	Failure to aid injured hunter	33% 50%													1y4m	2y	3y
F&G 7145	Misd	Fishing without a license	33%															180d
F&G 12001	Felony	Hunting with a revoked license	33% 50%													1y4m	2y	3y
GOV 6200	Felony	Tamper with public documents by custodian	33% 50%													2y	3y	4y
GOV 6201	Felony	Tamper with public documents	33% 50%													1y4m	2y	3y
GOV 6201	Misd	Tamper with public documents	33%															1y
H&N 655(a)	Misd	Reckless boating	33%															180d
H&N 655(b)	Misd	DUI boating	33%															180d
H&N 655(c)	Misd	DUI boating - BAC of .08% or more	33%															180d
H&N 655(d)	Misd	DUI boating - BAC of .04% or more	33%															180d
H&N 655(e)	Misd	DUI boating - addicted to drugs	33%															180d
H&N 655(f)	Felony	DUI boating with injury	33% 50%													1y4m	2y	3y
H&N 655(f)	Misd	DUI boating with injury	33%													90d		1y
H&S 1390	Felony	Health care violation	33% 50%													1y4m	2y	3y
H&S 1621.5(a)	Felony	Donate blood with knowledge of AIDS	33% 50%													2y	4y	6y
H&S 11100(f)(1)	Misd	Failure to submit transaction report	33%															180d
H&S 11100(f)(2)	Felony	Failure to submit transaction report w/prior	33% 50%													1y4m	2y	3y
H&S 11100(f)(2)	Misd	Failure to submit transaction report w/prior	33%															1y
H&S 11107.1	Misd	Record purchase/sale of specified chemicals	33%															180d
H&S 11154(a)	Felony	Prescribe controlled substance w/o treatment	33% 50%													1y4m	2y	3y
H&S 11154(a)	Misd	Prescribe controlled substance w/o treatment	33%															1y
H&S 11154(b)	Felony	Aid unlawful prescription for controlled substance	33% 50%													1y4m	2y	3y
H&S 11154(b)	Misd	Aid unlawful prescription for controlled substance	33%															1y
H&S 11156(a)	Felony	Prescribe controlled substance to addict	33% 50%													1y4m	2y	3y
H&S 11156(a)	Misd	Prescribe controlled substance to addict	33%															1y
H&S 11162.5(a)	Felony	Counterfeit prescription blank/possess +3 blanks	33% 50%													1y4m	2y	3y
H&S 11162.5(a)	Misd	Counterfeit prescription blank/possess +3 blanks	33%															1y
H&S 11173(a)	Felony	Obtain controlled substance by fraud/concealment	33% 50%													1y4m	2y	3y
H&S 11173(a)	Misd	Obtain controlled substance by fraud/concealment	33%															1y
H&S 11173(b)	Felony	Make false statement in a prescription	33% 50%													1y4m	2y	3y
H&S 11173(b)	Misd	Make false statement in a prescription	33%															1y
H&S 11173(c)	Felony	Misrepresentation to obtain controlled substance	33% 50%													1y4m	2y	3y
H&S 11173(c)	Misd	Misrepresentation to obtain controlled substance	33%															1y
H&S 11173(d)	Felony	Affix false label to controlled substance package	33% 50%													1y4m	2y	3y
H&S 11173(d)	Misd	Affix false label to controlled substance package	33%															1y
H&S 11350(a)	Felony	Possession of controlled substance	33% 50%													1y4m	2y	3y
H&S 11350(b)	Felony	Possession of depressants	33% 50%													1y4m	2y	3y

Code Section	Severity	Description	- Credit - Jail/Prison	Firearm				Sex registration				Drug registration				DL suspension		
				Probation	Serious	Violent	Strike	Wobblers	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower	Middle	Upper			
H&S 11350(b)	Misd	Possession of depressants	33%															
H&S 11351	Felony	Possess/purchase controlled substance for sale	33% 50%															1y
H&S 11351.5	Felony	Possession or purchase of cocaine for sale	33% 50%												2y	3y	4y	
H&S 11352(a)	Felony	Sale or transportation of controlled substance	33% 50%												3y	4y	5y	
H&S 11352(b)	Felony	Transport controlled sub for sale between counties	33% 50%												3y	4y	5y	
H&S 11352.1(b)	Misd	Dispense or furnish a dangerous drug	33%												3y	6y	9y	
H&S 11352.1(b)	Misd	Dispense or furnish a dangerous drug w/prior	33%															1y
H&S 11353	Felony	Adult's use of minor for unlawful transaction	33% 50%															1y
H&S 11353.1(a)(1)	Felony	Enhance - 11353 occurring in church	33% 50%												3y	6y	9y	
H&S 11353.1(a)(2)	Felony	Enhance - 11353 occurring in school	33% 50%												1y	1y	1y	
H&S 11353.1(a)(3)	Felony	Enhance - 11353 involve minor 4+ yrs younger	33% 50%												2y	2y	2y	
H&S 11353.4(a)	Felony	Enhance - prior 11353 conviction	33% 50%												1y	2y	3y	
H&S 11353.4(b)	Felony	Enhance - prior 11353 w/ minor 14 yrs or younger	33% 50%												1y	2y	3y	
H&S 11353.5	Felony	Sale of controlled sub by adult to minor at school	33% 50%												1y	2y	3y	
H&S 11353.6(b)	Felony	Enhance - sale of controlled substance near school	33% 50%												5y	7y	9y	
H&S 11353.6(c)	Felony	Enhance - sale of cs to minor 4+ yrs yngr/school	33% 50%												3y	4y	5y	
H&S 11353.7	Felony	Sale of cs by adult to minor in public park	33% 50%												3y	4y	5y	
H&S 11354(a)	Felony	Minor's use of minor for unlawful cs transactions	33% 50%												3y	6y	9y	
H&S 11355	Felony	Deliver falsely represented controlled subs	33% 50%												1y4m	2y	3y	
H&S 11355	Misd	Deliver falsely represented controlled subs	33%												1y4m	2y	3y	
H&S 11356.5(a)(1)	Felony	Enhance - induce other for cs crime >\$500K	33% 50%															1y
H&S 11356.5(a)(2)	Felony	Enhance - induce other for cs crime >\$2M	33% 50%												1y	1y	1y	
H&S 11356.5(a)(3)	Felony	Enhance - induce other for cs crime >\$5M	33% 50%												2y	2y	2y	
H&S 11357(a)	Felony	Possession of concentrated cannabis	33% 50%												3y	3y	3y	
H&S 11357(a)	Misd	Possession of concentrated cannabis	33%												1y4m	2y	3y	
H&S 11357(b)	Misd	Possess <=28.5 gm of marijuana																1y
H&S 11357(c)	Misd	Possess >28.5 gm of marijuana	33%															
H&S 11357(d)	Misd	Possess <=28.5 gms marijuana at school	33%															180d
H&S 11357(e)	Misd	Possess <=28.5 gms marijuana/school/minor																10d
H&S 11357(e)	Misd	Possess <=28.5 gms marij/school/minor w/prior	33%															
H&S 11358	Felony	Marijuana cultivation	33% 50%															10d
H&S 11359	Felony	Possession of marijuana for sale	33% 50%												1y4m	2y	3y	
H&S 11360(a)	Felony	Transport, distribute, or import marijuana	33% 50%												1y4m	2y	3y	
H&S 11360(b)	Misd	Furnish/transport <=28.5g marijuana	33%												2y	3y	4y	
H&S 11361(a)	Felony	Employ minor <14 for marijuana transaction	33% 50%															180d
H&S 11361(b)	Felony	Employ minor >14 for marijuana transaction	33% 50%												3y	5y	7y	
H&S 11363	Felony	Cultivation of peyote	33% 50%												3y	4y	5y	
H&S 11363	Misd	Cultivation of peyote	33%												1y4m	2y	3y	
H&S 11364	Misd	Possession of paraphernalia for unlawful use	33%															1y
H&S 11365(a)	Misd	Presence during unlawful controlled substance use	33%												15d		180d	
H&S 11366	Felony	Maintain place to sell/use controlled substance	33% 50%												15d		180d	
H&S 11366	Misd	Maintain place to sell/use controlled substance	33%												1y4m	2y	3y	
H&S 11366.5(a)	Felony	Manage place to manufacture/distribute cs	33% 50%															1y
H&S 11366.5(a)	Misd	Manage place to manufacture/distribute cs	33%												1y4m	2y	3y	
H&S 11366.5(b)	Felony	Allow fortification to suppress law enforcement	33% 50%															1y
H&S 11366.5(c)	Felony	Manage place to manufacture/distribute cs w/pr	33% 50%												2y	3y	4y	
H&S 11366.6	Felony	Use fortified place to sell controlled substance	33% 50%												2y	3y	4y	
H&S 11366.7	Felony	Sale of chemical/drug/lab equip for unlawful use	33% 50%												3y	4y	5y	
H&S 11366.7	Misd	Sale of chemical/drug/lab equip for unlawful use	33%												1y4m	2y	3y	
H&S 11366.8(a)	Felony	Possess false compartment to store controlled subs	33% 50%															1y
H&S 11366.8(a)	Misd	Possess false compartment to store controlled subs	33%												1y4m	2y	3y	
H&S 11366.8(b)	Felony	Build false compartment to store controlled subs	33% 50%															1y
H&S 11368	Felony	Generate/use forged/alted prescription	33% 50%												1y4m	2y	3y	

Code Section	Severity	Description	- Credit - Jail/Prison	Probation	Firearm Wobblers	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock			
												Lower	Middle	Upper
H&S 11368	Misd	Generate/use forged/alterd prescription	33%									180d		1y
H&S 11370(a)	Felony	Probation prohibition for prior cs conviction	33%	50%										
H&S 11370(b)	Felony	Probation prohibition for inducing minor to use cs	33%	50%										
H&S 11370.1(a)	Felony	Possession of controlled subs and loaded firearm	33%	50%										
H&S 11370.2(a)	Felony	Enhance - prior narcotics conviction	33%	50%								2y	3y	4y
H&S 11370.2(b)	Felony	Enhance - prior (specified) cs conviction	33%	50%								3y	3y	3y
H&S 11370.2(c)	Felony	Enhance - prior (specified) cs conviction	33%	50%								3y	3y	3y
H&S 11370.4(a)(1)	Felony	Enhance - >1 kilo heroin/cocaine/base	33%	50%								3y	3y	3y
H&S 11370.4(a)(2)	Felony	Enhance - >4 kilo heroin/cocaine/base	33%	50%								3y	3y	3y
H&S 11370.4(a)(3)	Felony	Enhance - >10 kilo heroin/cocaine/base	33%	50%								5y	5y	5y
H&S 11370.4(a)(4)	Felony	Enhance - >20 kilo heroin/cocaine/base	33%	50%								10y	10y	10y
H&S 11370.4(a)(5)	Felony	Enhance - >40 kilo heroin/cocaine/base	33%	50%								15y	15y	15y
H&S 11370.4(a)(6)	Felony	Enhance - >80 kilo heroin/cocaine/base	33%	50%								20y	20y	20y
H&S 11370.4(b)(1)	Felony	Enhance - >1 kilo meth/amphet/PCP	33%	50%								25y	25y	25y
H&S 11370.4(b)(2)	Felony	Enhance - >4 kilo meth/amphet/PCP	33%	50%								3y	3y	3y
H&S 11370.4(b)(3)	Felony	Enhance - >10 kilo meth/amphet/PCP	33%	50%								5y	5y	5y
H&S 11370.4(b)(4)	Felony	Enhance - >20 kilo meth/amphet/PCP	33%	50%								10y	10y	10y
H&S 11370.6(a)	Felony	Possess >\$100k to purchase controlled substance	33%	50%								15y	15y	15y
H&S 11370.6(a)	Misd	Possess >\$100k to purchase controlled substance	33%									2y	3y	4y
H&S 11370.9(a)	Felony	Receive proceeds from controlled substance offense	33%	50%										1y
H&S 11370.9(a)	Misd	Receive proceeds from controlled substance offense	33%									2y	3y	4y
H&S 11370.9(b)	Felony	Sell valuable to further controlled subs offense	33%	50%										1y
H&S 11370.9(b)	Misd	Sell valuable to further controlled subs offense	33%									2y	3y	4y
H&S 11370.9(c)	Felony	Transfer/transport cs proceeds to conceal	33%	50%										1y
H&S 11370.9(c)	Misd	Transfer/transport cs proceeds to conceal	33%									2y	3y	4y
H&S 11370.9(d)	Felony	Conduct transaction w/cs proceeds to conceal	33%	50%										1y
H&S 11370.9(d)	Misd	Conduct transaction w/cs proceeds to conceal	33%									2y	3y	4y
H&S 11371	Felony	Commit/induce minor - (specified) cs offense	33%	50%										1y
H&S 11371	Misd	Commit/induce minor - (specified) cs offense	33%									1y4m	2y	3y
H&S 11371.1	Felony	Commit/induce minor - prescrip fraud	33%	50%										1y
H&S 11371.1	Misd	Commit/induce minor - prescrip fraud	33%									1y4m	2y	3y
H&S 11374.5	Felony	Hazard material disposal by cs manufacturer	33%	50%										1y
H&S 11374.5	Misd	Hazard material disposal by cs manufacturer	33%									2y	3y	4y
H&S 11375(b)(1)	Felony	Possess designated substance for sale	33%	50%										1y
H&S 11375(b)(1)	Misd	Possess designated substance for sale	33%									1y4m	2y	3y
H&S 11375(b)(2)	Misd	Possess designated substance	33%											1y
H&S 11375(b)(2)	Infract	Possess designated substance												180d
H&S 11377(a)	Felony	Possess non-narcotic (specified) cs	33%	50%										
H&S 11377(a)	Misd	Possess non-narcotic (specified) cs	33%									1y4m	2y	3y
H&S 11377(b)	Misd	Possess (specified) steroids	33%											1y
H&S 11378	Felony	Possess (specified) cs for sale	33%	50%										180d
H&S 11378.5	Felony	Possess PCP for sale	33%	50%								1y4m	2y	3y
H&S 11379(a)	Felony	Transport/furnish (specified) cs	33%	50%								3y	4y	5y
H&S 11379(a)	Felony	Transport/furnish (specified) cs	33%	50%								2y	3y	4y
H&S 11379(b)	Felony	Transport (spec) cs between counties for sale	33%	50%								2y	3y	4y
H&S 11379.2	Felony	Possess cs w/Ketamine for sale	33%	50%								3y	6y	9y
H&S 11379.2	Misd	Possess cs w/Ketamine for sale	33%									1y4m	2y	3y
H&S 11379.5(a)	Felony	Transport/furnish PCP	33%	50%										1y
H&S 11379.5(b)	Felony	Transport PCP between counties for sale	33%	50%								3y	4y	5y
H&S 11379.6(a)	Felony	Manufacture (specified) cs	33%	50%								3y	6y	9y
H&S 11379.6(c)	Felony	Offer to mfg (specified) cs	33%	50%								3y	5y	7y
H&S 11379.7(a)	Felony	Enhance - child <16 yrs present at lab	33%	50%								3y	4y	5y
H&S 11379.7(b)	Felony	Enhance - child <16 yrs w/GBI	33%	50%								2y	2y	2y
												5y	5y	5y

Code Section	Severity	Description	- Credit - Jail/Prison		Firearm	Sex registration	Wobblers	Probation	Serious	Violent	Strike	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower Middle Upper		
H&S 11379.8(a)(1)	Felony	Enhance - (specified) cs >3 gal/1 lb	33%	50%													3y	3y	3y
H&S 11379.8(a)(2)	Felony	Enhance - (specified) cs >10 gal/3 lb	33%	50%													5y	5y	5y
H&S 11379.8(a)(3)	Felony	Enhance - (specified) cs >25 gal/10 lb	33%	50%													10y	10y	10y
H&S 11379.8(a)(4)	Felony	Enhance - (specified) cs >105 gal/44 lb	33%	50%													15y	15y	15y
H&S 11379.9	Felony	Enhance - mfg of PCP/meth w/GBI/death	33%	50%													1y	1y	1y
H&S 11380(a)	Felony	Involve minor in (specified) cs offense	33%	50%													3y	6y	9y
H&S 11380.1(a)(1)	Felony	Enhance - 11380 w/PCP/at church/other	33%	50%													1y	1y	1y
H&S 11380.1(a)(2)	Felony	Enhance - 11380 w/PCP/at school	33%	50%													2y	2y	2y
H&S 11380.1(a)(3)	Felony	Enhance - involve minor 4+ yrs younger	33%	50%													1y	2y	3y
H&S 11380.7(a)	Felony	Enhance - trafficking near center/shelter	33%	50%													1y	1y	1y
H&S 11382	Felony	Substitute fraudulent cs for sale	33%	50%													1y4m	2y	3y
H&S 11382	Misd	Substitute fraudulent cs for sale	33%																1y
H&S 11383(a)	Felony	Possess chemicals to mfg PCP	33%	50%													2y	4y	6y
H&S 11383(b)	Felony	Possess isomer materials to mfg PCP	33%	50%													2y	4y	6y
H&S 11383(c)	Felony	Possess compound or mixture to mfg PCP	33%	50%													2y	4y	6y
H&S 11383(d)	Felony	Possess immediate precursors to mfg PCP	33%	50%													2y	4y	6y
H&S 11383.5(a)	Felony	Possess chemicals to mfg meth	33%	50%													2y	4y	6y
H&S 11383.5(b)(1)	Felony	Possess ephedrine to mfg meth	33%	50%													2y	4y	6y
H&S 11383.5(b)(2)	Felony	Possess hydriodic acid to mfg meth	33%	50%													2y	4y	6y
H&S 11383.5(c)	Felony	Possess isomer materials to mfg meth	33%	50%													2y	4y	6y
H&S 11383.5(d)	Felony	Possess immediate precursors to mfg meth	33%	50%													2y	4y	6y
H&S 11383.5(e)	Felony	Possess essential chemicals to mfg meth	33%	50%													2y	4y	6y
H&S 11383.5(f)	Felony	Possess compound or mixture to mfg meth	33%	50%													2y	4y	6y
H&S 11383.6(a)	Felony	Possess PCP precursors with intent to sell	33%	50%													1y4m	2y	3y
H&S 11383.6(b)	Felony	Possess PCP isomers with intent to sell	33%	50%													1y4m	2y	3y
H&S 11383.6(c)	Felony	Possess PCP compound/mixture with intent to sell	33%	50%													1y4m	2y	3y
H&S 11383.6(d)	Felony	Possess immediate precursors with intent to sell	33%	50%													1y4m	2y	3y
H&S 11383.7(a)	Felony	Possess meth chemicals with intent to sell	33%	50%													1y4m	2y	3y
H&S 11383.7(b)(1)	Felony	Possess ephedrine with intent to sell	33%	50%													1y4m	2y	3y
H&S 11383.7(b)(2)	Felony	Possess hydriodic acid with intent to sell	33%	50%													1y4m	2y	3y
H&S 11383.7(c)	Felony	Possess meth isomers with intent to sell	33%	50%													1y4m	2y	3y
H&S 11383.7(d)	Felony	Possess immediate precursors with intent to sell	33%	50%													1y4m	2y	3y
H&S 11383.7(e)	Felony	Possess essential chemicals with intent to sell	33%	50%													1y4m	2y	3y
H&S 11383.7(f)	Felony	Possess compound or mixture with intent to sell	33%	50%													1y4m	2y	3y
H&S 11390	Felony	Cultivate spores/mycelium for cs	33%	50%													1y4m	2y	3y
H&S 11390	Misd	Cultivate spores/mycelium for cs	33%																1y
H&S 11391	Felony	Sell/transport spores/mycelium for cs	33%	50%													1y4m	2y	3y
H&S 11391	Misd	Sell/transport spores/mycelium for cs	33%																1y
H&S 11530	Misd	Loitering for drug activities	33%																180d
H&S 11550(a)	Misd	Use or be under the influence of cs	33%														90d		1y
H&S 11550(b)	Misd	Under cs influence w/2+ priors within 7 yrs	33%														180d		1y
H&S 11550(e)	Felony	Under cs influence with loaded firearm	33%	50%													1y4m	2y	3y
H&S 11550(e)	Felony	Under cs influence with loaded firearm w/prior	33%	50%													2y	3y	4y
H&S 11550(e)	Misd	Under cs influence with loaded firearm	33%																1y
H&S 11550(f)	Felony	Under cs influence with loaded firearm+prior	33%	50%													2y	3y	4y
H&S 12085	Misd	Make, possess, or transport explosive	33%																180d
H&S 12305	Felony	Possession of an explosive	33%	50%													1y4m	2y	3y
H&S 12401	Felony	Possession of explosive	33%	50%													1y4m	2y	3y
H&S 12401	Misd	Possession of explosive	33%																1y
H&S 12702	Felony	Furnishing fireworks to a minor	33%	50%													1y4m	2y	3y
H&S 12702	Misd	Furnishing fireworks to a minor	33%																1y
H&S 25189.5(b)	Felony	Unlawful disposal of hazardous waste	33%	50%													1y4m	2y	3y
H&S 25189.5(b)	Misd	Unlawful disposal of hazardous waste	33%																1y

Code	Section	Severity	Description	- Credit - Jail/Prison	Probation	Firearm Wobblers	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower Middle Upper		
H&S	25189.5(c)	Felony	Unlawful transportation of hazardous waste	33%	50%								1y4m	2y	3y
H&S	25189.5(c)	Misd	Unlawful transportation of hazardous waste	33%											1y
H&S	25189.5(d)	Felony	Unlawfully store hazardous waste	33%	50%								1y4m	2y	3y
H&S	25189.5(d)	Misd	Unlawfully store hazardous waste	33%											1y
H&S	25189.5(e)	Felony	Enhance - hazardous waste disposal w/GBI	15%	15%								3y	3y	3y
H&S	25189.6(a)	Felony	Unlawful hazardous waste handling	33%	50%								1y4m	2y	3y
H&S	25189.6(a)	Misd	Unlawful hazardous waste handling	33%											1y
H&S	25189.6(b)	Felony	Unlawful hazard waste handling w/risk to other	33%	50%								3y	6y	9y
H&S	105256(c)	Infract	Refuse to abate lead hazard												
H&S	105256(d)	Misd	Refuse to abate lead hazard with prior	33%											180d
H&S	120290	Misd	Expose others to communicable disease	33%											180d
H&S	122335(b)	Misd	Unlawful tethering of dog	33%											180d
H&S	122335(b)	Infract	Unlawful tethering of dog												
H&S	120291(a)	Felony	Expose to HIV virus through sexual activity	33%	50%								3y	5y	8y
INS	1871.4(a)(1)	Felony	Make false statement regarding insurance comp	33%	50%								2y	3y	5y
INS	1871.4(a)(1)	Misd	Make false statement regarding insurance comp	33%											1y
INS	1871.4(a)(2)	Felony	Present false statement regarding insurance comp	33%	50%								2y	3y	5y
INS	1871.4(a)(2)	Misd	Present false statement regarding insurance comp	33%											1y
INS	1871.4(a)(3)	Felony	Aid/abet fraudulent insurance claim	33%	50%								2y	3y	5y
INS	1871.4(a)(3)	Misd	Aid/abet fraudulent insurance claim	33%											1y
INS	1871.4(a)(4)	Felony	False statement regarding workers' comp entitlement	33%	50%								2y	3y	5y
INS	1871.4(a)(4)	Misd	False statement regarding workers' comp entitlement	33%											1y
INS	1871.4(c)	Felony	Enhance - insurance fraud with prior	33%	50%								2y	2y	2y
INS	11880(a)	Felony	False statement for workers' comp insurance	33%	50%								2y	3y	5y
INS	11880(a)	Misd	False statement for workers' comp insurance	33%											1y
INS	11880(b)	Felony	Enhance - false workers' comp statement w/prior	33%	50%								2y	2y	2y
LAB	1778	Felony	Take wages of worker	33%	50%								1y4m	2y	3y
LAB	3700.5	Misd	Fail to secure payment	33%											180d
M&V	648.1(a)	Infract	False representation of military decoration												
PC	32	Felony	Accessory	33%	50%								1y4m	2y	3y
PC	32	Misd	Accessory	33%											1y
PC	37	Felony	Treason	15%	15%										DEATH
PC	38	Felony	Knowingly conceal treason	33%	50%								1y4m	2y	3y
PC	67	Felony	Bribery of state executive officer	33%	50%								2y	3y	4y
PC	67.5	Felony	Bribery of state ministerial officer	33%	50%								1y4m	2y	3y
PC	67.5	Misd	Bribery of state ministerial officer	33%											180d
PC	68	Felony	State officer asking for or receiving bribe	33%	50%								2y	3y	4y
PC	69	Felony	Resisting or deterring executive officer	33%	50%								1y4m	2y	3y
PC	69	Misd	Resisting or deterring executive officer	33%											1y
PC	70(a)	Misd	Request/accept gratuity for official act	33%											180d
PC	71(1)	Felony	Threaten to injure school or public employee	33%	50%								1y4m	2y	3y
PC	71(1)	Misd	Threaten to injure school or public employee	33%											1y
PC	71(2)	Felony	Threaten to injure school or public employee w/pr	33%	50%								1y4m	2y	3y
PC	72	Felony	Present false claim to public board or officer	33%	50%								1y4m	2y	3y
PC	72	Misd	Present false claim to public board or officer	33%											1y
PC	76(a)(1)	Felony	Threaten public official, staff, or family member	33%	50%								1y4m	2y	3y
PC	76(a)(1)	Misd	Threaten public official, staff, or family member	33%											1y
PC	76(a)(2)	Felony	Threaten public official/staff/family member w/pr	33%	50%								1y4m	2y	3y
PC	85	Felony	Bribe legislator/member of legislative body	33%	50%								2y	3y	4y
PC	86	Felony	Legislative member accepting bribe	33%	50%								2y	3y	4y
PC	92	Felony	Bribery of judicial officer	33%	50%								2y	3y	4y
PC	93	Felony	Accepting of bribe by judicial officer	33%	50%								2y	3y	4y
PC	95	Felony	Influencing of juror, referee, or umpire	33%	50%								1y4m	2y	3y

Code Section	Severity	Description	- Credit - Jail/Prison		Firearm	Sex registration	Wobblers	Probation	Serious	Violent	Strike	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower Middle Upper		
PC 96	Felony	Misconduct of juror, referee, or umpire	33%	50%													1y4m	2y	3y
PC 96.5	Misd	Obstruction of justice by judicial officer	33%																1y
PC 99	Felony	Conflict of interest by state printer	33%	50%													1y4m	2y	3y
PC 100	Felony	Fraud by Superintendent of State Printing	33%	50%													1y4m	2y	3y
PC 107	Felony	Escape by felon from hospital or reformatory	33%	50%													1y4m	2y	3y
PC 109	Felony	Assist escape from reformatory	33%	50%													1y4m	2y	3y
PC 110	Felony	Supply anything to aid escape from reformatory	33%	50%													1y4m	2y	3y
PC 113	Felony	Manufacture or sell false government documents	33%	50%													5y	5y	5y
PC 113	Misd	Manufacture or sell false government documents	33%																1y
PC 114	Felony	Use false documents to conceal true citizenship	33%	50%													5y	5y	5y
PC 115(a)	Felony	Record false or forged instrument	33%	50%													1y4m	2y	3y
PC 115.1	Felony	Use unauthorized signature in campaign ad	33%	50%													1y4m	2y	3y
PC 115.1	Misd	Use unauthorized signature in campaign ad	33%																180d
PC 115.3	Misd	Alteration of official record	33%																180d
PC 115.5(a)	Infra	Forgery of real property documents																	
PC 115.5(b)	Felony	False statement to notary regarding property docs	33%	50%													1y4m	2y	3y
PC 116	Felony	Add/extract names from/destroy jury box	33%	50%													1y4m	2y	3y
PC 117	Felony	Certify false jury list	33%	50%													1y4m	2y	3y
PC 118(a)	Felony	Perjury under oath	33%	50%													2y	3y	4y
PC 118a	Felony	Perjury by false affidavit	33%	50%													2y	3y	4y
PC 118.1	Felony	False report filed by peace officer	33%	50%													1y	2y	3y
PC 118.1	Misd	False report filed by peace officer	33%																1y
PC 127	Felony	Subornation of perjury	33%	50%													2y	3y	4y
PC 128	Felony	Perjury causing execution of innocent person	15%	15%															DEATH
PC 129	Felony	False statement under oath though not sworn to	33%	50%													2y	3y	4y
PC 132	Felony	Offer forged/alterd document as genuine	33%	50%													1y4m	2y	3y
PC 134	Felony	Falsifying documents to be used in evidence	33%	50%													1y4m	2y	3y
PC 135	Misd	Destroying or concealing documentary evidence	33%																180d
PC 135.5	Misd	Alter evidence re public safety officer proceeding	33%																180d
PC 136.1(a)	Felony	Prevent/dissuade witness/victim from testifying	33%	50%													1y4m	2y	3y
PC 136.1(a)	Felony	Prevent/dissuade witness/victim from testifying	15%	15%													1y4m	2y	3y
PC 136.1(a)	Misd	Prevent/dissuade witness/victim from testifying	33%																180d
PC 136.1(b)(1)	Felony	Prevent/dissuade witness/victim from making report	33%	50%													1y4m	2y	3y
PC 136.1(b)(1)	Felony	Prevent/dissuade witness/victim from making report	15%	15%													1y4m	2y	3y
PC 136.1(b)(1)	Misd	Prevent/dissuade witness/victim from making report	33%																180d
PC 136.1(b)(2)	Felony	Prevent/dissuade witness/victim from prosecuting	33%	50%													1y4m	2y	3y
PC 136.1(b)(2)	Felony	Prevent/dissuade witness/victim from prosecuting	15%	15%													1y4m	2y	3y
PC 136.1(b)(2)	Misd	Prevent/dissuade witness/victim from prosecuting	33%																180d
PC 136.1(b)(3)	Felony	Prevent/dissuade witness/victim from arresting	33%	50%													1y4m	2y	3y
PC 136.1(b)(3)	Felony	Prevent/dissuade witness/victim from arresting	15%	15%													1y4m	2y	3y
PC 136.1(b)(3)	Misd	Prevent/dissuade witness/victim from arresting	33%																180d
PC 136.1(c)	Felony	Dissuade witness or victim	33%	50%													2y	3y	4y
PC 136.1(c)	Felony	Dissuade witness or victim	15%	15%													2y	3y	4y
PC 136.1(c)	Felony	Dissuade witness or victim	33%	50%													2y	3y	4y
PC 136.1(c)	Felony	Dissuade witness or victim	15%	15%													2y	3y	4y
PC 136.1(c)(1)	Felony	Prevent/dissuade witness/victim by force or threat	33%	50%													2y	3y	4y
PC 136.1(c)(1)	Felony	Prevent/dissuade witness/victim by force or threat	15%	15%													2y	3y	4y
PC 136.1(c)(1)	Felony	Prevent/dissuade witness/victim by force or threat	33%	50%													2y	3y	4y
PC 136.1(c)(1)	Felony	Prevent/dissuade witness/victim by force or threat	15%	15%													2y	3y	4y
PC 136.1(c)(2)	Felony	Conspire to dissuade witness or victim	33%	50%													2y	3y	4y
PC 136.1(c)(2)	Felony	Conspire to dissuade witness or victim	15%	15%													2y	3y	4y
PC 136.1(c)(2)	Felony	Conspire to dissuade witness or victim	33%	50%													2y	3y	4y
PC 136.1(c)(2)	Felony	Conspire to dissuade witness or victim	15%	15%													2y	3y	4y

Code	Section	Severity	Description	- Credit - Jail/Prison	Firearm Sex registration										Lower	Middle	Upper	
					Wobblers	Probation	Serious	Violent	Strike	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture				Interlock
PC	136.1(c)(3)	Felony	Dissuade witness or victim with prior	33%	50%	•	•	•							2y	3y	4y	
PC	136.1(c)(3)	Felony	Dissuade witness or victim with prior	15%	15%	•	•	•							2y	3y	4y	
PC	136.1(c)(3)	Felony	Dissuade witness or victim with prior	33%	50%	•	•	•							2y	3y	4y	
PC	136.1(c)(3)	Felony	Dissuade witness or victim with prior	15%	15%	•	•	•							2y	3y	4y	
PC	136.1(c)(4)	Felony	Dissuade witness or victim for financial gain	33%	50%	•	•	•							2y	3y	4y	
PC	136.1(c)(4)	Felony	Dissuade witness or victim for financial gain	33%	50%	•	•	•							2y	3y	4y	
PC	136.1(c)(4)	Felony	Dissuade witness or victim for financial gain	33%	50%	•	•	•							2y	3y	4y	
PC	136.1(c)(4)	Felony	Dissuade witness or victim for financial gain	33%	50%	•	•	•							2y	3y	4y	
PC	136.5	Felony	Possess deadly weapon to prevent witness testimony	33%	50%			•	•						1y4m	2y	3y	
PC	136.5	Misd	Possess deadly weapon to prevent witness testimony	33%				•	•								1y	
PC	137(a)	Felony	Induce false testimony by bribing witness	33%	50%			•							1y4m	2y	3y	
PC	137(a)	Felony	Induce false testimony by bribing witness	33%	50%			•							1y4m	2y	3y	
PC	137(b)	Felony	Induce false testimony by force or threat	33%	50%			•							2y	3y	4y	
PC	137(b)	Felony	Induce false testimony by force or threat	33%	50%			•							2y	3y	4y	
PC	137(c)	Misd	Induce false testimony	33%													180d	
PC	138(a)	Felony	Bribing witness/victim not to attend trial	33%	50%			•							1y4m	2y	3y	
PC	138(b)	Felony	Receive bribe by witness/vic not to attend trial	33%	50%			•							1y4m	2y	3y	
PC	139(a)	Felony	Viol threat to witness by felon conv of 12021.1	33%	50%			•	•						2y	3y	4y	
PC	139(a)	Misd	Viol threat to witness by felon conv of 12021.1	33%				•									1y	
PC	139(b)	Felony	Viol threat to witness by felon w/prior 139(a)	33%	50%			•							2y	3y	4y	
PC	140	Felony	Threat of violence because of aid in prosecution	33%	50%			•	•						2y	3y	4y	
PC	140	Misd	Threat of violence because of aid in prosecution	33%				•	•								1y	
PC	141(a)	Misd	Planting, altering, concealing physical evidence	33%													180d	
PC	141(b)	Felony	Plant/alter/conceal evidence by peace officer	33%	50%			•							2y	3y	5y	
PC	146	Misd	Officer/impersonator acting without authority	33%													180d	
PC	146a	Misd	Arrest/search by false deputy/clerk	33%													180d	
PC	146a(b)	Felony	Arrest/search by false pub officer/etc	33%	50%			•	•						1y4m	2y	3y	
PC	146a(b)	Misd	Arrest/search by false pub officer/etc	33%				•									1y	
PC	146g(a)(1)	Misd	Disclose information for financial gain	33%													180d	
PC	146g(a)(2)	Misd	Solicit information for financial gain	33%													180d	
PC	146g(b)	Misd	Solicit person for financial gain	33%													180d	
PC	146g(c)(1)	Misd	Solicit or sell photograph for financial gain	33%													180d	
PC	146g(c)(2)	Misd	Solicit to disclose photo for financial gain	33%													180d	
PC	148(a)(1)	Misd	Resisting, obstructing, or delaying public officer	33%													1y	
PC	148(a)(2)	Misd	Interfering with public safety radio transmission	33%													1y	
PC	148(b)	Felony	Removal of officer's weapon while resisting police	33%	50%			•	•						1y4m	2y	3y	
PC	148(b)	Misd	Removal of officer's weapon while resisting police	33%				•									1y	
PC	148(c)	Felony	Remove officer's firearm while resisting police	33%	50%			•							1y4m	2y	3y	
PC	148(d)	Felony	Remove firearm from officer engaged in duties	33%	50%			•	•						1y4m	2y	3y	
PC	148(d)	Misd	Remove firearm from officer engaged in duties	33%				•	•								1y	
PC	148.1(a)	Felony	Falsely report planting of bomb to official	33%	50%			•	•						1y4m	2y	3y	
PC	148.1(a)	Misd	Falsely report planting of bomb to official	33%				•									1y	
PC	148.1(b)	Felony	Falsely report planting of bomb to police	33%	50%			•	•						1y4m	2y	3y	
PC	148.1(b)	Misd	Falsely report planting of bomb to police	33%				•									1y	
PC	148.1(c)	Felony	Falsely report planting of bomb	33%	50%			•	•						1y4m	2y	3y	
PC	148.1(c)	Misd	Falsely report planting of bomb	33%				•									1y	
PC	148.1(d)	Felony	Possess or send false bomb to frighten	33%	50%			•	•						1y4m	2y	3y	
PC	148.1(d)	Misd	Possess or send false bomb to frighten	33%				•									1y	
PC	148.2	Misd	Interfere with fireman/emergency rescue personnel	33%													180d	
PC	148.3(a)	Misd	Falsely report emergency	33%													1y	
PC	148.3(b)	Felony	Falsely report emergency causing injury or death	33%	50%										1y4m	2y	3y	
PC	148.4(a)	Misd	Tamper with fire alarm or give false alarm	33%													1y	
PC	148.4(b)	Felony	Tamper with fire alarm/false alarm w/inj or death	33%	50%			•							1y4m	2y	3y	

Code Section	Severity	Description	- Credit - Jail/Prison	Firearm Sex registration										Drug registration			Lower	Middle	Upper
				Probation	Serious	Violent	Strike	Firearm	Sex registration	Arson registration	DL suspension	Auto forfeiture	Interlock						
PC 148.5(a)	Misd	False report of crime	33%														180d		
PC 148.6(a)(1)	Misd	Falsely allege police misconduct	33%														180d		
PC 148.9(a)	Misd	Give false identification to police	33%														180d		
PC 148.10	Felony	Resist causing death/gbi to officer	33% 50%											2y	3y	4y			
PC 148.10	Felony	Resist personally causing death/gbi to officer	33% 50%											2y	3y	4y			
PC 148.10	Misd	Resist causing death or injury to officer	33%														1y		
PC 149	Felony	Assault and battery by officer	33% 50%											1y4m	2y	3y			
PC 149	Misd	Assault and battery by officer	33%														1y		
PC 151(a)(1)	Misd	Advocate injury/death of peace officer	33%														180d		
PC 151(a)(2)	Felony	Advocate inj/death of peace officer w/death	33% 50%											1y4m	2y	3y			
PC 152(a)	Misd	Active concealment of accidental death	33%														1y		
PC 153[1]	Felony	Compounding or concealing a capital offense	33% 50%											1y4m	2y	3y			
PC 153[1]	Misd	Compounding or concealing a capital offense	33%														1y		
PC 153[2]	Felony	Compounding or concealing a felony offense	33% 50%											1y4m	2y	3y			
PC 153[2]	Misd	Compounding or concealing a felony offense	33%														180d		
PC 153[3]	Misd	Compounding or concealing a misdemeanor offense	33%														180d		
PC 154	Felony	Defraud creditors by selling/conceal property	33% 50%											1y4m	2y	3y			
PC 154	Misd	Defraud creditors by selling/conceal property	33%														1y		
PC 155	Felony	Concealing or selling property by judgment debtor	33% 50%											1y4m	2y	3y			
PC 155	Misd	Concealing or selling property by judgment debtor	33%														1y		
PC 155.5(b)	Felony	Disposition of property to avoid restitution	33% 50%											1y4m	2y	3y			
PC 156	Felony	Producing spurious heir	33% 50%											2y	3y	4y			
PC 157	Felony	Substitution of child	33% 50%											2y	3y	4y			
PC 165	Felony	Giving or offering bribe to councilman/supervisor	33% 50%											2y	3y	4y			
PC 166(a)(1)	Misd	Contempt of court	33%														180d		
PC 166(a)(1)	Misd	Contempt of court with injury	33%											2d			180d		
PC 166(a)(4)	Misd	Disobedience of court order	33%														180d		
PC 166(c)(1)	Misd	Violation of protective/stay away order	33%											2d			180d		
PC 166(c)(4)	Felony	Violation of protective/stay away order w/pr	33% 50%											1y4m	2y	3y			
PC 166(c)(4)	Misd	Violation of protective/stay away order w/pr	33%														1y		
PC 169	Misd	Picketing near court to obstruct justice	33%														180d		
PC 171b	Felony	Bring weapon into state or local building/meeting	33% 50%											1y4m	2y	3y			
PC 171b	Misd	Bring weapon into state or local building/meeting	33%														1y		
PC 171c	Felony	Bring loaded firearm onto state or school grounds	33% 50%											1y4m	2y	3y			
PC 171c	Misd	Bring loaded firearm onto state or school grounds	33%														1y		
PC 171d	Felony	Bring loaded firearm into official state residence	33% 50%											1y4m	2y	3y			
PC 171d	Misd	Bring loaded firearm into official state residence	33%														1y		
PC 181	Felony	Involuntary servitude and sale of slaves	33% 50%											2y	3y	4y			
PC 182(a)(6)	Felony	Conspire to commit crime against public official	33% 50%											5y	7y	9y			
PC 185	Misd	Wear mask or disguise	33%														180d		
PC 186.10	Felony	Money laundering exceeding \$5,000	33% 50%											1y4m	2y	3y			
PC 186.10(c)(1)(A)	Felony	Enhance - money laundering >\$50K <\$150K	33% 50%											1y	1y	1y			
PC 186.10(c)(1)(B)	Felony	Enhance - money laundering >\$150K <\$1M	33% 50%											2y	2y	2y			
PC 186.10(c)(1)(C)	Felony	Enhance - money laundering >\$1M <\$2.5M	33% 50%											3y	3y	3y			
PC 186.10(c)(1)(D)	Felony	Enhance - money laundering >\$2.5M	33% 50%											4y	4y	4y			
PC 186.11(a)(2)	Felony	Enhance - taking >\$500K	33% 50%											2y	3y	5y			
PC 186.11(a)(2)	Felony	Enhance - taking/loss >\$500K	33% 50%											2y	3y	5y			
PC 186.11(a)(3)	Felony	Enhance - taking >\$100K <\$500K	33% 50%											1y	1y	1y			
PC 186.11(a)(3)	Felony	Enhance - taking/loss >\$100K <\$500K	33% 50%											1y	1y	1y			
PC 186.22(a)	Felony	Criminal street gang activity	33% 50%											1y4m	2y	3y			
PC 186.22(a)	Misd	Criminal street gang activity	33%											180d			1y		
PC 186.22(b)(1)(A)	Felony	Enhance - aiding gang activity	33% 50%											2y	3y	4y			
PC 186.22(b)(1)(B)	Felony	Enhance - aiding gang activity/serious felony	33% 50%											5y	5y	5y			

Code	Section	Severity	Description	Firearm		Sex registration		Wobblers		Probation		Drug registration		Arson registration		DL suspension		Auto forfeiture		Interlock		Lower	Middle	Upper																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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Code	Section	Severity	Description	Firearm Sex registration										Drug registration														
				Wobblers					Probation					Serious					Violent					Strike				
				- Credit - Jail/Prison					Arson registration					DL suspension					Auto forfeiture					Interlock				
																								Lower	Middle	Upper		
PC	191.5(d)	Felony	Vehicular manslaughter - intox w/gross neg & prior	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	15-LIFE		
PC	192(a)	Felony	Voluntary manslaughter	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	6y	11y
PC	192(b)	Felony	Involuntary manslaughter	33%	50%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	2y	3y	4y
PC	192(c)(1)	Felony	Vehicular manslaughter - with gross negligence	33%	50%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	2y	4y	6y
PC	192(c)(1)	Misd	Vehicular manslaughter - with gross negligence	33%																							1y	
PC	192(c)(2)	Misd	Vehicular manslaughter - w/out gross negligence	33%																							1y	
PC	192(c)(3)	Felony	Vehicular manslaughter - financial gain	33%	50%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	4y	6y	10y
PC	192.5(a)	Felony	Vessel manslaughter - intox w/gross negligence	33%	50%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	4y	6y	10y
PC	192.5(b)	Felony	Vessel manslaughter - intox w/out gross negligence	33%	50%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	1y4m	2y	4y
PC	192.5(b)	Misd	Vessel manslaughter - intox w/out gross negligence	33%																							1y	
PC	192.5(c)	Felony	Vessel manslaughter - with gross negligence	33%	50%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	2y	4y	6y
PC	192.5(c)	Misd	Vessel manslaughter - w/gross negligence	33%																							1y	
PC	192.5(d)	Misd	Vessel manslaughter - w/out gross negligence	33%																							1y	
PC	192.5(e)	Felony	Enhance - fleeing scene after vessel manslaughter	33%	50%																					5y	5y	5y
PC	193.8(a)	Misd	Relinquish possession of vehicle to minor	33%																							180d	
PC	203	Felony	Mayhem	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	2y	4y	8y
PC	205	Felony	Aggravated mayhem	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			LIFE
PC	206	Felony	Torture	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			LIFE
PC	207(a)	Felony	Kidnapping	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	5y	8y
PC	207(a)	Felony	Kidnapping - separate victim/separate occasion	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	5y	8y
PC	207(b)	Felony	Kidnapping by enticing victim under 14 yrs	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	5y	8y	11y
PC	207(b)	Felony	Kidnapping - victim < 14 - separate	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	5y	8y	11y
PC	207(c)	Felony	Kidnapping with intent to take out of state	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	5y	8y
PC	207(c)	Felony	Kidnapping - out of state - separate	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	5y	8y
PC	207(d)	Felony	Kidnapping with intent to bring into state	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	5y	8y
PC	207(d)	Felony	Kidnapping - bring into state - separate	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	5y	8y
PC	208(a)	Felony	Kidnapping	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	5y	8y
PC	208(b)	Felony	Kidnapping a victim under 14 years	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	5y	8y	11y
PC	209(a)	Felony	Kidnapping - ransom/reward/extortion	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			LIFE
PC	209(a)	Felony	Kidnapping - ransom/reward/extortion w/inj	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			LWOP
PC	209(b)(1)	Felony	Kidnapping for robbery or sex offense	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			LIFE
PC	209.5(a)	Felony	Kidnapping in commission of carjacking	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			LIFE
PC	210	Felony	Pose as kidnapper for ransom/reward/extortion	33%	50%																					2y	3y	4y
PC	210.5	Felony	Taking of hostage	33%	50%																					3y	5y	8y
PC	211	Felony	Robbery	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	2y	3y	5y
PC	211	Felony	Robbery - 1st degree	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	4y	6y
PC	212.5(a)	Felony	Robbery - 1st degree (transit)	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	4y	6y
PC	212.5(a)	Felony	Robbery - 1st degree (residential)	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	4y	6y
PC	212.5(b)	Felony	Robbery - 1st degree (atm)	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	4y	6y
PC	212.5(c)	Felony	Robbery - 2nd degree	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	2y	3y	5y
PC	213(a)(1)(A)	Felony	Robbery - 1st degree residential, in concert	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	6y	9y
PC	213(a)(1)(B)	Felony	Robbery - 1st degree	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	4y	6y
PC	213(a)(2)	Felony	Robbery - 2nd degree	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	2y	3y	5y
PC	213(b)	Felony	Attempted robbery - 2nd degree	33%	50%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	1y4m	2y	3y
PC	214	Felony	Train robbery	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	1y4m	2y	3y
PC	215(a)	Felony	Carjacking	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	3y	5y	9y
PC	217.1(a)	Felony	Assault on public official	33%	50%																					1y4m	2y	3y
PC	217.1(a)	Misd	Assault on public official	33%																							1y	
PC	217.1(b)	Felony	Attempted murder of public official	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			15-LIFE
PC	218	Felony	Derailing or wrecking of train	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			LWOP
PC	218.1	Felony	Cause train damage/derailment or passenger injury	33%	50%																					2y	3y	4y
PC	218.1	Misd	Cause train damage/derailment or passenger injury	33%																							1y	
PC	219	Felony	Wrecking train or firing bridge	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			LWOP

				Firearm Sex registration															
				Wobblers					Drug registration										
				Probation					Arson registration										
				Serious					DL suspension										
				Violent					Auto forfeiture										
				Strike					Interlock										
				- Credit -										Lower		Middle		Upper	
Code Section		Severity	Description	Jail/Prison	15%	15%	•	•	•	•	•	•	•	•	•	•	•	•	
DEATH																			
PC	219	Felony	Wrecking train or firing bridge w/death	15%	15%		•	•	•	•	•	•	•	•	•	•	•	•	
PC	219.1	Felony	Throw missile at vehicle of common carrier w/inj	33%	50%					•	•					2y	4y	6y	
PC	219.2	Felony	Throw missile or shoot at train/streetcar/vessel	33%	50%					•	•					1y4m	2y	3y	
PC	219.2	Misd	Throw missile or shoot at train/streetcar/vessel	33%						•								1y	
PC	220/203	Felony	Assault - intent to commit mayhem	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/261	Felony	Assault - intent to commit rape	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/261	Felony	Assault - intent to commit rape	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/261	Felony	Assault - intent to commit rape	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/264.1	Felony	Assault - intent to commit sex act in concert	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/264.1	Felony	Assault - intent to commit sex act in concert	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/264.1	Felony	Assault - intent to commit sex act in concert	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/286	Felony	Assault - intent to commit sodomy	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/286	Felony	Assault - intent to commit sodomy	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/286	Felony	Assault - intent to commit sodomy	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/288	Felony	Assault - intent to commit lewd act on child	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/288	Felony	Assault - intent to commit lewd act on child	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/288	Felony	Assault - intent to commit lewd act on child	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/288a	Felony	Assault - intent to commit oral copulation	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/288a	Felony	Assault - intent to commit oral copulation	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/288a	Felony	Assault - intent to commit oral copulation	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/289	Felony	Assault - intent to penetrate w/foreign object	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/289	Felony	Assault - intent to penetrate w/foreign object	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
PC	220/289	Felony	Assault - intent to penetrate w/foreign object	15%	15%	•	•	•	•	•	•	•	•	•	•	2y	4y	6y	
LIFE																			
PC	220(b)	Felony	Assault - intent to commit sex crime/1st deg burg	15%	15%	•	•	•	•	•	•	•	•	•	•	1y4m	2y	3y	
PC	222	Felony	Administer controlled substance to aid felony	33%	50%					•						1y4m	2y	3y	
PC	236	Felony	False imprisonment with violence	33%	50%					•								1y	
PC	236	Misd	False imprisonment	33%						•						3y	4y	5y	
PC	236.1(a)	Felony	Human trafficking	33%	50%					•						4y	6y	8y	
PC	236.1(c)	Felony	Human trafficking - victim under age 18	33%	50%					•						1y4m	2y	3y	
PC	237	Felony	False imprisonment with violence	33%														1y	
PC	237	Misd	False imprisonment	33%														180d	
PC	240	Misd	Assault	33%														180d	
PC	241(a)	Misd	Assault	33%														180d	
PC	241(b)	Misd	Assault - on duty parking control officer	33%														1y	
PC	241(c)	Misd	Assault - on duty emergency person	33%	50%					•	•					1y4m	2y	3y	
PC	241.1	Felony	Assault - on duty custodial officer	33%						•								1y	
PC	241.1	Misd	Assault - on duty custodial officer	33%														1y	
PC	241.2(a)	Misd	Assault - on school or park property	33%														1y	
PC	241.3(a)	Misd	Assault - on public transportation property/vehicl	33%	50%					•	•					1y4m	2y	3y	
PC	241.4	Felony	Assault - on school peace officer	33%						•								1y	
PC	241.4	Misd	Assault - on school peace officer	33%														1y	
PC	241.6	Misd	Assault - on school employee	33%	50%					•	•					1y4m	2y	3y	
PC	241.7	Felony	Assault - on juror	33%						•								1y	
PC	241.7	Misd	Assault - on juror	33%						•								1y	
PC	241.8	Misd	Assault on member of U.S. Armed Forces	33%						•								180d	
PC	242	Misd	Battery	33%						•								1y	
PC	243(b)	Misd	Battery - officer/medical/emergency personnel	33%						•								1y	
PC	243(c)(1)	Felony	Battery - cust ofcr/med/emergency person w/inj	33%	50%	?				•	•					1y4m	2y	3y	
PC	243(c)(1)	Misd	Battery - cust ofcr/med/emergency person w/inj	33%						•	•							1y	
PC	243(c)(2)	Felony	Battery - peace officer with injury	33%	50%	?				•	•					1y4m	2y	3y	
PC	243(c)(2)	Misd	Battery - peace officer with injury	33%						•	•							1y	
PC	243(d)	Felony	Battery - causing serious bodily injury	33%	50%	•				•	•					2y	3y	4y	
PC	243(d)	Misd	Battery - causing serious bodily injury	33%						•	•							1y	

Code Section	Severity	Description	- Credit - Jail/Prison	Firearm	Sex registration	Wobblers	Probation	Serious	Violent	Strike	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower	Middle	Upper
PC 243(e)(1)	Misd	Battery - a spouse or cohabitant	33%															1y
PC 243.1	Felony	Battery - against custodial officer	33%	50%												1y4m	2y	3y
PC 243.10	Misd	Battery - against member of U.S. Armed Forces	33%															1y
PC 243.2(a)	Misd	Battery - occurring at school/park/hosp	33%															1y
PC 243.3	Felony	Battery - public transit employee/passenger w/inj	33%	50%	?											1y4m	2y	3y
PC 243.3	Misd	Battery - public transit employee or passenger	33%															1y
PC 243.4	Felony	Sexual battery	33%	50%												2y	3y	4y
PC 243.4	Misd	Sexual battery	33%															1y
PC 243.4(a)	Felony	Sexual battery by restraint	33%	50%												2y	3y	4y
PC 243.4(a)	Misd	Sexual battery by restraint	33%															1y
PC 243.4(b)	Felony	Sexual battery of institutionalized victim	33%	50%												2y	3y	4y
PC 243.4(b)	Misd	Sexual battery of institutionalized victim	33%															1y
PC 243.4(c)	Felony	Sexual battery victim unconscious of act	33%	50%												1y4m	2y	3y
PC 243.4(c)	Misd	Sexual battery victim unconscious of act	33%															1y
PC 243.4(d)	Felony	Sexual battery by forced masturbation	33%	50%												1y4m	2y	3y
PC 243.4(d)	Misd	Sexual battery by forced masturbation	33%															1y
PC 243.4(e)(1)	Misd	Sexual battery	33%															180d
PC 243.6	Misd	Battery against school employee	33%															1y
PC 243.6	Felony	Battery against school employee with injury	33%	50%												1y4m	2y	3y
PC 243.6	Misd	Battery against school employee with injury	33%															1y
PC 243.7	Felony	Battery against juror	33%	50%												1y4m	2y	3y
PC 243.7	Misd	Battery against juror	33%															1y
PC 243.8(a)	Misd	Battery against a sports official	33%															1y
PC 243.83	Infract	Unlawful act during professional sports event																
PC 243.9(a)	Felony	Battery committed by gassing	33%	50%												2y	3y	4y
PC 244	Felony	Assault with caustic chemicals to disfigure/burn	33%	50%	?											2y	3y	4y
PC 244.5(b)	Felony	Assault with stun gun or taser	33%	50%	?											1y4m	2y	3y
PC 244.5(b)	Misd	Assault with stun gun or taser	33%															1y
PC 244.5(c)	Felony	Assault on officer/fireman with stun gun or taser	33%	50%	?											2y	3y	4y
PC 244.5(c)	Misd	Assault on officer/fireman with stun gun or taser	33%															1y
PC 245(a)(1)	Felony	Assault with force likely to produce GBI	33%	50%												2y	3y	4y
PC 245(a)(1)	Felony	Assault with deadly weapon other than firearm	33%	50%												2y	3y	4y
PC 245(a)(1)	Felony	Assault - deadly wpn/GBI possible/vehicle used	33%	50%												2y	3y	4y
PC 245(a)(1)	Misd	Assault - non-firearm deadly wpn/GBI possible	33%															1y
PC 245(a)(1)	Misd	Assault - deadly wpn/GBI possible/vehicle used	33%															1y
PC 245(a)(2)	Felony	Assault with a firearm	33%	50%												2y	3y	4y
PC 245(a)(2)	Misd	Assault with a firearm	33%													180d		1y
PC 245(a)(3)	Felony	Assault with a machinegun	33%	50%												4y	8y	12y
PC 245(b)	Felony	Assault with semiautomatic firearm	33%	50%												3y	6y	9y
PC 245(c)	Felony	Assault - ofcr/fireftr w/non-firearm ddly wpn	33%	50%												3y	4y	5y
PC 245(d)(1)	Felony	Assault - officer/firefighter w/firearm	33%	50%												4y	6y	8y
PC 245(d)(2)	Felony	Assault - officer/firefighter w/semiauto firearm	33%	50%												5y	7y	9y
PC 245(d)(3)	Felony	Assault - officer/firefighter w/machine gun	33%	50%												6y	9y	12y
PC 245.2	Felony	Assault - deadly wpn/GBI poss/transit	33%	50%												3y	4y	5y
PC 245.3	Felony	Assault - deadly wpn/GBI poss/cust officer	33%	50%												3y	4y	5y
PC 245.5(a)	Felony	Assault - non-firearm d wpn/GBI poss/school emp	33%	50%												3y	4y	5y
PC 245.5(a)	Misd	Assault - non-firearm d wpn/GBI poss/school emp	33%															1y
PC 245.5(b)	Felony	Assault - firearm/school employee	33%	50%												4y	6y	8y
PC 245.5(b)	Misd	Assault - firearm/school employee	33%															1y
PC 245.5(c)	Felony	Assault - stun gun/school employee	33%	50%	?											2y	3y	4y
PC 245.5(c)	Misd	Assault - stun gun/school employee	33%															1y
PC 246	Felony	Discharge firearm - inhabit house/veh/aircraft	33%	50%												3y	5y	7y
PC 246	Misd	Discharge firearm - inhabit house/veh/aircraft	33%													180d		1y

				Firearm		Sex registration		Drug registration		Arson registration		DL suspension		Auto forfeiture		Interlock						
				Wobblers		Probation		Serious		Violent		Strike										
				- Credit -																		
				Jail/Prison																		

Code Section	Severity	Description	- Credit - Jail/Prison		Probation	Serious Violent Strike	Firearm	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock			
														Lower	Middle	Upper
PC 270	Felony	Failure to provide	33%	50%			•	•						1y1d	1y1d	1y1d
PC 270	Misd	Failure to provide	33%				•									1y
PC 271	Felony	Abandonment of child under 14 yrs of age	33%	50%			•	•						1y4m	2y	3y
PC 271	Misd	Abandonment of child under 14 yrs of age	33%				•									1y
PC 271a	Felony	Failure to provide for child under 14 yrs of age	33%	50%			•	•						1y4m	2y	3y
PC 271a	Misd	Failure to provide for child under 14 yrs of age	33%				•									1y
PC 272(a)(1)	Misd	Contributing to the delinquency of a minor	33%													1y
PC 272(b)(1)	Misd	Contact minor <14yrs to lure/transport minor away	33%				•									180d
PC 272(b)(1)	Infra	Contact minor <14yrs to lure/transport minor away					•									
PC 273a(a)	Felony	Abusing or endangering the health of a child	33%	50%			•	•						2y	4y	6y
PC 273a(a)	Misd	Abusing or endangering the health of a child	33%				•									1y
PC 273a(b)	Misd	Child abuse causing injury	33%													180d
PC 273ab	Felony	Assault on child <8y with GBI causing death	15%	15%	•	•	•									15-LIFE
PC 273d(a)	Felony	Inflict cruel/inhuman corporal punishment on child	33%	50%	?		•	•						2y	4y	6y
PC 273d(a)	Misd	Inflict cruel/inhuman corporal punishment on child	33%				•									1y
PC 273d(b)	Felony	Enhance - corporal injury to child w/prior	33%	50%										4y	4y	4y
PC 273g	Misd	Lewdness and drunkenness in presence of child	33%													180d
PC 273.4	Felony	Enhance - female genital mutilation	33%	50%										1y	1y	1y
PC 273.5	Felony	Corporal injury to spouse or cohabitant	33%	50%	?		•	•						2y	3y	4y
PC 273.5	Misd	Corporal injury to spouse or cohabitant	33%				•	•								1y
PC 273.5(a)	Felony	Corporal injury to spouse or cohabitant	33%	50%	?		•	•						2y	3y	4y
PC 273.5(a)	Misd	Corporal injury to spouse or cohabitant	33%				•	•								1y
PC 273.5(e)(1)	Felony	Corporal injury to spouse or cohabitant w/prior	33%	50%	?		•	•						2y	4y	5y
PC 273.5(e)(1)	Misd	Corporal injury to spouse or cohabitant w/prior	33%				•	•								1y
PC 273.5(e)(2)	Felony	Corporal injury to spouse or cohabitant w/prior	33%	50%	?		•	•						2y	3y	4y
PC 273.5(e)(2)	Misd	Corporal injury to spouse or cohabitant w/prior	33%				•	•								1y
PC 273.6(a)	Misd	Disobey court order - domestic violence	33%				•	•								1y
PC 273.6(b)	Misd	Disobey court order - domestic violence w/injury	33%				•	•						30d		1y
PC 273.6(d)	Felony	Disobey court w/viol/threat & prior w/in 7 yrs	33%	50%	?		•	•						1y4m	2y	3y
PC 273.6(d)	Misd	Disobey court w/viol/threat & prior w/in 7 yrs	33%				•	•								1y
PC 273.6(e)	Felony	Disobey court w/injury & prior w/in 1 yr	33%				•	•						16d	2y	36d
PC 273.6(e)	Misd	Disobey court w/injury & prior w/in 1 yr	33%				•	•						180d		1y
PC 278	Felony	Child stealing by person without custody	33%	50%			•	•						2y	3y	4y
PC 278	Misd	Child stealing by person without custody	33%				•									1y
PC 278.5	Felony	Child stealing to deprive of custody or visitation	33%	50%			•	•						1y4m	2y	3y
PC 278.5	Misd	Child stealing to deprive of custody or visitation	33%				•									1y
PC 280(b)	Felony	Conceal child involved in adoption out of state	33%	50%			•	•						1y4m	2y	3y
PC 280(b)	Misd	Conceal child involved in adoption out of state	33%				•									1y
PC 281	Felony	Bigamy	33%	50%			•	•						1y4m	2y	3y
PC 281	Misd	Bigamy	33%				•									1y
PC 284	Felony	Marry spouse of another	33%	50%			•							1y4m	2y	3y
PC 285	Felony	Incest	33%	50%			•	•						1y4m	2y	3y
PC 286(b)(1)	Felony	Sodomy with victim <18 yrs of age	33%	50%			□	•	•					1y4m	2y	3y
PC 286(b)(1)	Misd	Sodomy with victim <18 yrs of age	33%				•	•								1y
PC 286(b)(2)	Felony	Sodomy with victim <16 yrs of age	33%	50%			□	•	•					1y4m	2y	3y
PC 286(c)(1)	Felony	Sodomy with victim <14 yrs of age	15%	15%	•	•	•	•	•					3y	6y	8y
PC 286(c)(2)	Felony	Sodomy by force/violence/or fear of injury	15%	15%	•	•	•	•	•					3y	6y	8y
PC 286(c)(2)	Felony	Sodomy by force/violence/or fear of injury/sep act	15%	15%	•	•	•	•	•					3y	6y	8y
PC 286(c)(3)	Felony	Sodomy by threat of retaliation	15%	15%	•	•	•	•	•					3y	6y	8y
PC 286(c)(3)	Felony	Sodomy by threat of retaliation/sep act	15%	15%	•	•	•	•	•					3y	6y	8y
PC 286(d)	Felony	Sodomy while acting in concert	15%	15%	•	•	•	•	•					5y	7y	9y
PC 286(d)	Felony	Sodomy while acting in concert/sep act	15%	15%	•	•	•	•	•					5y	7y	9y
PC 286(e)	Felony	Sodomy while confined in jail or prison	33%	50%			□	•	•					1y4m	2y	3y

				Firearm			Sex registration			Drug registration			Arson registration			DL suspension			Auto forfeiture					
				Probation																				
				Serious																				
				Violent																				
				Strike																				
				- Credit -																				
				Jail/Prison																				

Code	Section	Severity	Description	- Credit - Jail/Prison	Probation	Firearm Wobblers	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower	Middle	Upper
PC	288.7(a)	Felony	Sex int/sodomy with child 10 yrs of age or yngr	15%	15%	•	•	•	•	•	•	•		25-LIFE	
PC	288.7(b)	Felony	Oral cop/sex pen with child 10 yrs of age or yngr	15%	15%	•	•	•	•	•	•	•		15-LIFE	
PC	289(a)(1)	Felony	Sex penetration by foreign or unknown object	15%	15%	•	•	•	•	•	•	•	3y	6y	8y
PC	289(a)(1)	Felony	Sex penetration by foreign object by force	15%	15%	•	•	•	•	•	•	•	3y	6y	8y
PC	289(a)(1)	Felony	Sex penetration by foreign object by force/sep act	15%	15%	•	•	•	•	•	•	•	3y	6y	8y
PC	289(a)(2)	Felony	Sex penetration by foreign or unknown object	15%	15%	•	•	•	•	•	•	•	3y	6y	8y
PC	289(a)(2)	Felony	Sex penetration by foreign object by force	15%	15%	•	•	•	•	•	•	•	3y	6y	8y
PC	289(a)(2)	Felony	Sex penetration by foreign object by force/sep act	15%	15%	•	•	•	•	•	•	•	3y	6y	8y
PC	289(b)	Felony	Sex penetration by foreign object/incomp victim	33%	50%		□	•	•				3y	6y	8y
PC	289(c)	Felony	Sex penetration by foreign object/confined victim	33%	50%		□	•	•				1y4m	2y	3y
PC	289(c)	Misd	Sex penetration by foreign object/confined victim	33%			•	•							1y
PC	289(d)	Felony	Sex penetration by foreign object/uncon victim	33%	50%		□	•	•				3y	6y	8y
PC	289(e)	Felony	Sex penetration by foreign object/intox victim	33%	50%		□	•	•				3y	6y	8y
PC	289(f)	Felony	Sex pen by foreign obj/vict believed def spouse	33%	50%		□	•	•				3y	6y	8y
PC	289(g)	Felony	Sex penetration by foreign object	33%	50%		•	•					3y	6y	8y
PC	289(g)	Felony	Sex penetration by foreign object/threat	33%	50%		•	•					3y	6y	8y
PC	289(g)	Felony	Sex penetration by foreign object/threat/sep act	33%	50%		•	•					3y	6y	8y
PC	289(h)	Felony	Sex penetration by foreign obj/victim <18 yrs	33%	50%		□	•	•				1y4m	2y	3y
PC	289(h)	Misd	Sex penetration by foreign obj/victim <18 yrs	33%			•	•							1y
PC	289(i)	Felony	Sex penetration by foreign obj/victim <16 yrs	33%	50%		□	•	•				1y4m	2y	3y
PC	289(j)	Felony	Sex penetration by foreign obj/victim <14 yrs	15%	15%	•	•	•	•	•	•	•	3y	6y	8y
PC	289.5(a)	Misd	Enter state to avoid prosecution for sex offense	33%											180d
PC	289.5(b)	Misd	Enter state to avoid incarceration for sex offense	33%											180d
PC	289.5(d)	Felony	Enhance - sex offense after entering state	33%	50%								2y	2y	2y
PC	289.6(a)(1)	Misd	Sex activity with confined consenting adult	33%											180d
PC	289.6(a)(2)	Felony	Sex activity with confined consenting adult w/pr	33%	50%		•	•					1y4m	2y	3y
PC	289.6(a)(2)	Misd	Sex activity with confined consenting adult	33%			•								1y
PC	289.6(a)(2)	Misd	Sex activity with confined consenting adult	33%											180d
PC	289.6(a)(3)	Felony	Sex activity with confined consenting adult	33%	50%		•	•					1y4m	2y	3y
PC	289.6(a)(3)	Misd	Sex activity with confined consenting adult	33%			•								1y
PC	289.6(a)(3)	Misd	Sex activity with confined consenting adult	33%											180d
PC	290.4(b)(1)	Felony	Enhance - using regist info to commit felony	33%	50%								5y	5y	5y
PC	290.018(a)	Misd	Failure to register as misdemeanor sex offender	33%											1y
PC	290.018(b)	Felony	Failure to register as felony sex offender	33%	50%		•						1y4m	2y	3y
PC	290.018(d)	Misd	Failure to reg as mentally disordered sex offender	33%											1y
PC	290.018(d)	Felony	Fail to reg as mentally disordered sex offndr wpr	33%	50%		•						1y4m	2y	3y
PC	290.018(f)	Felony	Failure to verify reg as sexually violent predator	33%	50%		•	•					1y4m	2y	3y
PC	290.018(f)	Misd	Failure to verify reg as sexually violent predator	33%			•								1y
PC	290.018(g)	Misd	Failure to update sex offender registration	33%											180d
PC	290.018(g)	Misd	Failure to update sex offender registration/2+pr	33%			•								1y
PC	290.018(g)	Felony	Failure to update sex offender registration/2+pr	33%	50%		•	•					1y4m	2y	3y
PC	290.018(h)	Misd	Failure to provide proof of residence	33%											180d
PC	290.018(j)	Misd	Failure to provide required info on reg forms	33%											1y
PC	290.01(c)	Misd	Failure to register with campus police												
PC	290.01(c)	Misd	Failure to register with campus police/pr	33%											180d
PC	290.01(c)	Misd	Failure to register with campus police/2 pr	33%											1y
PC	290.95	Misd	Fail to disclose status as registered sex offender	33%											180d
PC	303a	Misd	Solicit purchase of alcoholic beverages	33%									30d		180d
PC	310.5	Misd	Contract to pay minor for unlawful sex act	33%									30d		180d
PC	311.1(a)	Felony	Bring into state matter depicting minor in sex act	33%	50%		•	•					1y4m	2y	3y
PC	311.1(a)	Misd	Bring into state matter depicting minor in sex act	33%			•	•							1y
PC	311.2(a)	Misd	Bring obscene matter into state to distribute	33%											180d
PC	311.2(b)	Felony	Bring child porn into state for commercial gain	33%	50%		•	•					2y	3y	6y

				Firearm Sex registration										Drug registration												
				Wobblers					Probation					Arson registration					DL suspension							
				Serious					Violent					Strike					Auto forfeiture							
				Interlock																						
				Lower					Middle					Upper												
Code	Section	Severity	Description	- Credit - Jail/Prison																						
PC	337a[3]	Misd	Accept a wager	33%																						1y
PC	337a[4]	Felony	Record a wager	33% 50%																						3y
PC	337a[4]	Misd	Record a wager	33%																						1y
PC	337a[5]	Felony	Permit bookmaking/pool selling/or wagering	33% 50%																						3y
PC	337a[5]	Misd	Permit bookmaking/pool selling/or wagering	33%																						1y
PC	337a[6]	Felony	Make or accept a wager	33% 50%																						3y
PC	337a[6]	Misd	Make or accept a wager	33%																						1y
PC	337b	Felony	Bribe player/participant to throw sporting event	33% 50%																						3y
PC	337c	Felony	Accept bribe to throw sporting event	33% 50%																						3y
PC	337d	Felony	Bribe judge of sporting event	33% 50%																						3y
PC	337e	Felony	Accept bribe by sporting official	33% 50%																						3y
PC	337f(c)-	Felony	Enter drugged horse in a race	33% 50%																						3y
PC	337f(c)	Misd	Enter drugged horse in a race	33%																						1y
PC	337i	Felony	Transmit race information for gambling purposes	33% 50%																						3y
PC	337i	Misd	Transmit race information for gambling purposes	33%																						1y
PC	337.3	Felony	Use false name to tout	33% 50%																						3y
PC	337.7	Felony	Misrepresent self by wrongful use of license	33% 50%																						3y
PC	347(a)(1)	Felony	Mingle harmful substance with food or drink	33% 50%																						5y
PC	347(a)(2)	Felony	Enhance - mingling poison w/food w/injury	33% 50%																						3y
PC	347(b)	Felony	Falsely state harmful substance is in food/drink	33% 50%																						3y
PC	347(b)	Misd	Falsely state harmful substance is in food/drink	33%																						1y
PC	347b	Misd	Manufacture or sell poisoned alcohol	33%																						1y
PC	350(a)(1)	Misd	Manufacture or sale of <1000 counterfeit mark	33%																						1y
PC	350(a)(2)	Felony	Manufacture or sale of >1000 counterfeit mark	33% 50%																						3y
PC	350(a)(2)	Misd	Manufacture or sale of >1000 counterfeit mark	33%																						1y
PC	350(b)	Felony	Manufacture or sale of counterfeit mark w/prior	33% 50%																						3y
PC	350(b)	Misd	Manufacture or sale of counterfeit mark w/prior	33%																						1y
PC	350(c)	Felony	Mfg or sale of counterfeit mark w/injury	33% 50%																						4y
PC	350(c)	Felony	Mfg or sale of counterfeit mark w/injury by corp	33% 50%																						4y
PC	351a	Misd	Misrepresent name of maker of goods sold	33%																						90d
PC	367g	Felony	Unlawfully use sperm/ova/or embryos	33% 50%																						5y
PC	368(b)(1)	Felony	Allow or cause injury to elder/dependent adult	33% 50%																						4y
PC	368(b)(1)	Misd	Allow or cause injury to elder/dependent adult	33%																						1y
PC	368(b)(2)(A)	Felony	Enhance - GBI on victim <70 years	33% 50%																						3y
PC	368(b)(2)(B)	Felony	Enhance - GBI on victim >70 years	33% 50%																						5y
PC	368(b)(3)(A)	Felony	Enhance - GBI on victim <70 yrs w/death	33% 50%																						5y
PC	368(b)(3)(B)	Felony	Enhance - GBI on victim >70 yrs w/death	33% 50%																						7y
PC	368(c)	Misd	Cause or permit injury to elder/dependent adult	33%																						180d
PC	368(d)	Felony	Theft of >\$400 from elder or dependent adult	33% 50%																						4y
PC	368(d)	Misd	Theft of <\$400 from elder or dependent adult	33%																						1y
PC	368(e)	Felony	Theft of >\$400 from elder/dep adult by caretaker	33% 50%																						4y
PC	368(e)	Misd	Theft from elder or dependent adult by caretaker	33%																						1y
PC	368(f)	Felony	False imprisonment of elder or dependent adult	33% 50%																						4y
PC	369i	Misd	Trespass on railroad or rail transit property	33%																						180d
PC	372	Misd	Public nuisance	33%																						180d
PC	373a	Misd	Maintain or permit public nuisance	33%																						180d
PC	374c	Misd	Discharge firearm on public highway	33%																						180d
PC	374.3(a)	Infractions	Dump refuse on public or private road or highway																							
PC	374.3(a)	Infractions	Dump refuse on public/private road/hwy w/1 prior																							
PC	374.3(a)	Infractions	Dump refuse on public/private road/hwy w/2 prior																							
PC	374.4(a)	Infractions	Litter on public or private property																							
PC	374.4(a)	Infractions	Litter on public or private property w/1 prior																							
PC	374.4(a)	Infractions	Litter on public or private property w/2 prior																							

Page: 20

Code Section	Severity	Description	- Credit - Jail/Prison	Firearm	Sex registration	Wobblers	Probation	Serious	Violent	Strike	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower Middle Upper		
PC 417.6	Felony	Brandishing weapon causing serious bodily injury	33% 50%	•	•	•	•	•	•	•						1y4m	2y	3y
PC 417.6	Misd	Brandishing weapon causing serious bodily injury	33%															1y
PC 417.8	Felony	Brandishing weapon at peace officer/resist arrest	33% 50%	•	•	•	•	•	•	•						2y	3y	4y
PC 420.1	Infra	Denial of access to real property																
PC 422	Felony	Criminal threat	33% 50%	•	•	•	•	•	•	•						1y4m	2y	3y
PC 422	Misd	Criminal threat	33%															1y
PC 422.6(a)	Misd	Violation of civil rights by force with injury	33%															180d
PC 422.6(b)	Misd	Violation of civil rights by destroying property	33%															1y
PC 422.7	Felony	Hate crime	33% 50%	•	•	•	•	•	•	•						1y4m	2y	3y
PC 422.7	Misd	Hate crime	33%															1y
PC 422.75(a)	Felony	Enhance - felony hate crime conviction	33% 50%													1y	2y	3y
PC 422.75(b)	Felony	Enhance - hate crime against institution	33% 50%													1y	2y	3y
PC 422.75(c)	Felony	Enhance - hate crime committed in concert	33% 50%													2y	3y	4y
PC 422.75(e)	Felony	Enhance - committing hate crime w/prior	33% 50%													1y	1y	1y
PC 424	Felony	Misappropriation of public funds	33% 50%													2y	3y	4y
PC 425	Felony	Failure to keep and pay over public funds	33% 50%													1y4m	2y	3y
PC 451(a)	Felony	Arson causing great bodily injury	15% 15%	•	•	•	•	•	•	•						5y	7y	9y
PC 451(b)	Felony	Arson of inhabited structure or property	15% 15%	•	•	•	•	•	•	•						3y	5y	8y
PC 451(b)	Felony	Arson of residential	15% 15%	•	•	•	•	•	•	•						3y	5y	8y
PC 451(c)	Felony	Arson of structure or forest land	33% 50%	•	•	•	•	•	•	•						2y	4y	6y
PC 451(d)	Felony	Arson of property	33% 50%	•	•	•	•	•	•	•						1y4m	2y	3y
PC 451.1	Felony	Enhance - arson	33% 50%													3y	4y	5y
PC 451.5	Felony	Aggravated arson	15% 15%	•	•	•	•	•	•	•								10-LIFE
PC 452(a)	Felony	Unlawfully causing a fire causing great bodily inj	33% 50%	•	•	•	•	•	•	•						2y	4y	6y
PC 452(a)	Misd	Unlawfully causing a fire causing great bodily inj	33%															1y
PC 452(b)	Felony	Unlawfully cause burning of inhabited structure	33% 50%													2y	3y	4y
PC 452(b)	Misd	Unlawfully cause burning of inhabited structure	33%															1y
PC 452(c)	Felony	Unlawfully cause fire of structure or forest land	33% 50%													1y4m	2y	3y
PC 452(c)	Misd	Unlawfully cause fire of structure or forest land	33%															180d
PC 452(d)	Misd	Unlawfully cause fire of property	33%															180d
PC 452.1(a)	Felony	Enhance - felony unlawfully causing fire	33% 50%													1y	2y	3y
PC 453(a)	Felony	Possession of flammable device for malicious use	33% 50%													1y4m	2y	3y
PC 453(a)	Misd	Possession of flammable device for malicious use	33%															1y
PC 453(b)	Felony	Possession of fire bomb for malicious use	33% 50%													1y4m	2y	3y
PC 454	Felony	Unlawful burning within riot emergency area	33% 50%													3y	5y	7y
PC 454(b)	Felony	Arson during emergency	33% 50%													5y	7y	9y
PC 455	Felony	Attempted arson	33% 50%	•	•	•	•	•	•	•						1y4m	2y	3y
PC 456(b)	Felony	Enhance - arson for pecuniary gain	33% 50%															
PC 457.1(h)	Misd	Failure to register after arson conviction w/prior	33%													90d		1y
PC 457.1(h)	Misd	Failure to register after arson conviction	33%															1y
PC 459	Felony	Burglary - 1st degree/residential	33% 50%	•	•	•	•	•	•	•						2y	4y	6y
PC 459	Felony	Burglary - 1st degree/residential	33% 50%	•	•	•	•	•	•	•						2y	4y	6y
PC 459	Felony	Burglary - 2nd degree	33% 50%													1y4m	2y	3y
PC 459	Misd	Burglary - 2nd degree	33%															1y
PC 460(a)	Felony	Burglary - 1st degree	33% 50%	•	•	•	•	•	•	•						2y	4y	6y
PC 460(a)	Felony	Burglary - residential / vic present	15% 15%	•	•	•	•	•	•	•						2y	4y	6y
PC 460(b)	Felony	Burglary - 2nd degree	33% 50%													1y4m	2y	3y
PC 460(b)	Misd	Burglary - 2nd degree	33%															1y
PC 461(1)	Felony	Burglary - residential / vic present	15% 15%	•	•	•	•	•	•	•						2y	4y	6y
PC 461(2)	Felony	Burglary - 2nd degree	33% 50%													1y4m	2y	3y
PC 461(2)	Misd	Burglary - 2nd degree	33%															180d
PC 462(a)	Felony	Probation denial - residential burglary	33% 50%															
PC 462.5	Felony	Probation denial - felony custodial inst burglary	33% 50%															

Code Section	Severity	Description	- Credit - Jail/Prison		Probation	Violent Strike	Wobblers	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture Interlock	Lower Middle Upper		
													1y4m	2y	3y
PC 463	Felony	Looting	33%	50%				•					1y4m	2y	3y
PC 463	Misd	Looting	33%					•					180d		1y
PC 464	Felony	Safe-blowing	33%	50%				•					3y	5y	7y
PC 466	Misd	Possess burglar tools	33%												180d
PC 466.7	Misd	Unlawful possession of vehicle keys	33%												180d
PC 469	Misd	Unauthorized duplication of keys to state building	33%												180d
PC 470(a)	Felony	Forgery	33%	50%				•					1y4m	2y	3y
PC 470(a)	Misd	Forgery	33%					•							1y
PC 470(b)	Felony	Forgery	33%	50%				•					1y4m	2y	3y
PC 470(b)	Misd	Forgery	33%					•							1y
PC 470(c)	Felony	Forgery	33%	50%				•					1y4m	2y	3y
PC 470(c)	Misd	Forgery	33%					•							1y
PC 470(d)	Felony	Forgery	33%	50%				•					1y4m	2y	3y
PC 470(d)	Misd	Forgery	33%					•							1y
PC 470a	Felony	Forgery of driver's license or identification card	33%	50%				•					1y4m	2y	3y
PC 470a	Misd	Forgery of driver's license or identification card	33%					•							1y
PC 470b	Felony	Possess forged driver's license or ID card	33%	50%				•					1y4m	2y	3y
PC 470b	Misd	Possess forged driver's license or ID card	33%					•							1y
PC 471	Felony	Alter entries in books and records	33%	50%				•					1y4m	2y	3y
PC 471	Misd	Alter entries in books and records	33%					•							1y
PC 472	Felony	Forgery of state, corporate and official seals	33%	50%				•					1y4m	2y	3y
PC 472	Misd	Forgery of state, corporate and official seals	33%					•							1y
PC 475	Felony	Possess/receive/or pass forged paper	33%	50%				•					1y4m	2y	3y
PC 475	Misd	Possess/receive/or pass forged paper	33%					•							1y
PC 476	Felony	Make/pass/or possess bill/note/check	33%	50%				•					1y4m	2y	3y
PC 476	Misd	Make/pass/or possess bill/note/check	33%					•							1y
PC 476a(a)	Felony	Make/draw/or pass insufficient funds check	33%	50%				•					1y4m	2y	3y
PC 476a(a)	Misd	Make/draw/or pass insufficient funds check	33%					•							1y
PC 477	Felony	Counterfeiting	33%	50%				•					2y	3y	4y
PC 478	Felony	Possess counterfeit	33%	50%				•					2y	3y	4y
PC 480	Felony	Make or possess counterfeit die/apparatus	33%	50%				•					2y	3y	4y
PC 481.1(a)	Felony	Counterfeit/alter public transportation fare media	33%	50%				•					1y4m	2y	3y
PC 481.1(a)	Misd	Counterfeit/alter public transportation fare media	33%					•							1y
PC 481.1(b)	Misd	Possess counterfeit pub transportation fare media	33%												1y
PC 482	Misd	Remove cancel mark from passenger ticket	33%												180d
PC 483.5(a)	Felony	Possess or transport deceptive ID document	33%	50%				•					1y4m	2y	3y
PC 483.5(a)	Misd	Possess or transport deceptive ID document	33%					•							1y
PC 483.5(b)	Misd	Possess deceptive document-making device	33%												1y
PC 484(a)	Felony	Grand theft	33%	50%				•					1y4m	2y	3y
PC 484(a)	Misd	Petty theft	33%												180d
PC 484b	Felony	Divert >\$1,000 of construction loan	33%	50%				•					1y4m	2y	3y
PC 484b	Misd	Divert >\$1,000 of construction loan	33%					•							1y
PC 484c	Felony	Obtain construction funds by false voucher	33%	50%				•					1y4m	2y	3y
PC 484c	Misd	Obtain construction funds by false voucher	33%					•							1y
PC 484e(a)	Felony	Sell access card with intent to defraud	33%	50%				•					1y4m	2y	3y
PC 484e(a)	Misd	Sell access card with intent to defraud	33%					•							1y
PC 484e(b)	Felony	Acquire unlawful access cards	33%	50%				•					1y4m	2y	3y
PC 484e(b)	Misd	Acquire unlawful access cards	33%					•							1y
PC 484e(c)	Misd	Acquire access card to use/sell to defraud	33%												180d
PC 484e(d)	Felony	Acquire access card information to defraud	33%	50%				•					1y4m	2y	3y
PC 484e(d)	Misd	Acquire access card information to defraud	33%					•							1y
PC 484f(a)	Felony	Forge/alter access card with intent to defraud	33%	50%				•					1y4m	2y	3y
PC 484f(a)	Misd	Forge/alter access card with intent to defraud	33%					•							1y

Code	Section	Severity	Description	- Credit - Jail/Prison	Probation	Violent Strike	Firearm	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock			
														Lower	Middle	Upper
PC	484f(b)	Felony	Forge cardholder's signature on access card	33% 50%												
PC	484f(b)	Misd	Forge cardholder's signature on access card	33%										1y4m	2y	3y
PC	484g	Felony	Unauthorized use of access card > \$400	33% 50%												1y
PC	484g	Misd	Unauthorized use of access card	33%										1y4m	2y	3y
PC	484h(a)	Felony	Knowingly honor illegally obtained access card	33% 50%												1y
PC	484h(b)	Misd	Knowingly honor illegally obtained access card	33%										1y4m	2y	3y
PC	484h(b)	Felony	Receive payment for items not furnished	33% 50%												1y
PC	484i(a)	Misd	Receive payment for items not furnished	33%										1y4m	2y	3y
PC	484i(b)	Misd	Possess incomplete access card w/o consent	33%												1y
PC	484i(b)	Felony	Make/alter access card info w/intent to defraud	33% 50%												180d
PC	484i(c)	Misd	Make/alter access card info w/intent to defraud	33%										1y4m	2y	3y
PC	484i(c)	Felony	Counterfeit access cards	33% 50%												1y
PC	484i(c)	Misd	Counterfeit access cards	33%										1y4m	2y	3y
PC	484.1(a)	Felony	Grand theft from pawnbroker	33% 50%												1y
PC	484.1(a)	Misd	Petty theft from pawnbroker	33%										1y4m	2y	3y
PC	485	Felony	Grand theft of lost property	33% 50%												180d
PC	485	Misd	Petty theft of lost property	33%										1y4m	2y	3y
PC	487(a)	Felony	Grand theft of property valued at >\$400	33% 50%												180d
PC	487(a)	Felony	Grand theft of firearm	33%										1y4m	2y	3y
PC	487(a)	Misd	Grand theft of property valued at >\$400	33%										1y4m	2y	3y
PC	487(b)(1)(A)	Felony	Grand theft of fowl/vegetable/fruit valued >\$100	33% 50%												1y
PC	487(b)(1)(A)	Misd	Grand theft of fowl/vegetable/fruit valued >\$100	33%										1y4m	2y	3y
PC	487(b)(2)	Felony	Grand theft of aquacultural product valued >\$100	33% 50%												1y
PC	487(b)(2)	Misd	Grand theft of aquacultural product valued >\$100	33%										1y4m	2y	3y
PC	487(b)(3)	Felony	Grand theft by employee and aggregates >\$400	33% 50%												1y
PC	487(b)(3)	Misd	Grand theft by employee and aggregates >\$400	33%										1y4m	2y	3y
PC	487(c)	Felony	Grand theft of property taken from person	33% 50%												1y
PC	487(c)	Misd	Grand theft of property taken from person	33%										1y4m	2y	3y
PC	487(d)	Felony	Grand theft of firearm	33%												1y
PC	487(d)	Felony	Grand theft of automobile	33% 50%										1y4m	2y	3y
PC	487(d)	Misd	Grand theft of automobile	33%										1y4m	2y	3y
PC	487a(a)	Felony	Grand theft of animal carcass	33%												1y
PC	487a(a)	Misd	Grand theft of animal carcass	33% 50%										1y4m	2y	3y
PC	487a(b)	Felony	Grand theft of animal carcass	33%												1y
PC	487a(b)	Misd	Grand theft of animal carcass	33% 50%										1y4m	2y	3y
PC	487b	Felony	Grand theft by converting >\$100 of real estate	33%												1y
PC	487c	Misd	Theft by converting <\$100 of real estate	33%										1y4m	2y	3y
PC	487d	Felony	Grand theft of gold dust, amalgam or quicksilver	33% 50%												1y
PC	487e	Felony	Grand theft of dog valued at >\$400	33%										1y4m	2y	3y
PC	487e	Misd	Grand theft of dog valued at >\$400	33%										1y4m	2y	3y
PC	487f	Misd	Petty theft of dog valued at <\$400	33%												1y
PC	487g	Felony	Theft of animals	33%												1y
PC	487g	Misd	Theft of animals	33% 50%										1y4m	2y	3y
PC	488	Misd	Petty theft	33%												1y
PC	496(a)	Felony	Buy or receive stolen property	33%												180d
PC	496(a)	Misd	Buy or receive stolen property	33%										1y4m	2y	3y
PC	496a(a)	Felony	Buy or receive stolen railroad/utility property	33%												1y
PC	496a(a)	Misd	Buy or receive stolen railroad/utility property	33%										1y4m	2y	3y
PC	496c	Felony	Copy record of title without consent of owner	33%												1y
PC	496c	Misd	Copy record of title without consent of owner	33%										1y4m	2y	3y
C	496d(a)	Felony	Purchase or receive stolen vehicle	33%												1y
PC	496d(a)	Misd	Purchase or receive stolen vehicle	33%										1y4m	2y	3y
PC	497	Felony	Bring stolen property into state	33%												1y
				33% 50%										1y4m	2y	3y

For product information contact: **The Placer Group (530) 885-0100 www.placergroup.com**

Page: 25

Code	Section	Severity	Description	- Credit - Jail/Prison		Firearm	Sex registration	Wobblers	Probation	Serious Violent Strike		Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower	Middle	Upper
PC	550(a)(9)	Misd	Present undercharge for payment	33%															180d
PC	550(b)(1)	Felony	Present false statement to support insurance claim	33% 50%				•	•								2y	3y	5y
PC	550(b)(1)	Misd	Present false statement to support insurance claim	33%				•											1y
PC	550(b)(2)	Felony	Prepare false statement to support insurance claim	33% 50%				•	•								2y	3y	5y
PC	550(b)(2)	Misd	Prepare false statement to support insurance claim	33%				•											1y
PC	550(b)(3)	Felony	Conceal occurrence/amount of insurance benefit	33% 50%				•	•								2y	3y	5y
PC	550(b)(3)	Misd	Conceal occurrence/amount of insurance benefit	33%				•											1y
PC	550(b)(4)	Felony	Make false residence statement for veh insurance	33% 50%				•	•								2y	3y	5y
PC	550(b)(4)	Misd	Make false residence statement for veh insurance	33%				•											1y
PC	550(e)	Felony	Enhance - insurance fraud with prior	33% 50%													2y	2y	2y
PC	550(f)	Felony	Enhance - insurance fraud with 2 priors	33% 50%													5y	5y	5y
PC	550(g)	Felony	Enhance - insurance fraud w/serious bod inj	15% 15%		•	•	•									2y	2y	2y
PC	551	Misd	Unlawful referral to auto repair dealer	33%															180d
PC	551	Felony	Unlawful referral to auto repair dealer >\$400	33% 50%				•	•								1y4m	2y	3y
PC	551	Misd	Unlawful referral to auto repair dealer <\$400	33%				•											1y
PC	555	Misd	Enter/remain upon posted property w/o permission	33%															180d
PC	587a	Misd	Tamper with brakes/appliances on railroad car/eng	33%															180d
PC	587b	Misd	Ride railroad engine or train without authority	33%															30d
PC	587c	Misd	Evade payment of railroad fare	33%															180d
PC	591	Felony	Injure/tap telegraph/telephone or cable TV line	33% 50%				•	•								1y4m	2y	3y
PC	591	Misd	Cut electrical utility line	33%				•											1y
PC	591.5	Misd	Injure/remove wireless communication device	33%															180d
PC	593	Felony	Injure electrical power line	33% 50%				•	•								1y4m	2y	3y
PC	593	Misd	Injure electrical power line	33%				•											1y
PC	593a(a)	Felony	Maliciously place iron/hard substance into tree	33% 50%				•									1y4m	2y	3y
PC	593a(b)	Felony	Maliciously put iron/hard substance in tree w/GBI	33% 50%				•									3y	3y	3y
PC	593b	Misd	Unauthorized tower or pole climbing	33%															180d
PC	593c	Felony	Interfere/obstruct flow of gas/hazardous liquid	33% 50%				•									1y4m	2y	3y
PC	593d(a)	Misd	Unauthorized cable television connection	33%															90d
PC	593d(b)	Misd	Make/poss device to interfere w/cable TV signal	33%															1y
PC	593d(b)	Misd	Make/poss dev to interfere w/cable TV signal w/pr	33%															1y
PC	593e(a)	Misd	Make or possess cable television decoder	33%															90d
PC	594(a)	Felony	Felony vandalism	33% 50%				•	•			•					1y4m	2y	3y
PC	594(a)	Misd	Vandalism	33%				•				•							1y
PC	594(b)(1)	Felony	Vandalism with damage of >\$400	33% 50%				•	•			•					1y4m	2y	3y
PC	594(b)(1)	Misd	Vandalism with damage of >\$400	33%				•				•							1y
PC	594(b)(2)(A)	Misd	Vandalism with damage of <\$400	33%								•							1y
PC	594(b)(2)(B)	Misd	Vandalism with damage of <\$400 with prior	33%								•							1y
PC	594.1(b)	Misd	Purchase of aerosol container of paint by minor	33%															180d
PC	594.1(d)	Misd	Unauthorized carrying of aerosol paint container	33%															180d
PC	594.2	Misd	Possession of graffiti/vandalism tools/substance	33%															180d
PC	594.3	Felony	Vandalism of place of worship or cemetery	33% 50%				•	•			•					1y4m	2y	3y
PC	594.3	Misd	Vandalism of place of worship or cemetery	33%				•				•							1y
PC	594.4(a)	Felony	Vandalism by use of butyric acid/caustic substance	33% 50%				•	•			•					1y4m	2y	3y
PC	594.4(a)	Misd	Vandalism by use of butyric acid/caustic substance	33%								•							1y
PC	594.7	Felony	Vandalism with prior	33% 50%				•	•								1y4m	2y	3y
PC	594.7	Misd	Vandalism with prior	33%															1y
PC	597(a)	Felony	Kill, maim or abuse an animal	33% 50%				•	•								1y4m	2y	3y
PC	597(a)	Misd	Kill, maim or abuse an animal	33%				•											1y
PC	597(b)	Felony	Cruelty to an animal	33% 50%				•	•								1y4m	2y	3y
PC	597(b)	Misd	Cruelty to an animal	33%				•											180d
PC	597(c)	Felony	Cruelty to a protected/endangered species animal	33% 50%				•	•								1y4m	2y	3y
PC	597(c)	Misd	Cruelty to a protected/endangered species animal	33%				•											1y

Code	Section	Severity	Description	- Credit - Jail/Prison	Firearm Wobblers Probation Serious Violent Strike	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture Interlock			
											Lower	Middle	Upper
PC	597b(a)	Misd	Fight bulls/bears or animal other than dog	33%									
PC	597b(b)	Misd	Fight cock or worry/injure cock	33%									1y
PC	597b(c)	Felony	Fight animal or cock with prior	33%	50%								1y
PC	597b(c)	Misd	Fight animal or cock with prior	33%			• •				1y4m	2y	3y
PC	597c	Misd	Act as spectator at animal fight	33%			•						1y
PC	597f	Misd	Animal neglect	33%									180d
PC	597i	Misd	Make/sell/or possess cock fighting implements	33%									180d
PC	597j(a)	Misd	Own/possess/train animal w/intent of fighting	33%									180d
PC	597j(a)	Misd	Own/possess/train animal w/intent of fighting w/pr	33%									1y
PC	597u(a)(1)	Misd	Euthanasia of animal-carbon monoxide gas	33%									1y
PC	597u(a)(2)	Misd	Euthanasia of animal-intracardiac injection	33%									180d
PC	597u(b)	Misd	Euthanasia of dog/cat-unlawful act	33%									180d
PC	597u(b)(1)	Misd	Euthanasia of dog/cat-decompression chamber	33%									180d
PC	597u(b)(2)	Misd	Euthanasia of dog/cat-nitrogen gas	33%									180d
PC	597z	Misd	Sell dog under 8 weeks old	33%			•						180d
PC	597z	Infract	Sell dog under 8 weeks old				•						180d
PC	597.5(a)	Felony	Train for/conduct/or attend dog fight	33%	50%		•				1y4m	2y	3y
PC	597.7(a)	Infract	Leave animal in vehicle										
PC	597.7(a)	Misd	Leave animal in vehicle with prior	33%									
PC	597.7(a)	Misd	Leave animal in vehicle w/great bodily injury	33%									180d
PC	600(a)	Felony	Harm peace officer's horse or dog causing injury	33%	50%		• •				1y4m	2y	3y
PC	600(a)	Misd	Harm peace officer's horse or dog causing injury	33%			•						1y
PC	600(c)	Felony	Enhance - death/serious inj to officer's animal	33%	50%								
PC	600(d)	Felony	Enhance - for causing serious injury to person	33%	50%						1y	1y	1y
PC	601(a)	Felony	Trespass - threat of serious bodily injury	33%	50%		• •				2y	2y	2y
PC	601(a)	Misd	Trespass - threat of serious bodily injury	33%			• •				1y4m	2y	3y
PC	602(a)	Misd	Trespass - destroy timber of another	33%			•						1y
PC	602(b)	Misd	Trespass - remove timber of another	33%									180d
PC	602(c)	Misd	Trespass - injure or sever produce	33%									180d
PC	602(d)	Misd	Trespass - dig/remove soil or stone	33%									180d
PC	602(e)	Misd	Trespass - dig/remove stone of street	33%									180d
PC	602(f)	Misd	Trespass - damage/destroy highway sign	33%									180d
PC	602(g)	Misd	Trespass - injure/gather shellfish or oyster	33%									180d
PC	602(h)(1)	Misd	Trespass - injure/gather farm animal	33%									180d
PC	602(i)	Misd	Trespass - damage fence/gate/signboard	33%									180d
PC	602(j)	Misd	Trespass - build fire on land	33%									180d
PC	602(k)	Misd	Trespass - intent to interfere w/business	33%									180d
PC	602(l)(1)	Misd	Trespass - refuse to leave upon order by owner	33%									180d
PC	602(l)(2)	Misd	Trespass - damage or destroy posted sign	33%									180d
PC	602(l)(3)	Misd	Trespass - tamper with lock on gate	33%									180d
PC	602(l)(4)	Misd	Trespass - discharge firearm	33%									180d
PC	602(m)	Infract	Trespass - enter & occupy property										180d
PC	602(m)	Misd	Trespass - enter & occupy property	33%			•						
PC	602(n)	Misd	Trespass - drive vehicle upon private property	33%			•						180d
PC	602(o)	Misd	Trespass - refuse/fail to leave private property	33%									180d
PC	602(p)	Misd	Trespass - enter closed lands	33%									180d
PC	602(q)	Misd	Trespass - refuse or fail to leave building	33%									180d
PC	602(r)	Misd	Trespass - ski in closed area	33%									180d
PC	602(s)	Misd	Trespass - refuse to leave hotel/motel	33%									180d
PC	602(t)	Misd	Trespass - enter and refuse to leave property	33%									180d
PC	602(u)(2)(A)	Infract	Trespass - airport or passenger vessel terminal										180d
PC	602(u)(2)(B)	Misd	Trespass - refuse to leave airport/vessel terminal	33%									
PC	602(u)(2)(C)	Misd	Trespass - airport or passenger vessel terminal/pr	33%									180d

Code	Section	Severity	Description	- Credit - Jail/Prison	Firearm	Sex registration	Wobblers	Probation	Serious	Violent	Strike	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower	Middle	Upper
PC	602(v)(1)	Misd	Trespass - refuse inspection in airport	33%															180d
PC	602(v)(2)	Misd	Trespass - cause evacuation of airport/vessel term	33%															1y
PC	602(w)	Misd	Trespass - refuse to leave women's shelter	33%															1y
PC	602(x)(2)(A)	Infract	Trespass - maternity ward																
PC	602(x)(2)(B)	Misd	Trespass - refuse to leave maternity ward	33%															1y
PC	602(x)(2)(C)	Misd	Trespass - maternity ward with prior	33%															1y
PC	602(y)	Misd	Trespass - avoid public inspection	33%															180d
PC	602.1(a)	Misd	Interfere/obstruct public business establishment	33%															90d
PC	602.5(a)	Misd	Unauthorized entry of dwelling	33%															180d
PC	602.5(b)	Misd	Unauth entry of dwelling while resident present	33%															1y
PC	602.10	Misd	Obstruct teacher/student at college or university	33%															1y
PC	603	Misd	Vandalism of a dwelling	33%															180d
PC	625b(b)	Felony	Tamper with aircraft rendering it unsafe	33%	50%												1y4m	2y	3y
PC	625b(b)	Misd	Tamper with aircraft rendering it unsafe	33%															1y
PC	625c	Felony	Tamper with transit vehicle w/intent to cause GBI	33%	50%												1y4m	2y	3y
PC	626.6(a)	Misd	Campus disruption by non-student/officer/employee	33%															180d
PC	626.8(a)	Misd	Disruptive presence at school w/o lawful business	33%															180d
PC	626.9(b)	Felony	Possess firearm in a school zone	33%	50%												2y	3y	5y
PC	626.9(d)	Felony	Discharge/att to discharge firearm in school zone	33%	50%												3y	5y	7y
PC	626.10(a)	Felony	Bring/possess weapon on grade school grounds	33%	50%												1y4m	2y	3y
PC	626.10(a)	Misd	Bring/possess weapon on grade school grounds	33%															1y
PC	626.10(b)	Felony	Bring/possess weapon on college/university grounds	33%	50%												1y4m	2y	3y
PC	626.10(b)	Misd	Bring/possess weapon on college/university grounds	33%															1y
PC	626.95(a)	Felony	Weapon possession-prohibited grounds	33%	50%												1y	2y	3y
PC	626.95(a)	Misd	Weapon possession-prohibited grounds	33%															1y
PC	627.2	Misd	Enter/remain on school grounds without registering	33%															180d
PC	631	Felony	Wiretapping	33%	50%												1y4m	2y	3y
PC	631	Misd	Wiretapping	33%															1y
PC	632	Felony	Eavesdrop on/record confidential communication	33%	50%												1y4m	2y	3y
PC	632	Misd	Eavesdrop on/record confidential communication	33%															1y
PC	632.5	Felony	Intercept/receive cellular telephone communication	33%	50%												1y4m	2y	3y
PC	632.5	Misd	Intercept/receive cellular telephone communication	33%															1y
PC	632.6	Felony	Intercept/receive cordless telephone communication	33%	50%												1y4m	2y	3y
PC	632.6	Misd	Intercept/receive cordless telephone communication	33%															1y
PC	634	Felony	Trespass to commit invasion of privacy	33%	50%												1y4m	2y	3y
PC	634	Misd	Trespass to commit invasion of privacy	33%															1y
PC	635	Felony	Make or sell an eavesdrop/intercept device	33%	50%												1y4m	2y	3y
PC	635	Misd	Make or sell an eavesdrop/intercept device	33%															1y
PC	636	Felony	Eavesdrop/rec confidential conversation of inmate	33%	50%												1y4m	2y	3y
PC	636(b)	Felony	Eavesdrop/rec confidential conversation of inmate	33%	50%												1y4m	2y	3y
PC	636(b)	Misd	Eavesdrop/rec confidential conversation of inmate	33%															1y
PC	637	Felony	Wrongfully disclose telephonic communication	33%	50%												1y4m	2y	3y
PC	637	Misd	Wrongfully disclose telephonic communication	33%															1y
PC	637.1	Felony	Wrongfully obtain telephonic communication	33%	50%												1y4m	2y	3y
PC	637.1	Misd	Wrongfully obtain telephonic communication	33%															1y
PC	637.7(a)	Misd	Invasion of privacy by electronic device	33%															180d
PC	637.9(a)	Misd	Disclose personal info to business or sex offender	33%															180d
PC	637.9(b)	Misd	Use personal info of child for commercial purpose	33%															180d
PC	637.9(c)	Misd	Distribute personal info of child for use to abuse	33%															180d
PC	638(a)	Misd	Purchase/sell telephone calling pattern record	33%															1y
PC	638(a)	Misd	Purchase/sell telephone calling pattern record/pr	33%															1y
PC	640(a)	Infract	Evasion of fare - public transit																
PC	640.5(a)	Infract	Deface government entity with graffiti																

Code Section	Severity	Description	- Credit - Jail/Prison	Firearm Wobblers Probation Serious Violent Strike	Sex registration Drug registration Arson registration DL suspension Auto forfeiture Interlock	Lower Middle Upper		
PC 640.6(a)	Infract	Deface property with graffiti causing >\$250 damage						
PC 640.6(b)	Misd	Deface property with graffiti with prior	33%					
PC 640.6(c)	Misd	Deface property with graffiti with 2 priors	33%					180d
PC 641.3(a)	Felony	Commercial bribery > \$1000	33%					1y
PC 641.3(a)	Misd	Commercial bribery < \$1000	33%		• •	1y4m	2y	3y
PC 641.4	Misd	Bribery of real estate broker by title company emp	33%		•			180d
PC 642	Felony	Grand theft from corpse	33%					1y
PC 642	Misd	Petty theft from corpse	33%	50%	• •	1y4m	2y	3y
PC 646.9(a)	Felony	Stalking with threat	33%		•			180d
PC 646.9(a)	Misd	Stalking	33%	50%	• • ?	1y4m	2y	3y
PC 646.9(b)	Felony	Stalking in violation of court order	33%		•			1y
PC 646.9(c)(1)	Felony	Stalking with prior domestic offense	33%	50%	• ?	2y	3y	4y
PC 646.9(c)(1)	Misd	Stalking with prior domestic offense	33%	50%	• ?	2y	3y	5y
PC 646.9(c)(2)	Felony	Stalking with prior felony conviction	33%	50%	•			1y
PC 647(a)	Misd	Engage in/solicit lewd conduct in public place	33%	50%	• ?	2y	3y	5y
PC 647(b)	Misd	Prostitution	33%					180d
PC 647(c)	Misd	Begging or solicit alms	33%					180d
PC 647(d)	Misd	Loiter around public toilet for lewd activity	33%					180d
PC 647(f)	Misd	Under the influence of alcohol/drug in public	33%					180d
PC 647(h)	Misd	Loiter/prowl/wander upon private property	33%					180d
PC 647(i)	Misd	Peeking while loitering/prowling/wandering	33%					180d
PC 647(i)	Misd	Peeking while loitering/prowling/wandering w/prior	33%					180d
PC 647(j)	Misd	Unauthorized lodging in building or vehicle	33%					180d
PC 647(k)	Misd	Peeking into bathroom/dressing room/tanning booth	33%					180d
PC 647(k)	Misd	Peeking into bath/dressing/tanning booth w/prior	33%					180d
PC 647(k)(2)	Misd	Video or photograph person in undergarments	33%					180d
PC 647(k)(3)	Misd	Video or photograph person inside room	33%					180d
PC 647(k)(3)	Misd	Video or photograph person inside room w/prior	33%					180d
PC 647b	Misd	Loiter around adult school	33%					1y
PC 647c	Misd	Obstruct movement on street or public place	33%					180d
PC 647f	Felony	Prostitution w/prior conv and positive AIDS test	33%	50%				180d
PC 647.6(a)(1)	Misd	Child molesting	33%	50%	•	1y4m	2y	3y
PC 647.6(a)(2)	Misd	Child molesting - vic believed to be < 18 yrs	33%		•			1y
PC 647.6(b)	Felony	Child molesting - inhabited dwelling	33%	50%	•			1y
PC 647.6(b)	Misd	Child molesting - inhabited dwelling	33%	50%	• • •	1y4m	2y	3y
PC 647.6(c)(1)	Felony	Child molesting with prior	33%	50%	• •			1y
PC 647.6(c)(2)	Felony	Child molesting w/prior felony conv w/vic <16yrs	33%	50%	• •	1y4m	2y	3y
PC 648	Felony	Utter and pass counterfeit paper w/prior	33%	50%	• •	2y	4y	6y
PC 648	Misd	Utter and pass counterfeit paper	33%	50%	• •	1y4m	2y	3y
PC 652(a)	Infract	Body piercing on person under 18			•			180d
PC 653f(a)	Felony	Solicitation to commit felony not including murder	33%	50%	• •	1y4m	2y	3y
PC 653f(a)	Felony	Solicitation to commit felony not including murder	33%	50%	• •	1y4m	2y	3y
PC 653f(a)	Misd	Solicitation to commit felony not including murder	33%		•			1y
PC 653f(b)	Felony	Solicitation to commit murder	33%	50%	•	3y	6y	9y
PC 653f(b)	Felony	Solicitation to commit murder	33%	50%	•	3y	6y	9y
PC 653f(c)	Felony	Solicitation to commit sex crime by force/violence	33%	50%	• •	2y	3y	4y
PC 653f(c)	Felony	Solicitation to commit sex crime by force/violence	33%	50%	• •	2y	3y	4y
PC 653f(d)	Felony	Solicitation to commit drug offense	33%	50%	• •	1y4m	2y	3y
PC 653f(d)	Felony	Solicitation to commit drug offense with prior	33%	50%	• •	1y4m	2y	3y
PC 653f(d)	Misd	Solicitation to commit drug offense	33%		• •			1y
PC 653g	Misd	Loiter about place where children congregate	33%		•			180d
PC 653h(b)	Felony	Illegally transfer/transp >1000 sound recordings	33%	50%	• •	2y	3y	5y
PC 653h(b)	Misd	Illegally transfer/transp >1000 sound recordings	33%		•			1y

			- Credit - Jail/Prison		Firearm			Sex registration			Drug registration			Arson registration			DL suspension			Auto forfeiture			Interlock			Lower			Middle			Upper																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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Code Section	Severity	Description	- Credit - Jail/Prison		Probation	Firearm	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower	Middle	Upper
PC 836.6(a)	Felony	Escape from custody	33%	50%									2y	3y	4y
PC 836.6(a)	Misd	Escape from custody	33%												1y
PC 836.6(b)	Felony	Escape from arrest	33%	50%									2y	3y	4y
PC 836.6(b)	Misd	Escape from arrest	33%												1y
PC 853.7	Misd	Failure to appear on written promise to appear	33%												180d
PC 1170.12(c)	Felony	Enhancement for prior strike(s) convictions	33%	20%											
PC 1192.7(c)	Felony	Serious felony allegation	33%	50%											
PC 1203(e)(1)	Felony	Probation restrict - violence/armed w/deadly wpn	33%	50%											
PC 1203(e)(2)	Felony	Probation restrict - use of a deadly weapon	33%	50%											
PC 1203(e)(3)	Felony	Probation restrict - infliction of GBI or torture	33%	50%											
PC 1203(e)(4)	Felony	Probation restrict - 2 prior felony convictions	33%	50%											
PC 1203(e)(5)	Felony	Probation restrict - violent felony conviction	33%	50%											
PC 1203(e)(6)	Felony	Probation restrict - violent felony w/pr felony	33%	50%											
PC 1203(e)(6)(A)	Felony	Probation restrict - violent felony w/firearm & pr	33%	50%											
PC 1203(e)(6)(B)	Felony	Probation restrict - violent felony w/d.wpn & prio	33%	50%											
PC 1203(e)(6)(C)	Felony	Probation restrict - violent felony w/GBI & prior	33%	50%											
PC 1203(e)(7)	Felony	Probation restrict - crime by public official/ofcr	33%	50%											
PC 1203(e)(8)	Felony	Probation restrict - furnishing phencyclidine	33%	50%											
PC 1203(e)(9)	Felony	Probation restrict - arson or arson with GBI	33%	50%											
PC 1203(e)(10)	Felony	Probation restrict - drive by shooting w/GBI/death	33%	50%											
PC 1203(e)(11)	Felony	Probation restrict - short barrell gun/machine gun	33%	50%											
PC 1203(e)(12)	Felony	Probation restrict - W&I 8101 conviction	33%	50%											
PC 1203(e)(13)	Felony	Probation restrict - violating firearm restriction	33%	50%											
PC 1203(k)	Felony	Probation denial - viol/seri fel while on fel prob	33%	50%											
PC 1203.045(a)	Felony	Probation restrict - theft of >\$100k	33%	50%											
PC 1203.045	Felony	Probation restrict - theft of >\$100k	33%	50%											
PC 1203.046	Felony	Probation restrict - solicit minor to commit fel	33%	50%											
PC 1203.047	Felony	Probation restrict - no computer use	33%	50%											
PC 1203.048	Felony	Probation restrict - computer related crime	33%	50%											
PC 1203.049(a)	Felony	Probation restrict - food stamp fraud	33%	50%											
PC 1203.055(c)	Felony	Probation denial - public transit offense w/pr	33%	50%											
PC 1203.055(a)	Felony	Probation restrict - some confinement	33%	50%											
PC 1203.06(a)(1)	Felony	Probation denial - viol offense w/firearm use	33%	50%											
PC 1203.06(a)(2)	Felony	Probation denial - viol offense w/firearm use/pr	33%	50%											
PC 1203.06(a)(3)	Felony	Probation denial - aggravated arson conviction	33%	50%											
PC 1203.065(a)	Felony	Probation denial - violent sexual offense	33%	50%											
PC 1203.065(b)(1)	Felony	Probation restrict - specific sex offense	33%	50%											
PC 1203.066(a)(1)	Felony	Probation denial - PC 288 conviction w/force	33%	50%											
PC 1203.066(a)(2)	Felony	Probation denial - PC 288 conviction w/injury	33%	50%											
PC 1203.066(a)(3)	Felony	Probation denial - PC 288 by stranger conviction	33%	50%											
PC 1203.066(a)(4)	Felony	Probation denial - PC 288 conv w/weapon use	33%	50%											
PC 1203.066(a)(5)	Felony	Probation denial - sex offense w/prior sex conv	33%	50%											
PC 1203.066(a)(6)	Felony	Probation denial - PC 288 conv w/kidnap of child	33%	50%											
PC 1203.066(a)(7)	Felony	Probation denial - PC 288 conviction of >1 vic	33%	50%											
PC 1203.066(a)(8)	Felony	Probation denial - PC 288 w/substantial sex<14 vic	33%	50%											
PC 1203.066(a)(9)	Felony	Probation denial - PC 288 w/use of pornography	33%	50%											
PC 1203.067(a)	Felony	Probation restrict - evaluation & hearing	33%	50%											
PC 1203.07(a)(1)	Felony	Probation denial - possessing >14.25 gm heroin	33%	50%											
PC 1203.07(a)(2)	Felony	Probation denial - selling >14.25 gm heroin	33%	50%											
PC 1203.07(a)(3)	Felony	Probation denial - poss/sell heroin w/1+ same pr	33%	50%											
PC 1203.07(a)(4)	Felony	Probation denial - poss for sale >14.25 gm PCP	33%	50%											
PC 1203.07(a)(5)	Felony	Probation denial - transporting PCP for sale	33%	50%											
PC 1203.07(a)(6)	Felony	Probation denial - selling PCP	33%	50%											

Code	Section	Severity	Description	- Credit - Jail/Prison		Firearm	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower	Middle	Upper
PC	1203.07(a)(7)	Felony	Probation denial - manufacturing PCP	33%	50%										
PC	1203.07(a)(8)	Felony	Probation denial - using minor for drug activity	33%	50%										
PC	1203.07(a)(9)	Felony	Probation denial - using minor in PCP activity	33%	50%										
PC	1203.07(a)(10)	Felony	Probation denial - possession of PCP chemicals	33%	50%										
PC	1203.07(a)(11)	Felony	Probation denial - drug offense w/drug prior	33%	50%										
PC	1203.073(b)(1)	Felony	Probation restrict - poss for sale >28.5 gm cocaine	33%	50%										
PC	1203.073(b)(2)	Felony	Probation restrict - poss for sale >1oz meth	33%	50%										
PC	1203.073(b)(3)	Felony	Probation restrict - manufacturing controlled sub	33%	50%										
PC	1203.073(b)(4)	Felony	Probation restrict - using minor to make/sell drug	33%	50%										
PC	1203.073(b)(5)	Felony	Probation restrict - poss for sale >14 gm cocaine	33%	50%										
PC	1203.073(b)(6)	Felony	Probation restrict - poss of cocaine base for sale	33%	50%										
PC	1203.073(b)(7)	Felony	Probation restrict - sale of cocaine base	33%	50%										
PC	1203.073(b)(8)	Felony	Probation restrict - poss of meth for sale w/meth	33%	50%										
PC	1203.074(b)	Felony	Probation restrict - H&S 11366.6 conviction	33%	50%										
PC	1203.075(a)	Felony	Probation denial - crime committed with GBI	33%	50%										
PC	1203.075(a)(1)	Felony	Probation denial - murder with GBI	33%	50%										
PC	1203.075(a)(2)	Felony	Probation denial - robbery with GBI	33%	50%										
PC	1203.075(a)(3)	Felony	Probation denial - kidnap 207 with GBI	33%	50%										
PC	1203.075(a)(4)	Felony	Probation denial - PC 288 with GBI	33%	50%										
PC	1203.075(a)(5)	Felony	Probation denial - burglary 460 with GBI	33%	50%										
PC	1203.075(a)(6)	Felony	Probation denial - rape with GBI	33%	50%										
PC	1203.075(a)(7)	Felony	Probation denial - PC 220 with GBI	33%	50%										
PC	1203.075(a)(8)	Felony	Probation denial - escape with GBI	33%	50%										
PC	1203.075(a)(9)	Felony	Probation denial - PC 289 or 264.1 with GBI	33%	50%										
PC	1203.075(a)(10)	Felony	Probation denial - PC 286 with GBI	33%	50%										
PC	1203.075(a)(11)	Felony	Probation denial - PC 288a with GBI	33%	50%										
PC	1203.075(a)(12)	Felony	Probation denial - PC 215 with GBI	33%	50%										
PC	1203.075(a)(13)	Felony	Probation denial - PC 288.5 with GBI	33%	50%										
PC	1203.075(a)(14)	Felony	Probation denial - PC 269 with GBI	33%	50%										
PC	1203.08	Felony	Probation denial - prior felony	33%	50%										
PC	1203.085(a)	Felony	Probation denial - other offenses	33%	50%										
PC	1203.085(b)	Felony	Probation denial - other offenses	33%	50%										
PC	1203.09(a&b)	Felony	Probation denial - crime w/GBI/>60 yr/disabled vic	33%	50%										
PC	1203.09(f)	Felony	Probation restrict - violent crime on victim > 60	33%	50%										
PC	1203.2	Felony	Violation of probation	33%	50%										
PC	1203.2	Misd	Violation of probation	33%											
PC	1320(a)	Misd	Failure to appear	33%											
PC	1320(b)	Felony	Fail to appear after release on own recognizance	33%	50%								1y4m	2y	3y
PC	1320(b)	Misd	Fail to appear after release on own recognizance	33%											1y
PC	1320.5	Felony	Failure to appear after bail on felony	33%	50%								1y4m	2y	3y
PC	1320.5	Misd	Failure to appear after bail on felony	33%											1y
PC	2042	Felony	Attempted escape/escape from DVI	33%	50%								1y4m	2y	3y
PC	2042	Misd	Attempted escape/escape from DVI	33%											1y
PC	2772	Felony	Interfere with prisoner or supply cs or weapon	33%	50%								1y4m	2y	3y
PC	2772	Misd	Interfere with prisoner or supply cs or weapon	33%											18m
PC	2790	Felony	Interfere with convict or supply cs or weapon	33%	50%								1y4m	2y	3y
PC	2790	Misd	Interfere with convict or supply cs or weapon	33%											18m
PC	4011.7	Felony	Escape from hospital by prisoner with force	33%	50%								1y4m	2y	3y
PC	4011.7	Misd	Escape from hospital by prisoner with force	33%											1y
PC	4133	Felony	Escape from industrial farm	33%	50%								1y4m	2y	3y
PC	4133	Misd	Escape from industrial farm	33%											1y
PC	4500	Felony	Assault with deadly weapon by life prisoner	15%	15%										LIFE
PC	4500	Felony	Assault w/deadly weapon by life prisoner/death	15%	15%										DEATH

Code	Section	Severity	Description	- Credit - Jail/Prison		Firearm	Sex registration	Wobblers	Probation	Serious	Violent	Strike	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower Middle Upper		
PC	4501	Felony	Assault w/deadly wpn /prisoner not serv life sent	33%	50%	•	•	•										2y	4y	6y
PC	4501.1	Felony	Battery by inmate on prison officer/emp by gassing	33%	50%			•										2y	3y	4y
PC	4501.5	Felony	Battery by inmate on person not a prisoner	33%	50%			•										2y	3y	4y
PC	4502(a)	Felony	Possession of dangerous weapon by inmate	33%	50%			•										2y	3y	4y
PC	4502(b)	Felony	Manufacture dangerous weapon by inmate	33%	50%			•										1y4m	2y	3y
PC	4503	Felony	Holding of hostage within prison by inmate	33%	50%	•	•	•										3y	5y	7y
PC	4530(a)	Felony	Attempt to escape/escape from prison by force	33%	50%			•										2y	4y	6y
PC	4530(b)	Felony	Attempt to escape/escape from prison without force	33%	50%			•										1y4m	2y	3y
PC	4530(c)	Felony	Escape by inmate by failure to return from release	33%	50%			•										1y4m	2y	3y
PC	4532(a)(1)	Felony	Escape by non felon prisoner from jail or farm	33%	50%			•	•	•								1y	1y	1y
PC	4532(a)(1)	Misd	Escape by non felon prisoner from jail or farm	33%				•										90d		1y
PC	4532(a)(2)	Felony	Escape by non felon inmate from jail/farm w/force	33%	50%			•	•	•								2y	4y	6y
PC	4532(a)(2)	Misd	Escape by non felon inmate from jail/farm w/force	33%				•										90d		1y
PC	4532(b)(1)	Felony	Escape by felony inmate from jail or farm	33%	50%			•	•	•								1y4m	2y	3y
PC	4532(b)(1)	Misd	Escape by felony inmate from jail or farm	33%				•										90d		1y
PC	4532(b)(2)	Felony	Escape by felony inmate from jail or farm w/force	33%	50%			•	•	•								2y	4y	6y
PC	4532(b)(2)	Misd	Escape by felony inmate from jail or farm w/force	33%				•										90d		1y
PC	4533	Felony	Aid escape of prisoner by officer	33%	50%			•										1y4m	2y	3y
PC	4534	Felony	Assist escape by prisoner whose parole is revoked	33%	50%			•										1y4m	2y	3y
PC	4535	Felony	Carry item useful for escape into prison or jail	33%	50%			•										1y4m	2y	3y
PC	4536(a)	Felony	Escape from mental health facility	33%	50%			•	•									1y4m	2y	3y
PC	4536(a)	Misd	Escape from mental health facility	33%				•												1y
PC	4550[1]	Felony	Rescue capital prisoner	33%	50%			•										2y	3y	4y
PC	4550[2]	Felony	Rescue non capital prisoner	33%	50%			•	•									1y4m	2y	3y
PC	4550[2]	Misd	Rescue non capital prisoner	33%				•												1y
PC	4571	Felony	Unauth entry on prison/jail grounds by ex-convict	33%	50%			•										1y4m	2y	3y
PC	4573	Felony	Smuggle controlled substance into prison or jail	33%	50%			•										2y	3y	4y
PC	4573.5	Felony	Bring drugs or alcohol into penal institution	33%	50%			•										1y4m	2y	3y
PC	4573.6	Felony	Possess drugs where prisoners are kept	33%	50%			•										2y	3y	4y
PC	4573.8	Felony	Possess drugs or paraphernalia in prison or jail	33%	50%			•										1y4m	2y	3y
PC	4573.9	Felony	Sell drugs to state prison inmate	33%	50%			•										2y	4y	6y
PC	4574(a)	Felony	Smuggle firearm/deadly weapon/explosive in prison	33%	50%			•										2y	3y	4y
PC	4574(b)	Felony	Smuggle tear gas into prison w/release of tear gas	33%	50%			•										2y	3y	4y
PC	4574(c)	Misd	Smuggle tear gas into prison or jail	33%																180d
PC	4575(a)	Misd	Possess wireless device in jail/prison	33%																180d
PC	4575(b)	Infra	Possess tobacco products in jail/prison																	
PC	4600	Felony	Destruction of jail or prison or its property	33%	50%			•	•									1y4m	2y	3y
PC	4600	Misd	Damage to prison or jail property of <\$400	33%																180d
PC	11411(b)	Felony	Terrorize by displaying swastika on >2 occasions	33%	50%			•	•									1y4m	2y	3y
PC	11411(b)	Misd	Terrorize by displaying swastika on >2 occasions	33%				•												1y
PC	11411(c)	Felony	Unauthorized burning of cross on private property	33%	50%			•	•									1y4m	2y	3y
PC	11411(c)	Misd	Unauthorized burning of cross on private property	33%				•												1y
PC	11412	Felony	Religious terrorism	33%	50%			•										1y4m	2y	3y
PC	11413	Felony	Use of explosives in acts of terrorism	33%	50%			•										3y	5y	7y
PC	11418(a)(1)	Felony	Possess weapon of mass destruction	33%	50%			•										4y	8y	12y
PC	11418(a)(2)	Felony	Possess weapon of mass destruction with prior	33%	50%			•										5y	10y	15y
PC	11418(b)(1)	Felony	Use weapon of mass destruction causing injury	15%	15%	•	•	•	•	•										LIFE
PC	11418(b)(2)	Felony	Use weapon of mass destruction causing death	0%	0%	•	•	•	•	•										LWOP
PC	11418(b)(3)	Felony	Use weapon of mass destruction to harm food/water	15%	15%	•	•	•	•	•								5y	8y	12y
PC	11418(b)(4)	Felony	Use weapon of mass destruction against animals	15%	15%	•	•	•	•	•								4y	8y	12y
PC	11418(c)	Felony	Use weapon of mass destruction to damage resources	15%	15%	•	•	•	•	•								3y	4y	6y
PC	11418(d)(1)	Felony	Create new pathogens to cause widespread damage	33%	50%			•										4y	8y	12y
PC	11418(d)(2)	Felony	Create new pathogens to damage to resources	33%	50%			•										3y	6y	9y

Code Section	Severity	Description	- Credit - Jail/Prison		Probation	Violent Strike	Firearm Wobblers	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture	Lower Middle Upper		
													3y	4y	6y
PC 11418.5(a)	Felony	Threaten to use weapon of mass destruction	33%	50%			• •						3y	4y	6y
PC 11418.5(a)	Misd	Threaten to use weapon of mass destruction	33%				•								1y
PC 11419(a)	Felony	Possess restricted biological agents	33%	50%			•						4y	8y	12y
PC 12001.1(a)	Misd	Commercially manufacture undetectable knife	33%												180d
PC 12020(a)	Felony	Manufacture/import/sell/possess illegal weapon	33%	50%			• •						1y4m	2y	3y
PC 12020(a)	Misd	Manufacture/import/sell/possess illegal weapon	33%				•								1y
PC 12021(a)(1)	Felony	Possession of firearm by felon	33%	50%			•						1y4m	2y	3y
PC 12021(b)	Felony	Poss firearm by felon certified from juvie court	33%	50%			•						1y4m	2y	3y
PC 12021(c)(1)	Felony	Poss firearm by misdemeanor <10 yrs of conviction	33%	50%			• •								1y
PC 12021(c)(1)	Misd	Poss firearm by misdemeanor <10 yrs of conviction	33%				•						1y4m	2y	3y
PC 12021(d)	Felony	Possession of firearm in violation of probation	33%	50%			• •								1y
PC 12021(d)	Misd	Possession of firearm in violation of probation	33%				•						1y4m	2y	3y
PC 12021(e)	Felony	Possession of firearm by juvenile ward	33%	50%			• •								1y
PC 12021(e)	Misd	Possession of firearm by juvenile ward	33%				•						1y4m	2y	3y
PC 12021(g)	Felony	Purchase firearm by subject to a protective order	33%	50%			• •								1y
PC 12021(g)	Misd	Purchase firearm by subject to a protective order	33%				•						1y4m	2y	3y
PC 12021.1	Felony	Possession of firearm by violent felon	33%	50%			• •						1y	2y	3y
PC 12021.5(a)	Felony	Enhance - street gang crime w/firearm	33%	50%									2y	3y	4y
PC 12021.5(b)	Felony	Enhance - street gang crime w/firearm	33%	50%									1y	1y	1y
PC 12022(a)(1)	Felony	Enhance - armed with firearm	33%	50%									3y	3y	3y
PC 12022(a)(2)	Felony	Enhance - armed with assault weapon	33%	50%									1y	1y	1y
PC 12022(b)(1)	Felony	Enhance - use of deadly weapon	33%	50%			• •						1y	2y	3y
PC 12022(b)(2)	Felony	Enhance - deadly weapon used to carjack	33%	50%			• •						3y	4y	5y
PC 12022(c)	Felony	Enhance - armed w/firearm in drug offense	33%	50%									1y	2y	3y
PC 12022(d)	Felony	Enhance - knowledge of firearm in drug offense	33%	50%									2y	2y	2y
PC 12022.1	Felony	Enhance - offense committed while on bail	33%	50%									3y	4y	10y
PC 12022.2(a)	Felony	Enhance - possession of armor piercing ammo	33%	50%									1y	2y	5y
PC 12022.2(b)	Felony	Enhance - wearing body vest in violent offense	33%	50%			•						3y	4y	10y
PC 12022.3(a)	Felony	Enhance - using deadly weapon in sex offense	33%	50%									1y	2y	5y
PC 12022.3(b)	Felony	Enhance - armed w/deadly weapon in sex ofns	33%	50%									1y	2y	3y
PC 12022.4	Felony	Enhance - supplying firearm to commit felony	15%	15%			• • •						3y	4y	10y
PC 12022.5(a)(1)	Felony	Enhance - use of a firearm to commit felony	15%	15%			• • •						4y	5y	10y
PC 12022.5(a)(2)	Felony	Enhance - use of a firearm in carjacking	15%	15%			• •						5y	6y	10y
PC 12022.5(b)(1)	Felony	Enhance - shooting at occupied vehicle	15%	15%			• •						5y	6y	10y
PC 12022.5(b)(2)	Felony	Enhance - use of assault weapon/machinegun	15%	15%			• • •						3y	4y	10y
PC 12022.5(c)	Felony	Enhance - use of firearm in drug offense	33%	50%									1y	1y	1y
PC 12022.6(a)(1)	Felony	Enhance - damage to property >\$65k	33%	50%									2y	2y	2y
PC 12022.6(a)(2)	Felony	Enhance - damage to property >\$200k	33%	50%									3y	3y	3y
PC 12022.6(a)(3)	Felony	Enhance - damage to property >\$1.3M	33%	50%									4y	4y	4y
PC 12022.6(a)(4)	Felony	Enhance - damage to property >\$3.2M	33%	50%											
PC 12022.7(a)	Felony	Enhance - infliction of great bodily injury	15%	15%			• • •						3y	3y	3y
PC 12022.7(b)	Felony	Enhance - GBI causing coma/paralysis	15%	15%			• • •						5y	5y	5y
PC 12022.7(c)	Felony	Enhance - GBI inflicted on victim >70 yrs	15%	15%			• • •						5y	5y	5y
PC 12022.7(d)	Felony	Enhance - infliction of GBI on child <5 yrs	15%	15%			• • •						4y	5y	6y
PC 12022.7(e)	Felony	Enhance - GBI in a domestic violence	15%	15%			• • •						3y	4y	5y
PC 12022.8	Felony	Enhance - infliction of GBI during rape	15%	15%			• • •						5y	5y	5y
PC 12022.9(a)	Felony	Enhance - GBI causing termination of pregnancy	15%	15%			• •						5y	5y	5y
PC 12022.9(b)(1)	Felony	Enhance - firearm discharge causing paralysis	15%	15%			• •						4y	4y	4y
PC 12022.9(b)(2)	Felony	Enhance - shooting at vehicle causing paralysis	15%	15%			• •						4y	4y	4y
PC 12022.53(b)	Felony	Enhance - use of firearm in violent offense	15%	15%			• • •						10y	10y	10y
PC 12022.53(c)	Felony	Enhance - discharging firearm in violent offense	15%	15%			• • •						20y	20y	20y
PC 12022.53(d)	Felony	Enhance - firearm discharge w/GBI in violent ofn	15%	15%			• • •								25-LIFE
PC 12022.53(g)	Felony	Probation denial - PC 12022.53 violation	33%	50%			•								

Code	Section	Severity	Description	Firearm Sex registration										Drug registration			Arson registration			DL suspension			Auto forfeiture			Lower	Middle	Upper																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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Code Section	Severity	Description	- Credit - Jail/Prison	Probation	Serious	Violent	Strike	Firearm	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower	Middle
PC 12034(a)	Misd	Permit firearm in vehicle by driver	33%													
PC 12034(b)	Felony	Permit discharge of firearm from vehicle	33%	50%											1y4m	2y
PC 12034(b)	Misd	Permit discharge of firearm from vehicle	33%													
PC 12034(c)	Felony	Discharge firearm from a vehicle at person	33%	50%											3y	5y
PC 12034(d)	Felony	Discharge firearm from a vehicle	33%	50%											1y4m	2y
PC 12034(d)	Misd	Discharge firearm from a vehicle	33%													
PC 12035(b)(1)	Felony	Criminal storage of a firearm of the 1st degree	33%	50%											1y4m	2y
PC 12035(b)(1)	Misd	Criminal storage of a firearm of the 1st degree	33%													
PC 12035(b)(2)	Misd	Criminal storage of a firearm of the 2nd degree	33%													
PC 12036(b)	Misd	Keep concealed firearm accessible to child	33%													
PC 12036(c)	Misd	Keep firearm accessible to minor	33%													
PC 12051	Felony	False statement on concealed weapon application	33%	50%											1y4m	2y
PC 12072(a)	Felony	Sale firearm of to ex-felon	33%	50%											1y4m	2y
PC 12072(a)	Misd	Sale firearm of to ex-felon	33%													
PC 12072(g)(1)	Misd	Unlawful transfer of firearm	33%													
PC 12072(g)(2)	Felony	Unlawful transfer of firearm	33%	50%											2y	3y
PC 12072(g)(3)	Felony	Unlawful transfer of firearm	33%	50%											1y4m	2y
PC 12072(g)(3)	Misd	Unlawful transfer of firearm	33%													
PC 12072(g)(4)	Felony	Enhance - unlawful transfer of firearm	33%	50%											1y	2y
PC 12085(a)	Misd	Unlawful manufacture of firearm	33%													
PC 12090	Felony	Alter or deface identifying mark on firearm	33%	50%											1y4m	2y
PC 12094	Misd	Possess/sell firearm with ID mark removed/altered	33%													
PC 12101(a)(1)	Felony	Minor in possession of firearm	33%	50%											1y4m	2y
PC 12101(a)(1)	Misd	Minor in possession of firearm	33%													
PC 12101(a)(1)	Misd	Minor in possession of firearm	33%													
PC 12220(a)	Felony	Possess or transport machine guns	33%	50%											1y4m	2y
PC 12220(b)	Felony	Conversion/sale/manufacture of machine gun	33%	50%											4y	6y
PC 12280(a)(1)	Felony	Make/transport/sell/possess assault weapon/.50 BMG	33%	50%											4y	6y
PC 12280(a)(2)	Felony	Enhance - sale/transfer assault weapon to minor	33%	50%											1y	1y
PC 12280(b)	Felony	Possession of assault weapon	33%	50%											1y4m	2y
PC 12280(b)	Misd	Possession of assault weapon	33%													
PC 12280(c)	Infract	Possession of .50 BMG rifle														
PC 12280(c)	Misd	Possession of .50 BMG rifle	33%													
PC 12303	Felony	Possession of destructive device	33%	50%											1y4m	2y
PC 12303	Misd	Possession of destructive device	33%													
PC 12303.2	Felony	Possess destructive device in public place	33%	50%												
PC 12303.3	Felony	Explosion of destructive device w/intent to injure	33%	50%											2y	4y
PC 12303.6	Felony	Sale or transportation of destructive device	33%	50%											3y	5y
PC 12304	Felony	Sell, possess or transport fixed ammunition w/pr	33%	50%											2y	3y
PC 12304	Misd	Sell, possess or transport fixed ammunition w/pr	33%												1y4m	2y
PC 12308	Felony	Explode destructive device with intent to murder	15%	15%												
PC 12309	Felony	Explode destructive device causing bodily injury	15%	15%												
PC 12310(a)	Felony	Explode destructive device causing death	15%	15%											5y	7y
PC 12310(b)	Felony	Explode destructive device causing mayhem/GBI	15%	15%												
PC 12312	Felony	Intend to make destructive device without permit	33%	50%												
PC 12316(a)(1)(A)	Misd	Sale of ammunition to minor <18 yrs	33%												2y	3y
PC 12316(a)(1)(B)	Misd	Sale of ammunition to person <21 yrs	33%													
PC 12316(b)(1)	Felony	Possession of ammunition by prohibited person	33%	50%											1y4m	2y
PC 12316(b)(1)	Misd	Possession of ammunition by prohibited person	33%													
PC 12316(c)	Misd	Carry ammunition onto school grounds	33%													
PC 12320	Felony	Possess armor-piercing ammunition	33%	50%											1y4m	2y
PC 12320	Misd	Possess armor-piercing ammunition	33%													
PC 12355(a)	Felony	Place or maintain a boobytrap device	33%	50%											2y	3y

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Code Section	Severity	Description	- Credit - Jail/Prison		Firearm	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower	Middle	Upper
PC 12355(b)	Felony	Possess device with intent to use as boobytrap	33%	50%		•						1y4m	2y	3y
PC 12355(b)	Misd	Possess device with intent to use as boobytrap	33%			•								1y
PC 12370(a)	Felony	Possession of body armor by felon	33%	50%		•						1y4m	2y	3y
PC 12403.7(g)	Felony	Illegal use of tear gas or tear gas weapon	33%	50%		•						1y4m	2y	3y
PC 12403.7(g)	Misd	Illegal use of tear gas or tear gas weapon	33%			•								1y
PC 12420	Misd	Possess/sell/or transport tear gas	33%											1y
PC 12520	Felony	Possession of firearm silencer	33%	50%		•						1y4m	2y	3y
PC 12590(a)(1)	Misd	Carry concealed firearm while picketing	33%			•								180d
PC 12590(a)(2)	Misd	Carry loaded firearm while picketing	33%			•								180d
PC 12590(a)(3)	Misd	Carry a deadly weapon while picketing	33%			•								180d
PC 12590(a)(4)	Misd	Wear peace officer uniform while picketing	33%			•								180d
PC 14166	Felony	Money laundering	33%	50%		•						1y4m	2y	3y
PC 14166	Misd	Money laundering	33%			•								1y
R&T 19705(a)	Felony	Tax return fraud	33%	50%		•						1y4m	2y	3y
R&T 19706	Felony	Failure to file tax return	33%	50%		•						1y4m	2y	3y
R&T 19706	Misd	Failure to file tax return	33%			•								1y
UEI 2117.5	Felony	Fail to file/file false return	33%	50%		•						1y4m	2y	3y
UEI 2117.5	Misd	Fail to file/file false return	33%			•								1y
UEI 2118.5	Felony	Failure to collect/payover tax	33%	50%		•						1y4m	2y	3y
VC 20	Misd	False name or statement on DMV/CHP document	33%											180d
VC 27	Misd	Impersonation of California Highway Patrol Officer	33%											180d
VC 31	Misd	Provide false information to a peace officer	33%											180d
VC 2800	Misd	Disobey police officer	33%											180d
VC 2800.1	Misd	Intention to evade peace officer	33%				•							1y
VC 2800.2(a)	Felony	Attempt to evade peace officer w/reckless driving	33%	50%		•	•					1y4m	2y	3y
VC 2800.2(a)	Misd	Attempt to evade peace officer w/reckless driving	33%			•						180d		1y
VC 2800.3(a)	Felony	Willful flight from police causing serious injury	33%	50%	•	•	•	•				3y	5y	7y
VC 2800.3(a)	Misd	Willful flight from police causing serious injury	33%			•		•						1y
VC 2800.3(b)	Felony	Willful flight from police causing death	33%	50%	•	•	•	•				4y	6y	10y
VC 2800.4	Felony	Flight from police - drive in opposite direction	33%	50%		•	•					1y4m	2y	3y
VC 2800.4	Misd	Flight from police - drive in opposite direction	33%			•						180d		1y
VC 4462.5	Misd	False evidence of registration	33%			•								1y
VC 4463(a)	Felony	Falsify evidence of registration to defraud	33%	50%		•	•					1y4m	2y	3y
VC 4463(a)	Misd	Falsify evidence of registration to defraud	33%			•								1y
VC 4000(a)(1)	Infract	Unregistered motor vehicle												
VC 5200	Infract	Fail to display license plates												
VC 5204	Infract	No license tab on rear												
VC 10501(a)	Misd	File false auto theft report	33%											180d
VC 10501(b)	Felony	File false auto theft report with prior	33%	50%		•	•					1y4m	2y	3y
VC 10501(b)	Misd	File false auto theft report with prior	33%			•								1y
VC 10750(a)	Misd	Alter vehicle identification mark	33%											180d
VC 10752	Felony	Illegal possession/sale of vehicle ID number	33%	50%		•	•					1y4m	2y	3y
VC 10752	Misd	Illegal possession/sale of vehicle ID number	33%			•						90d		1y
VC 10801	Felony	Own or operate a chop shop	33%	50%		•	•					2y	3y	4y
VC 10801	Misd	Own or operate a chop shop	33%			•								1y
VC 10802	Felony	Tamper with vehicle identification number	33%	50%		•	•					1y4m	2y	3y
VC 10802	Misd	Tamper with vehicle identification number	33%			•								1y
VC 10803(a)	Felony	Buy >1 vehicle w/alterd ID number for resell	33%	50%		•	•					2y	3y	4y
VC 10803(a)	Misd	Buy >1 vehicle w/alterd ID number for resell	33%			•								1y
VC 10803(b)	Felony	Possess >1 vehicle w/alterd ID number for sale	33%	50%		•	•					1y4m	2y	3y
VC 10803(b)	Misd	Possess >1 vehicle w/alterd ID number for sale	33%			•								1y
VC 10851(a)	Felony	Theft or unauthorized use of vehicle	33%	50%		•	•					1y4m	2y	3y
VC 10851(a)	Misd	Theft or unauthorized use of vehicle	33%			•						90d		1y

Code Section	Severity	Description	- Credit - Jail/Prison		Firearm	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower	Middle	Upper
VC 10851(b)	Felony	Theft/unauth use of emergency/modified vehicle	33%	50%			•					2y	3y	4y
VC 10852	Misd	Injury or removal of vehicle parts	33%											180d
VC 10853	Misd	Malicious mischief to vehicle	33%											180d
VC 12500(a)	Misd	Operate motor vehicle without a license	33%											180d
VC 12500(b)	Infra	Unlicensed to drive certain type of vehicle												
VC 12951(a)	Infra	Operate motor vehicle w/o valid driver's license												
VC 12951(b)	Misd	Fail to present license for examination by officer	33%											180d
VC 13004(a)	Misd	Unlawful possession of false identification card	33%											180d
VC 13004.1(a)	Misd	Manufacture/sell replica ID card	33%											180d
VC 13202	Felony	Enhance - cs conviction w/use of motor vehicle	33%	50%										
VC 13202.6	Misd	Enhance - offense involving graffiti	33%											
VC 14601(a)	Misd	Driving while privileges suspended	33%									5d		180d
VC 14601(a)	Misd	Driving while privileges suspended with prior	33%				•					10d		1y
VC 14601.1(a)	Misd	Driving while privileges suspended	33%											180d
VC 14601.1(a)	Misd	Driving while privileges suspended with prior	33%				•					5d		1y
VC 14601.2(a)	Misd	Driving w/suspended/revoked license for DUI conv	33%				•					10d		180d
VC 14601.2(a)	Misd	Driving w/suspended/revoked license for DUI w/pr	33%				•					30d		1y
VC 14601.2(b)	Misd	Driving w/restricted license for DUI conviction	33%				•					10d		180d
VC 14601.2(b)	Misd	Driving w/restricted license for DUI conv w/prior	33%				•					30d		1y
VC 14601.3(e)(1)	Misd	Habitual traffic offender	33%				•							30d
VC 14601.3(e)(2)	Misd	Habitual traffic offender with prior	33%				•							180d
VC 14601.3(e)(3)	Misd	Habitual traffic offender w/VC 14601.2 conviction	33%				•							180d
VC 14601.5(a)	Misd	Driving with suspended license	33%				•							180d
VC 14601.5(a)	Misd	Driving with suspended license w/prior	33%				•					10d		1y
VC 14601.5(b)	Misd	Driving in violation of restriction	33%				•							180d
VC 14601.5(b)	Misd	Driving in violation of restriction with prior	33%				•					10d		1y
VC 14610(a)	Misd	Display of revoked/suspended/alted license	33%											180d
VC 14610(b)	Misd	Unlawful lending of license	33%											180d
VC 14610(c)	Misd	Represent another's license as own	33%											180d
VC 14610(d)	Misd	Failure to surrender suspended/revoked license	33%											180d
VC 14610.1(a)	Misd	Manufacture/sell replica driver's license	33%											180d
VC 14610(h)	Misd	Unlawful alteration of license	33%											180d
VC 16020(a)	Misd	Financial responsibility law	33%											180d
VC 16028(a)	Infra	Failure to provide financial responsibility					•							
VC 16028(a)	Infra	Failure to provide financial responsibility w/pr					•							
VC 20001(b)(1)	Felony	Hit and run driving with injury	33%	50%		•	•	•				1y4m	2y	3y
VC 20001(b)(1)	Misd	Hit and run driving with injury	33%			•		•						1y
VC 20001(b)(2)	Felony	Hit and run driving with injury or death	33%	50%		•	•	•				2y	3y	4y
VC 20001(b)(2)	Misd	Hit and run driving with injury or death	33%			•		•				90d		1y
VC 20001(c)	Felony	Enhance - fleeing scene after unlawful act	33%	50%		•		•				5y	5y	5y
VC 20002(a)	Misd	Hit and run driving without property damage	33%					•						180d
VC 20002(b)	Misd	Runaway vehicle causing property damage	33%					•						180d
VC 21200.5	Infra	Ride bicycle while under influence of alcohol/drug												
VC 21367(b)	Infra	Disobey traffic controller												
VC 21367(c)	Infra	Fail to comply with traffic signs or lights												
VC 21451(a)	Infra	Fail to yield right-of-way at a green light												
VC 21453(a)	Infra	Failure to stop at a red light												
VC 21461(a)	Infra	Failure to obey traffic signs or signals												
VC 21464	Felony	Deface or interfere w/traffic control device	33%	50%		•	•					1y4m	2y	3y
VC 21464	Misd	Deface or interfere w/traffic control device	33%			•								180d
VC 21650	Infra	Failure to drive on the right												
VC 21651(a)	Infra	Drive across divided highway												
VC 21651(c)	Felony	Drive across divided highway causing injury/death	33%	50%		•	•	•				1y4m	2y	3y

Code	Section	Severity	Description	- Credit - Jail/Prison	Firearm	Sex registration	Wobblers	Probation	Serious	Violent	Strike	Arson registration	Drug registration	DL suspension	Auto forfeiture	Interlock			
																	Lower	Middle	Upper
VC	21651(c)	Misd	Drive across divided highway causing injury/death	33%			•												180d
VC	21655.5	Infract	Carpool lane violation																
VC	21658(a)	Infract	Fail to drive within lane																
VC	21663	Infract	Driving on sidewalk																
VC	21703	Infract	Following too closely																
VC	21750	Infract	Failure to pass on left																
VC	21754	Infract	Unlawful passing on the right																
VC	21755	Infract	Unsafe passing on the right																
VC	21801(a)	Infract	Failure to yield right-of-way at left or U-turn																
VC	21802(a)	Infract	Failure to yield right-of-way at stop sign																
VC	21804(a)	Infract	Failure to yield right-of-way																
VC	21806(a)	Infract	Failure to yield right-of-way to emergency vehicle																
VC	21950(a)	Infract	Failure to yield right-of-way to pedestrian																
VC	22101(d)	Infract	Disobey traffic control device regulating turns																
VC	22106	Infract	Unlawful starting or backing of vehicle on highway																
VC	22107	Infract	Unlawful lateral movement on highway																
VC	22108	Infract	Insufficient turn signal																
VC	22109	Infract	Failure to signal stop																
VC	22348(b)	Infract	Speeding in excess of 100 mph										•						
VC	22348(b)	Infract	Speeding in excess of 100 mph with 1 prior										•						
VC	22348(b)	Infract	Speeding in excess of 100 mph with 2+ priors										•						
VC	22348(c)	Infract	Driving in improper traffic lane																
VC	22349	Infract	Speeding in excess of 55 mph										•						
VC	22349	Infract	Speeding in excess of 55 mph with 1 prior										•						
VC	22349	Infract	Speeding in excess of 55 mph with 2+ priors										•						
VC	22350	Infract	Driving at an unsafe speed										•						
VC	22350	Infract	Driving at an unsafe speed with 1 prior										•						
VC	22350	Infract	Driving at an unsafe speed with 2+ priors										•						
VC	22356	Infract	Speeding in excess of posted limit										•						
VC	22356	Infract	Speeding in excess of posted limit with 1 prior										•						
VC	22356	Infract	Speeding in excess of posted limit with 2 + priors										•						
VC	22450	Infract	Failure to stop at limit line																
VC	22526(a)	Infract	Violate Anti-Gridlock Act																
VC	23103(a)	Misd	Reckless driving	33%									•				5d		90d
VC	23103(a)	Misd	Reckless driving with 1 prior	33%									•				5d		90d
VC	23103(a)	Misd	Reckless driving with 2+ priors	33%									•				5d		90d
VC	23103(b)	Misd	Reckless driving	33%									•				5d		90d
VC	23103(b)	Misd	Reckless driving with 1 prior	33%									•				5d		90d
VC	23103(b)	Misd	Reckless driving with 2+ priors	33%									•				5d		90d
VC	23103(c)	Misd	Reckless driving	33%									•				5d		90d
VC	23103(c)	Misd	Reckless driving with 1 prior	33%									•				5d		90d
VC	23103(c)	Misd	Reckless driving with 2+ priors	33%									•				5d		90d
VC	23104(a)	Misd	Reckless driving with bodily injury	33%									•				30d		180d
VC	23104(b)	Felony	Reckless driving with great bodily injury/pr	33%	50%	•	•	•	•	•	•	•	•				1y4m	2y	3y
VC	23104(b)	Misd	Reckless driving with great bodily injury/pr	33%								•	•				30d		180d
VC	23105(a)	Felony	Reckless driving with specific bodily injury	33%	50%	•	•	•	•	•	•	•	•				1y4m	2y	3y
VC	23105(a)	Misd	Reckless driving with specific bodily injury	33%								•	•				30d		180d
VC	23109(a)	Misd	Engage in speed contest on highway	33%									•				1d		90d
VC	23109(a)	Misd	Engage in speed contest on highway with injury	33%									•				30d		180d
VC	23109(a)	Misd	Engage in speed contest on highway with prior	33%									•				4d		180d
VC	23109(a)	Misd	Engage in speed contest on highway with prior/inj	33%									•				30d		180d
VC	23109(a)	Felony	Engage in speed contest on highway w/pr/ser inj	33%	50%			•	•	•	•	•	•				1y4m	2y	3y
VC	23109(a)	Misd	Engage in speed contest on highway w/pr/ser inj	33%								•	•				30d		1y

Page: 40

Code Section	Severity	Description	- Credit - Jail/Prison	Firearm	Sex registration	Wobblers	Probation	Serious	Violent	Strike	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower	Middle	Upper
VC 23566(c)	Felony	DUI w/GBI w/in 7 yrs of 4+ separate violations	33%	50%														
VC 23572(a)(1)	Misd	Enhance - DUI with passenger <14	33%													5y	6y	7y
VC 23572(a)(2)	Misd	Enhance - DUI with passenger <14 w/pr DUI	33%															2d
VC 23572(a)(3)	Misd	Enhance - DUI with passenger <14 w/2 pr DUI	33%															10d
VC 23572(a)(4)	Misd	Enhance - DUI with passenger <14 w/3 pr DUI	33%															30d
VC 23577(a)(2)	Misd	Enhance - refusal to take chemical test	33%															90d
VC 23577(a)(3)	Misd	Enhance - refusal to take chemical test w/1p	33%															2d
VC 23577(a)(4)	Misd	Enhance - refusal to take chemical test w/2p	33%															4d
VC 23577(a)(5)	Misd	Enhance - refusal to take chemical test w/3p	33%															10d
VC 23578	Misd	Enhance - b.a.c. 0.15/refuse chemical test	33%															18d
VC 23582	Misd	Enhance - DUI involving speeding	33%															
VC 24002	Infract	Unsafe condition of vehicle																60d
VC 24252(a)	Infract	Unlawful lighting equipment																
VC 24400	Infract	Headlamp violation																
VC 24408	Infract	No headlamp beam indicator																
VC 24601	Infract	License plate light																
VC 25269	Infract	Improper use of warning light																
VC 26708(a)	Infract	Obstructed window																
VC 26710	Infract	Defective windshield/rear window																
VC 27150(a)	Infract	Inadequate muffler																
VC 27315(d)(1)	Infract	Failure to use seatbelts																
VC 27360(a)	Infract	Child restraint law violation																
VC 27360(b)	Infract	Child restraint law violation																
VC 27465(b)	Infract	Bad tires																
VC 27600	Infract	No fenders on vehicle																
VC 27803(b)	Infract	Safety helmet violation																
VC 27803(c)	Infract	Safety helmet violation by passenger																
VC 34506	Misd	Failure to comply with CHP rules	33%															180d
VC 35551(a)	Misd	Overweight vehicle	33%													10d		1y
VC 42002.1(a)	Misd	Failure to stop and submit to inspection	33%															5d
VC 42002.1(b)	Misd	Failure to stop and submit to inspection/prior	33%															10d
VC 42002.1(c)	Misd	Failure to stop and submit to inspection/2+pr	33%															180d
VC 42002.5	Misd	Tamper with vehicle of disabled person	33%													10d		1y
W&I 601(a)	Felony	Juvenile criminal proceeding	33%	50%														
W&I 601(a)	Misd	Juvenile criminal proceeding	33%															
W&I 777(a)	Felony	Juvenile violation of probation	33%	50%														
W&I 777(a)	Misd	Juvenile violation of probation	33%															
W&I 1768.7(a)	Felony	Escape from institution	33%	50%												1y4m	2y	3y
W&I 1768.7(a)	Felony	Escape from institution w/force	33%	50%												2y	4y	6y
W&I 1768.7(a)	Misd	Escape from institution	33%															1y
W&I 1768.7(b)	Felony	Escape from institution	33%	50%												1y4m	2y	3y
W&I 1768.7(b)	Felony	Escape from institution w/force	33%	50%												2y	4y	6y
W&I 1768.7(b)	Misd	Escape from institution	33%															1y
W&I 8100(a)	Felony	Possession of firearm by mental patient	33%	50%												1y4m	2y	3y
W&I 8100(a)	Misd	Possession of firearm by mental patient	33%															1y
W&I 8100(b)(1)	Felony	Poss firearm after communication of violent threat	33%	50%												1y4m	2y	3y
W&I 8100(b)(1)	Misd	Poss firearm after communication of violent threat	33%															1y
W&I 8101(a)	Felony	Supply weapon to mental patient	33%	50%												1y4m	2y	3y
W&I 8101(a)	Misd	Supply weapon to mental patient	33%															1y
W&I 8101(b)	Felony	Supply firearm to mental patient	33%	50%												2y	3y	4y
W&I 10980(a)	Misd	Obtain public aid by misrepresentation	33%															180d
W&I 10980(b)	Felony	Obtain public aid by making >1/false application	33%	50%												1y4m	2y	3y
W&I 10980(b)	Misd	Obtain public aid by making >1/false application	33%															1y

Code Section	Severity	Description	- Credit - Jail/Prison	Violent Strike	Probation Serious Wobbles	Firearm	Sex registration	Drug registration	Arson registration	DL suspension	Auto forfeiture	Interlock	Lower		Middle
W&I 10980(c)(1)	Misd	Unlawfully obtain public aid in amount <\$400	33%												
W&I 10980(c)(2)	Felony	Unlawfully obtain public aid in amount >\$400	33% 50%										1y4m	2y	
W&I 10980(c)(2)	Misd	Unlawfully obtain public aid in amount >\$400	33%												
W&I 10980(g)(1)	Misd	Multiple welfare fraud	33%												
W&I 10980(g)(2)	Felony	Multiple welfare fraud	33% 50%										1y4m	2y	
W&I 10980(g)(2)	Misd	Multiple welfare fraud	33%												
W&I 11054	Felony	False statement on affirmation of eligibility	33% 50%										2y	3y	
W&I 11483	Felony	Fraudulently obtaining aid	33% 50%										1y4m	2y	
W&I 11483	Misd	Fraudulently obtaining aid	33%												
W&I 11483.5	Felony	Fraudulently obtaining aid - multiple fraud	33% 50%										1y4m	2y	
W&I 14014	Felony	Fraudulent receipt of health care	33% 50%										1y4m	2y	
W&I 14014	Misd	Fraudulent receipt of health care	33%												

(a) Check the Complaint:

What is charged?

Is it properly charged?

Is the wording correct?

Are the dates correct?

File a motion to amend if necessary.

(b) Read the applicable Penal Code sections.

(c) Read the applicable CALCRIM instructions.

(d) Prepare for any legal issues identified.

(e) Check the witness list:

Add or subtract witnesses, document their status as served or not served, request a victim advocate, and determine whether the witnesses are cooperative or not.

(f) Order any tapes. If you do that by phone, follow up in writing with a Complaint review evaluation (CRE).

(g) Contact the witnesses and interview them.

(h) Obtain drug/alcohol results.

(i) Contact the defense attorney to request stipulations regarding drugs, fingerprints, and cause of death. Determine if there are any unresolved problems which prevent the PX from proceeding, such as discovery issues.

(j) Prepare immunity documents if our office has decided to request immunity for any central witness.

(k) Prepare for the EDC.

The remaining counts will be dismissed after the defendant is sentenced.

OTHER CASE DISPOSITIONS:

B. NOLO CONTENDERE PLEA (Defendant to initial, if applicable)

_____ I understand that for all purposes, my plea of nolo contendere (no contest) has the same effect as a guilty plea, constitutes a conviction, and empowers the court to sentence me as though I had pleaded guilty. It also may be used against me in a civil proceeding.

C. FACTUAL BASIS FOR PLEA (Defendant to initial)

_____ I understand that the court is required to find a factual basis for my plea to ensure that I am entering a plea to the proper offense(s) under the facts of the case. I agree that the court may consider the following as proof of the factual basis for my plea:

☐ Preliminary hearing transcript

☐ Police reports

☐ Probation report

☐ Court documents regarding any alleged prior offenses

☐ I admit that I did what is alleged in the counts of the (complaint) (information) to which I am pleading guilty or no contest.

☐ I did the following: _____

D. CONSEQUENCES OF PLEA AND ALL ADMISSIONS - ALL CASES
(Defendant to initial)

_____ My attorney has explained to me the direct and indirect consequences of this plea, including the maximum possible sentence. I understand that the following consequences could result from my plea:

_____ I could be sentenced to the state prison for a maximum possible term of _____ year(s).

- _____ After I have served my prison term, I may be subject to a maximum period of parole or post-release community supervision of _____ years. (Life for any first- or second-degree murder with a maximum term of life imprisonment (Pen. Code § 3000.1(a)(1)); life for certain kidnapping offenses and certain sex offenses against minors specified in Penal Code § 3000.1(a)(2); 20-1/2 years for persons required to register as a sex offender for the crimes specified in Penal Code § 3000(b)(4)(A); 10 years for certain violent felonies specified in Penal Code § 3000(b)(2), or for certain sex offenses specified in Penal Code § 3000(b)(3); 5 years following certain life sentences specified in Penal Code § 3000(b)(1); 3 years for other felony offenses (Pen. Code §§ 3000 (b)(1), 3451(a)).)
- _____ I could be sentenced to county jail and/or home detention for a maximum of _____ year(s). A concluding portion of this term may be suspended, during which time I would be supervised by a probation officer. (Pen. Code, § 1170(h).)
- _____ Based on this conviction, I have a lifetime prohibition from owning, purchasing, receiving, possessing, or having under my custody or control, any firearm. (Pen. Code § 29800(a)(1).)
- _____ If I am not a citizen, I could be deported, excluded from the United States or denied naturalization. (Pen. Code § 1016.5.) If I am not a citizen and am pleading guilty to an aggravated felony, conspiracy, a controlled substance offense, a firearm offense, or under certain circumstances a moral turpitude offense, or a domestic violence offense, or any offense listed in 8 U.S.C. 1182(a)(2) or 8 U.S.C. 1227, I will be deported, excluded from the United States and denied naturalization. (8 U.S.C. §§ 1101(a)(43), 1182, 1227.)
- _____ I will be ordered to pay a restitution fine of not less than \$300 and not more than \$10,000. I must prepare and file a disclosure of all assets, income, and liabilities. (Pen. Code § 1202.4.) My ability to have my custody or parole transferred to another State will be restricted upon failure to satisfy restitution. (Pen. Code § 11177.2.)
- _____ I will be ordered to pay a parole revocation restitution fine or a postrelease community supervision revocation restitution fine in the same amount as the restitution fine. This fine shall be suspended unless my parole or postrelease community supervision is revoked. (Pen. Code § 1202.45.)
- _____ I will be ordered to pay a court security fee of \$40. (Pen. Code § 1465.8.)
- _____ I will be ordered to pay a court facilities fee of \$30 for each convicted count. (Gov. Code § 70373.)
- _____ I may be ordered to pay an additional fine of up to:
- ☐ \$10,000. (Pen. Code § 672.) (For felony offenses where no other fine prescribed by statute.)

- ☐ \$50,000 for violating Health and Safety Code section 11351 or 11352 and either: (1) possessing for sale, selling, or offering to sell 14.25 grams or more of a substance containing heroin; or (2) having a prior controlled substance conviction under Health and Safety Code section 11351 or 11352. (Health & Saf. Code § 11352.5.)
- ☐ \$20,000 for violating Health and Safety Code sections 11350-11353, 11355, or 11359-11361. (Health & Saf. Code § 11372.)
- ☐ A mandatory \$50 lab fee and a \$150 drug program fee (Health & Saf. Code §§ 11372.5, 11372.7). (For violations of Health & Saf. Code §§ 11350, 11351, 11351.5, 11352, et seq.)
- ☐ \$300 for a first violation or \$500 for a subsequent violation of any sex offense specified in Penal Code section 290. (Pen. Code § 290.3.)
- ☐ \$250 for violation of Penal Code sections 243, subdivision (e), or 273.5 (Pen. Code § 1463.27.)
- ☐ \$10 for robbery, burglary, and listed theft offenses. (Pen. Code § 1202.5.)
- ☐ \$ _____. (Specific fine imposed pursuant to statute, _____ Code section _____.)
- ☐ A penalty assessment of \$27 will be levied for every \$10, or fraction thereof, in fines imposed. (Pen. Code §§ 1464, Gov. Code §§ 70372, 76000, 76104.6, 76104.7.)
- ☐ A state surcharge of 20 percent of the base fine. (Pen. Code § 1465.7.)

_____ I will be required to pay a fine of at least \$1,000 for a first offense or \$2,000 for a subsequent offense, in addition to a \$70 AIDS education fee. (Health & Saf. Code § 11350.)

_____ If it is discovered that the Complaint, Information or Indictment does not charge all prior felonies of which I have been convicted, I understand that the District Attorney may add such prior convictions to the Complaint, Information or Indictment by amendment prior to the time of sentencing. Such prior felony convictions could increase my maximum prison or jail term and could result in my being found eligible for state prison or ineligible for probation. Unless I have otherwise waived the right to withdraw my plea, I understand that I would be entitled to withdraw any pleas and admissions entered pursuant to this Felony Disposition Statement if the District Attorney adds prior convictions. I further understand that I could not prevent the District Attorney from adding prior convictions by refusing to withdraw my plea. (Pen. Code §§ 969a, 969.5)

_____ Both parties are aware that the defendant has prior felony convictions as described below which are not currently included on the Complaint, Information or Indictment. I understand that the felony convictions described below may be added to the Complaint,

Information or Indictment by amendment prior to the time of sentencing. Such prior offenses could increase my maximum prison or jail term and could result in my being found eligible for prison or ineligible for probation. I would be entitled to a jury trial on the question of whether I suffered such prior convictions, but the pleas and admissions entered pursuant to this Felony Disposition Statement would remain in effect.

E. OTHER CONSEQUENCES OF PLEA AND ADMISSIONS
(Defendant to initial, if applicable)

- _____ Because I am pleading guilty/no contest to a violent felony, I may accrue no more than 15 percent jail or prison conduct/worktime credit. (Pen. Code §§ 667.5, 2933.1.)
- _____ Because I am admitting a prior strike conviction, I may accrue prison worktime credit not to exceed 20 percent of the total term of imprisonment. (Pen. Code § 667(c)(5).)
- _____ I am ineligible to receive worktime credit. (For murder (Pen. Code § 2933.2); for third felony conviction of certain violent offenses (Pen. Code § 2933.5).)
- _____ I could be sentenced to the Division of Juvenile Facilities for a maximum possible term of _____ year(s). (Welf. & Inst. Code § 1731.5.)
- _____ I will be required to register as a sexual offender pursuant to Penal Code section 290. This is a lifetime registration requirement. I must update this registration annually within five days of my birthday, and within five days of any address change. Failure to register is a felony. (Pen. Code § 290(g)(2).) This requirement will make me eligible for a prison commitment if I am later convicted of a felony. (Pen. Code § 1170(h)(3).)
- _____ I will be required to register as a ☐ narcotics offender (Health & Saf. Code § 11590); ☐ arson offender (Pen. Code § 457.1); ☐ gang offender (Pen. Code §§ 186.30-186.33).
- _____ My driver's license will be revoked for a period of _____ years. (Up to three years for violating Health & Saf. Code §§ 11350, 11351, 11352, 11353, 11357, 11359, 11360, or 11361 (Veh. Code § 13202(b)) or for manslaughter resulting from operation of a vehicle, gross vehicular manslaughter, or repeat Vehicle Code offenses (Veh. Code § 13351); one year for violating Veh. Code § 20001, any felony in which a motor vehicle is used in its commission, or reckless driving causing bodily injury (Veh. Code § 13350).)
- _____ The court may suspend or revoke my driver's license for three years for any Health and Safety Code violation involving a controlled substance and the use of a motor vehicle. (Veh. Code § 13202(a), applies to violations other than those set forth in the above paragraph.)

- _____ My driver's license may be suspended or revoked for violation of Vehicle Code section 10851. (Veh. Code § 13357.)
- _____ My driver's license will be revoked for life for a felony violation of Penal Code § 245 in which a vehicle was used as a deadly weapon. (Veh. Code § 13351.5.)
- _____ I will not be granted probation, and execution or imposition of sentence will not be suspended. (Pen. Code §§ 1203(k), 1203.055(c), 1203.06, 1203.065(a), 1203.066, 1203.07, 1203.075, 1203.08, 1203.085, 1203.09; 667(c); and Health & Saf. Code § 11370.)
- _____ I will not be granted probation unless the court finds that this is an unusual case where the interests of justice would best be served by granting probation. (Pen. Code §§ 462, 462.5, 1203(e), 1203.045, 1203.046, 1203.048, 1203.049, 1203.065(b), 1203.073, 1203.074.)
- _____ I will not be granted probation, and execution of sentence will not be suspended, unless the court makes the findings specified in Penal Code section 1203.066(d).
- _____ If the court imposes and executes the enhancement for excessive taking (Penal Code section 186.11), the sentence shall be served in state prison.
- _____ If I am granted probation for any offense involving a controlled substance set forth in sections 11000-11650 of the Health and Safety Code, I will be required to attend a drug education or treatment program. (Health & Saf. Code § 11373.)
- _____ I will be ordered to pay restitution to the victim(s). I understand that I am entitled to a judicial determination of the amount of restitution and that, unless otherwise ordered, the probation and sentencing hearing will constitute the hearing on the amount of restitution.
- _____ For violation of Penal Code section 288, the court will order me to pay restitution to the victim(s) for noneconomic losses, including but not limited to pain, suffering and emotional distress for psychological harm. (Pen. Code §1202.4(f)(3)(F).)
- _____ I am required to submit blood and saliva samples, thumbprints, and palm prints. (Pen. Code § 296.)
- _____ I am required to submit to a blood test for AIDS. (Pen. Code §§ 1202.1, 1202.6.)
- _____ I may be required to undergo chemical castration. (Pen. Code § 645.)

Proposition 36 consequences:

- _____ If I am placed on probation, the conditions will include successful completion of a drug treatment program of up to one year, which may include outpatient treatment, half-way house treatment, narcotic replacement therapy, and/or inpatient or residential drug treatment, which may be followed by up to six months of aftercare services. I may be ordered to pay the cost of my drug treatment program. (Pen. Code § 1210 et seq.)

F. DRIVING UNDER THE INFLUENCE-RELATED CASES

SENTENCES FOR MISDEMEANOR DRIVING UNDER THE INFLUENCE
OF ALCOHOL AND/OR DRUGS (VEHICLE CODE § 23152)

Offense	Min. & Max. Sentences When Probation is Granted (3-5 yrs. probation term)	Min. & Max Sentences Without Probation
1 st DUI offense within 10 years (Veh. Code §§ 23536; 23538; 13352(a)(1); 13352.1; 13352.4)	<p>48 hours to 6 months in jail. Fine of \$390 - \$1,000. Alcohol / drug program of at least 3 months. License suspension of at least 6 months (restriction allowing driving to work and alcohol/drug program permitted if certain conditions are met).</p> <p>If my BAC was .20% or more or I refused a breath test, I will be required to attend a 9-month alcohol / drug program and my license will be suspended for at least 10 months.</p>	96 hours to 6 months in jail, \$390 to \$1,000 fine, and a minimum 6-month license suspension.
2 nd DUI offense within 10 years (Veh. Code §§ 23540; 23542; 23577(a)(3); 23580; 13352(a)(3); 13352.1; 13352.5)	<p>Minimum of 10 days or two continuous 48 hour periods in jail up to maximum of 1 year in jail. Fine of \$390 to \$1,000. Alcohol / drug program of either 18 or 30 months. License suspension at least 2 years (which may allow driving to work and alcohol/drug program if I satisfy requirements in Veh. Code §§ 13352(a)(3) and 13352.5).</p> <p>If I refused a breath test my minimum jail term will be increased by 96 hours.</p>	<p>90 days to 1 year in jail, \$390 to \$1,000 fine. License suspension at least 2 years (which may allow driving to work and alcohol/drug program if I satisfy requirements in Veh. Code §§ 13352(a)(3) and 13352.5).</p> <p>If I refused a breath test my minimum jail term will be increased by 96 hours.</p>

3rd DUI offense within 10 years (Veh. Code §§ 23546; 23548; 23577(a)(4); 23580; 23597; 13352(a)(5))

- 1) Minimum of 120 days up to maximum of 1 year in jail and an 18-month alcohol / drug program; OR
- 2) Minimum of 30 days up to 1 year in jail and a 30-month alcohol / drug program.

Fine of \$390 to \$1,000. License revocation at least 3 years (which may allow driving to work and alcohol/drug program if I satisfy requirements in Veh. Code § 13352(a)(5)).

If I refused a breath test my minimum jail term will be increased by 10 days.

120 days to 1 year in jail, \$390 to \$1,000 fine. License revocation at least 3-years (which may allow driving to work and alcohol/drug program if I satisfy requirements in Veh. Code § 13352(a)(5)).

If I refused a breath test my minimum jail term will be increased by 10 days.

SENTENCE FOR FELONY DRIVING UNDER THE INFLUENCE OF ALCOHOL
AND/OR DRUGS (VEHICLE CODE § 23152/23550/23550.5)

Offense	Min. & Max. Sentence When Probation is Granted (3-5 yrs. probation term)	Min. & Max Sentence Without Probation or if Probation is Revoked
4 th or subsequent DUI offense within 10 years (Veh. Code § 23550; 23550.5; 23552; 23580; 23597; 13352(a)(7).)	<ol style="list-style-type: none"> 1) Minimum of 180 days up to maximum of 1 year in jail and an 18-month alcohol / drug program; OR 2) Minimum of 30 days up to 1 year in jail and a 30-month alcohol / drug program. <p>Fine of \$390 to \$1,000. License revocation at least 4 years (which may allow driving to work and alcohol/drug program if I satisfy requirements in Veh. Code § 13352(a)(7)).</p> <p>If I refused a breath test my minimum jail term will be increased by 18 days.</p>	<p>16 months, or 2 or 3 years in county jail (or in state prison if eligible), or 180 days to 1 year in county jail; \$390 to \$1,000 fine and license revocation at least 4-years (which may allow driving to work and alcohol/drug program if I satisfy requirements in Veh. Code § 13352(a)(7)).</p> <p>If I refused a breath test my minimum jail term will be increased by 18 days.</p>

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL
AND/OR DRUGS CAUSING INJURY (VEHICLE CODE § 23153)

Offense	Min. & Max. Sentences When Probation is Granted (3-5 yrs. probation term)	Min. & Max Sentences Without Probation or when Probation is Revoked
1 st DUI with injury offense within 10 years (Veh. Code §§ 23554; 23556; 23577(a)(2); 13352(a)(2)).)	<p>Minimum of 5 days up to maximum of 1 year in jail. Fine of \$390 to \$1,000. Alcohol / drug program for at least 3 months. License suspension at least 1 year (restriction allowing driving to work and alcohol/drug program permitted if certain conditions are met).</p> <p>If my BAC was .20% or more or I refused a breath test, I will be required to serve additional 48 continuous hours in jail and attend a 9-month alcohol / drug program.</p>	<p>16 months, 2, or 3 years in state prison or 90 days to 1 year in jail; fine of \$390 to \$1,000. License suspension at least 1-year (which may allow driving to work and alcohol/drug program).</p> <p>If my BAC was .20% or more or I refused a breath test, I will be required to serve an additional 48 continuous hours in jail unless I am sentenced to state prison.</p>
2 nd DUI with injury offense within 10 years (Veh. Code §§ 23560; 23562; 23577(a)(3); 23580; 13352(a)(4))	<p>1) Minimum of 120 days up to maximum of 1 year in jail and a fine of at least \$390 up to maximum of \$5,000; OR</p> <p>2) Minimum of 30 days up to 1 year in jail; a fine of \$390 - \$1,000; and an 18-month or 30-month alcohol / drug program.</p> <p>License revocation at least 3 years (which may allow driving to work and alcohol/drug program if I satisfy requirements in Veh. Code § 13352(a)(4)).</p> <p>If I refused a breath test my minimum jail term will be increased by 96 hours.</p>	<p>120 days to 1 year in county jail, or 16 months or 2 or 3 years in state prison, \$390 to \$5,000 fine, and license revocation at least 3-years (which may allow driving to work and alcohol/drug program if I satisfy requirements in Veh. Code § 13352(a)(4)).</p> <p>If I refused a breath test my minimum jail term will be increased by 96 hours.</p>

Offense	Min. & Max. Sentences When Probation is Granted (3-5 yrs. probation term)	Min. & Max Sentences Without Probation or when Probation is Revoked
3 rd or subsequent DUI with injury offense within 10 years (Veh. Code §§ 23566; 23568; 23580; 23597; 23577(a)(4); 13352(a)(6))	<p>1) Minimum of 1 year in jail and an 18-month alcohol / drug program; OR</p> <p>2) Minimum of 30 days up to 1 year in jail and a 30-month alcohol / drug program.</p> <p>Fine of at least \$390 up to maximum of \$5,000. License revocation at least 5 years (which may allow driving to work and alcohol/drug program if I satisfy requirements in Veh. Code § 13352(a)(6)).</p> <p>If I refused a breath test my minimum jail term will be increased by 10 days.</p>	<p>2, 3, or 4 years in state prison, \$1,015 to \$5,000 fine, and a license revocation at least 5-years (which may allow driving to work and alcohol/drug program if I satisfy requirements in Veh. Code § 13352(a)(6)).</p> <p>If I refused a breath test my minimum jail term will be increased by 10 days.</p>
4 th or subsequent DUI with injury offense within 10 years (Veh. Code §§ 23566(c); 23577(a)(5).)	Same as above except that if I refused a breath test my minimum jail term will be increased by 18 days.	3 rd offense sentence plus 3 additional years in state prison.

_____ I am aware of the minimum and maximum sentence I could receive (set forth above) solely as a result of my plea of guilty to the violation of Vehicle Code section 23152 or 23153 and the admission of prior convictions as charged in the Complaint, Information, or Indictment.

_____ If I am pleading guilty to a second or subsequent offense punishable under Vehicle Code Section 23540, 23546, 23550, 23550.5, 23560, or 23566, the court shall require that any term of imprisonment that is imposed include at least one period of not less than 48 consecutive hours of imprisonment. If not, I will be ordered to serve a minimum of 10 days of community service. (Veh. Code, § 23580.)

_____ If the alleged violation of Vehicle Code section 23153, Penal Code sections 191.5 or 192.5(a) caused bodily injury or death to more than one victim, upon a felony conviction, my sentence will be enhanced by one year in county jail or state prison for each additional victim. (Veh. Code § 23558.)

- _____ I understand that the DMV may restrict, suspend, or revoke my license under an administrative procedure which is separate from this criminal action. If such a procedure is used, the DMV may also require me to attend an alcohol/drug program before my license will be restored. I understand that the DMV's action, if any, will be in addition to the court's sentence and that I must obey it. (Veh. Code § 13352; Applies to all DUI-related offenses.)
- _____ I understand that if my license is suspended or revoked by the court or by the DMV due to my conviction for a DUI-related offense, my driving privilege will not be restored without proof that I have successfully completed an alcohol / drug program.
- _____ I understand that the DMV will not issue a restricted license or restore my driving privilege following a restriction, suspension, or revocation unless I have proof of insurance and maintain it for three years. The DMV will suspend my license: (1) until proof of insurance is provided by my insurance company to the DMV, and (2) upon my failure to maintain such proof during the three-year period. (Applies to all DUI related offenses.)
- _____ If the court determines I would present a risk to traffic or public safety if authorized to operate a motor vehicle during the period of my license suspension, the court may disallow the issuance of a restricted driver's license described in Vehicle Code Section 13352.4. (Veh. Code §§ 23536(d); 23540(b); 23542(d); 23538(a)(3).)
- _____ If I am convicted of a violation of Vehicle Code section 23152 or 23153, I may be required to pay for the installation of an ignition interlock device on any vehicle I own or operate and must maintain this device for up to three years. (Veh. Code § 23575.) I understand failure to comply with this requirement could result in a misdemeanor conviction. (Veh. Code § 23247.)
- _____ Upon conviction of a third or subsequent violation of Vehicle Code section 23152 or 23153, I will be designated as a habitual traffic offender for a period of three years after my conviction (Veh. Code § 23546(b), 23550(b), 23550.5(b), 23566(d)) and receive an enhanced jail term of 180 days if I drive in violation of my license suspension or revocation. (Veh. Code § 14601.3.)
- _____ If I am pleading guilty to a third or subsequent violation of Section 23152 or 23153, the last of which is punishable under Section 23546, 23550, 23550.5, or 2356, the court may order my driver's license revoked for 10 years. (Veh. Code, § 23597.)
- _____ Upon conviction of Vehicle Code section 23152 or 23153 with designated prior convictions, or Penal Code section 191.5 or 192.5(a), if I am the registered owner of the vehicle driven, the court will order the vehicle sold or destroyed as a nuisance. (Veh. Code § 23596.)
- _____ You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder. (Veh. Code § 23593.)

G. WAIVER OF PRELIMINARY HEARING (Defendant to initial)

_____ I understand that, before this case could proceed to trial in the Superior Court, I have a right to a preliminary hearing before a magistrate.

_____ The purpose of a preliminary examination is to safeguard against unwarranted, groundless or unsupported charges, and to have a judge determine whether there is sufficient cause to believe that I committed a public offense to hold me to answer for any charges in the Superior Court.

_____ I understand that there will be no record or transcript of testimony of witnesses called at the preliminary examination, because there will be no preliminary examination.

_____ My attorney has explained to me, and I understand, that this waiver and plea will result in the case being certified to the Superior Court on the above-mentioned charges and sentencing by a judge of the Superior Court.

_____ I now waive (give up) my right to a preliminary hearing and to the filing of an Information in Superior Court.

H. WAIVER OF CONSTITUTIONAL RIGHTS (Defendant to initial)

My attorney has explained to me, and I understand, that this plea will result in my conviction and that I am therefore waiving (giving up) each of the following constitutional rights:

- _____ 1. The right to have every charge and allegation against me determined by a jury of 12 persons;
- _____ 2. The right to confront and, through my attorney, cross-examine each witness called by the prosecution at the preliminary hearing and at trial to prove my guilt;
- _____ 3. The right against self-incrimination, which means I would not have to testify at preliminary hearing or trial and if I did not, the judge or jury could not consider this as evidence against me.

I. HARVEY WAIVER (Defendant to initial, if applicable)

_____ I agree that all facts and information relating to any and all counts, allegations of prior convictions, and other sentencing enhancement allegations which are dismissed by the court as part of this disposition may be included in the probation report and considered by the court in determining sentence.

J. WAIVER OF ATTORNEY (Defendant to initial, if applicable)

_____ I understand that I have the right to have a lawyer defend me at all stages of the proceedings, and that if I cannot afford to hire a lawyer, the court will provide one for me. I knowingly and intelligently waive (give up) my right to a lawyer.

K. WAIVER OF APPEAL (Defendant to initial, if applicable)

_____ I understand that unless I give up the right to appeal, the law would permit me to appeal to a higher court following my plea of guilty or no contest in order to raise reasonable constitutional, jurisdictional, or other grounds going to the legality of the proceedings, or to challenge a search or seizure ruling made in a motion to suppress evidence. I now waive and give up my right to appeal in this case. (*People v. Olson* (1989) 216 Cal.App.3d 601.)

L. VOLUNTARINESS OF PLEA AND ADMISSIONS (Defendant to initial)

_____ I am entering this plea and these admissions freely and voluntarily and not as the result of any force, pressure, threats or coercion brought against me or any member of my family; further, no commitments have been made to me or my attorney other than those that appear on this form.

II.

DEFENDANT'S AND DEFENSE ATTORNEY'S POSITION

I have discussed with my attorney the facts of the case, the elements of the charged offenses and allegations, and all possible defenses which I might have. I have read and understand this form. I have discussed with my attorney and understand the consequences of this plea and my constitutional rights. I waive (give up) the above-mentioned constitutional rights. I request that the court accept my new plea.

DATED: _____
(Defendant's Signature)

I have explained to the defendant all of his constitutional rights. I am satisfied he understands them and also understands that by entering this plea he is giving up each of them. I have discussed with the defendant the facts of the case, the elements of the charged offenses and allegations, and all possible defenses. I have explained the direct and indirect consequences of this plea to the defendant and am satisfied he understands them. I am satisfied the defendant is voluntarily and of his own free will seeking to enter this plea. I request the court accept this plea.

DATED: _____
(Defendant's Attorney's Signature)

III.

DISTRICT ATTORNEY

A. SUMMARY OF DISTRICT ATTORNEY'S REASON FOR DISMISSAL OR AMENDMENT (Deputy District Attorney to initial)

___ The defendant is entering (a plea to the most serious charge/pleas to sufficient counts) to give the court adequate discretion to impose an appropriate sentence.

___ The defendant cannot be (convicted/sentenced) on the count because it arises from the same facts as the count(s) to which the defendant has pleaded.

___ _____

B. DISTRICT ATTORNEY'S POSITION ON SENTENCE
(Deputy District Attorney to initial)

___ Any authorized sentence may be sought.

___ The defendant should be committed to state prison.

___ Probation where defendant is eligible for state prison: The defendant should be placed on probation and not now be committed to state prison. The defendant may, however, at a later time be committed to state prison if a court finds he has violated a term or condition of probation.

___ Probation where defendant is not eligible for state prison: The defendant shall be placed on probation, which may include up to one year in jail as a condition of probation (Pen. Code § 1203). The defendant may at a later time be sentenced pursuant to Penal Code section 1170(h) if a court finds the defendant has committed a violation of a term or condition of probation.

___ Imposition of sentence where defendant is not eligible for state prison: The defendant shall be sentenced to county jail. A concluding portion of this term may be suspended, during which time the defendant would be supervised by a probation officer. (Pen. Code § 1170(h)(5)).

___ _____

C. SUMMARY OF DISTRICT ATTORNEY'S REASON FOR SENTENCE
(Deputy District Attorney to initial)

___ The defendant has no prior criminal record.

_____ The severity and frequency of the defendant's prior criminal record is not serious.

_____ The underlying facts of the case are not sufficiently serious to require a state prison sentence or executed jail sentence at this time.

_____ The need for an adequate period of probation supervision to protect society and to deter the defendant from reoffending.

_____ The availability of opportunities and mechanisms to obtain restitution.

D. DISTRICT ATTORNEY'S STATEMENT
(Deputy District Attorney to initial)

_____ With the exception of any commitments made to the defendant by the court, the District Attorney agrees to the terms of this disposition and requests that the court accept it and order this statement filed.

_____ The District Attorney objects to the terms of this disposition as being ☐ an unlawful plea bargain ☐ unduly lenient (check one or both, if applicable) and requests the court to set or confirm the trial date for the counts and/or allegations not covered by such disposition.

GREGORY D. TOTTEN, District Attorney
County of Ventura, State of California

DATED: _____

By _____

Deputy District Attorney

IV.

INTERPRETER (IF APPLICABLE)

I have read and explained all the above to the defendant in the

_____ language.

DATED: _____

(Interpreter's Signature)

V.

THE COURT

A. COURT'S POSITION ON SENTENCE:

(Judge to initial)

_____ The court makes no commitments; any authorized sentence may be imposed.

The court, in this non-Proposition 8 case, makes the following statements concerning sentencing:

_____ Probation where defendant is eligible for state prison: The defendant will be placed on probation and not now be committed to state prison. If, however, he later violates probation he may be sent to prison at that time.

_____ Probation where defendant is not eligible for state prison: The defendant will be placed on probation, which may include up to one year in jail as a condition of probation (Pen. Code § 1203). The defendant may at a later time be sentenced pursuant to Penal Code section 1170(h) if a court finds the defendant has committed a violation of a term or condition of probation.

_____ Imposition of sentence where defendant is not eligible for state prison: The defendant will be sentenced to county jail. (Pen. Code § 1170(h)(5)).

_____ A concluding portion of this term may be suspended, during which time the defendant would be supervised by a probation officer. The court requests that the Probation Agency recommend a specific period of mandatory supervision, and terms for such supervision, to be considered by the court. (Pen. Code § 1170(h)(5)).

_____ The court does not intend to suspend a portion of the jail term and does not intend to release defendant on mandatory supervision.

B. COURT'S ADVISEMENT ON PAROLE/COMMUNITY SUPERVISION

I have now advised the defendant that if sentenced to state prison, he or she shall also serve a period of parole or post-release community supervision. I now order that if released on parole, the defendant shall report to the parole office closest to the defendant's last legal residence upon release from prison, or such county as directed by the Board of Parole Hearings or the Department of Corrections and Rehabilitation. If released from prison on post-release community supervision, I now order the defendant report to the probation office in the county of the defendant's last legal residence, or such other agency designated by that county. (Pen. Code § 3003.)

C. FINDINGS

The court finds that:

1. Defendant and his attorney appeared in open court and the defendant entered his plea(s) and admission(s).
2. Defendant understands the nature of the charge(s) and the consequences of his plea(s) and admission(s).
3. Defendant has knowingly, intelligently, and understandingly waived his rights as set forth above.
4. Defendant's waivers of his rights, and his plea(s) and admission(s), are free and voluntary.
5. There is a factual basis for the plea.

IT IS ORDERED THAT:

1. Defendant's plea(s) and admission(s) are accepted.
2. The clerk file this document and incorporate it in the minutes of this case.

DATED: _____

By _____
Judge of the Superior Court

The defendant's plea is accepted conditionally, pursuant to Penal Code section 1192.5, and I have advised the defendant that my approval of this plea is not binding, that at the probation and sentencing hearing I may withdraw my approval, and that if I do, the defendant may withdraw his plea if he desires to do so.

DATED: _____

By _____
Judge of the Superior Court

Top portion of form to be completed by the MCLE Provider

- Legal Ethics _____
- Elimination of Bias in the Legal Profession _____
- Prevention, Detection and Treatment of Substance Abuse/Mental Illness that Impairs Professional Competence _____

ACTIVITY EVALUATION FORM FOR CALIFORNIA MCLE

Please complete and return to Provider (Please Print)

Provider Name: Ventura County District Attorney's Office Provider Number: 1130

Title of Activity: Felony Disposition Statement

Date(s) of Activity: March 3, 2017

Time of Activity: 4:00 - 4:45 pm

Location of Activity: HOJ: MDB Conference Room Ventura, CA

Please indicate your evaluation of this course by completing the table below

Question	Yes	No	Comments
Did this program meet your educational objectives?	<input type="checkbox"/>	<input type="checkbox"/>	
Were you provided with substantive written materials?	<input type="checkbox"/>	<input type="checkbox"/>	
Did the course update or keep you informed of your legal responsibilities?	<input type="checkbox"/>	<input type="checkbox"/>	
Did the activity contain significant professional content?	<input type="checkbox"/>	<input type="checkbox"/>	
Was the environment suitable for learning (e.g., temperature, noise, lighting, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	

Please rate the instructor(s) of the course below

Instructor's Name and Subject Taught	On a scale of 1 to 5, with 1 being Poor and 5 being Excellent, please rate the items below	Rate 1 – 5
John Poore, DDA	Overall Teaching Effectiveness	—
	Knowledge of Subject Matter	—

Instructor's Name and Subject Taught	On a scale of 1 to 5, with 1 being Poor and 5 being Excellent, please rate the items below	Rate 1 – 5
	Overall Teaching Effectiveness	—
	Knowledge of Subject Matter	—

Instructor's Name and Subject Taught	On a scale of 1 to 5, with 1 being Poor and 5 being Excellent, please rate the items below	Rate 1 – 5
	Overall Teaching Effectiveness	—
	Knowledge of Subject Matter	—



KeyCite Yellow Flag - Negative Treatment

Declined to Follow by People v. General Dynamics Land Systems, Inc.,
Mich.App., March 20, 1989

149 Cal.App.3d 465, 197
Cal.Rptr. 3, 45 A.L.R.4th 1011

GRANITE CONSTRUCTION
CO., Petitioner,

v.

THE SUPERIOR COURT OF
FRESNO COUNTY, Respondent;
THE PEOPLE, Real Party in Interest.

No. Foo2297.

Court of Appeal, Fifth District, California.
Dec 1, 1983.

SUMMARY

The Court of Appeal denied a corporation's petition for peremptory writ of mandate challenging its indictment for manslaughter (Pen. Code, § 192) following the accidental death of seven workers at a power plant under construction by the corporation. The court held that corporations may be prosecuted for manslaughter, since Pen. Code, § 7, defines "person" to include a corporation as well as a natural person, and since under Pen. Code, § 26, any person is capable of committing crimes except children, idiots, and those lacking mens rea through mistake of fact, etc. The court also held that Pen. Code, § 192, does not limit its scope to acts by natural persons, and that Pen. Code, § 672, provides appropriate punishment for corporate crimes. (Opinion by Woolpert, J., with Zenovich, Acting P. J., and Hamlin, J., concurring.)

HEADNOTES

Classified to California Digest of Official Reports

(1a, 1b, 1c)

Homicide § 17--Manslaughter--Criminal Liability of Corporations.

A corporation was not exempt from indictment for manslaughter (Pen. Code, § 192) following the accidental death of seven workers at a power plant under construction by the corporation. Pen. Code, § 7, defines "person" to include a corporation as well as a natural person. Under Pen. Code, § 26, any person is capable of committing crimes except children, idiots, and those lacking mens rea through mistake of fact, etc. Under Pen. Code, § 27, any person who commits a crime is subject to punishment. Pen. Code, § 192, does not limit its scope to acts by natural persons. And Pen. Code, § 672, provides appropriate punishment for corporate crimes.

[Corporation's liability to criminal prosecution as affected by punishment or penalty imposed, note, 80 A.L.R.3d 1220.]

(2)

Statutes § 28--Construction--Language--Plain Meaning.

Traditional notions of fair play and substantial justice are not offended by applying the clear meaning of statutory terms, even when there is mistaken dictum to the contrary. Where a statute's language is clear, its plain meaning should be followed.

(3)

Statutes § 42--Construction--Aids--
Legislative History--Clear Language.

Legislative history that might support conflicting inferences does not justify departing from clear legislative language, unless it would inevitably result in absurd consequences or frustrate the manifest purposes of the legislation as a whole.

(4)

Statutes § 39--Construction--Giving Effect
to Statute--Conformation of Parts.

When construing a statute with several provisions, constructions that give effect to all are preferred.

[See **Cal.Jur.3d**, Statutes, § 106; **Am.Jur.2d**, Statutes, § 191.]

COUNSEL

Cooper, White & Cooper, Mark L. Tuft, Jed E. Solomon, McInerney & Dillon and Robert L. Leslie for Petitioner.

No appearance for Respondent.

John K. Van de Kamp, Attorney General, David de Alba and Clayton S. Tanaka, Deputy Attorneys General, for Real Party in Interest.

WOOLPERT, J.

([1a]) In this petition, we are asked to exempt corporations from prosecution for manslaughter. We refuse, holding that corporations may be prosecuted for manslaughter under existing California law.

Petitioner, a corporation, is building a power plant known as the "Helms Pumped

Storage Project." On January 23, 1981, seven construction workers were killed in an accident at that project. After evidence regarding this accident was presented to the Fresno County Grand Jury, petitioner was indicted for manslaughter. *467

The issue is whether the California Penal Code exempts corporations from prosecution for manslaughter under Penal Code section 192. This is a question of legislative intent. (1 Witkin, Cal. Crimes (1963) § 11, p. 13.)

The Penal Code applies to corporations. The code defines "person" to include a corporation as well as a natural person. (Pen. Code, § 7.) The Penal Code's sections on persons liable for crime, using unqualified language, make corporations proper defendants in any criminal case. Under section 26, any person is capable of committing crimes except children, idiots and those lacking mens rea through mistake of fact, et cetera. Under section 27, any person who commits a crime is liable for punishment. Thus the California Penal Code applies to corporations, and if they commit crimes, they are liable for punishment.

California courts have recognized that corporations are proper criminal defendants. As early as 1907 a California court held that "Private corporations in respect to their liability for the acts of their agents or servants stand before the law on the same footing as individuals." [Citation.] (*People v. Palermo Land & Water Co.* (1907) 4 Cal.App. 717, 721 [89 P. 723, 725] (hg. den. Mar. 28, 1907,

as reported in 4 Cal.App. at p. 722); see generally, 17 Cal.Jur.3d, Criminal Law, § 39, and cases cited therein.) produce death, in an unlawful manner, or without due caution and circumspection”

Petitioner claims surprise at the prosecution of a corporation for manslaughter, asserting that the indictment was “totally unforeseeable,” and that a corporation may be charged with crimes against “property,” but “not against the person.” This attempt to distinguish crimes against property from crimes against the person relies on the corporation's nature as an economically motivated entity. While a corporation may directly benefit from a crime against property, crimes against persons are not as directly linked to the profit motive. This argument is unsuccessful. It overlooks the substantial *indirect* economic benefits that may accrue to the corporation through crimes against the person. To get these economic benefits, corporate management may shortcut expensive safety precautions, respond forcibly to strikes, or engage in criminal anticompetitive behavior. If any such risk-taking is a corporate action, the corporation becomes a proper criminal defendant.

Manslaughter is defined in Penal Code section 192: “Manslaughter is the unlawful killing of a human being, without malice. It is of three kinds:

“1. Voluntary-upon a sudden quarrel or heat of passion. *468

“2. Involuntary-in the commission of an unlawful act, not amounting to felony; or in the commission of a lawful act which might

This statute does not rule out the prosecution of corporations. Unlike other states' definitions, it does not limit itself to natural persons by defining the act of manslaughter as the killing “of a human being ... by another.”

Petitioner has argued that the absence of the word “person” in section 192 indicates that this statute was not intended to reach corporations. This argument is not convincing. Section 192 defines a crime. It does not define its own scope of application; this is unnecessary in light of sections 7 and 26. (*Ante*, at p. 467.) Though many sections of the Penal Code are in the form “any person who does X is guilty of Y,” this would be an irrational statutory basis for distinction between crimes that can be committed by corporations from crimes that can be committed only by natural persons. If so, mayhem, kidnaping and assaults with intent to do great bodily harm could be committed by corporations, but murder and manslaughter could not. (Pen. Code, §§ 187, 192, 203, 207, 220.) These results show that the use of “any person who” language does not provide a distinguishing factor that bars prosecution of corporations for manslaughter. When interpreting statutes, we prefer constructions that do not lead to absurd consequences. (See *In re Eric J.* (1979) 25 Cal.3d 522, 537 [159 Cal.Rptr. 317, 601 P.2d 549]; *Clements v. T. R. Bechtel Co.* (1954) 43 Cal.2d 227, 233 [273 P.2d 5]; see also Pen. Code, § 4.)

Petitioner's underlying assumption is that the Legislature did not consider making corporations responsible for crimes against persons when it enacted the Penal Code. Although the code's language expresses no such exception, we are asked to rewrite apparently clear language to conform to the unexpressed assumptions of the 1872 legislators. Because we find no contrary expression in the statute or in the California code commissioners' notes accompanying the 1872 codes, we find it more appropriate to follow the apparently clear language of these statutes. Although courts have assumed in dicta that there is some category of crime that "cannot" be committed by corporations (see, e.g., *United States v. John Kelso Co.* (1898) 86 F. 304), there is no provision in the Penal Code that makes this distinction. Under Penal Code section 31, principals chargeable with an offense need not directly commit the act constituting the offense. ([2]) Traditional notions of fair play and substantial justice are not offended by applying the clear meaning of statutory terms, even when there is mistaken dictum to the contrary. (*People v. Sobiek* (1973) 30 Cal.App.3d 458, 474-476 [***469** 106 Cal.Rptr. 519, 82 A.L.R.3d 804], cert. den. 414 U.S. 855 [38 L.Ed.2d 104, 94 S.Ct. 155].)

Where a statute's language is clear, its plain meaning should be followed. (*Great Lakes Properties, Inc. v. City of El Segundo* (1977) 19 Cal.3d 152, 155 [137 Cal.Rptr. 154, 561 P.2d 244].) In that case the court refused to alter the Public Resource Code's definition of "person" in various contexts. The court commented: "We deem the fact the Act itself defines 'person' to be of importance. 'When a

statute prescribes the meaning to be given to particular terms used by it, that meaning is generally binding on the courts.' [Citation.]" (*Id.*, at p. 156.)

([3]) Legislative history that might support conflicting inferences does not justify departing from clear legislative language, unless it would inevitably result in "absurd consequences" or frustrate the "manifest purposes" of the legislation as a whole. (*People v. Boyd* (1979) 24 Cal.3d 285, 294 [155 Cal.Rptr. 367, 594 P.2d 484].) ([1b]) Denying this petition will not result in absurd consequences or disrupt the Penal Code. We have searched for legislative or policy reasons which would exclude corporations from prosecution for manslaughter. None have been found, and none have been presented by petitioner.

California Penal Code section 193 prescribes imprisonment as the ordinary punishment for manslaughter, but does not impose a fine. Petitioner argues that absence of an appropriate punishment for corporations at this juncture indicates that section 192 does not reach corporate defendants.

Section 672 provides appropriate punishment for corporate crimes.¹ (*People v. Charter Thrift & Loan* (1973) 30 Cal.App.3d 412, 414 [106 Cal.Rptr. 364, 80 A.L.R.3d 1217]; cf. *United States v. Union Supply Co.* (1909) 215 U.S. 50 [54 L.Ed. 87, 30 S.Ct. 15].) This catchall fine section was enacted in 1872 along with the rest of the Penal Code and California's other general codes. These codes are to be construed as parts of the same statute. (Civ. Code, §

23.2.) ([4])When construing a statute with several provisions, *470 constructions that give effect to all are preferred. (Code Civ. Proc., § 1858.)²

([1c])Petitioner contends that this prosecution violates due process principles by unforeseeably enlarging Penal Code section 192. To the contrary, the present issue is whether section 192 applies to corporations. If it does, even if this is the first time it is actually used, there is no “enlargement” involved, and no peril to petitioner's due process rights. (*People v. Sobiek, supra.*, 30 Cal.App.3d 458, 474-476.) This case has been compared to *Keeler v. Superior Court* (1970) 2 Cal.3d 619 [87 Cal.Rptr. 481, 470 P.2d 617, 40 A.L.R.3d 420]. The comparison does not hold up on examination. *Keeler* involved a situation where the *language* of the statute was being expanded. Penal Code section 187 referred, at that time, to the killing of a “human being.” At common law, “human being” did not include a fetus, and the code commissioners' notes attached to Penal Code section 187 indicated that this tradition was to be preserved. (See *Keeler, supra.*, at p. 630.)

The code commissioners' notes on Penal Code sections 7, 26 and 192 are silent on the issue before this court. There is no announced intention to preserve some common law limiting doctrine. Moreover, the code language is unambiguous. It does not use “human being,” or refer to “another” human being when referring to proper defendants. Because Penal Code section 7 defines “person” to include corporations,

and requires that such defined terms “*must*” be used as defined, *Keeler* is distinguishable and does not support petitioner's argument. (See *People v. Sobiek, supra.*, 30 Cal.App.3d 458.) *471

This is a case of first impression in California.³ Petitioner insists that some “specific” legislation would be needed to make Penal Code section 192 applicable to corporations. This is not required in California. In some states, courts have held that corporations could not be charged with manslaughter. In each, however, there is no statutory analogy to the California Penal Code. In other cases indictments of corporations for manslaughter have been upheld without a codified theory of corporate liability.

Some cases are distinguishable because of their statutory contexts. *State v. Pacific Powder Co.* (1961) 226 Ore. 502 [360 P.2d 530, 83 A.L.R.2d 1111] involved prosecution of a corporation after a truck was left unattended; the truck exploded and a passerby was killed. The *Pacific Powder* court was examining Oregon Revised Statute section 163.040, which stated: “Any person who ... involuntarily kills another ... is guilty of manslaughter,” and defined manslaughter as the killing of a human being by the act, procurement or culpable negligence of another. In this statutory context, the court found that the “persons” subject to prosecution for manslaughter were limited to human beings. The statute's references to “another,” after referring to a “human being” provided a context⁴ where the Oregon statute's general definition

of “persons” was inapplicable. (*Pacific Powder, supra.*, at p. 531.)⁵ This analysis is not applicable to California Penal Code section 192. Our statute defines the crime of manslaughter without referring to “another” human being.

The most recent case is *Vaughan & Sons, Inc. v. State* (Tex. Crim. 1983) 649 S.W.2d 677. This case exempts corporations from prosecution for manslaughter because Texas Penal Code Ann. section 7.22(a) (Vernon 1974) uses the pronoun “he” to refer to offenders, and it accepts the argument that “soulless” corporations cannot formulate intent or, among other things, *472 smoke tobacco. (*Vaughn & Sons, supra.*, at p. 678.) These arguments do not apply to the California Penal Code. Penal Code section 7 states that words used in the masculine include the neuter. Even so, Penal Code section 192 does not contain such pronouns, and California law does impute intent to corporations.

Although corporations in Texas may not be capable of forming “intent” or possess a “condition of the mind,” California corporations can form intent, be reckless and commit acts through their agents. The criminal intent problem has not been squarely addressed, but corporations have been prosecuted for crimes of specific intent under the California Penal Code. (*W. T. Grant Co. v. Superior Court* (1972) 23 Cal.App.3d 284 [100 Cal.Rptr. 179] (corporation liable for grand theft); *People v. California Protective Corp.* (1926) 76 Cal.App. 354, 363 [244 P. 1089] (corporation could “willfully” practice law and become

liable for a fine for illegal practice of law); *People v. Palermo Land & Water Co., supra.*, 4 Cal.App. 717 (misdemeanor prosecution for refusing to sell water for irrigation).⁶ The claim that corporations are not chargeable with specific intent crimes does not appear to have been raised in later cases. For example, in *People v. Charter Thrift & Loan, supra.*, 30 Cal.App.3d 412, a prosecution for grand theft, the appellate issue was proper punishment, not whether a corporation could be prosecuted or have intent.

California has well established methods to impute criminal responsibility to corporations, so a codification of rules for imputing intent, criminal negligence or recklessness is unnecessary. This is unlike the situation in other states. We are not convinced that the lengthy effort to adopt the Model Penal Code in California failed because it included language which would have been more specific on this issue. If corporations are liable for crimes of specific intent, then they should be equally liable for crimes of criminal negligence or recklessness.

The Pennsylvania court in *Commonwealth v. McIlwain School Bus Lines* (1980) 283 Pa.Super. 1 [423 A.2d 413] avoided its earlier problems with “intent” by applying a new codification of the principles of corporate liability.⁷ This legislation clarified the Pennsylvania criminal code, making corporations liable for crimes of intent. Changes in New York statutes were *473 essential to the ruling in *People v. Ebasco Services, Inc., supra.*, 77 Misc.2d 784 [354 N.Y.S.2d 807], which overruled *People v.*

Rochester Railway and Light Co. (1909) 195 N.Y. 102 [88 N.E. 22]. New York enacted a new corporate responsibility provision in its criminal codes in the interim between these cases. But *Ebasco* does not rely on any feature of the new statute that is not in California's existing Penal Code. The statute construed in *Ebasco* is less explicit than the California Penal Code. New York's Penal Law uses "killing by another" language and relies on a weak definitional statute. Where Penal Code section 7 simply states that "person" includes corporations, New York's Penal Law says that "'person' means a human being, and *where appropriate*, a public or private corporation" (*Ebasco*, *supra.*, 354 N.Y.S.2d at p. 811, citing N. Y. Penal Law, § 10.00(7), italics added.) New York's "appropriateness" language could easily have been used to prevent prosecution of corporations, particularly in light of the "killing by another" language in New York's manslaughter definition. (*Ebasco*, *supra.*, 354 N.Y.S.2d at p. 810, citing N. Y. Penal Law, § 125.10. Cf. *State v. Pacific Powder Co.*, *supra.*, 226 Ore. 502 [360 P.2d 530].)

A similar pattern is found in *Commonwealth v. Fortner L.P. Gas Co.* (Ky.App. 1980) 610 S.W.2d 941, which overruled a 1913 case that disallowed prosecution of a corporation for manslaughter. (*Commonwealth v. Illinois Central Railroad Co.* (1913) 152 Ky. 320 [153 S.W. 459].) Petitioner attributes the change to passage of Kentucky Revised Statute section 502.050, a codification of rules for corporate criminal liability. But the primary statutory change relied on by the *Fortner* court was the change in the Kentucky Penal Code's definitional article.

This article defines "person" to include corporations "when appropriate"-like the definition used by the *Ebasco* court, a much weaker definition than already found in California Penal Code section 7.

Petitioner argues that the district attorney failed to seek an appropriate remedy against it, citing Labor Code section 6425.⁸ We note that this section *474 involves the "human" quality of wilfulness, and expressly preserves a prosecutor's discretion to use Penal Code section 192 against employers.

Petitioner admits that Labor Code section 6425 applies to corporations, the word "employer" obviously including corporate employers. Although the section appears to have "only" misdemeanor significance, and allows for greater fines than here sought, nothing in the section implies a legislative intention to disallow other means of bringing corporations to the bar for homicide.

Furthermore, we must assume that when the Legislature used "person" in the last sentence of Labor Code section 6425, it knew the Penal Code definition included corporations. As a result, the *preceding* sentence: "Nothing in this section shall prohibit a prosecution [of an employer] under Section 192 of the Penal Code, rather than under this section, for the death of an employee," is evidence that prosecution of corporations for manslaughter was contemplated.

We remain unconvinced by petitioner's "due process" arguments. Petitioner admits that its actions were controlled by Labor Code

section 6425. We doubt that petitioner's failure to recognize that Penal Code section 192 also applied to its actions made any difference to its actions.

The alternative writ is dissolved. The peremptory writ is denied.

Zenovich, Acting P. J., and Hamlin, J., concurred.

A petition for a rehearing was denied December 28, 1983, and petitioner's application for a hearing by the Supreme Court was denied January 26, 1984. Broussard, J., was of the opinion that the application should be granted. *475

Footnotes

- FN1 Penal Code section 672: "Upon a conviction for any crime punishable by imprisonment in any jail or prison, in relation to which no fine is herein prescribed, the court may impose a fine on the offender not exceeding five hundred dollars (\$500) in cases of misdemeanors or five thousand dollars (\$5000) in cases of felonies, in addition to the imprisonment prescribed."
- 2 Courts in other states have also imposed fines on corporations where both fines and imprisonment would be imposed on natural persons. (See generally, Annot., Corporation's Liability to Criminal Prosecution As Affected By Punishment or Penalty Imposed (1977) 80 A.L.R.3d 1220, and cases cited therein.)
The academic literature has discussed the adequacy of fines as the penalty for corporate misconduct in several articles and notes. (See, e.g., Radin, *Corporate Criminal Liability for Employee-endangering Activities* (1983) 18 Colum. J. of L. and Soc. Prob. 39-75; *Developments in the Law, Corporate Crime: Regulating Corporate Behavior Through Criminal Sanction* (1979) 92 Harv.L.Rev. 1227, 1251-1257; Geis, *Criminal Penalties for Corporate Criminals* (1972) 8 Crim. L.Bull. 377; Note, *Corporate Homicide: The Stark Realities of Artificial Beings and Legal Fictions* (1981) 8 Pepperdine L.Rev. 367, 409-417.) The inadequacy of the penalty provided by section 672 is a legislative problem irrelevant to this case. The existence of a penalty applicable to corporations makes this prosecution more than "waste motion." Regardless of the penalty, the corporation has reason to defend itself against the charge, because of damage to its reputation, the standing of management in the eyes of its stockholders, and the like.
 - 3 Only about a dozen such cases could be found in the United States. Canadian law has gone through a similar evolution. (See Leigh, *The Criminal Liability of Corporations in Other Groups* (1977) 9 Ottawa L.Rev., 247. There are also cases where a corporation has been prosecuted for manslaughter, but this issue was not raised or was not determinative on appeal. For example, *People v. Warner Lambert Co.* (1980) 51 N.Y. 2d 295 [434 N.Y.S. 159] (employer, a corporation, prosecuted for manslaughter after an explosion killed six of its employees; indictment was quashed for lack of sufficient evidence). The "Pinto" case, where a corporation was acquitted. (*State v. Ford Motor Co.* (1978) No. 5324, Ind. Super. Ct., filed Sept. 13, 1978, and discussed in Note, *Corporate Homicide: Stark Realities of Artificial Beings and Legal Fictions*, *supra.*, 8 Pepperdine L.Rev. 367.)
 - 4 Oregon has revised its criminal law since *Pacific Powder* was decided, eliminating this formulation.
 - 5 Even this argument (that statutes referring to "another" require only human defendants) has been attacked or ignored in other cases. (See, e.g., *People v. Ebasco Services, Inc.* (1974) 77 Misc.2d 784 [354 N.Y.S.2d 807].) Even if the killing must be by "another person," a corporation might be responsible for that person's act. (Pen. Code, § 31.) An analogy is the textbook case of a woman charged with common law rape when another person does the actual penetration.
 - 6 But see Comment, *Criminal Law, Liability of the Corporation for Manslaughter* (1927-1928) 16 Cal.L.Rev. 329 (arguing that a corporation should not be liable for crimes involving mens rea unless an individual employer would be liable in the same circumstances).
 - 7 The first case in this country to reach this issue was *Commonwealth v. Punxsutawney Street Passenger Railway* (1900) 24 Pa.C.C. 25 (48 Pitt.Leg.J. 42). This court not accept the idea that corporations could have malice or intent.
 - 8 Labor Code section 6425: "Any employer, and every employee having direction, management, control, or custody of any employment, place of employment, or other employee, who willfully violates any occupational safety or health standard,

order, or special order, or Section 25910 of the Health and Safety Code, and that violation caused death to any employee, or caused permanent or prolonged impairment of the body of any employee, shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment for not more than six months, or by both; except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine of not more than twenty thousand dollars (\$20,000) or by imprisonment for not more than one year, or by both. Nothing in this section shall prohibit a prosecution under Section 192 of the Penal Code, rather than under this section, for the death of an employee. However, no person may be prosecuted under both this section and Section 192 of the Penal Code for the same act or omission."

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