



SAN DIEGO SUPERIOR COURT

Probation and Sentencing Handbook for Infractions and Misdemeanors

Courtroom Counsel Copy

8th Edition
Effective February 2024

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SCOPE AND USE OF THE HANDBOOK

General Overview

The Probation and Sentencing Handbook for Infractions and Misdemeanors (“Handbook”) is a reference tool and guide. It does not replace the exercise of judicial discretion when determining the appropriate non-mandatory sentence, terms and conditions of probation, or fines, fees, penalties, and assessments (sometimes referred to simply as “fines and fees”).

The Handbook includes recommended total fines, and mandatory and discretionary sentencing terms for the most common infractions; and recommended total fines, mandatory and discretionary probation conditions, and mandatory sentencing terms for the most common misdemeanors. Mandatory sentencing terms for infractions and mandatory probation terms for misdemeanors include “(mandatory)” after the item. Discretionary sentencing terms for infractions, and discretionary probation terms for misdemeanors, are included for the judicial officer’s consideration. The discretionary terms are not intended to be required or mandatory.

Misdemeanor offenses also include mandatory sentencing requirements if probation is denied. In many instances, the requirements differ depending on whether probation is granted or not.

The Handbook does not attempt to address every possible criminal conviction, but to give guidance for those charges that are most often presented to the court.

To the extent possible, the statutory language was used for both mandatory and discretionary sentencing requirements, resulting in some inconsistencies in terminology throughout the Handbook.

Community Service (Volunteer Work or Litter Removal Program)

Community service can be ordered on misdemeanor and infraction diversion cases, as a condition of probation, as a sentencing enhancement, or in lieu of all or part of a fine. The court has two options when ordering community service: volunteer work or Litter Removal Program (LRP).

Volunteer work: Volunteer work may be ordered, in hourly increments, to be completed at any non-profit organization. The court must set a date on which the defendant must submit proof to the court on the letterhead of the organization at which the work was completed and state the number of hours completed.

Litter Removal Program (LRP): The County’s Department of Public Works (DPW) operates LRP, at which participants pick up litter on roads in the unincorporated areas of San Diego County. LRP should be ordered in daily increments, and is “negative reporting” which means that the court will be notified if the defendant does not complete the days ordered, and there is no need for a proof date to be set.

Transfer of Supervision

If a defendant is placed on formal probation and wishes to be supervised in another *county*, the defendant can apply for a jurisdictional transfer pursuant to Penal Code § 1203.9.

If a defendant on misdemeanor summary or formal probation wishes to leave the *state*, an application for the transfer of supervision through the Interstate Compact for Adult Offender Supervision (ICAOS) is required if more than **one** year of supervision is ordered and the instant offense includes one or more of the following:

1. An offense in which a person incurred direct or threatened physical or psychological harm.
2. An offense that involves the use or possession of a firearm.

SCOPE AND USE OF THE HANDBOOK

3. A second or subsequent misdemeanor conviction of driving while impaired by drugs or alcohol.
4. A sexual offense that requires the offender to register as a sex offender in the sending state.¹

Firearms Advisal, Report, and Relinquishment *and* Body Armor Prohibition and Relinquishment

Pursuant to Penal Code § 29810, for any conviction that renders a defendant subject to Penal Code §§ 29800, 29805, or 29815, the defendant must relinquish all firearms the defendant owns, possesses, has custody of, or controls, within 48 hours (if out of custody) or 14 days (if in custody) of the conviction.

Penal Code § 31360 requires that upon advising a person of a firearm prohibition, the court must also advise that the person is prohibited from purchasing, owning, or possessing body armor and that the person shall relinquish any body armor in the person's possession.

All misdemeanor offenses to which these requirements apply are included in the Handbook and show that a "Firearms Advisal, Report, and Relinquishment and Body Armor Prohibition and Relinquishment" is mandatory. However, only the most common of these offenses include mandatory and discretionary conditions of probation, and sentencing terms; the others simply include a reference to the requirement.

*Applicable misdemeanor offenses:*²

Pen. Code § 71	Pen. Code § 417	Pen. Code § 27510
Pen. Code § 76	Pen. Code § 417.6	Pen. Code § 27515
Pen. Code § 136.1	Pen. Code § 422	Pen. Code § 27520
Pen. Code § 136.5	Pen. Code § 422.6	Pen. Code § 27540(a), (c)-
Pen. Code § 140	Pen. Code § 487 if the	(f) involving a handgun
Pen. Code § 148(d)	prop. taken was a firearm	Pen. Code § 27545
Pen. Code § 148.5(f)	Pen. Code § 626.9	involving a handgun
Pen. Code § 171b	Pen. Code § 646.9	Pen. Code § 27550
Pen. Code § 171c(a)(1)	Pen. Code § 830.95	Pen. Code § 27585
Pen. Code § 171d	Pen. Code § 17500	involving a handgun
Pen. Code § 186.28	Pen. Code § 17510	Pen. Code § 29180(e), (f)
Pen. Code § 240	Pen. Code § 25100	Pen. Code § 29805 except
Pen. Code § 241	Pen. Code § 25135	as provided in Pen. Code
Pen. Code § 242	Pen. Code § 25200	§§ 29855 or 29800(a)
Pen. Code § 243	Pen. Code § 25300	Pen. Code § 30315
Pen. Code § 243.4	Pen. Code § 25400	Pen. Code § 32625
Pen. Code § 244.5	Pen. Code § 25800	Welf. & Inst. Code § 8100
Pen. Code § 245	Pen. Code § 25850	Welf. & Inst. Code § 8101
Pen. Code § 245.5	Pen. Code § 26100(b) or (d)	Welf. & Inst. Code § 8103
Pen. Code § 246	Pen. Code § 26350(a)	Any firearm-related offense
Pen. Code § 246.3	Pen. Code § 26400(a)	pursuant to Welf. & Inst.
Pen. Code § 247	Pen. Code § 27500(b)	Code §§ 871.5 or 1001.5
Pen. Code § 273a	Pen. Code § 27505 if	
Pen. Code § 273.5	involving the sale, loan, or	
Pen. Code § 273.6	transfer of a handgun to a	
Pen. Code § 368(b)-(c)	minor	

¹ ICAOS, Rule 2.105 – Misdemeanants. See www.interstatecompact.org.

² All felonies qualify.

Total Fine Amounts

What is Included in the Total Fine Amount

The total fine amounts found in the Handbook include the following mandatory fines and fees: a \$150 Restitution Fine (misdemeanors only),³ a \$40 Court Operations Assessment,⁴ and a \$35/\$30 (infraction/misdemeanor) Criminal Conviction Assessment.⁵ Additional mandatory and discretionary fines and fees may be applicable and are included, depending on the offense.

What is Not Included in the Total Fine Amount

The following are *not* included in the total fine amounts:

1. The Probation Revocation Restitution Fine (PRRF)⁶ in an amount equal to the Restitution Fine,⁷ which must be imposed and suspended separately from the total fine if probation is granted. The recommended terms and conditions of probation include direction to impose and suspend this fine, but the amount is not included in the total.
2. Victim restitution, which must be determined and ordered separately, or reserved, if applicable.⁸

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³ Pen. Code § 1202.4(b).

⁴ Pen. Code § 1465.8.

⁵ Gov. Code § 70373.

⁶ Pen. Code §1202.44.

⁷ Pen. Code § 1202.4(b).

⁸ California Constitution, Article I, Section 28(b)(13); Pen. Code §§ 1202.4, 1203.1(b).

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ADVISALS & WAIVERS INCLUDED IN THE HANDBOOK

4th Amendment Waiver

“Submit your person, property, place of residence, vehicle, and 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.”

AFA/VC 14607.6 Advisal (Auto Forfeiture Advisal) [Veh. Code, § 14607.8]

“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.”

Firearms Advisal, Report, and Relinquishment and Body Armor Prohibition and Relinquishment [Pen. Code, §§ 29810 & 31360]

See Firearms Advisal, Report, and Relinquishment *and* Body Armor Prohibition and Relinquishment section in Scope and Use tab.

IID Advisal (Ignition Interlock Device) [Veh. Code, §§ 23575(c), 23575.3(a), & 23575.3(m)]

“Installation of a functioning, certified IID is required on any vehicle you operate; you are prohibited from operating any vehicle not equipped with a functioning, certified IID; and installation of an IID does not allow you to drive without a valid license.”

Immigration Consequences [Pen. Code, § 1016.5]

“If you are not a U.S. citizen, this plea of guilty/no contest may, and for certain offenses *will*, result in your removal/deportation, exclusion from admission to the U.S., and denial of naturalization pursuant to the laws of the United States. You have the right to request additional time to consider your plea in light of this advisal. By entering this plea, you are indicating that you have discussed your immigration status with your attorney and have had sufficient time to consider and discuss the immigration consequences of your plea with him/her or an immigration attorney, and you wish to proceed.”

Post-conviction Relief Advisal [Pen. Code, § 1203.425(c)]

“On a monthly basis, in accordance with Penal Code section 1203.425, the Department of Justice will review convictions which occurred on or after January 1, 1973, to identify those who should automatically have the record of arrest or conviction sealed within the superior court should they meet the defined qualifications. You may also have a right to petition for a certificate of rehabilitation and pardon. Further information and forms are available on the court’s website and in the criminal business offices.” (See also, Post-Conviction Relief Advisal, San Diego Superior Court Form #CRM-276.)

SAC (Standard Alcohol Conditions) [Veh. Code, § 23600]

1. Not drive with any measurable amount of alcohol in blood.
2. If arrested for a violation of Vehicle Code sections 23152 or 23153, not refuse to submit to a chemical test of blood, breath, or urine, for the purpose of determining the alcoholic content of blood.
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.

VC 23593 Advisal (Driving Under the Influence) [Veh. Code, § 23593]

“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 AND INITIALISMS USED IN THE HANDBOOK

AFA	Auto Forfeiture Advisal [VC 14607.6] (see Advisals & Waivers page)
B&R	Book and Release
BAC	Blood Alcohol Concentration
CPO	Criminal Protective Order (in CLETS)
D	Day(s)
DMV	Department of Motor Vehicles
DOJ	Department of Justice
DV	Domestic Violence
DVRP	Domestic Violence Recovery Program
FCP	First Conviction Alcohol Education Program
H	Hour(s)
IID	Ignition Interlock Device
ILO	In Lieu Of
ISS	Imposition of Sentence Suspended
LIO	Lesser Included Offense
LRP	Litter Removal Program
M	Month(s)
MCP	Multiple-Conviction Alcohol Education Program
PRRF	Probation Revocation Restitution Fine
SAAU	Substance Abuse Assessment Unit
SAC	Standard Alcohol Conditions [VC 23600] (see Advisals & Waivers page)
SAO	Stay Away Order
SARATSO	State Authorized Risk Assessment Tool for Sex Offenders
TRO	Temporary Restraining Order
TVS	Traffic Violator School
VNL	Violate no laws, minor traffic infractions excepted
Y	Year(s)

BUSINESS & PROFESSIONS CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

BP 4060 Possession of controlled substance without a prescription	ISS 1; VNL \$829; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$1,040 AND NOT MORE THAN \$9,270; OR NOT LESS THAN 30D NOR EXCEEDING 6M CUSTODY; OR BOTH [BP 4321]
BP 7028 Contracting without a license	ISS 1; VNL \$1,245; 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.
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$21,570; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [BP 7028(b)]
BP 7028 Contracting without a license with one prior	ISS 1; VNL \$4,320; 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.
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• 20% OF CONTRACT PRICE OR 20% OF AGGREGATE PAYMENTS OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, OF \$21,570, WHICHEVER IS GREATER; AND NOT LESS THAN 90D CUSTODY [BP 7028(c)]
BP 22435.2 Shopping cart theft	ISS 1; VNL \$252; plus \$150 PRRF suspended SAO
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]
BP 25620 Open container of alcohol (<i>Infraction</i>)	\$280 [No probation; fine is sentence]
BP 25658(a) Furnish alcohol to a person under 21	ISS 1; VNL \$1,245; plus \$150 PRRF suspended
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, IS A MINIMUM OF \$4,320 AND A MAXIMUM OF \$5,170 AND AT LEAST 24H COMMUNITY SERVICE AT AN ALCOHOL OR DRUG TREATMENT PROGRAM OR COUNTY CORONER’S OFFICE, IF AVAILABLE [BP 25658(e)(2)]

BUSINESS & PROFESSIONS CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

BP 25658(b) Purchase or consumption by person under 21	ISS 1; VNL \$252; plus \$150 PRRF suspended 24H volunteer work
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, IS A MINIMUM OF \$1,245 AND A MAXIMUM OF \$2,095; OR 24H-32H COMMUNITY SERVICE AT AN ALCOHOL OR DRUG TREATMENT PROGRAM OR COUNTY CORONER’S OFFICE, IF AVAILABLE; OR COMBINATION OF BOTH [BP 25658(e)(1)]
BP 25658(b) Purchase or consumption by person under 21 with prior(s)	ISS 1; VNL \$425; plus \$150 PRRF suspended 5D LRP
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$3,120; OR 36H-48H COMMUNITY SERVICE AT AN ALCOHOL OR DRUG TREATMENT PROGRAM OR COUNTY CORONER’S OFFICE, IF AVAILABLE; OR COMBINATION OF BOTH [BP 25658(e)(1)]
BP 25658(d) Licensee who permits person under 21 consumption	ISS 1; VNL \$835; plus \$150 PRRF suspended
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, IS A MINIMUM OF \$1,245 AND A MAXIMUM OF \$2,095; OR 24H-32H COMMUNITY SERVICE AT AN ALCOHOL OR DRUG TREATMENT PROGRAM OR COUNTY CORONER’S OFFICE, IF AVAILABLE; OR COMBINATION OF BOTH [BP 25658(e)(1)]
BP 25661 Person under 21 in possession of false ID <i>(Infraction)</i>	\$239 [No probation; fine is sentence]
BP 25661 Person under 21 in possession of false ID <i>(Misdemeanor)</i>	ISS 1; VNL \$252; plus \$150 PRRF suspended 24H volunteer work
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, AT LEAST \$1,245; OR 24H-32H COMMUNITY SERVICE AT AN ALCOHOL OR DRUG TREATMENT PROGRAM OR COUNTY CORONER’S OFFICE, IF AVAILABLE; OR COMBINATION OF BOTH [BP 25661]

BUSINESS & PROFESSIONS CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

BP 25661 Person under 21 in possession of false ID with prior(s) <i>(Misdemeanor)</i>	ISS 1; VNL \$425; plus \$150 PRRF suspended 5D LRP SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$3,120; OR 36H-48H COMMUNITY SERVICE AT AN ALCOHOL OR DRUG TREATMENT PROGRAM OR COUNTY CORONER’S OFFICE, IF AVAILABLE; OR COMBINATION OF BOTH [BP 25661]
BP 25662(a) Person under 21 in possession of alcohol <i>(Infraction)</i>	\$239 [No probation; fine is sentence]
BP 25662(a) Person under 21 in possession of alcohol with prior(s) <i>(Infraction)</i>	\$403 [No probation; fine is sentence]
BP 25662(a) Person under 21 in possession of alcohol <i>(Misdemeanor)</i>	ISS 1; VNL \$252; plus \$150 PRRF suspended 24H volunteer work SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, IS A MINIMUM OF \$1,245 AND A MAXIMUM OF \$2,095; OR 24H-32H COMMUNITY SERVICE AT AN ALCOHOL OR DRUG TREATMENT PROGRAM OR COUNTY CORONER’S OFFICE, IF AVAILABLE [BP 25662]
BP 25662(a) Person under 21 in possession of alcohol with prior(s) <i>(Misdemeanor)</i>	ISS 1; VNL \$425; plus \$150 PRRF suspended 5D LRP SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$3,120; OR 36H-48H COMMUNITY SERVICE AT AN ALCOHOL OR DRUG TREATMENT PROGRAM OR COUNTY CORONER’S OFFICE, IF AVAILABLE; OR A COMBINATION OF BOTH [BP 25662]

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>HS 11350(a) Possession of controlled substance</p>	<p>ISS 1; VNL \$711; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver Drug testing when required by court or treatment provider Drug education or treatment program (mandatory) [HS 11373]</p> <p><i>If any amount of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof involved, complete a fentanyl and synthetic opiate education program, if available (mandatory) [HS 11373(a)(4)]</i></p> <p><i>Consider drug rehabilitation program</i></p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • NOT MORE THAN 364D CUSTODY; OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,990 AND CUSTODY [HS 11350(a) & PC 672]
<p>HS 11357(a)(2) Person 18-20 in possession of not more than 28.5g cannabis or not more than 8g concentrated cannabis <i>(Infraction)</i></p>	<p>\$313</p> <p>[No probation; fine is sentence]</p>
<p>HS 11357(b)(2) Possession of more than 28.5g cannabis or more than 8g concentrated cannabis</p>	<p>ISS 1; VNL \$457; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$3,120; OR NOT MORE THAN 6M CUSTODY; OR BOTH [HS 11357(b)(2)]
<p>HS 11357(c) Possession of not more than 28.5g cannabis or not more than 8g concentrated cannabis on school grounds</p>	<p>ISS 1; VNL \$458; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$2,915 [HS 11357(c)]

<p>HS 11357(c) Possession of not more than 28.5g cannabis or not more than 8g concentrated cannabis on school grounds with prior(s)</p>	<p>ISS 1; VNL \$498; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$3,940; OR NOT MORE THAN 10D CUSTODY; OR BOTH [HS 11357(c)]
<p>HS 11358(b) Person 18-20 planting, harvesting, or processing not more than six cannabis plants <i>(Infraction)</i></p>	<p>\$313</p> <p>[No probation; fine is sentence]</p>
<p>HS 11358(c) Unlawful planting, harvesting, or processing more than six cannabis plants</p>	<p>ISS 1; VNL \$663; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$3,940; OR NOT MORE THAN 6M CUSTODY; OR BOTH [HS 11358(c)]
<p>HS 11359(b) Possession of cannabis for sale</p>	<p>ISS 1; VNL \$829; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$3,940; OR NOT MORE THAN 6M CUSTODY; OR BOTH [HS 11359(b)]
<p>HS 11360(a)(2) Transportation, importation, sale, or giving away of cannabis</p>	<p>ISS 1; VNL \$829; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$3,940; OR NOT MORE THAN 6M CUSTODY; OR BOTH [HS 11360(a)(2)]
<p>HS 11360(b) Transportation or giving away not more than 28.5g of cannabis <i>(Infraction)</i></p>	<p>\$239</p> <p>[No probation; fine is sentence]</p>

HEALTH & SAFETY CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

HS 11362.2(a) Personal cultivation of cannabis (<i>Infraction</i>)	\$239 [No probation; fine is sentence]
HS 11362.3(a)(1) Smoking or ingesting cannabis or cannabis products in a public place (<i>Infraction</i>)	\$517 [No probation; fine is sentence]
HS 11362.3(a)(4) Possessing open package of cannabis while inside a vehicle (<i>Infraction</i>)	\$239 [No probation; fine is sentence]
HS 11364 Possession of drug paraphernalia	ISS 1; VNL \$458; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$580 NOR MORE THAN \$3,940; OR NOT LESS THAN 15D NOR MORE THAN 180D CUSTODY; OR BOTH [HS 11374]
HS 11368 Forging prescription or uttering forged prescription	ISS 1; VNL \$829; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver <i>Consider drug rehabilitation program</i> SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• NOT LESS THAN 6M NOR MORE THAN 364D CUSTODY; OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,990 AND CUSTODY [HS 11368 & PC 672]
HS 11377(a) Possession of controlled substance	ISS 1; VNL \$548; plus \$150 PRRF suspended Not use or possess controlled substances without a valid prescription 4th Waiver Drug testing when required by court or treatment provider <i>Consider drug rehabilitation program</i> SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• NOT MORE THAN 364D CUSTODY; OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,990 AND CUSTODY [HS 11377(a) & PC 672]

HS 11550(a)
Under the influence of a controlled substance

ISS 1; VNL
\$548; plus \$150 PRRF suspended
Not use or possess controlled substances without a valid prescription
4th Waiver
Drug testing when required by court or treatment provider
Consider drug rehabilitation program

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- NOT MORE THAN 364D CUSTODY; **OR** TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,375 **AND** CUSTODY [HS 11550(a) & PC 672]

HS 11550(b)
Under the influence of a controlled substance 3rd offense within 7 years

ISS 1 (1Y-5Y mandatory) [HS 11550(a)]; **VNL**
\$548; plus \$150 PRRF suspended
Not use or possess controlled substances without a valid prescription
4th Waiver
Drug education or treatment program (mandatory) [HS 11373]
If defendant refuses treatment, probation must be denied [HS 11550(b)(1)]
Drug testing when required by court or treatment provider
Consider drug rehabilitation program

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- NOT LESS THAN 180D NOR MORE THAN 364D CUSTODY; **OR** TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,375 **AND** CUSTODY [HS 11550(b) & PC 672]
-

PENAL CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

PC 69(a) Obstructing with force or threat	ISS 1; VNL \$630; plus \$150 PRRF suspended 5D LRP SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$42,070; OR NOT EXCEEDING 364D CUSTODY; OR BOTH [PC 69(a)]
PC 71 Threatening a school officer/employee or public offer or employee	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 76 Threatening a public official	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 136.1 Intimidating or threatening a witness	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 136.5 Intimidating or threatening a witness with a deadly weapon	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 140 Using or threatening force against a witness	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 148(a) Delaying or resisting arrest	ISS 1; VNL \$630; plus \$150 PRRF suspended 3D LRP SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT TO EXCEED 364D CUSTODY; OR BOTH [PC 148(a)]
PC 148(d) Taking a firearm from a peace officer	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 148.5(f) Falsely reporting a firearm stolen	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included

PENAL CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

PC 148.9(a) False ID to peace officer	ISS 1; VNL \$384; plus \$150 PRRF suspended 2D LRP
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]
PC 166(a)(4) Violation of court order (not DV or gang injunction)	ISS 1; VNL 5D custody \$548; plus \$150 PRRF suspended SAO
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]
PC 166(a)(9) Violation of court order of gang injunction	ISS 1; VNL 20D custody \$548; plus \$150 PRRF suspended 4th waiver Gang registration (mandatory) [PC 186.30(b)(3)] Gang conditions
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]• GANG REGISTRATION [PC 186.30(b)(3)]
PC 166(a)(9) Violation of court order of gang injunction with one prior	ISS 1; VNL 60D custody \$548; plus \$150 PRRF suspended 4th waiver Gang registration (mandatory) [PC 186.30(b)(3)] Gang conditions
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]• GANG REGISTRATION [PC 186.30(b)(3)]
PC 166(a)(9) Violation of court order of gang injunction with two priors	ISS 1; VNL 120D custody \$548; plus \$150 PRRF suspended 4th waiver Gang registration (mandatory) [PC 186.30(b)(3)] Gang conditions
	SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]• GANG REGISTRATION [PC 186.30(b)(3)]

PENAL CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>PC 166(c)(1) Violation of a protective order (not DV-related*) <small>*If the case involves DV, refer to the DV Offenses tab.</small></p>	<p>ISS 1; VNL 30D custody \$548; plus \$150 PRRF suspended Comply with previously ordered CPO or SAO</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED: • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$5,170; OR NOT MORE THAN 364D CUSTODY; OR BOTH [PC 19 & PC 166]</p>
<p>PC 166(c)(4) Violation of a protective order involving violence or a credible threat of violence with prior(s) (within 7 years) (not DV-related*) <small>*If the case involves DV, refer to the DV Offenses tab.</small></p>	<p>ISS 1; VNL 60D custody \$548; plus \$150 PRRF suspended Comply with previously ordered CPO or SAO</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED: • NOT TO EXCEED 364D CUSTODY; OR NOT TO EXCEED 364D CUSTODY AND TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170 [PC 19 & PC 166]</p>
<p>PC 171b Bringing a firearm to a government building or meeting</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<p>PC 171c(a)(1) Bringing a loaded firearm to the State Capitol or Governor’s office</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<p>PC 171d Bringing a loaded firearm into the Governor’s residence</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<p>PC 186.28 Knowingly selling a firearm to a person to commit a felony</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

PC 240/241(a)
 Assault
 (not DV-related*)
 *If the case involves DV,
 refer to the DV Offenses tab.

ISS 1; VNL
\$630; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
2D LRP
Anger management course
Firearms Advisal, Report, and Relinquishment (mandatory)
 [PC 29810] **and Body Armor Prohibition and Relinquishment**
(mandatory) [PC 31360]
SAO

- SENTENCING REQUIREMENTS IF PROBATION DENIED:
- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH [PC 241(a)]
 - RESTITUTION TO VICTIM [PC 1202.4(f)]
 - FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]

PC 241
 Assault on a firefighter or
 peace officer

Firearms Advisal, Report, and Relinquishment (mandatory)
 [PC 29810] **and Body Armor Prohibition and Relinquishment**
(mandatory) [PC 31360]
Sentencing information not included

PC 242/243(a)
 Simple battery
 (not DV-related*)
 *If the case involves DV,
 refer to the DV Offenses tab.

ISS 1; VNL
\$630; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
3D LRP
Anger management course
Firearms Advisal, Report, and Relinquishment (mandatory)
 [PC 29810] **and Body Armor Prohibition and Relinquishment**
(mandatory) [PC 31360]
SAO

- SENTENCING REQUIREMENTS IF PROBATION DENIED:
- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$9,270; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH [PC 243(a)]
 - RESTITUTION TO VICTIM [PC 1202.4(f)]
 - FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]

PENAL CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>PC 242/243(b) Battery on a peace officer</p>	<p>ISS 1; VNL \$630; plus \$150 PRRF suspended Restitution to victim (mandatory) [PC 1202.4(f)] 5D LRP Anger management course Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] SAO if requested</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$9,270; OR NOT EXCEEDING 364D CUSTODY; OR BOTH [PC 243(b)]• RESTITUTION TO VICTIM [PC 1202.4(f)]• FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]
<hr/> <p>PC 243(e) Battery on a specified person (DV-related)</p>	<hr/> <p>For recommended fine amount and terms of probation, see DV Offenses tab</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$9,270; OR NOT MORE THAN 364D CUSTODY; OR BOTH [PC243(e)]• RESTITUTION TO VICTIM [PC 1202.4(f)]• FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]

PC 243.4(a, b, c, and d)
Sexual battery

ISS 1; VNL
30D custody
\$1,482; plus \$150 PRRF suspended
Firearms Advisal, Report, and Relinquishment (mandatory)
 [PC 29810] **and Body Armor Prohibition and Relinquishment (mandatory)** [PC 31360]
 Consider **CPO up to 10Y** for victim (mandatory) [PC 136.2(i)(1)] [JC Form #CR-161]
 Consider **CPO** for percipient witness, *if* clear and convincing evidence witness has been harassed by defendant (mandatory) [PC 136.2(i)(2)])] [JC Form #CR-161]
Sex offender registration (mandatory) [PC 290]
 Refer to Probation Department for SARATSO report (mandatory) [PC 1203(d)]

Consider sex offender treatment or cognitive behavioral therapy

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- NOT MORE THAN 364D CUSTODY AND TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$10,500 [PC 243.4]
- FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]
- CONSIDER CPO UP TO 10Y FOR VICTIM [PC 136.2(i)(1)] [JC Form #CR-161]
- CONSIDER CPO FOR PERCIPIENT WITNESS IF CLEAR AND CONVINCING EVIDENCE WITNESS HAS BEEN HARASSED BY DEFENDANT [PC 136.2(i)(2)])] [JC Form #CR-161]
- SEX OFFENDER REGISTRATION [PC 290]
- REFER TO PROBATION DEPARTMENT FOR SARATSO REPORT [PC 1203(d)]

Refer to the Sex Offenses tab for additional information

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

PC 243.4(e)
Sexual battery

ISS 1; VNL
10D custody
\$1,482; plus \$150 PRRF suspended
Firearms Advisal, Report, and Relinquishment (mandatory)
[PC 29810] **and Body Armor Prohibition and Relinquishment (mandatory)** [PC 31360]
Consider **CPO up to 10Y** for victim (mandatory) [PC 136.2(i)(1)] [JC Form #CR-161]
Consider **CPO** for percipient witness, *if* clear and convincing evidence witness has been harassed by defendant (mandatory) [PC 136.2(i)(2)] [JC Form #CR-161]
Sex offender registration (mandatory) [PC 290]
Refer to Probation Department for SARATSO report (mandatory) [PC 1203(d)]

Consider sex offender treatment or cognitive behavioral therapy

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- **TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$10,500; OR NOT EXCEEDING 6M CUSTODY; OR BOTH** [PC 243.3]
- **FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]**
- **CONSIDER CPO UP TO 10Y FOR VICTIM** [PC 136.2(i)(1)] [JC Form #CR-161]
- **CONSIDER CPO FOR PERCIPIENT WITNESS IF CLEAR AND CONVINCING EVIDENCE WITNESS HAS BEEN HARASSED BY DEFENDANT** [PC 136.2(i)(2)] [JC Form #CR-161]
- **SEX OFFENDER REGISTRATION** [PC 290]
- **REFER TO PROBATION DEPARTMENT FOR SARATSO REPORT** [PC 1203(d)]

Refer to the Sex Offenses tab for additional information

PC 244.5
Assault with a stun gun

Firearms Advisal, Report, and Relinquishment (mandatory)
[PC 29810] **and Body Armor Prohibition and Relinquishment (mandatory)** [PC 31360]

Sentencing information not included

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

PC 245(a)(1)
 Assault with a deadly
 weapon (not firearm)

ISS 1; VNL
\$835; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
5D LRP
Anger management course
Firearms Advisal, Report, and Relinquishment (mandatory)
 [PC 29810] **and Body Armor Prohibition and Relinquishment**
(mandatory) [PC 31360]
SAO

If “road rage” incident, may order **6M license suspension** for first offense and **1Y** for second offense. In lieu of, or in addition to, the suspension, may order anger management. [VC 13210]

If suspended, **surrender license** to court (mandatory) [VC 13206].

If weapon is owned by defendant, **order it deemed a nuisance and to be confiscated and disposed of per PC 18000 and PC 18005 (mandatory)** [PC 245(e)]

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$42,070; **OR** NOT EXCEEDING 364D CUSTODY; **OR** BOTH [PC 245(a)(1)]
- RESTITUTION TO VICTIM [PC 1202.4(f)]
- FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]
- IF “ROAD RAGE” INCIDENT, MAY ORDER 6M/1Y LICENSE SUSPENSION AND SURRENDER LICENSE TO COURT. IN LIEU OF, OR IN ADDITION TO, THE SUSPENSION, MAY ORDER ANGER MANAGEMENT. [VC 13210 & VC 13206]
- IF WEAPON OWNED BY DEFENDANT, ORDER IT DEEMED A NUISANCE AND TO BE CONFISCATED AND DISPOSED OF PER PC 18000 AND PC 18005 [PC 245(e)]

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

PC 245(a)(2)
 Assault with a deadly
 weapon (firearm)

ISS 1; VNL
180D custody (mandatory*) [PC 1203.095]
\$835; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
Anger management course
Firearms Advisal, Report, and Relinquishment (lifetime ban)
(mandatory) [PC 29800 & PC 29810] **and Body Armor Prohibition**
and Relinquishment (mandatory) [PC 31360]
SAO

If “road rage” incident, may order **license suspension up to 6M** for first offense and **1Y** for second offense. In lieu of, or in addition to the suspension, may order anger management. [VC 13210]

If suspended, **surrender license** to court **(mandatory)** [VC 13206].

If weapon is owned by defendant, **order it deemed a nuisance and to be confiscated and disposed of per PC 18000 and PC 18005 (mandatory)** [PC 245(e)]

**Mandatory condition per PC 1203.095 may be deleted in the interest of justice with reason(s) stated on the record and entered in the minutes* [PC 1203.095(b)]

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- NOT LESS THAN 6M AND NOT EXCEEDING 364D CUSTODY; **OR** TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$42,070 **AND** CUSTODY [PC 245(a)(2)]
- RESTITUTION TO VICTIM [PC 1202.4(f)]
- FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]
- IF “ROAD RAGE” INCIDENT, MAY ORDER 6M/1Y LICENSE SUSPENSION AND SURRENDER LICENSE TO COURT. IN LIEU OF, OR IN ADDITION TO, THE SUSPENSION, MAY ORDER ANGER MANAGEMENT. [VC 13210 & VC 13206]
- IF WEAPON OWNED BY DEFENDANT, ORDER IT DEEMED A NUISANCE AND TO BE CONFISCATED AND DISPOSED OF PER PC 18000 AND PC 18005 [PC 245(e)]

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>PC 245(a)(4) Assault by means likely to cause great bodily injury</p>	<p>ISS 1; VNL \$835; plus \$150 PRRF suspended Restitution to victim (mandatory) [PC 1202.4(f)] 5D LRP Anger management course Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] SAO</p> <p><i>If</i> “road rage” incident, may order up to 6M license suspension for first offense and 1Y for second offense. In lieu of, or in addition to the suspension, may order anger management. [VC 13210] <i>If</i> suspended, surrender license to court (mandatory) [VC 13206].</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$42,070; OR NOT EXCEEDING 364D CUSTODY; OR BOTH [PC 245(a)(4)] • RESTITUTION TO VICTIM [PC 1202.4(f)] • FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360] • IF “ROAD RAGE” INCIDENT, MAY ORDER 6M/1Y LICENSE SUSPENSION AND SURRENDER LICENSE TO COURT. IN LIEU OF, OR IN ADDITION TO, THE SUSPENSION, MAY ORDER ANGER MANAGEMENT. [VC 13210 & VC 13206]
<p>PC 245.5 Assault with a deadly weapon (not firearm) on a school employee</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<p>PC 246 Discharging a weapon at an occupied house, car, or aircraft</p>	<p>Firearms Advisal, Report, and Relinquishment (lifetime ban) (mandatory) [PC 29800 & PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<p>PC 246.3 Discharging a weapon in a grossly negligent manner</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<p>PC 247 Discharging a weapon at an unoccupied aircraft, car, or building</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<p>PC 273a(a) Willful injury to child</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

PC 273a(b)
 Child abuse or endangerment (not DV-related*)
 *If the case involves DV, refer to the DV Offenses tab.

ISS 4 (mandatory) [PC 273a(c)]; **VNL \$689; plus \$150 PRRF suspended**
Restitution to victim (mandatory) [PC 1202.4(f)]
Child abuser’s treatment counseling program (mandatory*) [PC 273a(c)]
Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] **and Body Armor Prohibition and Relinquishment (mandatory)** [PC 31360]
CPO (mandatory*) [PC 273a(c)] [JC Form #CR-161]

If under the influence of drugs or alcohol at commission of offense, **abstain from drugs or alcohol (mandatory*)** [PC 273a(c)]
If substance abuse is involved, **4th waiver**

**Mandatory conditions of PC 273a(c) may be waived in interest of justice with reasons stated on record* [PC 273a(c)(5)]

- SENTENCING REQUIREMENTS IF PROBATION DENIED:
- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$6,170; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH. [PC 19]
 - RESTITUTION TO VICTIM [PC 1202.4(f)]

PC 273.5
 Willful injury on a specified person (DV-related)

For recommended fine amount and terms of probation, see DV Offenses tab

- SENTENCING REQUIREMENTS IF PROBATION DENIED:
- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, UP TO \$25,670; **OR** NOT MORE THAN 364D CUSTODY; **OR** BOTH. [PC 273.5]
 - CONSIDER CPO UP TO 10Y FOR VICTIM [PC 273.5(j)] [JC Form #CR-161]
 - FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]

PC 273.6
 Violation of civil restraining order (not DV-related*)
 *If the case involves DV, refer to the DV Offenses tab.

ISS 3; VNL 10D custody \$548; plus \$150 PRRF suspended
Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] **and Body Armor Prohibition and Relinquishment (mandatory)** [PC 31360]
SAO

- SENTENCING REQUIREMENTS IF PROBATION DENIED:
- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$5,170; **OR** NOT MORE THAN 364D CUSTODY; **OR** BOTH [PC 273.6(a)]
 - FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]

PENAL CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

PC 290.018(a)
Failure to register as sex offender

ISS 1; VNL
90D custody (mandatory) [PC 290.018(c)]
\$252; plus \$150 PRRF suspended
Advise defendant to comply with PC 290 registration requirements

- SENTENCING REQUIREMENTS IF PROBATION DENIED:
- NOT EXCEEDING 364D CUSTODY; **OR** TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170 **AND** CUSTODY [PC 290.018(a) & PC 672]
 - ADVISE DEFENDANT TO COMPLY WITH PC 290 REGISTRATION REQUIREMENTS

PC 290.018(g)
Failure to register as sex offender – transient

ISS 1; VNL
30D custody
\$252; plus \$150 PRRF suspended
Advise defendant to comply with PC 290 registration requirements

- SENTENCING REQUIREMENTS IF PROBATION DENIED:
- AT LEAST 30D BUT NOT EXCEEDING 6M CUSTODY; **OR** TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170 **AND** CUSTODY [PC 290.018(g) & PC 672]
 - ADVISE DEFENDANT TO COMPLY WITH PC 290 REGISTRATION REQUIREMENTS

PC 308(a)
Selling tobacco to a person under 21

ISS 1; VNL
\$384; plus \$150 PRRF suspended

Prior(s)	# of days LRP
One	+ 2D LRP
Two	+ 5D LRP

- SENTENCING REQUIREMENTS IF PROBATION DENIED:
- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH [PC 19]

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

PC 314(1)
Indecent exposure

ISS 1; VNL
\$1,482; plus \$150 PRRF suspended
Consider **CPO up to 10Y** for victim (**mandatory**) [PC 136.2(i)(1)] [JC Form #CR-161]
Consider **CPO** for percipient witness, *if* clear and convincing evidence witness has been harassed by defendant (**mandatory**) [PC 136.2(i)(2)] [JC Form #CR-161]
Sex offender registration (mandatory) [PC 290]
Refer to Probation Department for SARATSO report (**mandatory**) [PC 1203(d)]

Consider sex offender treatment or cognitive behavioral therapy

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$6,400; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH [PC 19 & PC 290.3]
- CONSIDER CPO UP TO 10Y FOR VICTIM [PC 136.2(i)(1)] [JC Form #CR-161]
- CONSIDER CPO FOR PERCIPIENT WITNESS IF CLEAR AND CONVINCING EVIDENCE WITNESS HAS BEEN HARASSED BY DEFENDANT [PC 136.2(i)(2)] [JC Form #CR-161]
- SEX OFFENDER REGISTRATION [PC 290]
- REFER TO PROBATION DEPARTMENT FOR SARATSO REPORT [PC 1203(d)]

Refer to the Sex Offenses tab for additional information

PC 368(b)(1)
Elder abuse likely to produce bodily harm (not DV-related*)
*If the case involves DV, refer to the DV Offenses tab.

ISS 1; VNL
\$671; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
7D LRP
Anger management course or elder abuse counseling
Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] **and Body Armor Prohibition and Relinquishment (mandatory)** [PC 31360]
Consider **CPO up to 10Y (mandatory)** [PC 368(l)] [JC Form #CR-161]

Consider custody depending on egregiousness of conduct

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, UP TO \$25,670; **OR** UP TO 364D CUSTODY; **OR** BOTH [PC 368(b)(1)]
- RESTITUTION TO VICTIM [PC 1202.4(f)]
- FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]
- CONSIDER CPO UP TO 10Y [PC 368(l)] [JC Form #CR-161]

PC 368(c)
 Elder abuse not likely to produce bodily harm (not DV-related*)

*If the case involves DV, refer to the DV Offenses tab.

ISS 1; VNL
\$671; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
5D LRP
Anger management course or elder abuse counseling
Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] **and Body Armor Prohibition and Relinquishment (mandatory)** [PC 31360]
 Consider **CPO up to 10Y (mandatory)** [PC 368(l)] [JC Form #CR-161]

Consider custody depending on egregiousness of conduct

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH [PC 19]
- RESTITUTION TO VICTIM [PC 1202.4(f)]
- FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]
- CONSIDER CPO UP TO 10Y [PC 368(l)] [JC Form #CR-161]

PC 368(d) or (e)
 Elder abuse theft - value not exceeding \$950 (not DV-related*)

*If the case involves DV, refer to the DV Offenses tab.

ISS 1; VNL
10D custody
\$671; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
Elder abuse counseling or anti-theft course
 Consider **CPO up to 10Y (mandatory)** [PC 368(l)] [JC Form #CR-161]

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; **OR** NOT EXCEEDING 364D CUSTODY; **OR** BOTH [PC 368(d)(2) & PC 368(e)(2)]
- RESTITUTION TO VICTIM [PC 1202.4(f)]
- CONSIDER CPO UP TO 10Y [PC 368(l)] [JC Form #CR-161]

PC 372
 Public nuisance

ISS 1; VNL
\$277; plus \$150 PRRF suspended
\$200 ordered paid to city or county where violation occurred (mandatory) [PC 1202.51]

If firearm used, **firearm is a nuisance and subject to surrender and disposal per PC 18000 and PC 18005. (mandatory)** [PC 29300]

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH [PC 19]
- \$200 TO CITY/COUNTY WHERE VIOLATION OCCURRED [PC 1202.51]
- IF USED, FIREARM IS A NUISANCE AND SUBJECT TO SURRENDER AND DISPOSAL PER PC 18000 AND PC 18005 [PC 29300]

PENAL CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>PC 415 Fighting, noise, or offensive words <i>(Infraction)</i></p>	<p>\$107 [No probation; fine is sentence]</p>
<hr/>	
<p>PC 415 Fighting, noise, or offensive words (not DV-related*) <i>(Misdemeanor)</i> <small>*If the case involves DV, refer to the DV Offenses tab.</small></p>	<p>ISS 1; VNL \$252; plus \$150 PRRF suspended SENTENCING REQUIREMENTS IF PROBATION DENIED: • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$2,710; OR NOT MORE THAN 90D CUSTODY; OR BOTH [PC 415]</p>
<hr/>	
<p>PC 415(3) Offensive words (Reduction from PC647(a) or (b)) <i>(Misdemeanor)</i></p>	<p>ISS 1; VNL \$252; plus \$150 PRRF suspended Street conditions [SDSC Form #CRM-234] Counseling program related to the offense SENTENCING REQUIREMENTS IF PROBATION DENIED: • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$2,710; OR NOT MORE THAN 90D CUSTODY; OR BOTH [PC 415]</p>
<hr/>	
<p>PC 417(a)(1) Brandishing a non-firearm</p>	<p>ISS 1; VNL \$384; plus \$150 PRRF suspended 2D LRP 4th waiver Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] SAO <i>If</i> weapon is owned by defendant, order it deemed a nuisance and disposed of per PC 18000 and PC 18005 (mandatory) [PC 417.6(c)] SENTENCING REQUIREMENTS IF PROBATION DENIED: • NOT LESS THAN 30D CUSTODY; OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170 AND CUSTODY [PC 417(a)(1) & PC 672] • FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360] • IF WEAPON OWNED BY DEFENDANT, ORDER IT DEEMED A NUISANCE AND DISPOSED OF PER PC 18000 AND PC 18005 [PC 417.6(c)]</p>

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>PC 417(a)(2) Brandishing a firearm</p>	<p>ISS 1; VNL 90D custody (mandatory*) [PC 1203.095] \$507; plus \$150 PRRF suspended 4th waiver Firearms Advisal, Report, and Relinquishment** (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] SAO</p> <p><i>If</i> weapon is owned by defendant, order it deemed a nuisance and disposed of per PC 18000 and PC 18005 (mandatory) [PC 417.6(c)]</p> <p><i>*Mandatory condition per PC 1203.095 may be deleted in the interest of justice with reason(s) stated on the record and entered in the minutes</i> [PC 1203.095(b)]</p> <p>**If prior(s), lifetime ban [PC 29800]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • NOT LESS THAN 3M CUSTODY; OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170 AND CUSTODY [PC 417(a)(2)(B) & PC 672] • FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] (LIFETIME BAN IF PRIOR(S)) AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360] • IF WEAPON OWNED BY DEFENDANT, ORDER IT DEEMED A NUISANCE AND DISPOSED OF PER PC 18000 AND PC 18005 [PC 417.6(c)]
<p>PC 417(b) or (d) Brandishing a firearm at day care center, or at someone cleaning up graffiti</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<p>PC 417(c) Brandishing a firearm in the presence of a peace officer</p>	<p>Firearms Advisal, Report, and Relinquishment (lifetime ban) (mandatory) [PC 29800 & PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<p>PC 417.6 Brandishing a weapon resulting in serious bodily injury</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>

<p>PC 422 Criminal threats</p>	<p>ISS 1; VNL \$671; plus \$150 PRRF suspended 2D LRP Anger management course Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] SAO</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • NOT TO EXCEED 364D CUSTODY; OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS NOT EXCEEDING \$5,170 AND CUSTODY [PC 422 & PC 672] • FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]
<p>PC 422.6 Hate crime</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<p>PC 459 Burglary</p>	<p>ISS 1; VNL Book & Release (1D custody)* <i>if</i> first theft offense and not already booked [PC 666(a)] \$671; plus \$150 PRRF suspended Restitution to victim (mandatory) [PC 1202.4(f)] 5D LRP 4th waiver Anti-theft course or cognitive behavioral therapy SAO</p> <p><i>If priors, consider appropriate additional sanctions or treatment</i></p> <p>*B&R is mandatory to be priorable [PC 666(a)]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • NOT EXCEEDING 364D CUSTODY; OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS NOT EXCEEDING \$5,211 AND CUSTODY [PC 461(b) & PC 672] • RESTITUTION TO VICTIM [PC 1202.4(f)]

PC 459.5
Shoplifting

ISS 1; VNL
\$252; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
2D LRP
4th waiver
Anti-theft course or cognitive behavioral therapy
SAO

If priors, consider appropriate additional sanctions or treatment

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH [PC 19]
- RESTITUTION TO VICTIM [PC 1202.4(f)]

PC 466
Burglary tools

ISS 1; VNL
\$252; plus \$150 PRRF suspended
4th waiver
Do not possess burglary tools
Forfeit confiscated burglary tools

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH [PC 19]

PC 470/473(b)
Forgery
(not exceeding \$950)

ISS 1; VNL
\$671; plus \$150 PRRF suspended
5D LRP
4th waiver
SAO

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- NOT MORE THAN 364D CUSTODY; **OR** TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,211 **AND** CUSTODY [PC 473 & PC 672]

PC 476a(b)
Check fraud
(not exceeding \$950)

ISS 1; VNL
\$671; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
5D LRP
4th waiver
SAO

If priors, consider appropriate additional sanctions or treatment

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- NOT MORE THAN 364D CUSTODY; **OR** TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170 **AND** CUSTODY [PC 476a(b) & PC 672]
- RESTITUTION TO VICTIM [PC 1202.4(f)]

PENAL CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>PC 484 Petty theft</p>	<p>ISS 1; VNL Book & Release (1D custody)* <i>if</i> first theft offense and not already booked [PC 666(a)] \$293; plus \$150 PRRF suspended Restitution to victim (mandatory) [PC 1202.4(f)] 2D LRP 4th waiver Anti-theft course <i>or</i> cognitive behavioral therapy SAO</p> <p><i>If priors, consider appropriate additional sanctions or treatment</i></p> <p>*B&R is mandatory to be priorable [PC 666(a)]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,211; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 490]• RESTITUTION TO VICTIM [PC 1202.4(f)]
<hr/> <p>PC 485 Misappropriation of lost property <i>(Infraction)</i></p>	<hr/> <p>\$148</p> <p>[No probation; fine is sentence]</p>
<hr/> <p>PC 485 Misappropriation of lost property <i>(Misdemeanor)</i></p>	<hr/> <p>ISS 1; VNL \$293; plus \$150 PRRF suspended SAO</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,211; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 490]

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>PC 487 Grand theft</p>	<p>ISS 1; VNL Book & Release (1D custody)* <i>if</i> first theft offense and not already booked [PC 666(a)] \$671; plus \$150 PRRF suspended Restitution to victim (mandatory) [PC 1202.4(f)] 5D LRP 4th waiver Anti-theft course <i>or</i> cognitive behavioral therapy SAO <i>If</i> property taken was firearm, Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] <i>If priors, consider appropriate additional sanctions or treatment</i> *B&R is mandatory to be priorable [PC 666(a)] SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none"> • NOT EXCEEDING 364D CUSTODY; OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS NOT EXCEEDING \$5,211 AND CUSTODY [PC 489(c) & PC 672] • RESTITUTION TO VICTIM [PC 1202.4(f)] • IF PROPERTY TAKEN WAS FIREARM, FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360] </p>
<p>PC 490.1 Petty theft <i>(Infraction)</i></p>	<p>\$107 [No probation; fine is sentence]</p>
<p>PC 496(a) Receiving stolen property (not exceeding \$950)</p>	<p>ISS 1; VNL \$671; plus \$150 PRRF suspended Restitution to victim (mandatory) [PC 1202.4(f)] 5D LRP 4th waiver Anti-theft course <i>or</i> cognitive behavioral therapy SAO <i>If priors, consider appropriate additional sanctions or treatment</i> SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none"> • NOT EXCEEDING 364D CUSTODY; OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170 AND CUSTODY [PC 496(a) & PC 672] • RESTITUTION TO VICTIM [PC 1202.4(f)] </p>

PENAL CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>PC 529(a)(3) False personation of another</p>	<p>ISS 1; VNL \$671; plus \$150 PRRF suspended Restitution to victim (mandatory) [PC 1202.4(f)] 10D LRP 4th waiver Anti-theft course <i>or</i> cognitive behavioral therapy SAO</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$42,070; OR NOT EXCEEDING 364D CUSTODY; OR BOTH [PC 529]• RESTITUTION TO VICTIM [PC 1202.4(f)]
<p>PC 529.5(c) False Government Documents</p>	<p>ISS 1; VNL \$252; plus \$150 PRRF suspended</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$4,320 AND NOT MORE THAN \$11,320. MAY ALLOW COMMUNITY SERVICE IN LIEU OF FINE. [PC 529.5(c)]
<p>PC 530.5(a) Identity theft</p>	<p>ISS 1; VNL \$671; plus \$150 PRRF suspended Restitution to victim (mandatory) [PC 1202.4(f)] 10D LRP 4th waiver Anti-theft course <i>or</i> cognitive behavioral therapy SAO</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT TO EXCEED \$5,170; OR NOT TO EXCEED 364D CUSTODY; OR BOTH [PC 19, PC 530.5(a), & PC 672]• RESTITUTION TO VICTIM [PC 1202.4(f)]

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

PC 594(a)/(b)(1)
 Vandalism (\$400 - \$10,000)
 (not DV-related*)
 *If the case involves DV,
 refer to the DV Offenses tab.

ISS 1; VNL
\$671; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
5D LRP*
Anger management course *or* cognitive behavioral therapy
SAO

If graffiti:
 4th waiver and possess no graffiti tool(s)
 Clean up, repair, or replace damaged property, or keep property free of graffiti for up to 1Y. If graffiti cleanup is inappropriate, shall consider other types of community service, where feasible. (mandatory) [PC 594(c)]

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

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$42,111; **OR** NOT EXCEEDING 364D CUSTODY; **OR** BOTH [PC 594(b)(1)]
- RESTITUTION TO VICTIM [PC 1202.4(f)]
- IF GRAFFITI, CLEAN UP, REPAIR, OR REPLACE DAMAGED PROPERTY, OR KEEP PROPERTY FREE OF GRAFFITI FOR UP TO 1Y [PC 594(c)]

PC 594(a)/(b)(2)
 Vandalism (less than \$400)
 (not DV-related*)
 *If the case involves DV,
 refer to the DV Offenses tab.

ISS 1; VNL
\$507; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
2D LRP*
Anger management course *or* cognitive behavioral therapy
SAO

If graffiti:
 4th waiver and possess no graffiti tool(s)
 Clean up, repair, or replace damaged property, or keep property free of graffiti for up to 1Y. If graffiti cleanup is inappropriate, shall consider other types of community service, where feasible. (mandatory) [PC 594(c)]

*Central Division only: **\$200 to City’s Graffiti Reward Fund and 8H volunteer work with Alpha Project *ILO* LRP**

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$5,211; **OR** NOT EXCEEDING 364D CUSTODY; **OR** BOTH [PC 594(b)(2)(A)]
- RESTITUTION TO VICTIM [PC 1202.4(f)]
- IF GRAFFITI, CLEAN UP, REPAIR, OR REPLACE DAMAGED PROPERTY, OR KEEP PROPERTY FREE OF GRAFFITI FOR UP TO 1Y [PC 594(c)]

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

PC 597(a) or (b)
Cruelty to animals

ISS 1; VNL
\$671; plus \$150 PRRF suspended
Forfeit seized animal to impounding agency (mandatory)
 [PC 597(g)(1)]
Restitution for costs of impoundment of animal (mandatory)
 [PC597(g)(1)]
Consider whether to order a mental health evaluation which can be used to determine the level and type of treatment **(mandatory)**
 [PC 600.8]
Order counseling to evaluate and treat behavior or conduct disorders OR a higher level of treatment (mandatory) [PC 600.8]
May not own, possess, maintain, have custody of, reside with, or care for any animal for 5Y (mandatory) [PC 597.9]
Relinquish all animals in possession

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$83,070; **OR** NOT MORE THAN 364D CUSTODY; **OR** BOTH [PC 597]
- FORFEIT SEIZED ANIMAL TO IMPOUNDING AGENCY [PC 597(g)(1)]
- RESTITUTION FOR COSTS OF IMPOUNDMENT OF ANIMAL [PC 597(g)(1)]

PC 602(k) or (m)
Trespass

ISS 1; VNL
\$252; plus \$150 PRRF suspended
SAO

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS NOT EXCEEDING \$5,170; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH [PC 19]

PC 602.5(a)
Trespass in an unoccupied dwelling

ISS 1; VNL
\$252; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
5D LRP
SAO
If theft-related, anti-theft course

Consider cognitive behavioral therapy

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH [PC 19]
- RESTITUTION TO VICTIM [PC 1202.4(f)]

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>PC 602.5(b) Aggravated trespass</p>	<p>ISS 2 (1Y-3Y mandatory) [PC 602.5(c)]; VNL \$252; plus \$150 PRRF suspended Restitution to victim (mandatory) [PC 1202.4(f)] 7D LRP Counseling (mandatory) (<i>consider cognitive behavioral therapy</i>) [PC 602.5(c)] Consider an order restraining contact with victim up to 3Y (mandatory) [PC 602.5(d)] <i>If</i> theft-related, anti-theft course</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$5,170; OR NOT MORE THAN 364D CUSTODY; OR BOTH [PC 19] • RESTITUTION TO VICTIM [PC 1202.4(f)] • CONSIDER AN ORDER RESTRAINING CONTACT WITH VICTIM UP TO 3Y [PC 602.5(d)]
<p>PC 626.9 Possessing or discharging a firearm in a school zone</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<p>PC 640(c) Fare evasion (<i>Infraction</i>)</p>	<p>\$193 4H volunteer work</p> <p>[No probation; fine and volunteer work is sentence]</p>
<p>PC 646.9 Stalking</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<p>PC 647(a) Lewd conduct in public</p>	<p>ISS 1; VNL \$302; plus \$150 PRRF suspended Sex offender treatment <i>or</i> cognitive behavioral therapy SAO</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]
<p>PC 647(b)(1) Prostitution (seller)</p>	<p>ISS 1; VNL \$252; plus \$150 PRRF suspended Street conditions [SDSC Form #CRM-234] Counseling program related to the offense Refer to drug program where appropriate</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]

PENAL CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

PC 647(b)(1) Prostitution (seller) with one prior	ISS 1; VNL \$252; plus \$150 PRRF suspended Street conditions [SDSC Form #CRM-234] Show proof of contact with counseling program related to the offense SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]
PC 647(b)(1) Prostitution (seller) with two priors	ISS 1; VNL \$252; plus \$150 PRRF suspended Street conditions [SDSC Form #CRM-234] Show proof of contact with counseling program related to the offense SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]
PC 647(b)(2) Prostitution (buyer)	ISS 1; VNL \$1,040; plus \$150 PRRF suspended Street conditions [SDSC Form #CRM-234] Counseling program related to the offense Refer to drug program where appropriate SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]
PC 647(b)(2) Prostitution (buyer) with one prior	ISS 1; VNL 30D custody \$1,040; plus \$150 PRRF suspended Street conditions [SDSC Form #CRM-234] SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]
PC 647(b)(2) Prostitution (buyer) with two priors	ISS 1; VNL 90D custody \$1,040; plus \$150 PRRF suspended Street conditions [SDSC Form #CRM-234] SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]

PENAL CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

PC 647(e)
Illegal lodging

ISS 1; VNL
\$252; plus \$150 PRRF suspended
SAO

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH [PC 19]

PC 647(f)
(drugs)
Public intoxication

ISS 1; VNL
\$252; plus \$150 PRRF suspended
Do not use or possess controlled substances without a valid prescription
10 Self-help meetings
SAO

If unlawfully possessed controlled substance, **4th waiver**

Review for PC 1000 or PC 1210 eligibility

Prior(s)	Additional conditions
One	Treatment program <i>Consider 4th Waiver</i>
Two	Stay 60D custody with treatment 4 th Waiver
Three or more	90D custody 4 th Waiver

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH [PC 19]

PC 647(f)
(alcohol)
Public intoxication

ISS 1; VNL
\$252; plus \$150 PRRF suspended
10 Self-help meetings
SAO

Prior(s)	Additional conditions
One	Abstain from alcohol in public Treatment program
Two	Abstain from alcohol in public Stay 60D custody with treatment
Three or more	Abstain from alcohol in public 90D custody

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; **OR** NOT EXCEEDING 6M CUSTODY; **OR** BOTH [PC 19]

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>PC 647.6(a) Annoying or molesting a child</p>	<p>ISS 1; VNL 30D custody \$1,482; plus \$150 PRRF suspended Counseling (mandatory), unless the court makes a written statement in the court record that counseling would be inappropriate or ineffective) [PC 647.6(d)(1)] Consider CPO up to 10Y for victim (mandatory) [PC 136.2(i)(1)] [JC Form #CR-161] Consider CPO for percipient witness <i>if</i> clear and convincing evidence witness has been harassed by defendant (mandatory) [PC 136.2(i)(2)] [JC Form #CR-161] Sex offender registration (mandatory) [PC 290(b)] Refer to Probation Department for SARATSO report (mandatory) [PC 1203(d)]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$23,800 ; OR NOT EXCEEDING 364D CUSTODY; OR BOTH [PC 647.6(a)(1)] • CONSIDER CPO UP TO 10Y FOR VICTIM [PC 136.2(i)(1)] [JC Form #CR-161] • CONSIDER CPO FOR PERCIPIENT WITNESS IF CLEAR AND CONVINCING EVIDENCE WITNESS HAS BEEN HARASSED BY DEFENDANT [PC 136.2(i) (2)] [JC Form #CR-161] • SEX OFFENDER REGISTRATION [PC 290] • REFER TO PROBATION DEPARTMENT FOR SARATSO REPORT [PC 1203(d)] <p>Refer to the Sex Offenses tab for additional information</p>
<p>PC 830.95 Wearing a peace officer uniform while picketing</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<p>PC 853.7 Failure to appear <i>(Infraction)</i></p>	<p>\$234 [No probation; fine is sentence]</p>
<p>PC 853.7 Failure to appear <i>(Misdemeanor)</i></p>	<p>ISS 1; VNL \$343; plus \$150 PRRF suspended</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19]
<p>PC 17500 Possession of deadly weapon with intent to assault</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>

PENAL CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>PC 17510 Carrying a firearm or deadly weapon while picketing</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<hr/>	
<p>PC 21310 Concealed dirk or dagger</p>	<p>ISS 1; VNL \$671; plus \$150 PRRF suspended 2D LRP 4th waiver Do not possess weapons Weapon is a nuisance and subject to surrender and disposal per PC 18000 and PC 18005 (mandatory) [PC 21390]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none">• NOT EXCEEDING 364D CUSTODY; OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170 AND CUSTODY [PC 672 & PC 21310]• WEAPON IS A NUISANCE AND SUBJECT TO SURRENDER AND DISPOSAL PER PC 18000 AND PC 18005 [PC 21390]
<hr/>	
<p>PC 24510 or 24610 Disguised or undetectable firearm</p>	<p>ISS 1; VNL \$671; plus \$150 PRRF suspended 2D LRP 4th waiver Do not possess weapons Firearm is a nuisance and subject to confiscation and destruction per PC 18010 (mandatory) [PC 24590 & PC 24690]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none">• NOT EXCEEDING 364D CUSTODY; OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,170 AND CUSTODY [PC 672, PC 24510, & PC 24610]• FIREARM IS A NUISANCE AND SUBJECT TO CONFISCATION AND DESTRUCTION PER PC 18010 [PC 24590 & PC 24690]
<hr/>	
<p>PC 25100 Criminal storage of firearm</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<hr/>	
<p>PC 25135 Ownership of firearm in residence where prohibited person resides</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>
<hr/>	
<p>PC 25200 Keeping firearm where child or prohibited person likely to gain access</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>Sentencing information not included</p>

PENAL CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>PC 25300 Possessing a firearm in public while wearing a mask</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included</p>
<hr/>	
<p>PC 25400 Carrying a concealed firearm</p>	<p>ISS 1; VNL \$671; plus \$150 PRRF suspended 5D LRP 4th waiver Do not possess weapons Firearm is a nuisance and subject to surrender and disposal per PC 18000 and PC 18005 (mandatory) [PC 25700] Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT TO EXCEED \$5,170; OR NOT TO EXCEED 364D CUSTODY; OR BOTH [PC 25400(c)(7)]• FIREARM IS A NUISANCE AND SUBJECT TO SURRENDER AND DISPOSAL PER PC 18000 AND PC 18005 [PC 25700]• FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]
<hr/>	
<p>PC 25800 Carrying a loaded firearm with intent to commit a felony</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included</p>
<hr/>	
<p>PC 25850 Carrying a loaded firearm</p>	<p>ISS 1; VNL 30D custody \$917; plus \$150 PRRF suspended 4th waiver Do not possess weapons Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360]</p> <p><i>If</i> firearm used, firearm is a nuisance and subject to surrender and disposal per PC 18000 and PC 18005. Firearm is not a nuisance if disposed of per PC 29810. (mandatory) [PC 29300]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none">• TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT TO EXCEED \$5,170; OR NOT TO EXCEED 364D CUSTODY; OR BOTH [PC 25850(c)(7)]• FIREARMS ADVISAL, REPORT, AND RELINQUISHMENT [PC 29810] AND BODY ARMOR PROHIBITION AND RELINQUISHMENT [PC 31360]• IF USED, FIREARM IS A NUISANCE AND SUBJECT TO SURRENDER AND DISPOSAL PER PC 18000 AND PC 18005. FIREARM IS NOT A NUISANCE IF DISPOSED OF PER PC 29810. [PC 29300]

PENAL CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

PC 26100(b) or (d) Permitting someone or to discharge a firearm from a car	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 26350(a) Openly carrying an unloaded handgun	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 26400(a) Openly carrying an unloaded firearm (other than handgun)	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 27500(b) Sale or delivery to person prohibited from possession of firearm	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 27505 Sale, loan, or transfer of a handgun to a minor	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 27510 Delivery of a handgun to person < 21 or firearm to a person < 18	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 27515 Sale, transfer, or loan to fraudulent purchaser, transferee, or loanee	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 27520 Fraudulent acquisition of firearm	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 27540 (a), (c), (d), (e), or (f) Unlawful delivery of handgun by dealer	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included

PENAL CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

PC 27545 Sale or transfer of handgun without dealer license	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 27550 Collusion in firearm application	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 27585 Unlawful importation of handgun	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 29180(e) or (f) Manufacture or assembly of firearm	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 29805 Ownership or possession of firearm by prohibited person except as provided in Pen. Code §§ 29855 or 29800(a)	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Firearm is a nuisance and subject to surrender and disposal per PC 18000 and PC 18005. Firearm is not a nuisance if disposed of per PC 29810 (mandatory) [PC 29300] Sentencing information not included
PC 30315 Possession of metal penetrating ammunition	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included
PC 32625 Possessing, transporting, selling, or manufacturing a machine gun or converting a firearm into a machine gun	Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included

VEHICLE CODE

<p>VC 2800.1 Flight from peace officer</p>	<p>ISS 1; VNL \$672; plus \$150 PRRF suspended 5D LRP</p>
<p>May suspend license not more than 6M [VC 13201(d)] <i>If</i> suspended, surrender license to court (mandatory) [VC 13206]</p>	
<p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • NOT MORE THAN 364D CUSTODY; OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,171 AND CUSTODY [VC 2800.1 & PC 672] • MAY SUSPEND LICENSE NOT MORE THAN 6M AND SURRENDER LICENSE TO COURT [VC 13201(d) & VC 13206] 	
<p>VC 2800.2 Flight from peace officer with willful or wanton disregard for safety of others</p>	<p>ISS 1; VNL 10D custody \$672; plus \$150 PRRF suspended</p>
<p>May suspend license not more than 6M [VC 13201(d)] <i>If</i> suspended, surrender license to court (mandatory) [VC 13206]</p>	
<p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • NOT LESS THAN 6M NOR MORE THAN 364D CUSTODY; OR TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$4,320 NOR MORE THAN \$42,071 AND CUSTODY [VC 2800.2] • MAY SUSPEND LICENSE NOT MORE THAN 6M AND SURRENDER LICENSE TO COURT [VC 13201(d) & VC 13206] 	
<p>VC 4000(a)(1) Driving without current registration <i>(Infraction)</i></p>	<p>\$281*</p> <p>*If proof of registration is provided, valid either before or after the offense, may dismiss the charge. \$25 transaction fee applies.</p>
<p>[No probation; fine is sentence]</p>	
<p>VC 4454(a) No registration in vehicle <i>(Infraction)</i></p>	<p>\$194*</p> <p>*If proof of registration is provided, valid either before or after the offense, may dismiss the charge. \$25 transaction fee applies.</p>
<p>[No probation; fine is sentence]</p>	
<p>VC 4462.5 False tabs</p>	<p>ISS 1; VNL \$253; plus \$150 PRRF suspended Destroy false tabs</p>
<p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,171; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19] 	
<p>VC 5200(a) No license plate(s) <i>(Infraction)</i></p>	<p>\$194*</p> <p>*If proof of correction is provided, may dismiss the charge. \$25 transaction fee applies.</p>
<p>[No probation; fine is sentence]</p>	

VEHICLE CODE

<p>VC 10851(a) Stolen vehicle</p>	<p>ISS 1; VNL 10D custody \$1,000; plus \$150 PRRF suspended Restitution to victim (mandatory) [PC 1202.4(f)] 4th Waiver</p> <p>May recommend DMV suspend/revoke driver license [VC 13357]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$21,571; OR NOT MORE THAN 364D CUSTODY; OR BOTH [VC 10851(a)] • RESTITUTION TO VICTIM [PC 1202.4(f)] • MAY RECOMMEND DMV SUSPEND/REVOKE DRIVER LICENSE [VC 13357]
<p>VC 10852 Tampering with a vehicle</p>	<p>ISS 1; VNL \$385; plus \$150 PRRF suspended Restitution to victim (mandatory) [PC 1202.4(f)] 5D LRP 4th Waiver</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,171; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [PC 19] • RESTITUTION TO VICTIM [PC 1202.4(f)]
<p>VC 12500(a) Driving without valid driver license <i>(Infraction)</i></p>	<p>\$486*</p> <p>*If proof of driver license is provided, valid on or before the offense, may dismiss the charge. \$25 transaction fee applies.</p> <p>[No probation; fine is sentence]</p>
<p>VC 12500(a) Driving without valid driver license with one prior (within 1 year) <i>(Infraction)</i></p>	<p>\$496*</p> <p>*If proof of driver license is provided, valid on or before the offense, may dismiss the charge. \$25 transaction fee applies.</p> <p>[No probation; fine is sentence]</p>
<p>VC 12500(a) Driving without valid driver license <i>(Misdemeanor)</i></p>	<p>ISS 1; VNL \$631; plus \$150 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) [VC 14607.8]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,171; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [VC 40000.11 & PC 19] • AFA/VC 14607.6 ADVISAL [VC 14607.8]

VEHICLE CODE

<p>VC 12951(a) Driver license not in possession <i>(Infraction)</i></p>	<p>\$235*</p> <p>*If proof of driver license is provided, valid on or before the offense, may dismiss the charge. \$25 transaction fee applies.</p> <p>[No probation; fine is sentence]</p>
<p>VC 14601(a) Negligent operator driving with suspended or revoked license</p>	<p>ISS 1; VNL \$544; plus \$150 PRRF suspended 2D LRP Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) [VC 14607.8]</p> <p><i>If</i> IID ordered, IID advisal (mandatory) [VC 23575(c)] <i>If</i> LIO VC 14601.2, IID (not to exceed 3Y) (mandatory) except in the interest of justice [VC 14601(e)]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$1,450 OR MORE THAN \$5,171 AND NOT LESS THAN 5D OR MORE THAN 6M CUSTODY [VC 14601(b)(1)] • AFA/VC 14607.6 ADVISAL [VC 14607.8] • IF IID ORDERED, IID ADVISAL [VC 23575(c)] • IF LIO VC 14601.2, IID (NOT TO EXCEED 3Y) EXCEPT IN INTEREST OF JUSTICE [VC 14601(e)]
<p>VC 14601(a) Negligent operator driving with suspended or revoked license with prior(s) (within 5 years)</p>	<p>ISS 1; VNL 10D custody (mandatory) [VC 14601(c)] \$682; plus \$150 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) [VC 14607.8]</p> <p><i>If</i> IID ordered, IID advisal (mandatory) [VC 23575(c)] <i>If</i> LIO VC 14601.2, IID (not to exceed 3Y) (mandatory) except in the interest of justice [VC 14601(e)]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$2,321 OR MORE THAN \$9,322 AND NOT LESS THAN 10D OR MORE THAN 364D CUSTODY [VC 14601(b)(2)] • AFA/VC 14607.6 ADVISAL [VC 14607.8] • IF IID ORDERED, IID ADVISAL [VC 23575(c)] • IF LIO VC 14601.2, IID (NOT TO EXCEED 3Y) EXCEPT IN INTEREST OF JUSTICE [VC 14601(e)]
<p>VC 14601.1(a) Driving with suspended or revoked license <i>(Infraction)</i></p>	<p>\$322</p> <p>[No probation; fine is sentence]</p>

VEHICLE CODE

<p>VC 14601.1(a) Driving with suspended or revoked license with one prior <i>(Infraction)</i></p>	<p>\$414 [No probation; fine is sentence]</p>
<p>VC 14601.1(a) Driving with suspended or revoked license <i>(Misdemeanor)</i></p>	<p>ISS 1; VNL \$544; plus \$150 PRRF suspended Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) [VC 14607.8] If IID ordered, IID advisal (mandatory) [VC 23575(c)] If LIO VC 14601.2, IID (not to exceed 3Y) (mandatory) except in the interest of justice [VC 14601.1(d)]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$1,450 OR MORE THAN \$5,171; OR NOT MORE THAN 6M CUSTODY; OR BOTH [VC 14601.1(b)(1)] • AFA/VC 14607.6 ADVISAL [VC 14607.8] • IF IID ORDERED, IID ADVISAL [VC 23575(c)] • IF LIO VC 14601.2, IID (NOT TO EXCEED 3Y) EXCEPT IN INTEREST OF JUSTICE [VC 14601.1(d)]
<p>VC 14601.1(a) Driving with suspended or revoked license with one prior (within 5 years) <i>(Misdemeanor)</i></p>	<p>ISS 1; VNL \$682; plus \$150 PRRF suspended 5D LRP Do not drive without valid license and liability insurance AFA/VC 14607.6 advisal (mandatory) [VC 14607.8] If IID ordered, IID advisal (mandatory) [VC 23575(c)] If LIO VC 14601.2, IID (not to exceed 3Y) (mandatory) except in the interest of justice [VC 14601.1(d)]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$2,321 OR MORE THAN \$9,322 AND NOT LESS THAN 5D OR MORE THAN 364D CUSTODY [VC 14601.1(b)(2)] • AFA/VC 14607.6 ADVISAL [VC 14607.8] • IF IID ORDERED, IID ADVISAL [VC 23575(c)] • IF LIO VC 14601.2, IID (NOT TO EXCEED 3Y) EXCEPT IN INTEREST OF JUSTICE [VC 14601.1(d)]

VEHICLE CODE

VC 14601.1(a)
 Driving with
 suspended or revoked
 license
**with two or more
 priors**
 (within 5 years)
 (Misdemeanor)

ISS 1; VNL
30D custody
\$682; plus \$150 PRRF suspended
Do not drive without valid license and liability insurance
AFA/VC 14607.6 advisal (mandatory) [VC 14607.8]
If IID ordered, **IID advisal (mandatory) [VC 23575(c)]**
If LIO VC 14601.2, **IID (not to exceed 3Y) (mandatory) except in the**
 interest of justice [VC 14601.1(d)]
If three or more priors, increase fine and/or custody at court’s discretion.

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$2,321 OR MORE THAN \$9,322 **AND** NOT LESS THAN 5D OR MORE THAN 364D CUSTODY [VC 14601.1(b)(2)]
- AFA/VC 14607.6 ADVISAL [VC 14607.8]
- IF IID ORDERED, IID ADVISAL [VC 23575(c)]
- IF LIO VC 14601.2, IID (NOT TO EXCEED 3Y) EXCEPT IN INTEREST OF JUSTICE [VC 14601.1(d)]

VC 14601.2(a)
 Driving after VC
 23152 or 23153
 suspension or
 revocation

ISS 1; VNL
10D custody (mandatory) [VC 14601.2(e)]
\$544; plus \$150 PRRF suspended
Do not drive without valid license and liability insurance
AFA/VC 14607.6 advisal (mandatory) [VC 14607.8]
IID advisal (mandatory) [VC 23575(c)]
IID (not to exceed 3Y) (mandatory) [VC 14601.2(h) & VC 23575(a)]

IID Chart for Specified Priors		
<i>IF</i> defendant has prior conviction of any of the following offenses w/in 10Y...	IID length (mandatory)	Authority
One VC 23103.5, 23152, or 23153	1Y	VC 14601.2(k) & VC 23573(j)(1)
Two VC 23103.5, 23152, or 23153 <i>OR</i> one VC 14601.2, 14601.4, or 14601.5	2Y	VC 14601.2(k) & VC 23573(j)(2)
Three + VC 23103.5, 23152, or 23153 <i>OR</i> two + VC 14601.2, 14601.4, or 14601.5	3Y	VC 14601.2(k) & VC 23573(j)(3)

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$1,450 OR MORE THAN \$5,171 **AND** NOT LESS THAN 10D OR MORE THAN 6M CUSTODY [VC 14601.2(d)(1)]
- AFA/VC 14607.6 ADVISAL [VC 14607.8]
- IID ADVISAL [VC 23575(c)]
- IID (NOT TO EXCEED 3Y) [VC 14601.2(h) & VC 23575(a)] SEE IID CHART ABOVE IF DEFENDANT HAS APPLICABLE PRIORS

VEHICLE CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

VC 14601.2(a)
Driving after VC
23152 or 23153
suspension or
revocation
with prior(s)
(within 5 years)

ISS 1; VNL
30D custody* (mandatory) [VC 14601.2(f)]
\$682; plus \$150 PRRF suspended
Do not drive without valid license and liability insurance
AFA/VC 14607.6 advisal (mandatory) [VC 14607.8]
IID advisal (mandatory) [VC 23575(c)]
IID (not to exceed 3Y) (mandatory) [VC 14601.2(h) & VC 23575(a)]

IID Chart for Specified Priors		
<i>IF</i> defendant has prior conviction of any of the following offenses w/in 10Y...	IID length (mandatory)	Authority
One VC 23103.5, 23152, or 23153	1Y	VC 14601.2(k) & VC 23573(j)(1)
Two VC 23103.5, 23152, or 23153 <i>OR</i> one VC 14601.2, 14601.4, or 14601.5	2Y	VC 14601.2(k) & VC 23573(j)(2)
Three + VC 23103.5, 23152, or 23153 <i>OR</i> two + VC 14601.2, 14601.4, or 14601.5	3Y	VC 14601.2(k) & VC 23573(j)(3)

If* prior was between 5 and 7 years ago, **10D custody (mandatory)
[VC 14601.2(g)]

If two or more priors, increase fine and/or custody at court’s discretion.

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$2,321 OR MORE THAN \$9,322 **AND** NOT LESS THAN 30D OR MORE THAN 364D CUSTODY [VC 14601.2(d)(2)]
- AFA/VC 14607.6 ADVISAL [VC 14607.8]
- IID ADVISAL [VC 23575(c)]
- IID (NOT TO EXCEED 3Y) [VC 14601.2(h) & VC 23575(a)] SEE IID CHART ABOVE IF DEFENDANT HAS APPLICABLE PRIORS

VC 14601.3(a)
Habitual traffic
offender

ISS 1; VNL
30D custody
\$4,321; plus \$150 PRRF suspended
Do not drive without valid license and liability insurance
AFA/VC 14607.6 advisal (mandatory) [VC 14607.8]

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, IS A MINIMUM OF \$4,320 AND A MAXIMUM OF \$5,171 **AND** 30D CUSTODY [VC 14601.3(e)(1)]
- AFA/VC 14607.6 ADVISAL [VC 14607.8]

VC 14601.3(a)
Habitual offender
with prior(s)
(within 7 years)

ISS 1; VNL
180D custody
\$8,472; plus \$150 PRRF suspended
Do not drive without valid license and liability insurance
AFA/VC 14607.6 advisal (mandatory) [VC 14607.8]

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, IS A MINIMUM OF \$8,471 AND A MAXIMUM OF \$9,322 **AND** 180D CUSTODY [VC 14601.3(e)(2)]
- AFA/VC 14607.6 ADVISAL [VC 14607.8]

VEHICLE CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

VC 14601.5(a)
 Driving with
 suspended or revoked
 license for failure to
 submit to test

ISS 1; VNL
\$544; plus \$150 PRRF suspended
2D LRP
Do not drive without valid license and liability insurance
AFA/VC 14607.6 advisal (mandatory) [VC 14607.8]

If IID ordered, **IID advisal (mandatory) [VC 23575(c)]**
If LIO VC 14601.2, **IID (not to exceed 3Y) (mandatory except in the interest of justice) [VC 14601.5(g)]**

IID Chart for Specified Priors		
<i>IF</i> defendant has prior conviction of any of the following offenses w/in 10Y...	IID length (mandatory)	Authority
One VC 23103.5, 23152, or 23153	1Y	VC 14601.5(j) & VC 23573(j)(1)
Two VC 23103.5, 23152, or 23153 <i>OR</i> one VC 14601.2, 14601.4, or 14601.5	2Y	VC 14601.5(j) & VC 23573(j)(2)
Three + VC 23103.5, 23152, or 23153 <i>OR</i> two + VC 14601.2, 14601.4, or 14601.5	3Y	VC 14601.5(j) & VC 23573(j)(3)

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$1,450 OR MORE THAN \$5,171; OR NOT MORE THAN 6M CUSTODY; OR BOTH [VC 14601.5(d)(1)]
- AFA/VC 14607.6 ADVISAL [VC 14607.8]
- IF IID ORDERED, IID ADVISAL [VC 23575(c)]
- IF LIO VC 14601.2, IID (NOT TO EXCEED 3Y) EXCEPT IN INTEREST OF JUSTICE [VC 14601.5(g)] SEE IID CHART ABOVE IF DEFENDANT HAS APPLICABLE PRIORS

VEHICLE CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

VC 14601.5(a)
 Driving with suspended or revoked license for failure to submit to test with one prior (within 5 years)

ISS 1; VNL
10D custody
\$682; plus \$150 PRRF suspended
Do not drive without valid license and liability insurance
AFA/VC 14607.6 advisal (mandatory) [VC 14607.8]
If IID ordered, **IID advisal (mandatory) [VC 23575(c)]**
If LIO VC 14601.2, **IID (not to exceed 3Y) (mandatory except in the interest of justice) [VC 14601.5(g)]**

IID Chart for Specified Priors		
<i>IF</i> defendant has prior conviction of any of the following offenses w/in 10Y...	IID length (mandatory)	Authority
One VC 23103.5, 23152, or 23153	1Y	VC 14601.5(j) & VC 23573(j)(1)
Two VC 23103.5, 23152, or 23153 <i>OR</i> one VC 14601.2, 14601.4, or 14601.5	2Y	VC 14601.5(j) & VC 23573(j)(2)
Three + VC 23103.5, 23152, or 23153 <i>OR</i> two + VC 14601.2, 14601.4, or 14601.5	3Y	VC 14601.5(j) & VC 23573(j)(3)

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$2,321 OR MORE THAN \$9,322 **AND** NOT LESS THAN 10D OR MORE THAN 364D CUSTODY [VC 14601.5(d)(2) & 40000.11]
- AFA/VC 14607.6 ADVISAL [VC 14607.8]
- IF IID ORDERED, IID ADVISAL [VC 23575(c)]
- IF LIO VC 14601.2, IID (NOT TO EXCEED 3Y) EXCEPT IN INTEREST OF JUSTICE [VC 14601.5(g)] SEE IID CHART ABOVE IF DEFENDANT HAS APPLICABLE PRIORS

VC 16028(a)
 Driving without proof of insurance
(Infraction)

\$896*

*If insurance was valid on or before the date of the offense, dismiss charge. \$25 transaction fee applies.
 If insurance was valid after date of offense and proof is provided to the court within 90D of first scheduled appearance, reduce to \$486.**

**The total fine may not be waived, suspended, or reduced below \$485 unless the court in its discretion reduces or waives the base fine based on the defendant’s ability to pay. If the court finds the defendant is unable to pay and reduces or waives the base fine, the minimum is \$75. (mandatory) [VC 16029(e)(2)]

May order **impoundment of the vehicle** for which the owner could not produce financial responsibility [VC 16029]
 May order defendant to **maintain insurance coverage for at least 1Y** [VC 16029]

[No probation; fine is sentence]

VEHICLE CODE

<p>VC 16028(a) Driving without proof of insurance with one prior <i>(Infraction)</i></p>	<p>\$1,111*</p>	<p>*If insurance was valid on or before the date of the offense, dismiss charge. \$25 transaction fee applies. If insurance was valid after date of offense and proof is provided to the court within 90D of first scheduled appearance, reduce to \$906.**</p> <p>**The total fine may not be waived, suspended, or reduced below \$905 unless the court in its discretion reduces or waives the base fine based on the defendant’s ability to pay. If the court finds the defendant is unable to pay and reduces or waives the base fine, the minimum is \$85. (mandatory) [VC 16029(e)(2)]</p> <p>May order impoundment of the vehicle for which the owner could not produce financial responsibility [VC 16029] May order defendant to maintain insurance coverage for at least 1Y [VC 16029]</p> <p>[No probation; fine is sentence]</p>
<p>VC 20002(a) Hit and run</p>	<p>ISS 1; VNL \$877; plus \$150 PRRF suspended Restitution to victim (mandatory) [PC 1202.4(f)] 5D LRP (if no insurance + 5D LRP) Do not drive without valid license and liability insurance</p>	<p>May suspend license not more than 6M [VC 13201(a)] If suspended, surrender license to court (mandatory) [VC 13206]</p> <p>SENTENCING REQUIREMENTS IF PROBATION DENIED:</p> <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT EXCEEDING \$5,171; OR NOT EXCEEDING 6M CUSTODY; OR BOTH [VC 20002(c)] • MAY SUSPEND LICENSE NOT MORE THAN 6M AND SURRENDER LICENSE TO COURT [VC 13201(a) & VC 13206] • RESTITUTION TO VICTIM [PC 1202.4(f)]
<p>VC 21453(a) Failure to stop at red light <i>(Infraction)</i></p>	<p>\$486; plus \$52 Traffic Violator School (TVS) Fee if TVS ordered</p>	<p>[No probation; fine is sentence]</p>
<p>VC 21461(a) Failure to obey traffic control device <i>(Infraction)</i></p>	<p>\$235; plus \$52 Traffic Violator School (TVS) Fee if TVS ordered</p>	<p>[No probation; fine is sentence]</p>
<p>VC 21655.5(b) Car pool lane violation <i>(Infraction)</i></p>	<p>\$486</p>	<p>[No probation; fine is sentence]</p>

Terms of probation followed by
 “(mandatory)” are mandatory. All other
 terms of probation are discretionary.

VEHICLE CODE

VC 21655.5(b) **\$701**
 Car pool lane violation
with one prior [No probation; fine is sentence]
 (within 1 year)
(Infraction)

VC 21655.5(b) **\$1,111**
 Car pool lane violation
with two priors [No probation; fine is sentence]
 (within 2 years)
(Infraction)

VC 22101(d) **\$235; plus \$52 Traffic Violator School (TVS) Fee if TVS ordered**
 Illegal turn at
 intersection [No probation; fine is sentence]
(Infraction)

VC 22348(b) **\$732**
 Speed over 100 MPH **Classroom-based 16-hour behavior modification (Traffic) class**
(Infraction) **May suspend license not to exceed 30D** [VC 22348(b)(1)]
 If suspended, surrender license to court (mandatory) [VC 13206]
 [No probation; fine, class, and license suspension, if imposed, is
 sentence]

VC 22349(a) **\$235 - \$486 depending on speed; plus \$52 Traffic Violator School**
 Driving in excess of 65 (TVS) Fee if TVS ordered. **See Speed Chart.**
 MPH
(Infraction)

Speed Chart		
		IF TVS
1-15 MPH over limit	\$235	\$287
16-25 MPH over limit	\$363	\$415
26+ MPH over limit	\$486	\$538

May **suspend license not to exceed 30D** [VC 13200]
If suspended, surrender license to court (mandatory) [VC 13206]
 [No probation; fine, and license suspension, if imposed, is sentence]

VEHICLE CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

VC 22349(a)
Driving in excess of 65 MPH with prior(s) (within 1 year) (Infraction)

\$286 - \$537 depending on speed; plus \$52 Traffic Violator School (TVS) Fee if TVS ordered. **See Speed Chart.**

Speed Chart		
		IF TVS
1-15 MPH over limit	\$286	\$338
16-25 MPH over limit	\$414	\$466
26+ MPH over limit	\$537	\$589

May **suspend license not to exceed 60D** for second conviction and **not to exceed 180D** for third conviction [VC 13200]

If suspended, **surrender license** to court (mandatory) [VC 13206]

[No probation; fine, and license suspension, if imposed, is sentence]

VC 22350
Unsafe speed for conditions (Infraction)

\$235 - \$486 depending on speed; plus \$52 Traffic Violator School (TVS) Fee if TVS ordered. **See Speed Chart.**

Speed Chart		
		IF TVS
1-15 MPH over stated safe speed	\$235	\$287
16-25 MPH over stated safe speed	\$363	\$415
26+ MPH over stated safe speed	\$486	\$538

May **suspend license not to exceed 30D** [VC 13200]

If suspended, **surrender license** to court (mandatory) [VC 13206]

[No probation; fine, and license suspension, if imposed, is sentence]

VC 22350
Unsafe speed for conditions with prior(s) (within 1 year) (Infraction)

\$286 - \$537 depending on speed; plus \$52 Traffic Violator School (TVS) Fee if TVS ordered. **See Speed Chart.**

Speed Chart		
		IF TVS
1-15 MPH over stated safe speed	\$286	\$338
16-25 MPH over stated safe speed	\$414	\$466
26+ MPH over stated safe speed	\$537	\$589

May **suspend license not to exceed 60D** for second conviction and **not to exceed 180D** for third conviction [VC 13200]

If suspended, **surrender license** to court (mandatory) [VC 13206]

[No probation; fine, and license suspension, if imposed, is sentence]

VC 22450(a)
Failure to stop at stop sign (Infraction)

\$235; plus \$52 Traffic Violator School (TVS) Fee if TVS ordered

[No probation; fine is sentence]

VEHICLE CODE

VC 23103(a) or (b)
Reckless driving –
non-alcohol
no injury

ISS 1; VNL
\$544; plus \$150 PRRF suspended
Do not drive without valid license and liability insurance
Classroom-based 16-hour behavior modification (Traffic) class or
cognitive behavioral therapy

May **suspend license not to exceed 30D** [VC 13200]
If suspended, **surrender license** to court (mandatory) [VC 13206]

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$830 NOR MORE THAN \$5,171; **OR** NOT LESS THAN 5D NOR MORE THAN 90D CUSTODY; **OR BOTH** [VC 23103(c)]
- MAY SUSPEND LICENSE NOT TO EXCEED 30D AND SURRENDER LICENSE TO COURT [VC 13200 & VC13206]

VC 23103(a) per
23103.5
Wet reckless (lesser
related offense of
VC23152)
no injury

ISS 1; VNL
\$1,141; plus \$150 PRRF suspended
SAC [VC 23600]
FCP *if* BAC is 08% or above; 12H course *if* less than .08% or drugs
(FCP/12H mandatory except in compelling circumstances stated on the
record) [VC 23103.5(e)]

Driving under the influence victim impact panel
Do not drive without valid license and liability insurance
Refer to SAAU
VC 23593 advisal (mandatory)

If IID ordered, **IID advisal (mandatory)** [VC 23575.3(a) & VC 23575.3(m)]
May require **IID (3M-6M)** [VC 23103.5(g)]
May **suspend license not to exceed 30D** [VC 13200]
If suspended, **surrender license** to court (mandatory) [VC 13206]
If under 21, **1Y license suspension or delay and surrender license to**
court (mandatory) [VC 13202.5]
If accident, **2D LRP and restitution to victim**
If drugs, **4th waiver and do not drive a vehicle with any measurable**
amount of controlled substance in the blood

Note: Fine amounts assume a referral to SAAU

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$831 NOR MORE THAN \$5,271; **OR** NOT LESS THAN 5D NOR MORE THAN 90D CUSTODY; **OR BOTH** [VC 23103(c)]
- **IF IID ORDERED, IID ADVISAL** [VC 23575.3(a) & VC 23575.3(m)]
- **MAY REQUIRE IID (3M-6M)** [VC 23103.5(g)]
- **MAY SUSPEND LICENSE NOT TO EXCEED 30D AND SURRENDER LICENSE TO COURT** [VC 13200 & VC 13206]
- **IF UNDER 21, 1Y LICENSE SUSPENSION OR DELAY AND SURRENDER LICENSE TO COURT** [VC 13202.5]
- **VC 23593 ADVISAL**

VEHICLE CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

VC 23109(a)
Speed contest
no injury

ISS 1; VNL
\$631; plus \$150 PRRF suspended
5D LRP
Do not drive without valid license and liability insurance
Classroom-based 16-hour behavior modification (Traffic) class or
cognitive behavioral therapy
Court must review driving record to determine if one or more prior
convictions and shall not strike any priors (mandatory) [VC 23109.5]

May **order 3M-6M license suspension/restriction*** [VC 13352(a)(8) &
VC 23109(e)]

If suspended, **surrender license** to court (mandatory) [VC 13206]

If vehicle registered to defendant, may be **impounded 1D-30D**
[VC 23109(h)]

*Court may restrict license for necessary travel to and from, or in the
course of, employment (require proof of knowledge by employer of
restriction), or to and from school. [VC 23109(e)(1)]

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$1,691
NOR MORE THAN \$5,171 ; **OR** NOT LESS THAN 24H NOR MORE THAN 90D
CUSTODY; **OR** BOTH; **PLUS** 40H COMMUNITY SERVICE [VC 23109(e)(1)]
- REVIEW DRIVING RECORD TO DETERMINE IF ONE OR MORE PRIOR
CONVICTIONS AND DO NOT STRIKE PRIORS [VC 23109.5]
- MAY ORDER 3M-6M LICENSE SUSPENSION/RESTRICTION AND SURRENDER
LICENSE TO COURT [VC 13206, VC 13552(a)(8), & VC 23109(e)(1)]
- IF VEHICLE REGISTERED TO DEFENDANT, MAY BE IMPOUNDED 1D-30D
[VC 23109(h)]

VEHICLE CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

VC 23109(a)
Speed contest
no injury
with one prior
(within 5 years)

ISS 1; VNL

48H custody (mandatory) [VC 23109(g)]

\$1,297; plus \$150 PRRF suspended

**Classroom-based 16-hour behavior modification (Traffic) class or
cognitive behavioral therapy**

Do not drive without valid license and liability insurance

6M license suspension* and **surrender license to court (mandatory)**

[VC 13206, VC 13352(a)(9), & VC 23109(g)]

**Court must review driving record to determine if one or more prior
convictions and shall not strike any priors (mandatory)** [VC 23109.5]

If vehicle registered to defendant, may be **impounded 1D-30D**

[VC 23109(h)]

*In lieu of suspension, court may restrict license for necessary travel to
and from, or in the course of, employment (require proof of knowledge
by employer of restriction), or to and from school [VC 23109(g)]

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$2,321
NOR MORE THAN \$5,222 **AND** NOT LESS THAN 4D NOR MORE THAN 6M
CUSTODY [VC 23109(f)(1)]
- 6M LICENSE SUSPENSION/RESTRICTION AND SURRENDER LICENSE TO COURT.
ILO SUSPENSION MAY BE RESTRICTED TO AND FROM, OR IN THE COURSE OF,
EMPLOYMENT OR SCHOOL [VC 13206, VC 13352(a)(9), & VC 23109(f)(4)]
- REVIEW DRIVING RECORD TO DETERMINE IF ONE OR MORE PRIOR
CONVICTIONS AND DO NOT STRIKE PRIORS [VC 23109.5]
- IF VEHICLE REGISTERED TO DEFENDANT, MAY BE IMPOUNDED 1D-30D
[VC 23109(h)]

VEHICLE CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

VC 23109(a)
Speed contest
with injury

ISS 1; VNL
10D custody
\$1,246; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
Classroom-based 16-hour behavior modification (Traffic) class or
cognitive behavioral therapy
Do not drive without valid license and liability insurance
Court must review driving record to determine if one or more prior
convictions and shall not strike any priors (mandatory) [VC 23109.5]

May **order 3M-6M license suspension/restriction*** [VC 13352(a)(8) &
VC 23109(e)]

If suspended, **surrender license** to court (mandatory) [VC 13206]

If vehicle registered to defendant, may be **impounded 1D-30D**
[VC 23109(h)]

*Court may restrict license for necessary travel to and from, or in the
course of, employment (require proof of knowledge by employer of
restriction), or to and from school [VC 23109(e)(1)]

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$2,270
NOR MORE THAN \$5,171; **OR** NOT LESS THAN 30D NOR MORE THAN 6M
CUSTODY; **OR** BOTH [VC 23109(e)(2)]
- RESTITUTION TO VICTIM [PC 1202.4(f)]
- REVIEW DRIVING RECORD TO DETERMINE IF ONE OR MORE PRIOR
CONVICTIONS AND DO NOT STRIKE PRIORS [VC 23109.5]
- MAY ORDER 3M-6M LICENSE SUSPENSION/RESTRICTION AND SURRENDER
LICENSE TO COURT [VC 13206, VC 13352(a)(8), & VC 23109(e)(1)]
- IF VEHICLE REGISTERED TO DEFENDANT, MAY BE IMPOUNDED 1D-30D
[VC 23109(h)]

VEHICLE CODE

VC 23109(a)
Speed contest
with injury
with one prior
(within 5 years)

ISS 1; VNL
30D custody (48H-6M custody **mandatory**) [VC 23109(g)]
\$1,707; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
Do not drive without valid license and liability insurance
6M license suspension* and **surrender license to court (mandatory)**
[VC 13206, VC 13352(a)(9), & VC 23109(g)]
Court must review driving record to determine if one or more prior convictions and shall not strike any priors (mandatory) [VC 23109.5]

If vehicle registered to defendant, may be **impounded 1D-30D**
[VC 23109(h)]

*In lieu of suspension, court may restrict license for necessary travel to and from, or in the course of, employment (require proof of knowledge by employer of restriction), or to and from school [VC 23109(g)]

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$2,321 NOR MORE THAN \$5,222 **AND** NOT LESS THAN 30D NOR MORE THAN 6M CUSTODY [VC 23109(f)(2)]
- RESTITUTION TO VICTIM [PC 1202.4(f)]
- 6M LICENSE SUSPENSION/RESTRICTION AND SURRENDER LICENSE TO COURT. ILO SUSPENSION MAY BE RESTRICTED TO AND FROM, OR IN THE COURSE OF, EMPLOYMENT OR SCHOOL [VC 13206, VC 13352(a)(9), & VC 23109(f)(4)]
- REVIEW DRIVING RECORD TO DETERMINE IF ONE OR MORE PRIOR CONVICTIONS AND DO NOT STRIKE PRIORS [VC 23109.5]
- IF VEHICLE REGISTERED TO DEFENDANT, MAY BE IMPOUNDED 1D-30D [VC 23109(h)]

VC 23109(c)
Exhibition of speed

ISS 1; VNL
\$426; plus \$150 PRRF suspended
Do not drive without valid license and liability insurance

May **suspend license not to exceed 30D** [VC 13200]
If suspended, **surrender license to court (mandatory)** [VC 13206]

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$3,121; **OR** NOT MORE THAN 90D CUSTODY; **OR** BOTH [VC 23109(i)]
- MAY SUSPEND LICENSE NOT TO EXCEED 30D AND SURRENDER LICENSE TO COURT [VC 13200 & VC 13206]

VC 23111
Throwing lighted
substance on highway
(*Infraction*)

\$486*
1D LRP (litter pick-up or graffiti removal) (mandatory) [VC 42001.7]

*No portion of the fine or LRP 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 LRP for every \$100 suspended (**mandatory**). [VC 42001.7]

[No probation; fine and LRP is sentence]

VEHICLE CODE

<p>VC 23111 Throwing lighted substance on highway with one prior <i>(Infraction)</i></p>	<p>\$2,136* 2D LRP (litter pick-up or graffiti removal) (mandatory) [VC 42001.7] *No portion of the fine or LRP 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 LRP for every \$100 suspended (mandatory). [VC 42001.7] [No probation; fine and LRP is sentence]</p>
<p>VC 23111 Throwing lighted substance on highway with two priors <i>(Infraction)</i></p>	<p>\$3,161* 3D LRP (litter pick-up or graffiti removal) (mandatory) [VC 42001.7] *No portion of the fine or LRP 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 LRP for every \$100 suspended. (mandatory). [VC 42001.7] [No probation; fine and LRP is sentence]</p>
<p>VC 23136 Person under 21 with BAC .01% or greater – zero tolerance <i>(Infraction)</i></p>	<p>\$486 Abstain from alcohol [No probation; fine and alcohol abstention is sentence]</p>
<p>VC 23140 Person under 21 with BAC .05% <i>(Infraction)</i></p>	<p>\$486 12H FCP (mandatory) [VC 23502(b)(1)] Advise that driving privilege will not be restored until completion of FCP and proof to DMV (mandatory) [VC 23502(d)] 1Y license suspension or delay and surrender license to court (mandatory) [VC 13202.5 & VC 23502(c)] [No probation; fine, FCP, and license suspension is sentence]</p>

VEHICLE CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

VC 23152(a), (b), (f), or (g)
Driving under the influence

ISS 3 (3Y-5Y mandatory) [VC 23600]; **VNL**
\$2,000; plus \$150 PRRF suspended
3D LRP

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

1. Not drive with any measurable amount of alcohol in blood.
2. If arrested for a violation of VC 23152 or 23153, not refuse to submit to a chemical test of blood, breath, or urine, for the purpose of determining the alcoholic content of blood.
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) [VC 23538]

BAC	Minimum length of FCP program
.19% or below	3M
.20% or higher	9M
Test refusal	9M

Advise defendant that driving privilege shall not be restored until completion of FCP and proof to DMV (mandatory)
[VC 23538(b)(3)]

Driving under the influence victim impact panel

VC 23593 advisal (mandatory)

Surrender license to court (mandatory) [VC 13550 & VC 23538]
(DMV suspends license; court mandated to collect)

Refer to SAAU [VC 23646]

May order **vehicle impound not more than 6M if** owner [VC 23592]

If IID ordered, IID advisal (mandatory) [VC 23575.3(a) & VC 23575.3(m)]

May require **IID** (not to exceed 6M) [VC 23575.3(h)(1)(A)] (does not apply to VC 23152(c) or (f))

If BAC .15% or more or if breath or urine test refusal, consider additional or enhanced terms and conditions of probation (mandatory)
[VC 23578]. *Consider 2D-7D LRP, treatment, and/or ISS 5*

If under 21, **1Y license suspension or delay and surrender license to court (mandatory)** [VC 13202.5]

If unlawfully under the influence of or in possession of a controlled substance, **4th Waiver and do not drive with any measurable amount of controlled substances in the blood**

If collision, **ISS 5, + 2D LRP, and restitution to victim**

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 continuous custody (mandatory)

VC 23577 DUI breath or urine test refusal

48H custody (mandatory)

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

60D custody and completion of alcohol or drug education and counseling program (mandatory) except in unusual cases where the interests of justice would be served

VEHICLE CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

VC 23152(a), (b), (f), or (g)
Driving under the influence
continued

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$1,871 NOR MORE THAN \$5,371 **AND** NOT LESS THAN 96H (AT LEAST 48H CONTINUOUS) NOR MORE THAN 6M CUSTODY [VC 23536]
- VC 23593 ADVISAL
- SURRENDER LICENSE TO COURT [VC 13550 & VC 23536]
- SPECIAL ALLEGATIONS:
 - VC 23572 DUI CHILD ENDANGERMENT – PASSENGER UNDER 14, 48H CONTINUOUS CUSTODY
 - VC 23582 RECKLESS DRIVING (30+ MPH FREEWAY; 20+ MPH STREET), 60D CUSTODY
- MAY REFER TO SAAU [VC 23646]
- MAY ORDER VEHICLE IMPOUND NOT MORE THAN 6M IF OWNER [VC 23592]
- IF IID ORDERED, IID ADVISAL [VC 23575.3(a) & VC 23575.3(m)]
- MAY ORDER IID (NOT TO EXCEED 6M) [VC 23575.3(h)(1)(A)] (DOES NOT APPLY TO VC 23153(c) OR (f))
- IF BAC .15% OR MORE, OR IF BREATH OR URINE TEST REFUSAL, CONSIDER ENHANCED PENALTIES [VC 23578]
- IF UNDER 21, 1Y LICENSE SUSPENSION OR DELAY AND SURRENDER LICENSE TO COURT [VC 13202.5]

VC 23152 (a), (b), (f) or (g) **ISS 5; VNL**
 Driving under the influence **10D custody*** (96H **mandatory**) [VC 23542]
with one prior **\$2,502; plus \$150 PRRF suspended**
(within 10 years) **Standard Alcohol Conditions (SAC) (mandatory)** [VC 23600]

1. Not drive with any measurable amount of alcohol in blood.
2. If arrested for a violation of VC 23152 or 23153, not refuse to submit to a chemical test of blood, breath, or urine, for the purpose of determining the alcoholic content of blood.
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) [VC 23542]
Advise defendant that driving privilege shall not be restored until completion of MCP and proof to DMV (mandatory)
 [VC 23542]
Driving under the influence victim impact panel
VC 23593 advisal (mandatory)
Surrender license to court (mandatory) [VC 13550 & VC 23542]
 (DMV suspends license; court mandated to collect)
IID advisal (mandatory) [VC 23575.3(a) & VC 23575.3(m)]
IID (12M) (mandatory) [VC 23575.3(h)(1)(B)] (does not apply to VC 23152(c) or (f))
Refer to SAAU (mandatory) [VC 23646]

May order **vehicle impound not more than 12M** if owner [VC 23592]
If BAC .15% or more or **if** breath or urine test refusal, consider additional or enhanced terms and conditions of probation (**mandatory**) [VC 23578]
If under 21, **1Y license suspension or delay and surrender license to court (mandatory)** [VC 13202.5]
If unlawfully under the influence of or in possession of a controlled substance, **4th Waiver and do not drive with any measurable amount of controlled substances in the blood**
If collision, + **5D custody and restitution to victim**
If prior within 5 years pled and proved, **1D-30D vehicle impound (mandatory)**, except in unusual case where the interests of justice would best be served by not ordering) [VC 23594]
If on probation for prior, + **30D custody**

*If considering treatment as condition of probation in lieu of mandatory custody, see VC 23580(c) and *People v. Municipal Court (Hinton)* (1983) 149 Cal.App.3d 951

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 breath or urine test refusal

96H custody (mandatory)

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

60D custody (mandatory)

VEHICLE CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

VC 23152 (a), (b), (f) or (g)
Driving under the influence
with one prior
(within 10 years)
continued

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$1,922 NOR MORE THAN \$5,422 **AND** NOT LESS THAN 90D NOR MORE THAN 364D CUSTODY [VC 23540]
- VC 23593 ADVISAL
- SURRENDER LICENSE TO COURT [VC 13550 & VC 23540]
- REFER TO SAAU [VC 23646]
- SPECIAL ALLEGATIONS:
 - VC 23572 DUI CHILD ENDANGERMENT – PASSENGER UNDER 14, 10D CUSTODY
 - VC 23577 DUI BREATH OR URINE TEST REFUSAL, 96H CUSTODY
 - VC 23582 RECKLESS DRIVING (30+ MPH FREEWAY; 20+ MPH STREET), 60D CUSTODY
- MAY ORDER VEHICLE IMPOUND NOT MORE THAN 6M IF OWNER [VC 23592]
- IID ADVISAL [VC 23575.3(a) & VC 23575.3(m)]
- IID 12M [VC 23575.3(h)(1)(B)] (DOES NOT APPLY TO VC 23152(c) OR (f))
- IF BAC .15% OR MORE, OR IF BREATH OR URINE TEST REFUSAL, CONSIDER ENHANCED PENALTIES [VC 23578]
- IF UNDER 21, 1Y LICENSE SUSPENSION OR DELAY AND SURRENDER LICENSE TO COURT [VC 13202.5]
- IF PRIOR WITHIN 5 YEARS PLED AND PROVED, 1D-30D VEHICLE IMPOUND [VC 23594]

VC 23152(a), (b), (f) or (g)
 Driving under the influence
 with two priors
 (within 10 years)

ISS 5; VNL
120D custody* (mandatory) [VC 23548]
\$2,789; plus \$150 PRRF suspended
Standard Alcohol Conditions (SAC) (mandatory) [VC 23600]
 1. Not drive with any measurable amount of alcohol in blood.
 2. If arrested for a violation of VC 23152 or 23153, not refuse to submit to a chemical test of blood, breath, or urine, for the purpose of determining the alcoholic content of blood.
 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) [VC 23548]
Advise defendant that driving privilege may not be restored until completion of MCP and proof to DMV (mandatory) [VC 23548]
VC 23593 advisal (mandatory)
Surrender license (mandatory) [VC 13550 & VC 23548]
 (DMV revokes license; court mandated to collect)
Designate as habitual offender for 3Y (mandatory) [VC 23546(b)]
Defendant must sign DMV affidavit acknowledging designation as a habitual traffic offender (mandatory) [VC 13350]
IID advisal (mandatory) [VC 23575.3(a) & VC 23575.3(m)]
IID (24M) (mandatory) [VC 23575.3(h)(1)(C)] (does not apply to VC 23152(c) or (f))
Refer to SAAU (mandatory) [VC 23646]
 May order **vehicle impound not more than 12M if** owner [VC 23592]
 May order **10Y license revocation.** [VC 23597]
If BAC .15% or more or **if** breath or urine test refusal, consider additional or enhanced terms and conditions of probation **(mandatory)** [VC 23578]
If under 21, **1Y license suspension or delay and surrender license to court (mandatory)** [VC 13202.5]
If unlawfully under the influence of or in possession of a controlled substance, **4th Waiver and do not drive with any measurable amount of controlled substances in the blood**
If collision, + **30D custody and restitution to victim**
If priors within 5 years pled and proved, **1D-90D vehicle impound (mandatory,** unless in unusual case where the interests of justice would best be served) [VC 23594]
If on probation for prior, + **30D custody for each prior**

*If considering treatment as condition of probation in lieu of mandatory custody, see VC 23580(c) and *People v. Municipal Court (Hinton)* (1983) 149 Cal.App.3d 951

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 breath or urine test refusal
10D custody (mandatory)
- VC 23582 Reckless driving (30+ MPH freeway; 20+ MPH street)
60D custody (mandatory)

VEHICLE CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

VC 23152(a), (b), (f) or (g)
Driving under the influence
with two priors
(within 10 years)
continued

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$1,922 NOR MORE THAN \$5,422 **AND** NOT LESS THAN 120D NOR MORE THAN 364D CUSTODY [VC 23546]
- VC 23593 ADVISAL
- SURRENDER LICENSE TO COURT [VC 13550 & VC 23546]
- DESIGNATE AS HABITUAL OFFENDER FOR 3Y [VC 23546(B)]
- DEFENDANT MUST SIGN DMV AFFIDAVIT ACKNOWLEDGING DESIGNATION AS A HABITUAL TRAFFIC OFFENDER [VC 13350]
- REFER TO SAAU [VC 23646]
- SPECIAL ALLEGATIONS:
 - VC 23572 DUI CHILD ENDANGERMENT – PASSENGER UNDER 14, 30D CUSTODY
 - VC 23577 DUI BREATH OR URINE TEST REFUSAL, 10D CUSTODY
 - VC 23582 RECKLESS DRIVING (30+ MPH FREEWAY; 20+ MPH STREET), 60D CUSTODY
- MAY ORDER VEHICLE IMPOUND NOT MORE THAN 6M IF OWNER [VC 23592]
- IID ADVISAL [VC 23575.3(a) & VC 23575.3(m)]
- IID 24M [VC 23575.3(h)(l)(C)] (DOES NOT APPLY TO VC 23152(c) OR (f))
- MAY ORDER 10Y LICENSE REVOCATION [VC 23597]
- IF BAC .15% OR MORE, OR IF BREATH OR URINE TEST REFUSAL, CONSIDER ENHANCED PENALTIES [VC 23578]
- IF UNDER 21, 1Y LICENSE SUSPENSION OR DELAY AND SURRENDER LICENSE TO COURT [VC 13202.5]
- IF PRIORS WITHIN 5 YEARS PLED AND PROVED, 1D-90D VEHICLE IMPOUND [VC 23594]

VEHICLE CODE

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

VC 23153 (a), (b), (f), or (g)
 DUI with injury

ISS 5; VNL
10D-30D custody (5D mandatory) [VC 23556]
\$2,451; plus \$150 PRRF suspended
Restitution to victim (mandatory) [PC 1202.4(f)]
Standard Alcohol Conditions (SAC) (mandatory) [VC 23600]
 1. Not drive with any measurable amount of alcohol in blood.
 2. If arrested for a violation of VC 23152 or 23153, not refuse to submit to a chemical test of blood, breath, or urine, for the purpose of determining the alcoholic content of blood.
 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) [VC 23556]

BAC	Minimum length of FCP program
.19% or below	3M
.20% or higher	9M
Test refusal	9M

Advise defendant that driving privilege shall not be restored until completion of FCP and proof to DMV (mandatory) [VC 23556]

Driving under the influence victim impact panel

VC 23593 advisal (mandatory)

Surrender license to court (mandatory) [VC 13550 & VC 23556] (DMV suspends license; court mandated to collect)

IID advisal (mandatory) [VC 23575.3(a) & VC 23575.3(m)]

IID (12M) (mandatory) [VC 23575.3(h)(2)(A)] (does not apply to VC 23152(f))

Refer to SAAU [VC 23646]

May order **vehicle impound not more than 6M if** owner [VC 23592]

If BAC .15% or more or **if** breath or urine test refusal, consider additional or enhanced terms and conditions of probation **(mandatory)** [VC 23578]

If under 21, **1Y license suspension or delay and surrender license to court (mandatory)** [VC 13202.5]

If unlawfully under the influence of or in possession of a controlled substance, **4th Waiver and do not drive with any measurable amount of controlled substances in the blood**

Driving Under the Influence Special Allegations

Conditions are In Addition To Other Terms of Probation (mandatory)

VC 23577 DUI breath or urine test refusal

48H continuous custody (mandatory)

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

60D custody and completion of alcohol or drug education and counseling program (mandatory)

VEHICLE CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

**VC 23153 (a), (b), (f), or
(g)**
DUI with injury
continued

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$1,871 NOR MORE THAN \$5,371 **AND** NOT LESS THAN 90D NOR MORE THAN 364D CUSTODY [VC 23554]
- RESTITUTION TO VICTIM [PC 1202.4(f)]
- VC 23593 ADVISAL
- SURRENDER LICENSE TO COURT [VC 13550 & VC 23556]
- SPECIAL ALLEGATIONS:
 - VC 23577 DUI BREATH OR URINE TEST REFUSAL, 48H CONTINUOUS CUSTODY
 - VC 23582 RECKLESS DRIVING (30+ MPH FREEWAY; 20+ MPH STREET), 60D CUSTODY
- MAY REFER TO SAAU [VC 23646]
- MAY ORDER VEHICLE IMPOUND NOT MORE THAN 6M IF OWNER [VC 23592]
- IID ADVISAL [VC 23575.3(a) & VC 23575.3(m)]
- IID 12M [VC 23575.3(h)(2)(A)] (DOES NOT APPLY TO VC 23152(f))
- IF BAC .15% OR MORE, OR IF BREATH OR URINE TEST REFUSAL, CONSIDER ENHANCED PENALTIES [VC 23578]
- IF UNDER 21, 1Y LICENSE SUSPENSION OR DELAY AND SURRENDER LICENSE TO COURT [VC 13202.5]

VEHICLE CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

VC 23153 (a), (b), (f), or (g)
DUI with injury
with one prior
(within 10 years)

ISS 5; VNL

120D custody (30D mandatory) [VC 23562]

\$2,502; plus \$150 PRRF suspended

Restitution to victim (mandatory) [PC 1202.4(f)]

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

1. Not drive with any measurable amount of alcohol in blood.
2. If arrested for a violation of VC 23152 or 23153, not refuse to submit to a chemical test of blood, breath, or urine, for the purpose of determining the alcoholic content of blood.
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) [VC 23562]

Advise defendant that driving privilege shall not be restored until completion of MCP and proof to DMV (mandatory)
[VC 23562]

Driving under the influence victim impact panel

VC 23593 advisal (mandatory)

Surrender license to court (mandatory) [VC 13550 & VC 23562]
(DMV revokes license; court mandated to collect)

IID advisal (mandatory) [VC 23575.3(a) & VC 23575.3(m)]

IID (24M) (mandatory) [VC 23575.3(h)(2)(B)] (does not apply to VC 23152(f))

Refer to SAAU (mandatory) [VC 23646]

May order **vehicle impound not more than 12M if** owner
[VC 23592]

If BAC .15% or more or **if** breath or urine test refusal, consider additional or enhanced terms and conditions of probation
(mandatory) [VC 23578]

If under 21, **1Y license suspension or delay and surrender license to court (mandatory)** [VC 13202.5]

If unlawfully under the influence of or in possession of a controlled substance, **4th Waiver and do not drive with any measurable amount of controlled substances in the blood**

If prior within 5 years pled and proved, **1D-30D vehicle impound (mandatory)**, except where the interests of justice would best be served by not ordering) [VC 23594]

Driving Under the Influence Special Allegations

Conditions are In Addition To Other Terms of Probation (mandatory)

VC 23577 DUI breath or urine test refusal

96H custody (mandatory)

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

60D custody (mandatory)

VEHICLE CODE

Terms of probation followed by
“(mandatory)” are mandatory. All other
terms of probation are discretionary.

VC 23153 (a), (b), (f), or (g)
DUI with injury
with one prior
(within 10 years)
continued

SENTENCING REQUIREMENTS IF PROBATION DENIED:

- TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT LESS THAN \$1,922 NOR MORE THAN \$21,822 **AND** NOT LESS THAN 120D NOR MORE THAN 364D CUSTODY [VC 23560]
- RESTITUTION TO VICTIM [PC 1202.4(f)]
- VC 23593 ADVISAL
- SURRENDER LICENSE TO COURT [VC 13550 & VC 23562]
- REFER TO SAAU [VC 23646]
- SPECIAL ALLEGATIONS:
 - VC 23577 DUI BREATH OR URINE TEST REFUSAL, 96H CONTINUOUS CUSTODY
 - VC 23582 RECKLESS DRIVING (30+ MPH FREEWAY; 20+ MPH STREET), 60D CUSTODY
- MAY ORDER VEHICLE IMPOUND NOT MORE THAN 12M IF OWNER [VC 23592]
- IID ADVISAL [VC 23575.3(a) & VC 23575.3(m)]
- IID 24M [VC 23575.3(h)(2)(B)] (DOES NOT APPLY TO VC 23152(f))
- IF BAC .15% OR MORE, OR IF BREATH OR URINE TEST REFUSAL, CONSIDER ENHANCED PENALTIES [VC 23578]
- IF UNDER 21, 1Y LICENSE SUSPENSION OR DELAY AND SURRENDER LICENSE TO COURT [VC 13202.5]
- IF PRIOR WITHIN 5 YEARS PLED AND PROVED, 1D-30D VEHICLE IMPOUND [VC 23594]

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

VEHICLE CODE

<p>VC 23222(b) Possession of open container of cannabis or cannabis product in vehicle while driving <i>(Infraction)</i></p>	<p>\$486; plus \$52 Traffic Violator School (TVS) Fee if TVS ordered <i>If</i> under 21, 1Y license suspension or delay and surrender license to court (mandatory) [VC 13202.5] [No probation; fine, and license suspension, if imposed, is sentence]</p>
<p>VC 26708(a) Tinted windows OR material obstructing view <i>(Infraction)</i></p>	<p>\$194* *If proof of correction is provided, may dismiss the charge. \$25 transaction fee applies. [No probation; fine is sentence]</p>
<p>VC 27315(d) Driving without wearing seatbelt <i>(Infraction)</i></p>	<p>\$158* *May order Traffic Violator School ILO base fine and penalty assessments (total due \$128) [VC 27315(h)] [No probation; fine is sentence]</p>
<p>VC 27315(d) Driving without wearing seatbelt with one prior <i>(Infraction)</i></p>	<p>\$291 [No probation; fine is sentence]</p>
<p>VC 27360 Child passenger restraint violation <i>(Infraction)</i></p>	<p>\$486;* plus \$52 Traffic Violator School (TVS) Fee if TVS ordered *Reduce to \$281 if attend Child Safety Seat Class [VC 27360.6] [No probation; fine is sentence]</p>
<p>VC 27360 Child passenger restraint violation with one prior <i>(Infraction)</i></p>	<p>\$1,152;* plus \$52 Traffic Violator School (TVS) Fee if TVS ordered *Reduce to \$655 if attend Child Safety Seat Class [VC 27360.6] [No probation; fine is sentence]</p>

Terms of probation followed by “(mandatory)” are mandatory. All other terms of probation are discretionary.

<p>FG 7145 Fishing without a license <i>(Infraction)</i></p>	<p>\$500* *Reduce to \$208 with proof of license valid on date and time of violation or dismiss charge with proof of lifetime sport fishing license or lifetime sportsman’s license [FG 12002.2] [No probation; fine is sentence]</p>
<p>FG 7145 Fishing without a license with one prior (within 5 years) <i>(Infraction)</i></p>	<p>\$1,115* *Reduce to \$208 with proof of license valid on date and time of violation or dismiss charge with proof of lifetime sport fishing license or lifetime sportsman’s license [FG 12002.2] [No probation; fine is sentence]</p>
<p>HN 655(b) or (c) Boating under the influence</p>	<p>ISS 1; VNL \$1,919; plus \$150 PRRF suspended 3D LRP Coast Guard boating safety class (mandatory) [HN 668.1] Refer to SAAU May order FCP [HN 668(e)] <i>If</i> collision, + 2D LRP and restitution to victim A conviction of HN 655(b) or (c) constitutes a DUI prior [VC 23620] Note: Fine amounts assume a referral to SAAU. SENTENCING REQUIREMENTS IF PROBATION DENIED: <ul style="list-style-type: none"> • TOTAL FINE, INCLUDING FEES AND ASSESSMENTS, NOT MORE THAN \$5,320; OR NOT MORE THAN 6M CUSTODY; OR BOTH [HN 668(e)] • COAST GUARD BOATING SAFETY CLASS [HN 668.1] </p>

**SAN DIEGO MUNICIPAL CODE, METROPOLITAN TRANSIT DISTRICT BOARD,
AND WELFARE & INSTITUTIONS CODES**

SDMC 56.61	\$485*
Person under 21 consuming alcohol in public <i>(Infraction)</i>	[No probation; fine is sentence] *The fine may not be stayed or suspended [SDMC 56.63]
<hr/>	
SDMC 56.61	\$895*
Person under 21 consuming alcohol in public with one prior (within 1 year) <i>(Infraction)</i>	*The fine may not be stayed or suspended [SDMC 56.63] [No probation; fine is sentence]
<hr/>	
MTDB Ord. 2	\$193
Trolley fare evasion <i>(Infraction)</i>	[No probation; fine is sentence]

**SAN DIEGO MUNICIPAL CODE, METROPOLITAN TRANSIT DISTRICT BOARD,
AND WELFARE & INSTITUTIONS CODES**

<p align="center">WI 871.5 Bringing firearm into juvenile hall, ranch, or camp</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included</p>
<p align="center">WI 1001.5 Bringing firearm into Youth Authority institution or camp</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Sentencing information not included</p>
<p align="center">WI 8100 Possessing firearm prohibited due to mental disorder or illness</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Firearm is a nuisance and subject to surrender and disposal per PC 18000 and PC 18005. Firearm is not a nuisance if disposed of per PC 29810 (mandatory) [PC 29300] Sentencing information not included</p>
<p align="center">WI 8101 Supplying a deadly weapon or firearm to mentally ill person</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Firearm is a nuisance and subject to surrender and disposal per PC 18000 and PC 18005. Firearm is not a nuisance if disposed of per PC 29810 (mandatory) [PC 29300] Sentencing information not included</p>
<p align="center">WI 8103 Possessing firearm prohibited due to mental incompetency or conservatorship</p>	<p>Firearms Advisal, Report, and Relinquishment (mandatory) [PC 29810] and Body Armor Prohibition and Relinquishment (mandatory) [PC 31360] Firearm is a nuisance and subject to surrender and disposal per PC 18000 and PC 18005. Firearm is not a nuisance if disposed of per PC 29810 (mandatory) [PC 29300] Sentencing information not included</p>

PC 1000 AND PC 1210 (PROP 36)

PC 1000 Pretrial Diversion

Penal Code §§ 1000-1000.65 is a pretrial diversion program (formerly known as Deferred Entry of Judgment) in which the defendant pleads *not* guilty and criminal proceedings are suspended for the defendant to complete a drug education program. The prosecution completes an initial screening for eligibility and the court then decides whether diversion is appropriate (i.e. if defendant is suitable).

If the defendant is eligible and the court has found him/her suitable (consider all relevant information including defendant's prior substance abuse history), the following occurs:

- Defendant **pleads *not* guilty and waives rights to speedy trial, speedy preliminary hearing, and trial by jury** [PC 1000.1(b)].
- **Criminal proceedings are suspended for 12M-18M** to allow the defendant to successfully complete a qualified drug education program and otherwise complete the diversion period [PC 1000(c) & PC 1000.2(c)].
- Defendant is **ordered to pay a \$100 diversion restitution fee and ordered to complete a drug education program**. The diversion restitution fee must be ordered regardless of ability to pay; however, if there are compelling and extraordinary reasons, the court may waive imposition of the fee but must state the reasons for the waiver on the record.
- A **Review Hearing** for the court to confirm enrollment in the education program and review the defendant's progress is scheduled by the court in the appropriate department in 60D. Intermediate review hearings may be scheduled by the court, in its discretion.
- A **Final Review Hearing** for the court to review completion of the program, including payment of the restitution fee, and dismissal of the charges is scheduled by the court in the appropriate department in 12M-18M.
- Defendant **must be advised** that regardless of successful completion of a pretrial diversion program:
 - The arrest upon which the pretrial diversion was based will be disclosed by the DOJ in response to any peace officer application request and that the defendant is not relieved of the obligation to disclose the arrest in response to any direct question contained in any questionnaire or application for a position as a peace officer [PC 851.90(b) & PC 1000.4(c)].
 - An order to seal records pertaining to an arrest made pursuant to this section has no effect on a criminal justice agency's ability to access and use those sealed records and information regarding sealed arrests, as described in Penal Code § 851.92 [PC 851.90(c) & PC 1000.4(d)].

PC 1000 AND PC 1210 (PROP 36)

PC 1000 Pretrial Diversion *continued*

If it appears that the defendant is performing unsatisfactorily in the assigned education program, convicted of an offense that reflects propensity for violence, or convicted of a felony, the prosecuting attorney or the court may move to terminate diversion [PC 1000.3(a)]. The court must hold a noticed hearing [PC 1000.3(b)].

If diversion is terminated, further proceedings are scheduled [PC 1000.3(c)].

Upon successful completion of 12M-18M period of diversion, including completion of the assigned education program, no convictions for an offense that reflects the defendant's propensity for violence, no felony convictions, and payment of the restitution fee if applicable (see next paragraph), charges are dismissed [PC 1000.3].

Prior to terminating diversion or dismissing the charge(s), the court shall consider the defendant's ability to pay and whether the defendant has paid the diversion restitution fee pursuant to Penal Code § 1000.90, if ordered, and has met any financial obligations to the program [PC 1000.3 (e)]. Resolution of an unpaid restitution fee should be addressed on the record.

Qualifying Offenses [PC 1000(a)]:

HS 11350	HS 11357	HS 11358*
HS 11364	HS 11365	HS 11368*
HS 11375(b)(2)	HS 11377	HS 11550
VC 23222(b)	PC 381	PC 653f(d)*
BP 4060	PC 647(f) (if under influence of controlled substance)	

*If for personal use

Disqualifying Factors [PC 1000(a)]:

1. Prior conviction (within five years of charged offense) for any offense involving controlled substances other than one of the qualifying offenses.
2. Current offense involves violence or threatened violence.
3. Evidence of contemporaneous drug violation other than one of the qualifying offenses.
4. Prior felony conviction (within five years of the charged offense).

PC 1000 AND PC 1210 (PROP 36)

PC 1210
Proposition 36

ISS 1
\$458*; plus \$150 PRRF suspended
4th Waiver
Up to 12M drug treatment program (mandatory) [PC 1210.1(a)]
Drug testing (mandatory) [PC 1210.1(a)]
Not use or possess any controlled substance without a valid prescription
Defendant to review and sign PC1210.1 Judgment Minutes Addendum [SDSC Form #CRM-244A]

Consider vocational training, family counseling, literacy training, and/or community service [PC 1210.1(a)]

*Set date for payment of fine to begin 6M after plea. Fine cannot be permanently stayed or suspended. May not impose custody as a condition of probation.

Set Review Hearing in Appropriate Department.

If court finds defendant successfully completed the treatment program and substantially complied with the conditions of probation, the conviction is set aside and the charges dismissed. [PC 1210.1(e)(1)]

Qualifying Offenses [PC 1210(a) & PC 1210.1(a)]:

All nonviolent drug possession: unlawful personal use, possession for personal use, or transportation for personal use, of any controlled substance identified in Health & Safety §§ 11054, 11055, 11056, 11057, 11058; or being under the influence in violation of Health & Safety § 11550.

Disqualifying Factors [PC 1210(a), 1210.1(b), 1210(d)]:

1. Current offense involves possession or transportation that is not for personal use; production; or manufacturing.
 2. Current offense is Penal Code § 4573.6 or 4573.8.
 3. Current offense involves use of a firearm or a deadly weapon.
 4. Defendant also convicted of a misdemeanor not related to the use of drugs or any other felony that is not a nonviolent drug possession offense.
 5. Defendant refuses drug treatment as part of probation.
 6. Defendant unavailable to begin treatment within 30D.
 7. Serious or violent prior conviction(s), unless it occurred more than 5Y before commission of the charged offense and during that time defendant remained free of both prison custody and (a) another felony conviction other than a nonviolent drug possession offense, or (b) a misdemeanor conviction involving physical injury or threat of physical injury.
 8. Defendant completed two or more prior courses of treatment and is found by clear and convincing evidence not to be amenable to treatment.
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DOMESTIC VIOLENCE OFFENSES

Domestic violence (DV) is abuse perpetrated against specified persons.¹ Regardless of the underlying charge, if the facts of the crime show abuse, as defined below, against one of the specified persons, as defined below, then:

- A guilty plea should utilize a Plea of Guilty/No Contest - Misdemeanor Domestic Violence form (SDSC Form #CRM-184), printed on lavender-colored paper.
- A grant of probation must include all terms and conditions required by Penal Code § 1203.097, as set forth below.²
- A straight sentence must include specified sentencing terms, as set forth below.

Required relationship between defendant and victim (Fam. Code, § 6211):

- A spouse or former spouse.
- A cohabitant or former cohabitant (Fam. Code, § 6209).
- A person with whom the respondent is having or has had a dating or engagement relationship.
- A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Fam. Code, §§ 7600-7710).
- A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child.
- Any other person related by consanguinity or affinity (a.k.a. “kinship”) within the second degree. Kinship within the second degree includes a parent, grandparent, child, grandchild, or sibling; it does not include an aunt, uncle, cousin, niece, nephew, great-grandparent, or great-grandchild.³

Definition of “abuse” (Fam. Code, § 6203):

“Abuse” means any of the following, but does not require the actual infliction of physical injury or assault:

- To intentionally or recklessly cause or attempt to cause bodily injury.
- Sexual assault.
- To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.
- To engage in any behavior that has been or could be enjoined pursuant to Family Code § 6320: molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, credibly impersonating (Pen. Code, § 528.5), falsely personating (Pen. Code, § 529), harassing, telephoning (including but not limited to making annoying telephone calls as described in Penal Code § 653m), destroying personal property, contacting (either directly or indirectly, by mail or otherwise), coming within a specified distance of, or disturbing the peace of the person.

¹ Fam. Code, § 6211. Typical charges include Penal Code §§ 140, 243(e), 245, 246, 273.5, 261, 368, 417, 422, and 646.9.

² *People v. Cates* (2009) 170 Cal.App.4th 545, 552 (failure to impose mandatory conditions of probation in a DV case in violation of Penal Code § 1203.097 constitutes an unauthorized sentence).

³ For a definition of the degree of kinship, see Probate Code § 13. For a chart on the degrees of kinship, see <http://www2.courtinfo.ca.gov/rulesofconduct/files/tableofconsanguinity.pdf>.

DOMESTIC VIOLENCE OFFENSES

Standard terms of probation for all DV cases in which probation is granted (PC §1203.097)

ISS 3;* VNL

1D custody – may be satisfied by **B&R** within one week of sentence (**mandatory** if not previously booked) [PC 1203.097(a)(4)]

\$720 including \$500 domestic violence fund fee; **plus \$150 PRRF suspended**

Restitution to victim (**mandatory**) [PC 1202.4(f)]

5D LRP or volunteer work (“specified amount of appropriate community service” **mandatory**) [PC 1203.097(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)]

CPO (**mandatory**) [PC 1203.097(a)(2)] [JC Form #CR-160]

Residence exclusion and/or stay away provision, **if** appropriate (**mandatory**) [PC 136.2(i) & PC 1203.097(a)(2)]

No negative contact (**mandatory**) [PC 1203.097(a)(2)]

Consider **CPO up to 10Y** from victim (**mandatory**) [PC 136.2(i)(1)] [JC Form #CR-160]

Check consistency with family court, dependency, and probate custody orders and mark appropriate boxes on the Criminal Protective Order – Domestic Violence form [JC Form #CR-160]

Firearm prohibition read aloud and relinquishment hearing set **if** appropriate (**mandatory**) [PC 1203.097(a)(2)]

Consider **CPO** from percipient witness, **if** clear and convincing evidence witness has been harassed by defendant (**mandatory**) [PC 136.2(i)(2)] [JC Form #CR-160]

Comply with federal firearms prohibition (may not possess, receive, ship, or transport any firearm or ammunition) (**mandatory**) [18 USC § 922(g)(9)]

Firearms Advisal, Report, and Relinquishment **if** offense listed in PC 29800 or 29805 (**mandatory**) [PC 29800 & PC 29810] **and Body Armor Prohibition and Relinquishment** (**mandatory**) [PC 31360]

If PC 245(a)(2), 246, 273.5, or 417(a)(2) with prior(s), lifetime ban [PC 29800]

Firearms relinquishment (**mandatory**) for length of CPO **if** CPO issued and offense not listed in PC 29800 or 29805 [CCP 527.9, Cal. Rules of Court, rule 4.700]

Consider additional custody or LRP if prior domestic violence convictions (including restraining order violations) or if the recommend custodial sanction or number of days of LRP is greater for the same crime committed against a non-domestic violence victim (e.g. PC 166(c), 273.6, or 243.4).

Consider restitution to Battered Women’s Shelter

DOMESTIC VIOLENCE OFFENSES

Standard sentencing requirements for all DV cases in which probation is denied

The terms listed below are *in addition to* other sentencing requirements for the underlying offense when probation is denied and a straight sentence is imposed. See the underlying offense in this Handbook for possible additional requirements when probation is denied (even if the offense says “not DV related”).

Restitution to victim (mandatory) [PC 1202.4(f)]

Consider **CPO up to 10Y** from victim (mandatory) [PC 136.2(i)(1)] [JC Form #CR-160]

Check consistency with family court, dependency, and probate custody orders, and mark

appropriate boxes on the Criminal Protective Order – Domestic Violence form [JC Form #CR-160]

Consider **CPO** from percipient witness, *if* clear and convincing evidence witness has been harassed by defendant (mandatory) [PC 136.2(i)(2)] [JC Form #CR-160]

Comply with federal firearms prohibition (may not possess, receive, ship, or transport any firearm or ammunition.) (mandatory) [18 USC § 922(g)(9)]

Firearms Advisal, Report, and Relinquishment *if* offense listed in Penal Code §§ 29800 or 29805 (mandatory) [PC 29800 & PC 29810] **and Body Armor Prohibition and Relinquishment** (mandatory) [PC 31360]

If Penal Code §§ 245(a)(2), 246, 273.5, or 417(a)(2) with prior(s), lifetime ban [PC 29800]

Firearms relinquishment (mandatory) for length of CPO *if* CPO issued and offense not listed in Penal Code §§ 29800 or 29805 [CCP 527.9, Cal. Rules of Court, rule 4.700]

SEX OFFENSES

This tab includes information about some of the mandatory terms of probation that are included for certain sex offenses included in this Handbook.

SARATSO Report

If a defendant is convicted of a sex offense that falls within Penal Code §§ 290(c) to 290.023, or if the Probation Department recommends that the court order the defendant to register pursuant to Penal Code § 290.006, the court must refer the matter to the Probation Department for a State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) report.¹

Tiered Sex Offender Registration

If a defendant is convicted of a sex offense that falls within Penal Code § 290(c),² or is ordered by the court to register as a sex offender pursuant to Penal Code § 290.006(b), at sentencing the defendant **must** be advised that sex offender registration is required. The registration requirement does not expire on its own, but does have *minimum* duration requirements. A defendant will not be released from the registration requirement until granted relief pursuant to Penal Code § 290.5.

The minimum duration of the registration requirement is set by statute on a tiered basis,³ and the ultimate duration is dependent on other variables, including whether the defendant commits another crime, fails to register, or is deemed a high risk based upon a SARATSO risk score.⁴

¹ Pen. Code, § 1203(d).

² Misdemeanor section 290(c) offenses include, but are not limited to, violations of Penal Code §§ 243.4, 286(h), 287(h), 288(c), former 288a, 288.2(a), 288.4, 311.1, 311.2(c), 311.3, 311.4, 311.10, 311.11, 314, and 647.6, or any offense involving lewd or lascivious conduct under Penal Code § 272.

³ Pen. Code, § 290(d).

⁴ Pen. Code, § 290.5(e).



SAN DIEGO SUPERIOR COURT
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for Infractions and Misdemeanors

8th Edition
February 2024

Courtroom Counsel Copy