



SAN DIEGO SUPERIOR COURT

Standard Sentencing Guidelines

for Infractions and Misdemeanors

Courtroom Counsel Copy

4th Edition
Effective January 1, 2009

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HOW TO USE THIS GUIDE

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 on how to best use this 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 \$100 Restitution Fine, \$20 Court Security Fee, 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).

To ensure consistency court-wide in the pronouncement of judgment, fines should be announced as a total amount *plus* the PRRF suspended and any restitution to the victim. The individual fees, fines, and assessments will be allocated appropriately by staff.

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

Defendants often ask the court to order a payment schedule. The judicial officer may, but certainly does not need to, grant such a request. The Court Collections Office will determine a payment schedule if needed. The judicial officer can inform the defendant that the business office will work out an appropriate payment plan with them. The defendant should be made aware that the business office will impose a fee of \$30 or \$35 for time to pay or for an installment plan, respectively.

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 \$25 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.	\$25
Probation Violation <ul style="list-style-type: none">♦ Admits violation & waives hearing.♦ Goes to Evidentiary hearing.♦ For multiple cases, only impose one fee.	\$25 \$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

PC 12021(c)

Pursuant to Penal Code §12021(c)(1), “any person who has been convicted of a misdemeanor violation for any of the following offenses is prohibited from owning, possessing, or having under his or her custody or control any firearm within 10 years of the conviction: (offenses listed)...”

PC 666

I understand, as a consequence of having been convicted of _____, and if I am required to serve at least one day in custody as a sentence or as a condition of probation, that if at any time in the future I am charged with a petty theft, that charge can be filed as a felony with a maximum punishment of up to 3 years in state prison pursuant to Penal Code §666.

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.”

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.

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
CSF	Court Security Fee
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)

BUSINESS & PROFESSIONS CODE

BP 4140 Possession of hypodermic needle	ISS 3; VNL \$1,186 including \$100 SAAU fee; plus \$100 PRRF suspended 4th Waiver AIDS education (mandatory) Offer HIV test (mandatory) Refer to SAAU
BP 7028 Contracting without a license	ISS 3; VNL \$441 plus \$100 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 \$441 plus \$100 PRRF suspended SAO
BP 25620 Open container of alcohol (<i>Infraction</i>)	\$207 [No probation, fine is sentence]
BP 25658(a) Sale to a minor	ISS 3; VNL \$3,975 plus \$100 PRRF suspended 24H Volunteer work at alcohol/drug program (mandatory) 1Y license suspension <u>IF</u> under 21 (mandatory)
BP 25658(b) Purchase or consumption by minor	ISS 3; VNL \$1,125 plus \$100 PRRF suspended -OR- \$175 (RF and fees) plus \$100 PRRF suspended <u>and</u> 24H Volunteer work at alcohol/drug program 1Y license suspension <u>IF</u> under 21 (mandatory) Fine OR RF and fees and volunteer work at alcohol/drug program (mandatory)

BUSINESS & PROFESSIONS CODE

BP 25658(b) Purchase or consumption by minor with one prior	ISS 3; VNL \$2,075 plus \$100 PRRF suspended -OR- \$175 (RF and fees) plus \$100 PRRF suspended and 36-48H Volunteer work at alcohol/drug program 1Y license suspension <u>IF</u> under 21 (mandatory) Fine OR RF and fees and volunteer work at alcohol/drug program (mandatory)
BP 25658(d) Licensee who permits minor consumption	ISS 3; VNL \$1,125 plus \$100 PRRF suspended -OR- \$175 (RF and fees) plus \$100 PRRF suspended and 24-32H Volunteer work at alcohol/drug program Fine OR RF and fees and volunteer work (mandatory)
BP 25661 Possession of false ID <i>(Infraction)</i>	\$207 1Y license suspension <u>IF</u> under 21 (mandatory) [No probation, fine is sentence]
BP 25661 Possession of false ID <i>(Misdemeanor)</i>	ISS 3; VNL \$1,125 plus \$100 PRRF suspended 24-32H Volunteer work at alcohol/drug program* 1Y license suspension <u>IF</u> under 21 (mandatory) *If volunteer work is ordered, it is mandatory that it be performed at an alcohol/drug program.
BP 25661 Possession of false ID <i>(Misdemeanor)</i> with one prior	ISS 3; VNL \$2,075 plus \$100 PRRF suspended 36-48H Volunteer work at alcohol/drug program* 1Y license suspension <u>IF</u> under 21 (mandatory) *If volunteer work is ordered it is mandatory that it be performed at an alcohol/drug program.

BUSINESS & PROFESSIONS CODE

BP 25662(a) Minor in possession of alcohol (<i>Infraction</i>)	\$207 –OR– \$55 (CSF & CCA) <u>and</u> 24-32H Volunteer work at alcohol/drug program 1Y license suspension <u>IF</u> under 21 (mandatory) Fine OR CSF, CCA, and volunteer work (mandatory) [No probation, fine is sentence]
BP 25662(a) Minor in possession of alcohol (<i>Infraction</i>) with one prior	\$359 –OR– \$55 (CSF & CCA) <u>and</u> 36-48H Volunteer work at alcohol/drug program 1Y license suspension <u>IF</u> under 21 (mandatory) Fine OR CSF, CCA, and volunteer work (mandatory) [No probation, fine is sentence]
BP 25662(a) Minor in possession of alcohol (<i>Misdemeanor</i>)	ISS 3; VNL \$1,125 plus \$100 PRRF suspended –OR– \$175 (RF and fees) plus \$100 PRRF suspended <u>and</u> 24-32H Volunteer work at alcohol/drug program 1Y license suspension <u>IF</u> under 21 (mandatory) Fine OR RF and fees and volunteer work (mandatory)
BP 25662(a) Minor in possession of alcohol (<i>Misdemeanor</i>) with one prior	ISS 3; VNL \$2,075 plus \$100 PRRF suspended –OR– \$175 (RF and fees) plus \$100 PRRF suspended <u>and</u> 36-48 H Volunteer work at alcohol/drug program 1Y license suspension <u>IF</u> under 21 (mandatory) Fine OR RF and fees and volunteer work OR both (mandatory)

HEALTH & SAFETY CODE

HS 11357(b) Possession of marijuana – 28.5 grams or less	\$236 1Y license suspension <u>IF</u> under 21 (mandatory) [No probation, fine is sentence]
HS 11357(c) Possession of marijuana – more than 28.5 grams	ISS 3; VNL 30D custody stayed \$692 including \$100 SAAU fee; plus \$100 PRRF suspended 3D PSP Not use or possess controlled substances 4th Waiver 1Y license suspension <u>IF</u> under 21 (mandatory) Refer to SAAU
HS 11364 Possession of drug paraphernalia	ISS 3; VNL \$839 including \$100 SAAU fee; plus \$100 PRRF suspended Not use or possess controlled substances 4th Waiver 1Y license suspension <u>IF</u> under 21 (mandatory) Refer to SAAU
HS 11377(a) Possession of controlled substance	ISS 3; VNL \$839 including \$100 SAAU fee; plus \$100 PRRF suspended Not use or possess controlled substances (mandatory) 4th Waiver AIDS education (mandatory) Offer HIV test (mandatory) 1Y license suspension <u>IF</u> under 21 (mandatory) Refer to SAAU
HS 11550(a) Under the influence of a controlled substance	ISS 5; VNL 90D custody , may be stayed pending completion of rehab. (mandatory) \$839 including \$100 SAAU fee; plus \$100 PRRF suspended Not use or possess controlled substances (mandatory) 4th Waiver AIDS education (mandatory) Offer HIV test (mandatory) 1Y license suspension <u>IF</u> under 21 (mandatory) Register as Narcotics Offender (HS 11590) (mandatory) Refer to SAAU

PENAL CODE

PC 148(a) Delaying or resisting arrest	ISS 3; VNL \$555 plus \$100 PRRF suspended 5D PSP
PC 148.9(a) False ID to peace officer	ISS 3; VNL \$479 plus \$100 PRRF suspended
PC 240 Assault (not DV-related)	ISS 3; VNL \$555 plus \$100 PRRF suspended 10-20H Volunteer work -OR- Anger management course PC 12021(c) advisal (mandatory) NVC; SAO Volunteer work OR anger management course.
PC 242/243(a) Simple battery (not DV-related)	ISS 3; VNL \$555 plus \$100 PRRF suspended 10-20H Volunteer work -OR- Anger management course PC 12021(c) advisal (mandatory) NVC Volunteer work OR anger management course.
PC 242/243(b) Battery on a peace officer	ISS 3; VNL \$555 plus \$100 PRRF suspended 5D PSP Anger management course PC 12021(c) advisal (mandatory) NVC; SAO

PENAL CODE

PC 245(a)(1) Assault with a deadly weapon (not firearm)	ISS 3; VNL \$745 plus \$100 PRRF suspended 5D PSP Anger management course Weapon ordered transferred/destroyed (mandatory) PC 12021(c) advisal (mandatory) NVC; SAO
PC 245(a)(2) Assault with a deadly weapon (firearm)	ISS 3; VNL 180D custody (mandatory) \$745 plus \$100 PRRF suspended Anger management course Weapon ordered transferred/destroyed (mandatory) PC 12021(c) advisal (mandatory) NVC; SAO
PC 273a(b) Child abuse or endangerment	ISS 4; VNL \$717 including \$100 SAAU fee plus \$100 PRRF suspended Child abuser's counseling program (mandatory) Protective order (mandatory) Refer to SAAU <i>IF</i> substance abuse is involved
PC 273.6 Violation of civil restraining order (not DV-related)	ISS 3; VNL \$593 plus \$100 PRRF suspended PC 12021(c) advisal (mandatory)
PC 290.018(a) Failure to register as sex offender	ISS 3; VNL \$964 plus \$100 PRRF suspended Register per PC 290 forthwith <i>Consider Probation mini-report</i>
PC 308 Selling tobacco to a minor	\$935 [No probation, fine is sentence]

PENAL CODE

PC 308 Selling tobacco to a minor with one prior	\$2,075 [No probation, fine is sentence]
PC 308 Selling tobacco to a minor with two priors	\$3,975 [No probation, fine is sentence]
PC 314.1 Indecent exposure	ISS 3; VNL \$1,344 plus \$100 PRRF suspended Lifetime registration per PC 290 (mandatory) <i>Consider PSP and Probation mini-report</i>
PC 372 Public nuisance	ISS 3; VNL \$441 plus \$100 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 \$441 plus \$100 PRRF suspended
PC 415(1) or (2) As infraction reduction	\$207 [No probation, fine is sentence]

PENAL CODE

PC 415(3) Lewd conduct (Reduction from PC647(a) or (b))	ISS 3; VNL Street conditions \$441 plus \$100 PRRF suspended AIDS education Prostitution Impact Panel – Central Division only HW required
PC 417(a)(1) Brandishing a non- firearm	ISS 3; VNL \$441 plus \$100 PRRF suspended 4th waiver Weapon ordered transferred/destroyed (mandatory) PC 12021(c) advisal (mandatory)
PC 417(a)(2) Brandishing a firearm	ISS 3; VNL 90D custody (mandatory) \$441 plus \$100 PRRF suspended 4th waiver Weapon ordered transferred/destroyed (mandatory) PC 12021(c) advisal (mandatory)
PC 422 Criminal threats	ISS 3; VNL \$593 plus \$100 PRRF suspended PC 12021(c) advisal (mandatory) <i>Consider volunteer work or PWS</i>
PC 459 Burglary	ISS 3; VNL 1D custody (mandatory) - may be satisfied by B&R \$968 plus \$100 PRRF suspended PC 666 advisal (mandatory) SAO
PC 466 Burglary tools	ISS 3; VNL \$593 plus \$100 PRRF suspended 4th waiver Do not possess weapon or burglary/vandalizing tools Forfeit burglary tools

PENAL CODE

PC 470 Forgery	ISS 3; VNL \$593 plus \$100 PRRF suspended 10D PSP 4th waiver <i>Consider SAO</i>
PC 484(a)-488 Petty theft	ISS 3; VNL 1D custody - may be satisfied by B&R (mandatory to be priorable) \$593 plus \$100 PRRF suspended 4th waiver PC 666 advisal SAO <i>Consider shoplifting course</i>
PC 484(a)-488 Petty theft with one prior	ISS 3; VNL 1D custody (mandatory) - may be satisfied by B&R \$593 plus \$100 PRRF suspended 10D PSP 4th waiver PC 666 advisal SAO
PC 485/488 Misappropriation of lost property	ISS 3; VNL \$242 plus \$100 PRRF suspended <i>Consider SAO</i>
PC 487 Grand theft	ISS 3; VNL 1D custody (mandatory) - may be satisfied by B&R \$968 plus \$100 PRRF suspended 4th waiver PC 666 advisal SAO <i>Consider PWS or theft course</i>

PENAL CODE

PC 490.1 Petty theft <i>(Infraction)</i>	\$207 [No probation, fine is sentence]
PC 496 Receiving stolen property	ISS 3; VNL \$593 plus \$100 PRRF suspended <i>Consider PSP</i>
PC 593(d) Cable theft	ISS 3; VNL \$441 plus \$100 PRRF suspended <i>Consider PSP</i>
PC 594(a)(b)(1) Vandalism (\$400 - \$10,000) (not DV-related)	ISS 3; VNL \$593 plus \$100 PRRF suspended 10D PSP* 4th waiver Anger management course Do not possess weapon or burglary/vandalizing tools 2Y license suspension (mandatory) Note: The court can make findings 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.” 1-3Y 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 48H Volunteer work with Alpha Project <u>ILO</u> PSP

PENAL CODE

PC 594(a)(b)(2) Vandalism (less than \$400) (not DV-related)	ISS 3; VNL \$441 plus \$100 PRRF suspended 5D PSP* 4th waiver Anger management course Do not possess weapon or burglary/vandalizing tools 2Y license suspension (mandatory) Note: The court can make findings 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.” 1Y-3Y delay to get license <i>IF</i> defendant does not yet have the privilege to drive (mandatory) 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 \$593 plus \$100 PRRF suspended SAO
PC 647(a) Lewd conduct in public	ISS 3; VNL \$593 plus \$100 PRRF suspended AIDS education (mandatory) Offer HIV test (mandatory)
PC 647(b) Prostitution	ISS 3; VNL Street conditions \$593 plus \$100 PRRF suspended AIDS education (mandatory) HIV test (mandatory)

PENAL CODE

PC 647(b) Prostitution with one prior	ISS 3; VNL Street conditions 45D custody (mandatory) \$593 plus \$100 PRRF suspended HIV test (mandatory)
PC 647(b) Prostitution with two priors	ISS 3; VNL Street conditions 90D custody (mandatory) \$593 plus \$100 PRRF suspended HIV test (mandatory)
PC 647(f)-D As reduction from HS11550(a)	ISS 3; VNL \$204 plus \$100 PRRF suspended 30D PSP <u>OR</u> 60D inpatient <u>OR</u> 120D outpatient treatment AIDS education* <u>IF</u> I.V. use of controlled substance involved (mandatory) 10 Self-help meetings* Offer HIV test <u>IF</u> I.V. use of controlled substance involved (mandatory) 1Y license suspension <u>IF</u> under 21 (mandatory) <i>*AIDS education & self-help mtgs satisfied if choose treatment</i>
Add 30D custody for each prior.	
PC 647(f) Public intoxication	ISS 3; VNL \$204 plus \$100 PRRF suspended Abstain from alcohol in public AIDS education <u>IF</u> I.V. use of controlled substance involved (mandatory) Offer HIV test <u>IF</u> I.V. use of controlled substance involved (mandatory) 1Y license suspension <u>IF</u> under 21 (mandatory) SAO <i>Consider self-help meetings</i>

PENAL CODE

PC 647(f) Public intoxication with one prior	ISS 3; VNL 30D custody \$204 plus \$100 PRRF suspended Abstain from alcohol AIDS education <u>IF</u> I.V. use of controlled substance involved (mandatory) Offer HIV test <u>IF</u> I.V. use of controlled substance involved (mandatory) 1Y license suspension <u>IF</u> under 21 (mandatory) SAO
PC 647(f) Public intoxication with two priors	ISS 3; VNL 60D custody \$204 plus \$100 PRRF suspended Abstain from alcohol AIDS education <u>IF</u> I.V. use of controlled substance involved (mandatory) Offer HIV test <u>IF</u> I.V. use of controlled substance involved (mandatory) 1Y license suspension <u>IF</u> under 21 (mandatory) SAO
PC 647(f) Public intoxication with three or more priors	ISS 3; VNL 90D custody \$204 plus \$100 PRRF suspended Abstain from alcohol AIDS education <u>IF</u> I.V. use of controlled substance involved (mandatory) Offer HIV test <u>IF</u> I.V. use of controlled substance involved (mandatory) 1Y license suspension <u>IF</u> under 21 (mandatory) SAO
Add 30D custody for each additional prior.	
PC 647(j) Illegal lodging	ISS 3; VNL \$204 plus \$100 PRRF suspended SAO <i>Consider volunteer work</i>

PENAL CODE

PC 647.6 Annoying or molesting a child	ISS 3; VNL \$1,344 plus \$100 PRRF suspended SAO – no negative contact 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 12020(a) Disguised weapon	ISS 3; VNL \$593 plus \$100 PRRF suspended 4th waiver Do not possess weapon or burglary/vandalizing tools Weapon ordered transferred/destroyed (mandatory)
PC 12025 Concealed firearm	ISS 3; VNL \$593 plus \$100 PRRF suspended 4th waiver Do not possess weapon or burglary/vandalizing tools Weapon ordered transferred/destroyed (mandatory)
PC 12031(a) Carrying a loaded firearm	ISS 3; VNL \$821 plus \$100 PRRF suspended 4th waiver Do not possess weapon or burglary/vandalizing tools Weapon ordered transferred/destroyed (mandatory) No firearms/weapons outside of residence

VEHICLE CODE

VC 2800.1 Flight from peace officer	ISS 3; VNL \$594 plus \$100 PRRF suspended 10D PSP
VC 4000(a)(1) Driving without current registration (<i>Infraction</i>)	\$246* [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>)	\$165* [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 \$594 plus \$100 PRRF suspended Destroy false tabs *After 18M successful probation and payment of fine, reduce to infraction.
VC 5200(a) No license plate(s) (<i>Infraction</i>)	\$165* [No probation, fine is sentence] *If proof of correction is provided, may dismiss the charge. \$25 transaction fee applies.

VEHICLE CODE

VC 10851(a) Stolen vehicle	ISS 3; VNL 1D custody (mandatory) - may be satisfied by B&R \$594 plus \$100 PRRF suspended 10D PSP 4th Waiver PC 666 advisal (mandatory)
VC 10852 Tampering w/ a vehicle	ISS 3; VNL \$475 plus \$100 PRRF suspended 10D PSP 4th Waiver
VC 12500(a) Driving without valid driver's license (<i>Infraction</i>)	\$355* [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.
VC 12500(a) Driving without valid driver's license (<i>Infraction</i>) with one prior (w/in 1 year)	\$446* [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.
VC 12500(a) Driving without valid driver's license (<i>Misdemeanor</i>)	ISS 3; VNL \$475 plus \$100 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory)
VC 12500 as LIO of VC 14601.1(a)	ISS 3; VNL \$475 plus \$100 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory)

VEHICLE CODE

VC 12951(a) Driver's license not in possession <i>(Infraction)</i>	\$203 [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.
VC 14601(a) Negligent operator driving w/ suspended or revoked license	ISS 3; VNL 5D custody (mandatory) \$1,316 plus \$100 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <i>IF</i> LIO VC14601.2 (mandatory) (if offense prior to 7/1/09). If offense on or after 7/1/09, DMV addresses.
VC 14601(a) Negligent operator driving w/ suspended or revoked license with one prior	ISS 3; VNL 10D custody (mandatory) \$2,124 plus \$100 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <i>IF</i> LIO VC14601.2 (mandatory) (if offense prior to 7/1/09). If offense on or after 7/1/09, DMV addresses.
VC 14601.1(a) Driving w/ suspended or revoked license <i>(Infraction)</i>	\$626 [No probation, fine is sentence]
VC 14601.1(a) Driving w/ suspended or revoked license <i>(Infraction)</i> with one prior	\$1,054 [No probation, fine is sentence]

VEHICLE CODE

VC 14601.1(a) Driving w/ suspended or revoked license (<i>Misdemeanor</i>)	ISS 3; VNL \$1,316 plus \$100 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <i>IF</i> LIO VC14601.2 (mandatory) (if offense prior to 7/1/09). If offense on or after 7/1/09, DMV addresses.
VC 14601.1(a) Driving w/ suspended or revoked license with one prior (w/in 5 years)	ISS 3; VNL 5D custody (mandatory) \$2,124 plus \$100 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <i>IF</i> LIO VC14601.2 (mandatory) (if offense prior to 7/1/09). If offense on or after 7/1/09, DMV addresses.
VC 14601.1(a) Driving w/ suspended or revoked license with two priors (w/in 5 years)	ISS 3; VNL 10D custody (5D mandatory) \$2,124 plus \$100 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <i>IF</i> LIO VC14601.2 (mandatory) (if offense prior to 7/1/09). If offense on or after 7/1/09, DMV addresses.
If three or more priors, increase fine and/or custody at court's discretion.	
VC 14601.2(a) Driving after VC23152 or 23153 suspension or revocation	ISS 3; VNL 10D custody (mandatory) \$1,316 plus \$100 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) (if offense prior to 7/1/09). If offense on or after 7/1/09, DMV addresses.

VEHICLE CODE

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) \$2,124 plus \$100 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) (if offense prior to 7/1/09). If offense on or after 7/1/09, DMV addresses.
VC 14601.3(a) Habitual offender	ISS 3; VNL 30D custody (mandatory) \$3,976 plus \$100 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory)
VC 14601.3(a) Habitual offender with one prior (w/in 7 years)	ISS 3; VNL 180D custody (mandatory) \$7,824 plus \$100 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory)
VC 14601.5(a) Driving w/ suspended or revoked license for failure to submit to test	ISS 3; VNL \$1,316* plus \$100 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <i>IF</i> LIO VC14601.2 (mandatory) (if offense prior to 7/1/09). If offense on or after 7/1/09, DMV addresses. *Must consider defendant's ability to pay. (mandatory)
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 (mandatory) \$2,124* plus \$100 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) IID (max term 3Y) <i>IF</i> LIO VC14601.2 (mandatory) (if offense prior to 7/1/09). If offense on or after 7/1/09, DMV addresses. *Must consider defendant's ability to pay. (mandatory)

VEHICLE CODE

VC 16028(a) Driving w/o proof of insurance (<i>Infraction</i>)	\$816* [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 appearance, reduce to \$436.** **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	\$1,016* [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 appearance, reduce to \$826.** **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 \$784 plus \$100 PRRF suspended 7D PSP Do not drive without valid license and liability insurance If no insurance, add \$100 & 5D PSP <i>Consider classroom-based repeat traffic offender education</i>
VC 21453(a) Failure to stop at red light (<i>Infraction</i>)	\$436 [No probation, fine is sentence]

VEHICLE CODE

VC 21461(a) Failure to obey sign, signal, device (<i>Infraction</i>)	\$203 [No probation, fine is sentence]								
VC 21655.5(b) Car pool lane violation (<i>Infraction</i>)	\$436 [No probation, fine is sentence]								
VC 21655.5(b) Car pool lane violation (<i>Infraction</i>) with one prior (w/in 1 year)	\$636 [No probation, fine is sentence]								
VC 21655.5(b) Car pool lane violation (<i>Infraction</i>) with two priors (w/in 2 years)	\$1,016 [No probation, fine is sentence]								
VC 22101(d) Illegal turn at intersection (<i>Infraction</i>)	\$203 [No probation, fine is sentence]								
VC 22348(b) Speed over 100 MPH (<i>Infraction</i>)	\$1,245 including TVS fees Classroom-based repeat traffic offender education [No probation, fine is sentence]								
VC 22349(a) Driving in excess of 65 MPH (<i>Infraction</i>)	\$203 – 436 depending on speed. See speed chart. <table border="1" style="margin: 10px auto; border-collapse: collapse; text-align: center;"><tr><th colspan="2">Speed Chart</th></tr><tr><td>1-15 MPH over limit</td><td>\$203</td></tr><tr><td>16-25 MPH over limit</td><td>\$322</td></tr><tr><td>26+ MPH over limit</td><td>\$436</td></tr></table> [No probation, fine is sentence]	Speed Chart		1-15 MPH over limit	\$203	16-25 MPH over limit	\$322	26+ MPH over limit	\$436
Speed Chart									
1-15 MPH over limit	\$203								
16-25 MPH over limit	\$322								
26+ MPH over limit	\$436								

VEHICLE CODE

VC 22350 **\$203 – 436 depending on speed. See speed chart.**
 Unsafe speed for
 conditions
(Infraction)

Speed Chart	
1-15 MPH over stated safe speed	\$203
16-25 MPH over stated safe speed	\$322
26+ MPH over stated safe speed	\$436

[No probation, fine is sentence]

VC 22450(a) **\$203**
 Failure to stop at stop
 sign
(Infraction)

[No probation, fine is sentence]

VC 23103(a) or (b) **ISS 3; VNL**
 Reckless driving –
 non-alcohol
 no injury

\$855 plus \$100 PRRF suspended
Do not drive without valid license and liability insurance

Consider PSP and classroom-based repeat traffic offender education

VC 23103(a) per 23103.5 **ISS 3; VNL**
 Wet reckless (reduced
 from VC23152)
 no injury

\$1,036 including \$100 SAAU fee, plus \$100 PRRF suspended
SAC
FCP if BAC >.08%; 12H course if <.08% (FCP mandatory)
Driving under the influence victim impact panel (MADD)
Do not drive without valid license and liability insurance
1Y license suspension IF under 21 (mandatory)
Refer to SAAU
VC 23593 advisal (mandatory)

VC 23109(a) **ISS 3; VNL**
 Speed contest
 no injury

\$1,539 plus \$100 PRRF suspended
5D PSP
Do not drive without valid license and liability insurance
3-6M license suspension/restriction – discretionary

VEHICLE CODE

VC 23109(a) Speed contest with one prior	ISS 3; VNL 2D custody (mandatory) \$2,124 plus \$100 PRRF suspended Do not drive without valid license and liability insurance 6M license suspension/restriction (mandatory)
VC 23109(c) Exhibition of speed	ISS 3; VNL \$594 plus \$100 PRRF suspended Do not drive without valid license and liability insurance
VC 23111 Throwing substance on highway (<i>Infraction</i>)	\$436 1D PSP (litter pick-up or graffiti removal) (mandatory) 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) [No probation, fine and PSP is sentence]
VC 23111 Throwing substance on highway (<i>Infraction</i>) with one prior	\$1,966 2D PSP (litter pick-up or graffiti removal) (mandatory) 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) [No probation, fine and PSP is sentence]

VEHICLE CODE

VC 23111 Throwing substance on highway (<i>Infraction</i>) with two priors	\$2,916 3D PSP (litter pick-up or graffiti removal) (mandatory) 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) [No probation, fine and PSP is sentence]
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VC 23140 Minor with BAC .05% (<i>Infraction</i>)	\$436 with \$100 stayed 90D pending proof of driving under the influence victim impact panel (MADD) 12H FCP (mandatory) Driving under the influence victim impact panel (MADD) 1Y license suspension <i>IF</i> under 21 (mandatory) Advise that driving privilege will not be reinstated until FCP program is completed (mandatory) [No probation]
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VEHICLE CODE

VC 23152(a) or (b)

Driving under the influence

ISS 5; VNL

\$1,942 including \$100 SAAU fee, **plus \$100 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) (VC23600) (mandatory)

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.

FCP (mandatory)

BAC	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)

Surrender license (mandatory IF not previously surrendered to law enforcement or DMV)

Refer to SAAU (mandatory)

VC 23593 advisal (mandatory)

Give "heightened consideration" to IID if BAC greater than .15%

Also see Special Allegation Conditions on page 35.

VEHICLE CODE

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

ISS 5; VNL

96H custody (mandatory)

\$2,408 including \$100 SAAU fee, **plus \$100 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) (VC23600) (mandatory)

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.

MCP

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)

Surrender license (mandatory IF not previously surrendered to law enforcement or DMV)

Refer to SAAU (mandatory)

1-30D vehicle impound (mandatory)

VC 23593 advisal (mandatory)

Also see Special Allegation Conditions on page 35.

VEHICLE CODE

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

ISS 5; VNL

120D custody (mandatory)

\$2,674 including \$100 SAAU fee, **plus \$100 PRRF suspended**
Standard Alcohol Conditions (SAC) (VC23600) (mandatory)

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.

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)

Surrender license (mandatory IF not previously surrendered to law enforcement or DMV)

1-90D vehicle impound (mandatory IF prior w/in 5 years)

Designate as habitual offender for 3Y (VC23546(b)) (mandatory)

Refer to SAAU (mandatory)

VC 23593 advisal (mandatory)

Consider IID (max term 3Y)

Also see Special Allegation Conditions below.

Driving Under the Influence Special Allegations **Conditions are In Addition To other Terms of Probation (mandatory)**

VC 23572 DUI Child Endangerment – passenger under 14

1st offense: **48H custody**

With one prior: **10D custody**

With two or more priors: **30D custody**

VC 23577 DUI test refusal

1st offense: **48H custody**

With one prior: **96H custody**

With two or more priors: **10D custody**

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

VEHICLE CODE

VC 23153
DUI with injury

ISS 5; VNL

5D custody (mandatory)

\$2,360 including \$100 SAAU fee, **plus \$100 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) (VC23600) (mandatory)

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.

FCP (mandatory)

BAC	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)

1Y license suspension IF under 21 (mandatory)

Surrender license (mandatory IF not previously surrendered to law enforcement or DMV)

Refer to SAAU (mandatory)

VC 23593 advisal (mandatory)

Give "heightened consideration" to IID if BAC greater than .15%

Also see Special Allegation Conditions on page 35.

VEHICLE CODE

VC 23222(b) Marijuana in vehicle while driving	\$237 1Y license suspension <u>IF</u> under 21 (mandatory) [No probation, fine is sentence]
VC 26708(a) Tinted windows OR material obstructing view (<i>Infraction</i>)	\$165* [No probation, fine is sentence] *If proof of correction is provided, may dismiss the charge. \$25 transaction fee applies.
VC 27315(d) Driving w/o wearing seatbelt (<i>Infraction</i>)	\$132* *May order TVS <u>ILO</u> fine [No probation, fine is sentence]
VC 27315(d) Driving w/o wearing seatbelt (<i>Infraction</i>) with one prior	\$256 [No probation, fine is sentence]
VC 27360 Child passenger restraint violation (<i>Infraction</i>)	\$436* *Reduce to \$246 if attend Child Safety Seat Class [No probation, fine is sentence]
VC 27360 Child passenger restraint violation (<i>Infraction</i>) with one prior	\$1,054* *Reduce to \$593 if attend Child Safety Seat Class [No probation, fine is sentence]

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

FG 7145 Fishing without a license (<i>Infraction</i>)	\$435* *Reduce to \$164 with proof of valid license at time of violation [No probation, fine is sentence]								
FG 7145 Fishing without a license (<i>Infraction</i>) with one prior (w/in 5 years)	\$1,195* *Reduce to \$164 with proof of valid license at time of violation [No probation, fine is sentence]								
HN 655(b) & (c) Boating under the influence	ISS 3; VNL \$1,029 including SAAU fee, plus \$100 PRRF suspended PSP as high blood alcohol concentration (BAC) enhancement: <table border="1" style="margin-left: auto; margin-right: auto;"> <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% and above</td><td>15 Days</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% and above	15 Days
BAC	# of Days PSP								
.15% to .19%	5 Days								
.20% to .24%	10 Days								
.25% and above	15 Days								
SDMC 56.61 Minor consuming alcohol in public (<i>Infraction</i>)	\$435 [No probation, fine is sentence]								
SDMC 56.61 Minor consuming alcohol in public (<i>Infraction</i>) with one prior	\$815 [No probation, fine is sentence]								
MTDB Ord. 2 Trolley fare evasion (<i>Infraction</i>)	\$164 [No probation, fine is sentence]								

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

\$749 plus \$100 PRRF suspended

Probation costs as determined by Probation Department

20D PSP IF required by Probation Department

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 or the probation officer of medical inability to do so.
- c. Participate in any program of alcohol/drug treatment or rehabilitation, as recommended by the probation officer.

Register per HS 11590 IF HS 11550

Set Review Hearing in Appropriate Department.

Central: D-22

East County: D-4

North County: D-1

South County: D-5

DOMESTIC VIOLENCE OFFENSES

Standard sentence for all domestic violence-related offenses pursuant to PC § 1203.097:

ISS 3; VNL

\$704 plus \$100 PRRF suspended

Restitution to the victim (mandatory)

5D PSP OR volunteer work

52-week DVRP unless alternative treatment is therapeutically recommended
(mandatory)

Protective order - consider stay away provision (mandatory)

PC12021(c) advisal (mandatory) except for violations of PC §§166 & 594

Consider restitution to Battered Women's Shelter

Add 45D custody for each prior violation
