

MISDEMEANOR CONSEQUENCES:

FINES:

Make sure MINIMUM \$220 fine is ordered on all misdemeanors; so victim compensation fund will get its share.

Most misdemeanors require minimum \$150 and max \$1000 fine.

For Standard DUI and 14601 fines, see the Court's Sentencing Guidelines.

DV PROBATION TERMS (PC 1203.097):

PC 1203.097: ANY CRIME where the Defendant/victim relationship defined in Family Code 6211.

FC 6211 includes: spouse, cohabitant, former cohabitant, dating relationship, former dating relationship, person with whom the Def. has had a child, family member within 2nd degree of affinity (parent/child, brother/sister, blood relative of spouse, etc.)

FC 6203 definition of "abuse": causing or attempt to cause bodily injury, sexual assault, placing a person in reasonable apprehension of imminent serious bodily injury to self or another; AND any behavior which has been or CAN BE enjoined under FC 6320.

FC 6320 "behaviors": all assault crimes, threats, PC 528.5 or 529 (false personation), harassing, molesting, annoying telephone calls including texts, e-mails etc; destroying personal property, making contact if enjoined, DISTURBING THE PEACE of the other party.

PC 1203.097 mandatory terms:

- Probation for at least 36 months (can be summary)
- One year batterer's program; must require weekly attendance; must have been approved by the probation dept. IF Probation says person not appropriate for BTP; judge can order alternative; but program must have been approved by probation dept. 1203.097(a)(9).
- Minimum "fee" \$500 (not subject to reduction for time served)
- Booked within one week of sentencing (if not already booked)
- Criminal protective order (no math ok)
- Community Service at Court's discretion.

PROSTITUTION:

PC 647(b) Consequences:

- 1 yip
- 10 days jail (ok to offer 5 at EDP ONLY)
 - 2nd offense, 45 days jail minimum
 - 3rd offense, 90 days jail minimum
- Aids test and education program (PC 1202.6)
- Fine \$700
- If case involves internet ad, take it down
- if case involves particular location, stay away

FIREARMS RESTRICTION (PC 29805 and PC 29800):

PC 29805: No Firearms for 10 years

MOST COMMON:

PC 240, 241, 242, 243, 243.4, 244.5, 245, 245.5---ALL the assault crimes

PC 273.5, 273.6---DV and violation of DV restraining order

PC 417, 417.6---Brandishing

PC 422---Criminal Threats

PLUS:

PC 71, 76

PC 136.1, 136.5, 140

PC 148(d)

PC 171b; 171c(a)(1); 171d---Having weapons in specified govt. locations

PC 186.28---Providing firearm for gang felony

PC 246.3---Neg. discharge of firearm or BB gun

PC 247---Shooting at UNoccupied car or house

PC 626.9---Firearm at a school

PC 646.9---Stalking

PC 29800: No Firearms EVER

PC 245(a)(2)--- Assault with firearm

PC 246---Shooting at occupied house, building, trailer, camper or car

PC 417(a)(2)---Brandishing a loaded firearm

PC 417(c)---Brandishing any firearm in the presence of a peace officer

