



SAN DIEGO SUPERIOR COURT

Standard Sentencing Guidelines
for Infractions and Misdemeanors

Courtroom Counsel Copy

6th Edition
Effective January 2015

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SENTENCING GUIDELINES OVERVIEW

The Standard Sentencing Guidelines is a compilation of recommended sentences, including fines and terms and conditions of probation, for the most common misdemeanor and infraction offenses. This document is meant to be used as a guide, and does not intend to remove any discretion from a judicial officer when determining the most appropriate sentence.

The following pages provide an overview of the Guide.

Fines and Conditions of Probation

The sentencing recommendations contain recommended total fines, including all assessments and restitution fines, as well as mandatory and recommended terms and conditions of probation, if applicable. All grants of probation include: a \$150 Restitution Fine, \$40 Court Operations Assessment¹, a Criminal Conviction Assessment of \$35 for infractions OR \$30 for misdemeanors, and all other applicable fees and assessments. The following are not included in the total fine:

1. The Probation Revocation Restitution Fine (PRRF) in an amount equal to the Restitution Fine, which must be imposed and suspended separately from the total fine due (PC§1202.44).
2. Actual restitution to the victim, which must be determined and ordered separately.
3. Attorney fees if the defendant utilizes the services of appointed counsel (addressed later in this section).

Fine amounts reflected in **red** indicate that the amount is the statutory minimum permitted for the particular violation and that a fine of a lesser amount may not lawfully be imposed.

Conditions of probation with a “(mandatory)” indication directly after the term are minimum conditions required by statute. Conditions of probation indicated in *italics* are optional terms that the judicial officer may want to consider.

Payment of Fines, Fees and Assessments

If the judicial officer grants a request for time to pay the fine, or to make payments in installments, the court has established guidelines for the clerk to administratively set a due date and/or to establish payment plans. The defendant should be made aware that a fee of \$30 or \$35 for time to pay or for an installment plan will be added to the total fine.

¹ Formerly called the Court Security Fee (PC 1465.8(a)(1)).

Attorney Fees

In cases in which the defendant utilizes the services of court-appointed counsel and in cases where the court appoints counsel, attorneys' fees to repay the costs of appointed counsel are assessed against all defendants who can afford to pay them. For example, as indicated in the chart below, if a defendant pleads guilty or no contest at arraignment, the court imposes a \$50 counseling fee. These fees are not imposed as a term or condition of probation and are not included in the recommended sentences. The table below includes the appropriate fees for each event.

EVENT	AMOUNT
Arraignment (counseling) <ul style="list-style-type: none">◆ Case is adjudicated with immediate sentence imposed.◆ For multiple cases, only impose one fee.◆ No charge if dismissed at arraignment.	\$50
Probation Violation <ul style="list-style-type: none">◆ Admits violation & waives hearing.◆ Goes to Evidentiary hearing.◆ For multiple cases, only impose one fee.	\$50 \$100
Misdemeanor <ul style="list-style-type: none">◆ Any event after arraignment, even if case is dismissed.	\$100

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ADVISALS INCLUDED IN THIS DOCUMENT

4th Amendment Waiver

Submit person, property, place of residence, vehicle, personal effects to search at any time with or without a warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer.

PC 647f (positive HIV test after PC 647(b) conviction)

“You have been provided the report showing your positive HIV blood test. Do you understand what that positive report means? I am also required to advise you that because of your conviction for this prostitution offense, coupled with the positive results of the HIV test about which you were just informed, if you are later charged with another prostitution offense set forth in Penal Code § 647(b), and this conviction and the informed test results are found true by the trier of fact or are admitted by you, you will be guilty of a felony.”

PC 1016.5 advisal

“I understand that if I am not a U.S. citizen, this plea of guilty/no contest may result in my removal/deportation, exclusion from admission to the U.S., and denial of naturalization. Additionally, if this plea is to any offense listed on the back of the change of plea form, then I **will** be deported, excluded from admission to the U.S., and denied naturalization.”

PC 29805

Pursuant to Penal Code §29805, “any person who has been convicted of a misdemeanor violation for any of the following offenses is prohibited from owning, purchasing, receiving, possessing, or having under his or her custody or control any firearm within 10 years of the conviction: Pen. Code §§ 71, 76, 136.1, 136.5, 140, 148(d), 171b, 171c(a)(1), 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 626.9, 646.9, 830.95, former 12100(a), 17500, 17510, 25300, 25800, 26100(b), 26100(d), 27510, 30315, 32625, or of the conduct punished in § 27590(c), Welf. & Inst. §§ 8100, 8101, or 8103, any firearm-related offense pursuant to Welf. & Inst. §§ 871.5 and 1001.5.”

Auto Forfeiture Advisal (AFA)/VC 14607.6

Pursuant to Vehicle Code §14607.6, “a motor vehicle is subject to forfeiture as a nuisance if it is driven on a highway in this state by a driver with a suspended or revoked license, or by an unlicensed driver, who is a registered owner of the vehicle and has a previous misdemeanor conviction for a violation of subdivision (a) of section 12500 or section 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5.”

VC 23593 advisal

“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.”

ACRONYMS USED IN THIS DOCUMENT

AFA	Auto Forfeiture Advisal (VC 14607.6) (see Advisal section)
B&R	Book and Release
BAC	Blood Alcohol Concentration
CCA	Criminal Conviction Assessment
COA	Court Operations Assessment ¹
D	Day(s)
DVRP	Domestic Violence Recovery Program
FCP	First Conviction Alcohol Education Program
H	Hour(s)
HW	Harvey Waiver
IID	Ignition Interlock Device
ILO	In Lieu Of
ISS	Imposition of Sentence Suspended
LIO	Lesser Included Offense
M	Month(s)
MCP (or SB38)	Multiple-Convictions Alcohol Education Program
NVC	No Victim Contact
PRRF	Probation Revocation Restitution Fine
PSP	Probation Department's Public Work Service Program
RF	Restitution Fund Fine
SAAU	Substance Abuse Assessment Unit
SAC	Standard Alcohol Conditions (VC 23600) <ol style="list-style-type: none">1. Not drive with any measurable amount of alcohol in blood.2. Submit to any test at the request of a peace officer for detection of alcohol and drugs.3. Violate no laws regarding driving a motor vehicles while under the influence or in the possession of alcohol or drugs.4. Not drive without a valid license and proof of insurance.
SAO	Stay Away Order
TRO	Temporary Restraining Order
TVS	Traffic Violator School
VNL	Violate no laws, minor traffic infractions excepted
Y	Year(s)

¹ Formerly called the Court Security Fee (PC 1465.8(a)(1)).

BUSINESS & PROFESSIONS CODE

BP 4060 Possession of controlled substance without a prescription	ISS 3; VNL \$954 including \$100 SAAU fee; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver Refer to SAAU Drug testing when required by SAAU, treatment provider, or any peace officer
BP 7028 Contracting without a license	ISS 3; VNL \$532 plus \$150 PRRF suspended Defendant not to act as a contractor without a license Grant TRO/injunction against acting as a contractor without a license if proper showing is made.
BP 22435.2 Shopping cart theft	ISS 3; VNL \$532 plus \$150 PRRF suspended SAO
BP 25620 Open container of alcohol (<i>Infraction</i>)	\$239 [No probation, fine is sentence]
BP 25658(a) Sale to a person under 21	ISS 3; VNL \$4,345 plus \$150 PRRF suspended 24H Volunteer work (at alcohol/drug program if available) (mandatory) 1Y license suspension <u>IF</u> under 21 (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u> not previously surrendered to law enforcement or DMV) [VC 13206]

BUSINESS & PROFESSIONS CODE

BP 25658(b) Purchase or consumption by person under 21	ISS 3; VNL \$1,270 plus \$150 PRRF suspended 1Y license suspension (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] --Alternative Sentence ISS 3; VNL \$245 (RF and fees) plus \$150 PRRF suspended 24-32H Volunteer work (at alcohol/drug program if available) 1Y license suspension (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] Fine OR RF and fees and volunteer work (at alcohol/drug program, if available) (mandatory)
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BP 25658(b) Purchase or consumption by person under 21 with one prior	ISS 3; VNL \$2,295 plus \$150 PRRF suspended 1Y license suspension (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] --Alternative Sentence ISS 3; VNL \$245 (RF and fees) plus \$150 PRRF suspended 36-48H Volunteer work (at alcohol/drug program if available) 1Y license suspension (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] Fine OR RF and fees and volunteer work (at alcohol/drug program if available) (mandatory)
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BP 25658(d) Licensee who permits person under 21 consumption	ISS 3; VNL \$1,270 plus \$150 PRRF suspended --Alternative Sentence ISS 3; VNL \$245 (RF and fees) plus \$150 PRRF suspended 24-32H Volunteer work (at alcohol/drug program if available) Fine OR RF and fees and volunteer work (at alcohol/drug program if available) (mandatory)
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BUSINESS & PROFESSIONS CODE

BP 25661 Person under 21 in possession of false ID (<i>Infraction</i>)	\$239 1Y license suspension (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] [No probation, fine is sentence]
BP 25661 Person under 21 in possession of false ID (<i>Misdemeanor</i>)	ISS 3; VNL \$1,270 plus \$150 PRRF suspended 1Y license suspension (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] --Alternative Sentence ISS 3; VNL \$245 (RF and fees) plus \$150 PRRF suspended 24-32H Volunteer work (at alcohol/drug program if available) 1Y license suspension (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] Fine OR RF and fees and volunteer work (at alcohol/drug program if available) OR both (mandatory)
BP 25661 Person under 21 in possession of false ID (<i>Misdemeanor</i>) with one prior	ISS 3; VNL \$2,295 plus \$150 PRRF suspended 1Y license suspension (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] --Alternative Sentence ISS 3; VNL \$245 (RF and fees) plus \$150 PRRF suspended 36-48H Volunteer work (at alcohol/drug program if available) 1Y license suspension (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] Fine OR RF and fees and volunteer work (at alcohol/drug program if available) OR both (mandatory)

BUSINESS & PROFESSIONS CODE

BP 25662(a)

Person under 21 in possession of alcohol
(*Infraction*)

\$239

1Y license suspension (mandatory) [VC 13202.5] and **surrender license (mandatory *IF*)** not previously surrendered to law enforcement or DMV) [VC 13206]

--Alternative Sentence

\$75 (COA & CCA)

24-32H Volunteer work (at alcohol/drug program if available)

1Y license suspension (mandatory) [VC 13202.5] and **surrender license (mandatory *IF*)** not previously surrendered to law enforcement or DMV) [VC 13206]

Fine ***OR*** COA, CCA, and volunteer work (at alcohol/drug program if available) (**mandatory**)

[No probation, fine is sentence]

BP 25662(a)

Person under 21 in possession of alcohol
(*Infraction*)
with one prior

\$403

1Y license suspension (mandatory) [VC 13202.5] and **surrender license (mandatory *IF*)** not previously surrendered to law enforcement or DMV) [VC 13206]

--Alternative Sentence

\$75 (COA & CCA)

36-48H Volunteer work (at alcohol/drug program if available)

1Y license suspension (mandatory) [VC 13202.5] and **surrender license (mandatory *IF*)** not previously surrendered to law enforcement or DMV) [VC 13206]

Fine ***OR*** COA, CCA, and volunteer work (at alcohol/drug program if available) (**mandatory**)

[No probation, fine is sentence]

BUSINESS & PROFESSIONS CODE

BP 25662(a)
Person under 21 in possession of alcohol
(*Misdemeanor*)

ISS 3; VNL
\$1,270 plus \$150 PRRF suspended
1Y license suspension (mandatory) [VC 13202.5] and **surrender license (mandatory IF)** not previously surrendered to law enforcement or DMV) [VC 13206]

--Alternative Sentence

ISS 3; VNL
\$245 (RF and fees) plus \$150 PRRF suspended
24-32H Volunteer work (at alcohol/drug program if available)
1Y license suspension (mandatory) [VC 13202.5] and **surrender license (mandatory IF)** not previously surrendered to law enforcement or DMV) [VC 13206]

Fine **OR** RF and fees and volunteer work (at alcohol/drug program if available) **(mandatory)**

BP 25662(a)
Person under 21 in possession of alcohol
(*Misdemeanor*)
with one prior

ISS 3; VNL
\$2,295 plus \$150 PRRF suspended
1Y license suspension (mandatory) [VC 13202.5] and **surrender license (mandatory IF)** not previously surrendered to law enforcement or DMV) [VC 13206]

--Alternative Sentence

ISS 3; VNL
\$245 (RF and fees) plus \$150 PRRF suspended
36-48H Volunteer work (at alcohol/drug program if available)
1Y license suspension (mandatory) [VC 13202.5] and **surrender license (mandatory IF)** not previously surrendered to law enforcement or DMV) [VC 13206]

Fine **OR** RF and fees and volunteer work (at alcohol/drug program if available) **OR both (mandatory)**

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HEALTH & SAFETY CODE

HS 11350(a) Possession of controlled substance	ISS 3; VNL \$954 including \$100 SAAU fee; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver AIDS education (mandatory) [PC 1001.10] Offer HIV test (mandatory) [PC 1001.10] 1Y license suspension <u>IF</u> under 21 (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] Register as Narcotics Offender (mandatory) [HS 11590] Refer to SAAU Drug testing when required by SAAU or treatment provider Add 60D custody for each prior. <i>Consider drug rehabilitation program ILO custody.</i>
HS 11357(a) Possession of concentrated cannabis	ISS 3; VNL \$954 including \$100 SAAU fee; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver 1Y license suspension <u>IF</u> under 21 (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] Refer to SAAU Drug testing when required by SAAU or treatment provider
HS 11357(b) Possession of marijuana – 28.5 grams or less (<i>Infraction</i>)	\$234 1Y license suspension <u>IF</u> under 21 (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] Up to 3Y license revocation if motor vehicle involved (mandatory) [PC 13202] [No probation, fine is sentence]

HEALTH & SAFETY CODE

HS 11357(c)
Possession of marijuana
– more than 28.5 grams

ISS 3; VNL
\$795 including \$100 SAAU fee; **plus \$150 PRRF suspended**
Not use or possess controlled substances without a valid prescription
4th Waiver
1Y license suspension IF under 21 (**mandatory**) [VC 13202.5] and
surrender license (mandatory IF**)** not previously surrendered to law enforcement or DMV) [VC 13206]
Refer to SAAU
Up to 3Y license revocation if motor vehicle involved (mandatory**)**
[PC 13202]

HS 11364
Possession of drug paraphernalia

ISS 3; VNL
\$954 including \$100 SAAU fee; **plus \$150 PRRF suspended**
Not use or possess controlled substances without a valid prescription
4th Waiver
1Y license suspension IF under 21 (**mandatory**) [VC 13202.5] and
surrender license (mandatory IF**)** not previously surrendered to law enforcement or DMV) [VC 13206]
Refer to SAAU

HS 11377(a)
Possession of controlled substance

ISS 3; VNL
\$954 including \$100 SAAU fee; **plus \$150 PRRF suspended**
Not use or possess controlled substances without a valid prescription
4th Waiver
AIDS education (mandatory**)** [PC 1001.10]
Offer HIV test (mandatory**)** [PC 1001.10]
1Y license suspension IF under 21 (**mandatory**) [VC 13202.5] and
surrender license (mandatory IF**)** not previously surrendered to law enforcement or DMV) [VC 13206]
Refer to SAAU
Drug testing when required by SAAU or treatment provider

Add 60D custody for each prior.
Consider drug rehabilitation program ILO custody.

HEALTH & SAFETY CODE

HS 11550(a) Under the influence of a controlled substance	ISS 5; VNL 1D custody (mandatory) \$954 including \$100 SAAU fee; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver AIDS education (mandatory) [PC 1001.10] Offer HIV test (mandatory) [PC 1001.10] 1Y license suspension <u>IF</u> under 21 (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] Register as Narcotics Offender (mandatory) [HS 11590] Refer to SAAU Drug testing when required by SAAU, treatment provider, or any peace officer
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Add 60D custody for each prior.

Consider drug rehabilitation program ILO custody.

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PENAL CODE

PC 148(a) Delaying or resisting arrest	ISS 3; VNL \$655 plus \$150 PRRF suspended 5D PSP
PC 148.9(a) False ID to peace officer	ISS 3; VNL \$573 plus \$150 PRRF suspended
PC 240 Assault (not DV-related)	ISS 3; VNL \$655 plus \$150 PRRF suspended 10-20H Volunteer work -OR- Anger management course PC 29805 advisal (mandatory) NVC; SAO
PC 242/243(a) Simple battery (not DV-related)	ISS 3; VNL \$655 plus \$150 PRRF suspended 10-20H Volunteer work -OR- Anger management course PC 29805 advisal (mandatory) NVC; SAO
PC 242/243(b) Battery on a peace officer	ISS 3; VNL \$655 plus \$150 PRRF suspended 5D PSP Anger management course PC 29805 advisal (mandatory) NVC; SAO
PC 245(a)(1) Assault with a deadly weapon (not firearm)	ISS 3; VNL \$860 plus \$150 PRRF suspended 5D PSP Anger management course Weapon ordered transferred/destroyed (mandatory) PC 29805 advisal (mandatory) NVC; SAO
PC 245(a)(2) Assault with a deadly weapon (firearm)	ISS 3; VNL 180D custody (mandatory) \$860 plus \$150 PRRF suspended Anger management course Weapon ordered transferred/destroyed (mandatory) PC 29805 advisal (mandatory) NVC; SAO

PENAL CODE

PC 273a(b) Child abuse or endangerment	ISS 4; VNL \$714 plus \$150 PRRF suspended Child abuser's counseling program (mandatory) Protective order (mandatory) Refer to SAAU <i>IF</i> substance abuse is involved – add \$100 SAAU fee if referred 4th waiver <i>IF</i> substance abuse is involved
PC 273.6 Violation of civil restraining order (not DV-related)	ISS 3; VNL \$696 plus \$150 PRRF suspended 5D PSP PC 29805 advisal (mandatory) Also see PC 273.6(h) (probation conditions must be consistent with PC 1203.097)
PC 290.018(a) Failure to register as sex offender	ISS 3; VNL 90D custody (mandatory) \$1,097 plus \$150 PRRF suspended Register per PC 290 forthwith <i>Consider Probation mini-report</i>
PC 308 Selling tobacco to a person under 18	\$1,065 [No probation, fine is sentence]
PC 308 Selling tobacco to a person under 18 with one prior	\$2,295 [No probation, fine is sentence]
PC 308 Selling tobacco to a person under 18 with two priors	\$4,345 [No probation, fine is sentence]
PC 314(1) Indecent exposure	ISS 3; VNL \$1,507 plus \$150 PRRF suspended Lifetime registration per PC 290 (mandatory) NVC; SAO Refer to Probation Department for SARATSO report

PENAL CODE

PC 372 Public nuisance	ISS 3; VNL \$532 plus \$150 PRRF suspended \$200 ordered paid to city or county where violation occurred to be used for their illegal dumping enforcement program (mandatory) Weapon ordered transferred/destroyed <u>IF</u> LIO of weapons charge (mandatory) HW required <u>IF</u> LIO
PC 415(1) or (2) As misdemeanor reduction	ISS 3; VNL \$532 plus \$150 PRRF suspended
PC 415(1) or (2) As infraction reduction	\$239 [No probation, fine is sentence]
PC 415(3) Lewd conduct (Reduction from PC647(a) or (b))	ISS 3; VNL Street conditions [SDSC Form #CRM-234] \$532 plus \$150 PRRF suspended AIDS education Prostitution Impact Panel – Central Division only HW required
PC 417(a)(1) Brandishing a non-firearm	ISS 3; VNL \$532 plus \$150 PRRF suspended 4th waiver Weapon ordered transferred/destroyed (mandatory) PC 29805 advisal (mandatory)
PC 417(a)(2) Brandishing a firearm	ISS 3; VNL 90D custody (mandatory) \$532 plus \$150 PRRF suspended 4th waiver Weapon ordered transferred/destroyed (mandatory) PC 29805 advisal (mandatory)
PC 422 Criminal threats	ISS 3; VNL \$696 plus \$150 PRRF suspended 5D PSP PC 29805 advisal (mandatory) NVC; SAO

PENAL CODE

PC 459
Burglary

ISS 3; VNL
Book & Release (1D custody)* *IF* first theft offense (set out in PC 666(a))
\$1,101 plus \$150 PRRF suspended
Restitution to victim
5D PSP
4th waiver
SAO

*B&R is mandatory to be priorable, which requires having served custody for a qualifying theft conviction, and one of the following: (1) super strike conviction (PC 667(e)(2)(C)(iv)); (2) registration as a sex offender; or (3) PC 368(d) or (e) conviction. [PC 666(a), b]

PC 459.5
Shoplifting

ISS 3; VNL
Book & Release (1D custody)* *IF* first theft offense (set out in PC 666(a))
\$696 plus \$150 PRRF suspended
Restitution to victim
4th waiver
SAO

Consider shoplifting course

*B&R is mandatory to be priorable, which requires having served custody for a qualifying theft conviction, and one of the following: (1) super strike conviction (PC 667(e)(2)(C)(iv)); (2) registration as a sex offender; or (3) PC 368(d) or (e) conviction. [PC 666(a), b]

Additional penalties for theft-related priors:

# of Prior(s) within 5 years	# of days PSP/Custody
One	10D PSP
Two	15D PSP
Three+	60D custody* for each additional prior

**Consider drug rehabilitation program ILO custody, if appropriate.*

PENAL CODE

PC 466 Burglary tools	ISS 3; VNL \$696 plus \$150 PRRF suspended 4th waiver Do not possess weapon or burglary/vandalizing tools Forfeit burglary tools
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PC 470/473 Forgery (less than or equal to \$950)	ISS 3; VNL \$696 plus \$150 PRRF suspended 10D PSP 4th waiver <i>Consider SAO</i>
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PC 476a(b) Check fraud (less than or equal to \$950)	ISS 3; VNL \$696 plus \$150 PRRF suspended Restitution to victim 10D PSP 4th waiver <i>Consider SAO</i>
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Additional penalties for theft-related priors:

<u># of Prior(s) within 5 years</u>	<u># of days PSP/Custody</u>
One	15D PSP
Two	20D PSP
Three+	60D custody* for each additional prior

**Consider drug rehabilitation program ILO custody, if appropriate.*

PENAL CODE

PC 484(a)-488
Petty theft

ISS 3; VNL
Book & Release (1D custody)* IF first theft offense (set out in PC 666(a))
\$696 plus \$150 PRRF suspended
Restitution to victim
4th waiver
SAO

Consider shoplifting course

*B&R is mandatory to be priorable, which requires having served custody for a qualifying theft conviction, and one of the following: (1) super strike conviction (PC 667(e)(2)(C)(iv)); (2) registration as a sex offender; or (3) PC 368(d) or (e) conviction. [PC 666(a), b]

Additional penalties for theft-related priors:

# of Prior(s) within 5 years	# of days PSP/Custody
One	10D PSP
Two	15D PSP
Three+	60D custody* for each additional prior

**Consider drug rehabilitation program ILO custody, if appropriate.*

PC 485/488
Misappropriation of lost property

ISS 3; VNL
\$318 plus \$150 PRRF suspended

Consider SAO

PENAL CODE

PC 487
Grand theft
ISS 3; VNL
Book & Release (1D custody)* IF first theft offense (set out in PC 666(a))
\$1,101 plus \$150 PRRF suspended
Restitution to victim
5D PSP
4th waiver
SAO

Consider theft course

*B&R is mandatory to be priorable, which requires having served custody for a qualifying theft conviction, and one of the following: (1) super strike conviction (PC 667(e)(2)(C)(iv)); (2) registration as a sex offender; or (3) PC 368(d) or (e) conviction. [PC 666(a), b]

Additional penalties for theft-related priors:

# of Prior(s) within 5 years	# of days PSP/Custody
One	10D PSP
Two	15D PSP
Three+	60D custody for each additional prior

Consider drug rehabilitation program ILO custody, if appropriate.

PC 490.1
Petty theft
(*Infraction*)
\$239
[No probation, fine is sentence]

PC 496(a)
Receiving stolen property
(less than or equal to \$950)
ISS 3; VNL
\$696 plus \$150 PRRF suspended
4th waiver
Consider PSP

Additional penalties for theft-related priors:

# of Prior(s) within 5 years	# of days PSP/Custody
One	10D PSP
Two	15D PSP
Three+	60D custody for each additional prior

Consider drug rehabilitation program ILO custody, if appropriate.

PENAL CODE

PC 593(d) Cable theft	ISS 3; VNL \$696 plus \$150 PRRF suspended
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Consider PSP

PC 594(a)(b)(1) Vandalism (\$400 - \$10,000) (not DV-related)	ISS 3; VNL \$696 plus \$150 PRRF suspended 10D PSP* 4th waiver
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Anger management course

Do not possess weapon or burglary/vandalizing tools

Up to 2Y license suspension (mandatory) [VC 13202.6]

Note: The court can make findings on the record that “a personal or family hardship exists that requires the person to have a driver’s license for his or her own, or a member of his or her family’s employment or medically related purposes.”

If suspended, **surrender license (mandatory IF)** not previously surrendered to law enforcement or DMV) [VC 13206]

1Y-3Y delay to get license *IF* defendant does not yet have the privilege to drive **(mandatory)**

SAO

For cases involving defacement of property with graffiti, when appropriate and feasible, court to order defendant to clean up, repair, or replace the damaged property. If graffiti cleanup is inappropriate, court to consider other types of community service, where feasible. (mandatory)

***Central Division only: \$200 to City’s Graffiti Reward Fund and 48H Volunteer work with Alpha Project ILO PSP**

PENAL CODE

PC 594(a)(b)(2) Vandalism (less than \$400) (not DV-related)	ISS 3; VNL \$532 plus \$150 PRRF suspended 5D PSP* 4th waiver Anger management course Do not possess weapon or burglary/vandalizing tools Up to 2Y license suspension (mandatory) [VC 13202.6] Note: The court can make findings on the record that “a personal or family hardship exists that requires the person to have a driver’s license for his or her own, or a member of his or her family’s employment or medically related purposes.” If suspended, surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] 1Y-3Y delay to get license <i>IF</i> defendant does not yet have the privilege to drive (mandatory) SAO For cases involving defacement of property with graffiti, when appropriate and feasible, court to order defendant to clean up, repair, or replace the damaged property. If graffiti cleanup is inappropriate, court to consider other types of community service, where feasible. (mandatory)
*Central Division only: \$200 to City’s Graffiti Reward Fund and 8H Volunteer work with Alpha Project <u>ILO</u> PSP	
PC 602(k) Trespass (reduction from petty theft)	ISS 3; VNL \$696 plus \$150 PRRF suspended SAO
PC 647(a) Lewd conduct in public	ISS 3; VNL \$696 plus \$150 PRRF suspended AIDS education (mandatory) [PC 1001.10] Offer HIV test (mandatory) [PC 1001.10] SAO <i>Consider PSP</i>
PC 647(b) Prostitution	ISS 3; VNL Street conditions [SDSC Form #CRM-234] \$696 plus \$150 PRRF suspended AIDS education (mandatory) [PC 1202.6] HIV test (mandatory) [PC 1202.6] Inform defendant of test results. PC 647f advisal if positive (mandatory) [PC 1202.6] Prostitution Impact Panel or SOS program – Central Division only

PENAL CODE

PC 647(b) Prostitution with one prior	ISS 3; VNL Street conditions [SDSC Form #CRM-234] 45D custody (mandatory) [PC 647(k)] \$696 plus \$150 PRRF suspended HIV test (mandatory) [PC 1202.6] Inform defendant of test results. PC 647f advisal if positive (mandatory) [PC 1202.6]
PC 647(b) Prostitution with two priors	ISS 3; VNL Street conditions [SDSC Form #CRM-234] 90D custody (mandatory) [PC 647(k)] \$696 plus \$150 PRRF suspended HIV test (mandatory) [PC 1202.6] Inform defendant of test results. PC 647f advisal if positive (mandatory) [PC 1202.6]
PC 647(e) Illegal lodging	ISS 3; VNL \$277 plus \$150 PRRF suspended SAO <i>Consider volunteer work</i>
PC 647(f) (drugs) As public intoxication involving drugs as reduction (lesser related offense) from HS 11550(a)	ISS 3; VNL \$377 including \$100 SAAU fee, plus \$150 PRRF suspended 15D PSP <u>OR</u> 90D drug treatment AIDS education* <u>IF</u> I.V. use of controlled substance involved (mandatory) [PC 1001.10] 10 Self-help meetings* Offer HIV test <u>IF</u> I.V. use of controlled substance involved (mandatory) [PC 1001.10] 1Y license suspension <u>IF</u> under 21 (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u> not previously surrendered to law enforcement or DMV) [VC 13206] SAO Refer to SAAU <i>*AIDS education & self-help meetings satisfied if choose treatment</i> Add 30D custody* for each prior, <i>*Consider drug rehabilitation program ILO custody, if appropriate.</i>

PENAL CODE

PC 647(f)
Public intoxication

ISS 3; VNL
\$377 including \$100 SAAU fee, **plus \$150 PRRF suspended**
Abstain from alcohol in public
AIDS education IF I.V. use of controlled substance involved
(mandatory) [PC 1001.10]
Offer HIV test IF I.V. use of controlled substance involved
(mandatory) [PC 1001.10]
1Y license suspension IF under 21 **(mandatory)** [VC 13202.5] and
surrender license (mandatory IF) not previously surrendered to law
enforcement or DMV) [VC 13206]
SAO
Refer to SAAU

PC 647(f)
Public intoxication
with one prior

ISS 3; VNL
30D custody*
\$377 including \$100 SAAU fee, **plus \$150 PRRF suspended**
Abstain from alcohol
AIDS education IF I.V. use of controlled substance involved
(mandatory) [PC 1001.10]
Offer HIV test IF I.V. use of controlled substance involved
(mandatory) [PC 1001.10]
1Y license suspension IF under 21 **(mandatory)** [VC 13202.5] and
surrender license (mandatory IF) not previously surrendered to law
enforcement or DMV) [VC 13206]
SAO
Refer to SAAU

*Central Division only: **Serial Inebriate Program ILO custody**

PC 647(f)
Public intoxication
with two priors

ISS 3; VNL
60D custody*
\$377 including \$100 SAAU fee, **plus \$150 PRRF suspended**
Abstain from alcohol
AIDS education IF I.V. use of controlled substance involved
(mandatory) [PC 1001.10]
Offer HIV test IF I.V. use of controlled substance involved
(mandatory) [PC 1001.10]
1Y license suspension IF under 21 **(mandatory)** [VC 13202.5] and
surrender license (mandatory IF) not previously surrendered to law
enforcement or DMV) [VC 13206]
SAO
Refer to SAAU

*Central Division only: **Serial Inebriate Program ILO custody**

PENAL CODE

PC 647(f) Public intoxication with three or more priors	ISS 3; VNL 90D custody* \$377 including \$100 SAAU fee, plus \$150 PRRF suspended Abstain from alcohol AIDS education <u>IF</u> I.V. use of controlled substance involved (mandatory) [PC 1001.10] Offer HIV test <u>IF</u> I.V. use of controlled substance involved (mandatory) [PC 1001.10] 1Y license suspension <u>IF</u> under 21 (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206] SAO Refer to SAAU
	<p>*Central Division only: Serial Inebriate Program ILO custody</p> <p>Add 30D custody for each additional prior.</p>
PC 647.6 Annoying or molesting a child	ISS 3; VNL 30D custody \$1,507 plus \$150 PRRF suspended SAO; NVC Lifetime registration per PC 290 (mandatory) Counseling <i>UNLESS</i> the court makes a written statement on the record that counseling would be inappropriate or ineffective (mandatory)
PC 653.22 Loitering with intent to commit prostitution	ISS 3; VNL \$507 plus \$150 PRRF suspended SAO
PC 853.7 Failure to appear (<i>Infraction</i>)	\$152 [No probation, fine is sentence]
PC 24510 or 24610 Disguised or undetectable weapon	ISS 3; VNL \$696 plus \$150 PRRF suspended 10D PSP 4th waiver Do not possess weapon or burglary/vandalizing tools Weapon ordered transferred/destroyed (mandatory)
PC 25400 Concealed firearm	ISS 3; VNL \$696 plus \$150 PRRF suspended 4th waiver Do not possess weapon or burglary/vandalizing tools Weapon ordered transferred/destroyed (mandatory)

PENAL CODE

PC 25850 Carrying a loaded firearm	ISS 3; VNL \$942 plus \$150 PRRF suspended 4th waiver Do not possess weapon or burglary/vandalizing tools Weapon ordered transferred/destroyed (mandatory) No firearms/weapons outside of residence
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VEHICLE CODE

VC 2800.1 Flight from peace officer	ISS 3; VNL \$701 plus \$150 PRRF suspended 10D PSP <i>Consider up to 6M license suspension [VC 13201(d)]</i>
VC 4000(a)(1) Driving without current registration (<i>Infraction</i>)	\$285* [No probation, fine is sentence] *If proof of registration is provided, valid either before <u>or</u> after the offense, may dismiss the charge. \$25 transaction fee applies.
VC 4454(a) No registration in vehicle (<i>Infraction</i>)	\$198* [No probation, fine is sentence] *If proof of registration is provided, valid either before <u>or</u> after the offense, may dismiss the charge. \$25 transaction fee applies.
VC 4462.5 False tabs	ISS 3; VNL \$701 plus \$150 PRRF suspended Destroy false tabs
VC 5200(a) No license plate(s) (<i>Infraction</i>)	\$198* [No probation, fine is sentence] *If proof of correction is provided, may dismiss the charge. \$25 transaction fee applies.
VC 10851(a) Stolen vehicle	ISS 3; VNL Book & Release (1D custody)* <u>IF</u> first theft offense (set out in PC 666(a)) \$1,029 plus \$150 PRRF suspended Restitution to victim 10D PSP 4th Waiver *B&R is mandatory to be priorable, which requires having served custody for a qualifying theft conviction, and one of the following: (1) super strike conviction (PC 667(e)(2)(C)(iv)); (2) registration as a sex offender; or (3) PC 368(d) or (e) conviction. [PC 666(a), b] <i>Consider license suspension [VC 13357]</i>

VEHICLE CODE

<p>VC 10852 Tampering w/ a vehicle</p>	<p>ISS 3; VNL \$573 plus \$150 PRRF suspended 10D PSP 4th Waiver</p>
<p>VC 12500(a) Driving without valid driver's license <i>(Infraction)</i></p>	<p>\$403* [No probation, fine is sentence] *If proof of driver's license is provided, valid on or before the offense, may dismiss the charge. \$25 transaction fee applies.</p>
<p>VC 12500(a) Driving without valid driver's license <i>(Infraction)</i> with one prior (w/in 1 year)</p>	<p>\$500* [No probation, fine is sentence] *If proof of driver's license is provided, valid on or before the offense, may dismiss the charge. \$25 transaction fee applies.</p>
<p>VC 12500(a) Driving without valid driver's license <i>(Misdemeanor)</i></p>	<p>ISS 3; VNL \$573 plus \$150 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory)</p>
<p>VC 12951(a) Driver's license not in possession <i>(Infraction)</i></p>	<p>\$239 [No probation, fine is sentence] *If proof of driver's license is provided, valid on or before the offense, may dismiss the charge. \$25 transaction fee applies.</p>
<p>VC 14601(a) Negligent operator driving w/ suspended or revoked license</p>	<p>ISS 3; VNL \$455 plus \$150 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <u>IF</u> LIO VC 14601.2 (mandatory)</p>
<p>VC 14601(a) Negligent operator driving w/ suspended or revoked license with prior(s)</p>	<p>ISS 3; VNL 10D custody (mandatory) \$711 plus \$150 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <u>IF</u> LIO VC 14601.2 (mandatory)</p>

VEHICLE CODE

<p>VC 14601.1(a) Driving w/ suspended or revoked license (<i>Infraction</i>)</p>	<p>\$695 [No probation, fine is sentence]</p>
<p>VC 14601.1(a) Driving w/ suspended or revoked license (<i>Infraction</i>) with one prior</p>	<p>\$1,156 [No probation, fine is sentence]</p>
<p>VC 14601.1(a) Driving w/ suspended or revoked license (<i>Misdemeanor</i>)</p>	<p>ISS 3; VNL \$455 plus \$150 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <u>IF</u> LIO VC 14601.2 (mandatory)</p>
<p>VC 14601.1(a) Driving w/ suspended or revoked license with one prior (w/in 5 years)</p>	<p>ISS 3; VNL \$711 plus \$150 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <u>IF</u> LIO VC 14601.2 (mandatory)</p> <p style="text-align: center;"><i>Consider revoking probation on prior and imposing additional custody.</i></p>
<p>VC 14601.1(a) Driving w/ suspended or revoked license with two priors (w/in 5 years)</p>	<p>ISS 3; VNL \$1,121 plus \$150 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <u>IF</u> LIO VC 14601.2 (mandatory)</p>
<p>If three or more priors, increase fine and/or custody at court's discretion.</p>	
<p>VC 14601.2(a) Driving after VC23152 or 23153 suspension or revocation</p>	<p>ISS 3; VNL 10D custody (mandatory) \$660 plus \$150 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) (mandatory if prior to 7/1/09). On or after 7/1/09, DMV addresses.</p>

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VC 14601.2(a) Driving after VC23152 or 23153 suspension or revocation with one prior (w/in 5 years)	ISS 3; VNL 30D custody (mandatory) \$1,121 plus \$150 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) (mandatory if prior to 7/1/09). On or after 7/1/09, DMV addresses.
<hr/>	
VC 14601.3(a) Habitual traffic offender	30D custody (mandatory) \$4,350 Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) [No probation]
<hr/>	
VC 14601.3(a) Habitual offender with one prior (w/in 7 years)	180D custody (mandatory) \$8,501 Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) [No probation]
<hr/>	
VC 14601.5(a) Driving w/ suspended or revoked license for failure to submit to test	ISS 3; VNL \$660 plus \$150 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <u>IF</u> LIO VC 14601.2 (mandatory) On or after 7/1/09, if the defendant has a prior VC 14601.2, 14601.4, 14601.5, 23103.5, 23152, or 23153 within 10 years, mandatory , but DMV addresses.
<hr/>	
VC 14601.5(a) Driving w/ suspended or revoked license for failure to submit to test with one prior (w/in 5 years)	ISS 3; VNL 10D custody \$1,121 plus \$150 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <u>IF</u> LIO VC 14601.2 (mandatory) On or after 7/1/09, if the defendant has a prior VC 14601.2, 14601.4, 14601.5, 23103.5, 23152, or 23153 within 10 years, mandatory , but DMV addresses.

VEHICLE CODE

VC 16028(a) Driving w/o proof of insurance (<i>Infraction</i>)	\$900* [No probation, fine is sentence] *If insurance was valid <u>on or before</u> the date of the offense, dismiss charge. \$25 transaction fee applies. If insurance was valid <u>after</u> date of offense and proof is provided to the court within 60 days of first scheduled appearance, reduce to \$490.** **The fine may not be waived, suspended, or reduced below this amount unless the court in its discretion reduces or waives the fine based on the defendant's ability to pay.
VC 16028(a) Driving w/o proof of insurance (<i>Infraction</i>) with one prior	\$1,115* [No probation, fine is sentence] *If insurance was valid <u>on or before</u> the date of the offense, dismiss charge. \$25 transaction fee applies. If insurance was valid <u>after</u> date of offense and proof is provided to the court within 60 days of first scheduled appearance, reduce to \$910.** **The fine may not be waived, suspended, or reduced below this amount unless the court in its discretion reduces or waives the fine based on the defendant's ability to pay.
VC 20002(a) Hit and run	ISS 3; VNL \$906 plus \$150 PRRF suspended Restitution to victim 7D PSP Do not drive without valid license and liability insurance If no insurance, add \$100 & 5D PSP <i>Consider up to 6M license suspension [VC 13201(a)] and classroom-based 16-hour Behavior Modification (Traffic) class</i>
VC 21453(a) Failure to stop at red light (<i>Infraction</i>)	\$490 [No probation, fine is sentence]
VC 21461(a) Failure to obey sign, signal, device (<i>Infraction</i>)	\$239 [No probation, fine is sentence]

VEHICLE CODE

<p>VC 21655.5(b) Car pool lane violation (<i>Infraction</i>)</p>	<p>\$490</p>	<p>[No probation, fine is sentence]</p>								
<p>VC 21655.5(b) Car pool lane violation (<i>Infraction</i>) with one prior (w/in 1 year)</p>	<p>\$705</p>	<p>[No probation, fine is sentence]</p>								
<p>VC 21655.5(b) Car pool lane violation (<i>Infraction</i>) with two priors (w/in 2 years)</p>	<p>\$1,115</p>	<p>[No probation, fine is sentence]</p>								
<p>VC 22101(d) Illegal turn at intersection (<i>Infraction</i>)</p>	<p>\$239</p>	<p>[No probation, fine is sentence]</p>								
<p>VC 22348(b) Speed over 100 MPH (<i>Infraction</i>)</p>	<p>\$1,310</p>	<p>Classroom-based 16-hour behavior modification (Traffic) class [No probation, fine is sentence]</p>								
<p>VC 22349(a) Driving in excess of 65 MPH (<i>Infraction</i>)</p>	<p>\$235 - 480 depending on speed. See speed chart.</p>	<table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse; text-align: center;"> <tr> <th colspan="2">Speed Chart</th> </tr> <tr> <td>1-15 MPH over limit</td> <td>\$239</td> </tr> <tr> <td>16-25 MPH over limit</td> <td>\$367</td> </tr> <tr> <td>26+ MPH over limit</td> <td>\$490</td> </tr> </table> <p>[No probation, fine is sentence]</p>	Speed Chart		1-15 MPH over limit	\$239	16-25 MPH over limit	\$367	26+ MPH over limit	\$490
Speed Chart										
1-15 MPH over limit	\$239									
16-25 MPH over limit	\$367									
26+ MPH over limit	\$490									
<p>VC 22350 Unsafe speed for conditions (<i>Infraction</i>)</p>	<p>\$235 - 480 depending on speed. See speed chart.</p>	<table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse; text-align: center;"> <tr> <th colspan="2">Speed Chart</th> </tr> <tr> <td>1-15 MPH over stated safe speed</td> <td>\$239</td> </tr> <tr> <td>16-25 MPH over stated safe speed</td> <td>\$367</td> </tr> <tr> <td>26+ MPH over stated safe speed</td> <td>\$490</td> </tr> </table> <p>[No probation, fine is sentence]</p>	Speed Chart		1-15 MPH over stated safe speed	\$239	16-25 MPH over stated safe speed	\$367	26+ MPH over stated safe speed	\$490
Speed Chart										
1-15 MPH over stated safe speed	\$239									
16-25 MPH over stated safe speed	\$367									
26+ MPH over stated safe speed	\$490									

VEHICLE CODE

<p>VC 22450(a) Failure to stop at stop sign (<i>Infraction</i>)</p>	<p>\$239 [No probation, fine is sentence]</p>
<p>VC 23103(a) or (b) Reckless driving – non-alcohol no injury</p>	<p>ISS 3; VNL \$983 plus \$150 PRRF suspended Do not drive without valid license and liability insurance <i>Consider PSP and classroom-based 16-hour behavior modification (Traffic) class</i></p>
<p>VC 23103(a) per 23103.5 Wet reckless (reduced from VC23152) no injury</p>	<p>ISS 3; VNL \$1,324 including \$100 SAAU fee, plus \$150 PRRF suspended SAC [VC 23600] FCP if BAC is 08% or above; 12H course if less than .08% or drugs (FCP mandatory) Driving under the influence victim impact panel (MADD) Do not drive without valid license and liability insurance 1Y license suspension <i>IF</i> under 21 (mandatory) [VC 13202.5] and surrender license (mandatory <i>IF</i>) not previously surrendered to law enforcement or DMV) [VC 13206] Refer to SAAU VC 23593 advisal (mandatory)</p>
<p>VC 23109(a) Speed contest no injury</p>	<p>ISS 3; VNL \$865 plus \$150 PRRF suspended Do not drive without valid license and liability insurance 3-6M license suspension/restriction – discretionary <i>Consider PSP</i></p>
<p>VC 23109(a) Speed contest no injury with one prior</p>	<p>ISS 3; VNL 2D custody (mandatory) \$1,326 plus \$150 PRRF suspended Do not drive without valid license and liability insurance 6M license suspension/restriction (mandatory) and surrender license (mandatory <i>IF</i> not previously surrendered to law enforcement or DMV) [VC 13206]</p>
<p>VC 23109(a) Speed contest with injury</p>	<p>ISS 3; VNL \$1,275 plus \$150 PRRF suspended 5D PSP Do not drive without valid license and liability insurance 3-6M license suspension/restriction – discretionary</p>

VEHICLE CODE

VC 23109(a) Speed contest with injury with one prior	ISS 3; VNL 2D custody (mandatory) \$1,736 plus \$150 PRRF suspended Do not drive without valid license and liability insurance 6M license suspension/restriction (mandatory) and surrender license (mandatory <i>IF</i> not previously surrendered to law enforcement or DMV) [VC 13206]
VC 23109(c) Exhibition of speed	ISS 3; VNL \$701 plus \$150 PRRF suspended Do not drive without valid license and liability insurance
VC 23111 Throwing lighted substance on highway <i>(Infraction)</i>	\$490 1D PSP (litter pick-up or graffiti removal) (mandatory) [VC 42001.7] No portion of the fine or PSP may be suspended except in unusual cases where the interest of justice would best be served. If the court suspends any portion of the fine, it shall, as a condition of that suspension, require the offender to complete 1D PSP for every \$100 suspended. (mandatory) [VC 42001.7] [No probation, fine and PSP is sentence]
VC 23111 Throwing lighted substance on highway <i>(Infraction)</i> with one prior	\$2,140 2D PSP (litter pick-up or graffiti removal) (mandatory) [VC 42001.7] No portion of the fine or PSP may be suspended except in unusual cases where the interest of justice would best be served. If the court suspends any portion of the fine, it shall, as a condition of that suspension, require the offender to complete 1D PSP for every \$100 suspended. (mandatory) [VC 42001.7] [No probation, fine and PSP is sentence]
VC 23111 Throwing lighted substance on highway <i>(Infraction)</i> with two priors	\$3,165 3D PSP (litter pick-up or graffiti removal) (mandatory) [VC 42001.7] No portion of the fine or PSP may be suspended except in unusual cases where the interest of justice would best be served. If the court suspends any portion of the fine, it shall, as a condition of that suspension, require the offender to complete 1D PSP for every \$100 suspended. (mandatory) [VC 42001.7] [No probation, fine and PSP is sentence]

VEHICLE CODE

VC 23136 Person under 21 with BAC .01% or greater - zero tolerance (<i>Infraction</i>)	\$490 (stay \$100 90D pending proof of driving under the influence victim impact panel [MADD]) 12H FCP Abstain from alcohol [No probation]
VC 23140 Person under 21 with BAC .05% (<i>Infraction</i>)	\$490 (stay \$100 90D pending proof of driving under the influence victim impact panel [MADD]) 12H FCP (mandatory) [VC 23502] 1Y license suspension (mandatory) and surrender license (mandatory <i>IF</i> not previously surrendered to law enforcement or DMV) [VC 13206] Advise that driving privilege will not be reinstated until FCP program is completed (mandatory) [VC 23502] [No probation]

VEHICLE CODE

VC 23152(a) or (b)
Driving under the
influence

ISS 5; VNL

\$2,133 including \$100 SAAU fee, **plus \$150 PRRF suspended PSP** as high blood alcohol concentration (BAC) enhancement:

BAC	# of Days PSP
.15% to .19%	5 Days
.20% to .24%	10 Days
.25% and above	15 Days

Standard Alcohol Conditions (SAC) (mandatory) [VC 23600]

1. Not drive with any measurable amount of alcohol in blood.
2. Submit to any test at the request of a peace officer for detection of alcohol and drugs.
3. Violate no laws regarding driving a motor vehicle while under the influence or in the possession of alcohol or drugs.
4. Not drive without a valid license and proof of insurance.

FCP (mandatory)

BAC	Minimum length of FCP program
.19% or below	3M
.20% or higher	6M if offense prior to 1/1/06 9M if offense on or after 1/1/06
Test refusal	6M if offense prior to 1/1/06 9M if offense on or after 1/1/06

Driving under the influence victim impact panel (MADD)

3M license suspension/restriction (if offense prior to 9/20/05). If offense on or after 9/20/05, DMV addresses.

1Y license suspension IF under 21 (mandatory) [VC 13202.5]

Surrender license (mandatory IF) not previously surrendered to law enforcement or DMV) [VC 13206]

Refer to SAAU

VC 23593 advisal (mandatory)

Give "heightened consideration" to IID if BAC greater than .15%
(mandatory) [VC 23575]

Driving Under the Influence Special Allegations
Conditions are In Addition to Other Terms of Probation (mandatory)

VC 23572 DUI Child Endangerment – passenger under 14
48H custody (mandatory)

VC 23577 DUI test refusal
48H custody (mandatory)

VC 23582 Reckless driving (30+ MPH freeway; 20+ MPH street)
60D custody (mandatory)

VEHICLE CODE

VC 23152 (a) or (b)
Driving under the
influence
with one prior

ISS 5; VNL

96H custody (mandatory)

\$2,635 including \$100 SAAU fee, **plus \$150 PRRF suspended PSP** as high blood alcohol concentration (BAC) enhancement:

BAC	# of Days PSP
Up to .14%	5 Days
.15% to .19%	10 Days
.20% to .24%	20 Days
.25% and above	30 Days

Standard Alcohol Conditions (SAC) (mandatory) [VC 23600]

1. Not drive with any measurable amount of alcohol in blood.
2. Submit to any test at the request of a peace officer for detection of alcohol and drugs.
3. Violate no laws regarding driving a motor vehicle while under the influence or in the possession of alcohol or drugs.
4. Not drive without a valid license and proof of insurance.

MCP (mandatory)

Driving under the influence victim impact panel (MADD)

24M License suspension/restriction (if offense prior to 9/20/05). If offense on or after 9/20/05, DMV addresses.

1Y license suspension IF under 21 (mandatory) [VC 13202.5]

Surrender license (mandatory IF) not previously surrendered to law enforcement or DMV) [VC 13206]

Refer to SAAU (mandatory) [VC 23646]

1-30D vehicle impound (mandatory IF) prior w/in 5 years and admitted or found to be true) [VC 23594]

VC 23593 advisal (mandatory)

Driving Under the Influence Special Allegations
Conditions are In Addition to Other Terms of Probation (mandatory)

VC 23572 DUI Child Endangerment – passenger under 14
10D custody (mandatory)

VC 23577 DUI test refusal
96H custody (mandatory)

VC 23582 Reckless driving (30+ MPH freeway; 20+ MPH street)
60D custody (mandatory)

VEHICLE CODE

VC 23152(a) or (b)
Driving under the
influence
with two priors

ISS 5; VNL

120D custody (mandatory)

\$2,922 including \$100 SAAU fee, **plus \$150 PRRF suspended**

Standard Alcohol Conditions (SAC) (mandatory) [VC 23600]

1. Not drive with any measurable amount of alcohol in blood.
2. Submit to any test at the request of a peace officer for detection of alcohol and drugs.
3. Violate no laws regarding driving a motor vehicle while under the influence or in the possession of alcohol or drugs.
4. Not drive without a valid license and proof of insurance.

MCP (mandatory)

Driving under the influence victim impact panel (MADD)

Advise defendant that DMV will revoke license for 3Y

1Y license suspension IF under 21 (mandatory) [VC 13202.5]

Surrender license (mandatory IF not previously surrendered to law enforcement or DMV) [VC 13206]

1-90D vehicle impound (mandatory IF priors w/in 5 years and admitted or found to be true) [VC 23594]

Designate as habitual offender for 3Y (mandatory) [VC 23546(b)]

Refer to SAAU (mandatory) [VC 23646]

VC 23593 advisal (mandatory)

Consider IID (max term 3Y)

Driving Under the Influence Special Allegations
Conditions are In Addition to Other Terms of Probation (mandatory)

VC 23572 DUI Child Endangerment – passenger under 14
30D custody (mandatory)

VC 23577 DUI test refusal
10D custody (mandatory)

VC 23582 Reckless driving (30+ MPH freeway; 20+ MPH street)
60D custody (mandatory)

VEHICLE CODE

VC 23153
DUI with injury

ISS 5; VNL

5D custody (mandatory)

\$2,584 including \$100 SAAU fee, **plus \$150 PRRF suspended**

Restitution to victim

PSP as high blood alcohol concentration (BAC) enhancement:

BAC	# of Days PSP
.15% to .19%	5 Days
.20% to .24%	10 Days
.25% and above	15 Days

Standard Alcohol Conditions (SAC) (mandatory) [VC 23600]

1. Not drive with any measurable amount of alcohol in blood.
2. Submit to any test at the request of a peace officer for detection of alcohol and drugs.
3. Violate no laws regarding driving a motor vehicle while under the influence or in the possession of alcohol or drugs.
4. Not drive without a valid license and proof of insurance.

FCP (mandatory)

BAC	Minimum length of FCP program
.19% or below	3M
.20% or higher	6M if offense prior to 1/1/06 9M if offense on or after 1/1/06
Test refusal	6M if offense prior to 1/1/06 9M if offense on or after 1/1/06

Driving under the influence victim impact panel (MADD)

12M License suspension/restriction (if offense prior to 9/20/05). If offense on or after 9/20/05, DMV addresses.

1Y license suspension *IF* under 21 (mandatory) [VC 13202.5]

Surrender license (mandatory *IF*) not previously surrendered to law enforcement or DMV) [VC 13206]

Refer to SAAU (mandatory) [VC 23646]

VC 23593 advisal (mandatory)

Give "heightened consideration" to IID if BAC greater than .15% (mandatory) [VC 23575]

Driving Under the Influence Special Allegations
Conditions are In Addition to Other Terms of Probation (mandatory)

VC 23572 DUI Child Endangerment – passenger under 14

48H custody (mandatory)

VC 23577 DUI test refusal

48H custody (mandatory)

VC 23582 Reckless driving (30+ MPH freeway; 20+ MPH street)

60D custody (mandatory)

VEHICLE CODE

<p>VC 23222(b) Marijuana in vehicle while driving <i>(Infraction)</i></p>	<p>\$244 1Y license suspension <u>IF</u> under 21 (mandatory) [VC 13202.5] and surrender license (mandatory <u>IF</u>) not previously surrendered to law enforcement or DMV) [VC 13206]</p> <p>[No probation, fine is sentence]</p>
<p>VC 26708(a) Tinted windows OR material obstructing view <i>(Infraction)</i></p>	<p>\$198*</p> <p>[No probation, fine is sentence]</p> <p>*If proof of correction is provided, may dismiss the charge. \$25 transaction fee applies.</p>
<p>VC 27315(d) Driving w/o wearing seatbelt <i>(Infraction)</i></p>	<p>\$162*</p> <p>*May order TVS <u>ILO</u> fine</p> <p>[No probation, fine is sentence]</p>
<p>VC 27315(d) Driving w/o wearing seatbelt <i>(Infraction)</i> with one prior</p>	<p>\$295</p> <p>[No probation, fine is sentence]</p>
<p>VC 27360 Child passenger restraint violation <i>(Infraction)</i></p>	<p>\$490*</p> <p>*Reduce to \$285 if attend Child Safety Seat Class</p> <p>[No probation, fine is sentence]</p>
<p>VC 27360 Child passenger restraint violation <i>(Infraction)</i> with one prior</p>	<p>\$1,156*</p> <p>*Reduce to \$659 if attend Child Safety Seat Class</p> <p>[No probation, fine is sentence]</p>

**FISH & GAME, HARBORS & NAVIGATION, SAN DIEGO MUNICIPAL CODE,
AND METROPOLITAN TRANSIT DISTRICT BOARD CODES**

FG 7145 Fishing without a license (<i>Infraction</i>)	\$485* *Reduce to \$193 with proof of license valid on date and time of violation [No probation, fine is sentence]										
FG 7145 Fishing without a license (<i>Infraction</i>) with one prior (w/in 5 years)	\$1,305* *Reduce to \$193 with proof of license valid on date and time of violation [No probation, fine is sentence]										
HN 655(b) & (c) Boating under the influence	ISS 3; VNL \$1,159 including SAAU fee, plus \$150 PRRF suspended PSP as high blood alcohol concentration (BAC) enhancement: <table border="1"> <thead> <tr> <th>BAC</th> <th># of Days PSP</th> </tr> </thead> <tbody> <tr> <td>.15% to .19%</td> <td>5 Days</td> </tr> <tr> <td>.20% to .24%</td> <td>10 Days</td> </tr> <tr> <td>.25% to .29%</td> <td>15 Days</td> </tr> <tr> <td>.30% and above</td> <td>court's discretion</td> </tr> </tbody> </table> Coastguard boating safety class (mandatory) Refer to SAAU <i>Consider FCP</i>	BAC	# of Days PSP	.15% to .19%	5 Days	.20% to .24%	10 Days	.25% to .29%	15 Days	.30% and above	court's discretion
BAC	# of Days PSP										
.15% to .19%	5 Days										
.20% to .24%	10 Days										
.25% to .29%	15 Days										
.30% and above	court's discretion										
SDMC 56.61 Person under 21 consuming alcohol in public (<i>Infraction</i>)	\$485 [No probation, fine is sentence]										
SDMC 56.61 Person under 21 consuming alcohol in public (<i>Infraction</i>) with one prior	\$895 [No probation, fine is sentence]										
MTDB Ord. 2 Trolley fare evasion (<i>Infraction</i>)	\$193 [No probation, fine is sentence]										

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PC 1000 AND PC 1210 (PROP 36)

PC 1000
Deferred entry of
judgment

\$200
Refer to SAAU

With the agreement of the prosecuting attorney, defense counsel and the court, the defendant pleads guilty and entry of judgment is deferred for 18 months to allow the defendant to successfully complete a qualified drug treatment program. The defendant is charged a \$200 fee and referred to SAAU.

The defendant should be advised by the court that if he/she successfully completes the rehab program and stays drug-free and law abiding for 18 months, the charges are dismissed.

*Reinstatement to Program: \$50 Deferred Entry of Judgment
Administrative Fee*

PC 1210
Proposition 36

ISS 3 or ISS 5 *IF* HS 11550
\$867 plus \$150 PRRF suspended
Long Form Drug Conditions

- a. Not use or possess any controlled substances unless prescribed for you by a licensed physician.
- b. Submit your person, property, personal effects, vehicle and residence to search at any time of the day or night by probation officer or law enforcement officer with or without a search warrant and with or without reasonable cause.
- c. Submit to testing for the use of controlled substances whenever required by any probation officer or law enforcement officer.
- d. Not associate with known users or traffickers in controlled substances.

Comply with alcohol conditions

- a. Totally abstain from the use of alcohol.
- b. Take Antabuse if physically able to do so for the period of probation or present proof to the court of medical inability to do so.
- c. Participate in any program of alcohol/drug treatment or rehabilitation, as directed.

Register per HS 11590 *IF* HS 11550

Set Review Hearing in Appropriate Department.

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DOMESTIC VIOLENCE OFFENSES

Standard sentence for all domestic violence-related offenses on which probation is granted, pursuant to PC §1203.097:

ISS 3; VNL (3 years mandatory) [PC1203.097(a)(1)]

1D custody – may be satisfied by B&R (mandatory if not previously booked)
[PC1203.097(a)(4)]

\$874 including \$500 domestic violence fund fee*, **plus \$150 PRRF suspended**
Restitution to the victim

5D PSP OR volunteer work (“specified amount” **mandatory**) [PC1203.097(a)(8)]

52-week DVRP, or if none is available, another appropriate counseling program
designated by the court, for a period not less than one year. (**mandatory**)
[PC 1203.097(a)(6)]

Protective order - consider stay away provision (mandatory) [PC1203.097(a)(2)]

PC 29805 advisal (mandatory) except for violations of PC §§ 166 & 594

Federal firearms prohibition (mandatory) [18 USC § 922(g)(9)]

Consider restitution to Battered Women’s Shelter

***If court finds the defendant does not have the ability to pay, may reduce or waive the domestic violence fund fee, but must state the reasons for waiver/reduction on the record.**

Note: The recommended fine of \$874 consists only of RF and fees; none of which can be satisfied by custody or stayed.



SAN DIEGO SUPERIOR COURT
Standard Sentencing Guidelines
for Infractions and Misdemeanors

Courtroom Counsel Copy