

**SENTENCING GUIDELINES FOR
COMMON MISDEMEANORS AND
INFRACTIONS**

2010



ADMINISTRATIVE OFFICE
OF THE COURTS

EDUCATION DIVISION/CENTER FOR
JUDICIAL EDUCATION AND RESEARCH

ABOUT CJER

The California Center for Judicial Education and Research (CJER), as the Education Division of the Administrative Office of the Courts (AOC), is responsible for developing and maintaining a comprehensive and quality educational program for the California judicial branch. Formed in 1973 as a joint enterprise of the Judicial Council and the California Judges Association, CJER supports the Chief Justice, the Judicial Council, and the courts by providing an extensive statewide educational program for judicial officers and court staff at both the trial and appellate levels. It includes orientation programs for new judicial officers, court clerks, and administrative officers; continuing education programs for judicial officers, court administrators, and managers; an annual statewide conference for judicial officers and court administrators; video and audiotapes; and judicial benchbooks, benchguides, and practice aids.

CJER GOVERNING COMMITTEE

Hon. Ronald B. Robie, Chair
Court of Appeal, Sacramento

Hon. Robert L. Dondero, Vice-Chair
Superior Court of California, County of San Francisco

Hon. Gail A. Andler
Superior Court of California, County of Orange

Mr. Stephen Anthony Bouch
Executive Officer
Superior Court of California, County of Napa

Ms. Tressa S. Kentner
Executive Officer
Superior Court of California, County of San Bernardino

Hon. Barbara A. Kronlund
Superior Court of California, County of San Joaquin

Hon. William A. MacLaughlin
Superior Court of California, County of Los Angeles

Mr. Michael A. Tozzi
Executive Officer
Superior Court of California, County of Stanislaus

Hon. Theodore M. Weathers
Superior Court of California, County of San Diego

Hon. Elizabeth Allen White
Superior Court of California, County of Los Angeles

Hon. Arthur A. Wick
Superior Court of California, County of Sonoma

Advisory Members

Hon. Socrates Peter Manoukian
Superior Court of California, County of Santa Clara
California Judges Association

Mr. William C. Vickrey
Administrative Director
Administrative Office of the Courts

CJER PROJECT STAFF

Barry Harding
Senior Attorney, Publications

Iris Okura
Senior Editor

JUDICIAL PLANNING COMMITTEE FOR CALIFORNIA JUDGES BENCHGUIDES

Hon. Carol Yaggy, Chair
Superior Court of California, County of San Francisco

Hon. Kathleen M. Banke
Court of Appeal, San Francisco

Hon. Joyce M. Cram
Superior Court of California, County of Contra Costa

Hon. Ross Klein
Superior Court of California, County of Los Angeles

Hon. Nancy Case Shaffer
Superior Court of California, County of Sonoma

Hon. Elaine Streger
Superior Court of California, County of Orange

Hon. Elizabeth Allen White
Superior Court of California, County of Los Angeles
CJER Governing Committee Liaison

Editorial comments and inquiries: Barry Harding, Senior Attorney, 415-865-7824
fax 415-865-4335

© 2010 by Judicial Council of California/Administrative Office of the Courts
Published January 2010; incorporates all 2009 legislation.

SENTENCING GUIDELINES FOR COMMON MISDEMEANORS AND INFRACTIONS

2010

- I. [§74.1] SCOPE AND USE OF BENCHGUIDE**
- II. [§74.2] PENAL CODE**
- III. [§74.3] HEALTH AND SAFETY CODE**
- IV. [§74.4] BUSINESS AND PROFESSIONS CODE**
- V. [§74.5] VEHICLE CODE**
 - A. [§74.6] General Misdemeanors
 - B. [§74.7] Exceptions to General Misdemeanor Treatment
 - C. [§74.8] Special Vehicle Code Misdemeanors
 - D. [§74.9] License Suspension or Revocation by the Court
 - E. [§74.10] Driving Under the Influence (DUI) Provisions
 - F. Infractions
 - 1. [§74.11] General Vehicle Code Infractions
 - 2. [§74.12] Special Vehicle Code Infractions

[An asterisk before a code number in column one of the following pages refers to a wobbler, alternative misdemeanor/felony]

I. [§74.1] SCOPE AND USE OF BENCHGUIDE

This chart provides the sentences for common misdemeanors and infractions in the Penal, Business and Professions, Health and Safety, and Vehicle Codes, including driving under the influence (DUI) provisions. Unless otherwise stated, the minimum and maximum sentences are specified without probation. Minimum sentences are labeled as “mandatory” minimums if the court must impose them regardless of whether probation is granted or the imposition or execution of sentence is stayed. The maximum period of probation is generally three years (Pen C §1203a), unless otherwise noted. See, *e.g.*, Veh C §23600(b)(1) (five-year maximum probation for DUI).

Except when a different punishment is prescribed, every misdemeanor offense is punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding \$1,000, or by both. Pen C §19. This chart includes a reference to Pen C §19 when a particular offense has been designated as a misdemeanor without a specific punishment. Furthermore, when a crime is punishable by imprisonment in jail or prison, but no fine is prescribed, the court may impose a fine not exceeding \$1,000 for misdemeanors, in addition to the imprisonment prescribed. Pen C §672. This chart sets forth the standard \$1,000 fine and cites Pen C §672 whenever the provision governing the offense specifies only imprisonment. Finally, the provision describing an offense also contains the punishment specified in this chart when the sentence is not followed by a statutory citation. The fines specified in the chart do not include penalty assessments, fees, or the state surcharge (see Pen C §§1464, 1465.7, 1465.8; Govt C §§70372(a), 70373(a), 70375(b), 76000), although special assessments are noted. Defendants convicted of infractions may be sentenced to perform community service instead of a fine on a showing that payment of the fine would impose a hardship on the defendant or his or her family. Pen C §1209.5.

In addition to the sentences noted in this chart, the court must impose a restitution fine of no less than \$100 and no more than \$1,000. Pen C §1202.4(b). If a victim suffered economic losses as a result of the offense, the court must require restitution to the victim. Pen C §1202.4(f). When the court grants probation or a conditional sentence, it must order payment of restitution as a condition of probation. Pen C §1202.4(m). Furthermore, when defendant is granted probation, the court must order defendant to reimburse the county for all or part of the reasonable costs of probation, depending on defendant’s ability to pay. Pen C §1203.1b. This provision becomes operative in a county when the board of supervisors adopts an ordinance to that effect. Pen C §1203.1b(i).

This chart applies to crimes committed on or after January 1, 2010.

II. [§74.2] PENAL CODE

Pen C §	Description of Crime	Sentence
17(d)	Infraction under Pen C §19.8 (listing Pen C §§193.8, 330, 415, 485, 490.7, 555, 652, 853.7, 602(n); Bus & P C §§21672, 25658(b), 25658.5, 25661–25662; Govt C §27204; Veh C §§12500, 14601.1, 23109(c), 27150.1, 40508, 42005	\$250 maximum
*32–33	Accessory to a felony	1 year and/or \$5,000 maximum
96.5	Obstruction of justice by judicial officer, court commissioner, or referee	1 year and \$1,000 maximum (Pen C §672)

Pen C §	Description of Crime	Sentence
115.3	Altering official record	6 months and/or \$1,000 maximum (Pen C §19)
116.5(a)(1)	Conferring, offering, or agreeing to confer payment or benefit on a juror or person acting on behalf of a juror in consideration for the juror or third person disclosing information relating to a criminal proceeding (before or within 90 days of discharge of the jury)	6 months and/or \$1,000 maximum (Pen C §19); compensation received forfeited by defendant and deposited in Victim Restitution Fund (Pen C §116.5(d))
116.5(a)(2)	Acting on behalf of a juror, accepting or agreeing to accept payment or benefit for himself/herself or for the juror in consideration for disclosure of information relating to a criminal proceeding (before or within 90 days of discharge of the jury)	Same as Pen C §116.5(a)(1) above.
116.5(a)(3)	Acting on behalf of himself/herself, agreeing to accept, directly or indirectly, payment or benefit in consideration for disclosure of information relating to a criminal proceeding (before or within 90 days of discharge of the jury)	Same as Pen C §116.5(a)(1) above.
*118.1	Peace officer's filing of false crime or investigation report or making of false statement in report	1 year and \$1,000 maximum (Pen C §672)
131	The making of false statements or concealment of material fact by person under investigation for violation of corporate securities law	1 year and/or \$25,000 maximum
132.5	Disclosure for money or equivalent consideration of information relating to a crime by prospective witness	6 months and/or fine not exceeding three times the amount of compensation requested, accepted, or received (Pen C §132.5(e))
*140	Using force or threatening use of force or violence against a crime witness or victim	1 year and \$1,000 maximum (Pen C §672); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
141(a)	Filing of false evidence in criminal proceeding	6 months and/or \$1,000 maximum (Pen C §19)
148(a)(1)	Interfering with an officer or emergency medical technician; multiple convictions prohibited when only one victim (Pen C §148(e))	1 year and/or \$1,000 maximum
148(a)(2)	Interfering with transmission over public safety radio	1 year and/or \$1,000 maximum
*148(b)	Interfering with officer and removal of weapon other than firearm; multiple convictions prohibited when only one victim (Pen C §148(e))	1 year and \$1,000 maximum (Pen C §672)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*148(d)	Interfering with officer and attempted removal of firearm; multiple convictions prohibited when only one victim (Pen C §148(e))	1 year and \$1,000 maximum (Pen C §672); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
148.5	False crime report to peace officer, district attorney (or deputy), attorney general (or deputy), or grand jury	6 months and/or \$1,000 maximum (Pen C §19)
148.6(a)	Filing false complaint of misconduct against a peace officer	6 months and/or \$1,000 maximum (Pen C §19)
148.6(b)	Filing false civil claim against a peace officer or lien against the officer's property with intent to harass or dissuade the officer from carrying out his or her duties	6 months and/or \$1,000 maximum (Pen C §19)
148.9	False identification to a peace officer	6 months and/or \$1,000 maximum (Pen C §19)
*148.10	Interfering with an officer and causing his or her death or serious bodily injury	1 year and/or \$1,000 maximum
*149	Assault by public officer under color of authority	1 year and/or \$10,000 maximum
152	Concealment of accidental death	1 year and/or \$10,000 maximum
152.3	Failure to report crime when victim is under 14 years of age	6 months and/or \$1,500 maximum (Pen C §152.3(d))
166(a)	Contempt of court	6 months and/or \$1,000 maximum (Pen C §19)
166(b)	Contempt of court — Willful disobedience of court order by contacting victim and defendant has prior conviction of stalking (Pen C §646.9)	1 year and/or \$5,000 maximum
166(c)(1)	Contempt of court — Willful violation of protective order or stay away court order issued in pending criminal domestic violence case or issued as condition of probation after conviction of domestic violence offense or elder or dependent adult abuse	1 year and/or \$1,000 maximum; mandatory minimum 48 hours if violation results in physical injury (Pen C §166(c)(2)); if probation granted, court must impose conditions specified for crimes of domestic violence under Pen C §1203.097 (Pen C §166(e)); as condition of probation, court may require instead of a fine, maximum \$1,000 payment to battered women's shelter and/or payment of expenses incurred by the victim (Pen C §166(e))

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*166(c)(4)	Contempt of court — Violation of protective order or stay away court order — 2nd or subsequent offense within 7 years and involving act or “credible threat” of violence as defined in Pen C §139(c)	1 year and \$1,000 maximum (Pen C §672); mandatory minimum 48 hours if violation results in physical injury (Pen C §166(c)(2)); if probation granted, court must impose conditions specified for crimes of domestic violence under Pen C §1203.097 (Pen C §166(e)); as condition of probation, court may require instead of a fine, maximum \$1,000 payment to battered women’s shelter and/or payment of expenses incurred by the victim (Pen C §166(e))
*166(d)	Contempt of court — knowing possession, purchase, or receipt of firearm in violation of protective order	1 year and/or \$1,000 maximum (Pen C §§166(d)(1), 12021(g))
171.5	Possession of weapons, replica weapons, or ammunition in area of airport to which access is controlled by screening of persons and property, or in a secured area of a harbor or port that serves commuters/passengers	6 months and/or \$1,000 maximum (Pen C §171.5(e))
*182	Conspiracy to commit acts proscribed in Pen C §182 without specific punishment	1 year and/or \$10,000 maximum
*182(a)(4)	Conspiracy to defraud of property or to obtain money or property by false pretenses	1 year and/or \$10,000 maximum
*182.5	Criminal street gang conspiracy	1 year and/or \$10,000 maximum (Pen C §§182(a), 182.5)
*186.10(a)	Money laundering — 1st offense	1 year and/or \$250,000 or twice the value of the property transacted, whichever is greater
	2nd offense	1 year and/or \$500,000 or five times the value of the property transacted, whichever is greater
*186.22(a)	Participation in criminal street gang activity	1 year and \$1,000 maximum (Pen C §672); if probation granted, court must order minimum 180 days in county jail (Pen C §186.22(c))
*186.22(d)	Commission of wobbler in association with criminal street gang with specific intent to further criminal conduct by gang members	minimum 180 days to maximum 1 year, and \$1,000 maximum (Pen C §672); minimum is mandatory unless unusual case, and court specifies reasons (Pen C §182.22(g)); if probation granted, court must order 180 days in county jail (Pen C §186.22(d))
*186.28	Supplying or selling firearm for use in commission of felony by criminal street gang member	1 year and/or \$1,000 maximum; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
186.33(a)	Violation of registration provisions of Pen C §186.30 by person convicted of gang-related crime or participating in criminal street gang	6 months and/or \$1,000 maximum (Pen C §19)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*191.5(b)	Vehicular manslaughter while intoxicated without gross negligence	1 year and \$1,000 maximum (Pen C §672); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5); designation as habitual traffic offender for 3 years if conviction was within 7 years of 2 or more convictions of Veh C §23103, §23103.5, §23152, or §23153 (Pen C §193.7; Veh C §§13350(b), 14601.3(e)(3))
*192(c)(1), 193(c)(1)	Vehicular manslaughter with gross negligence	1 year and \$1,000 maximum (Pen C §672)
192(c)(2), 193(c)(2)	Vehicular manslaughter without gross negligence	1 year and \$1,000 maximum (Pen C §672)
*192.5(b), 193.5(b)	Vessel manslaughter while intoxicated without gross negligence	1 year and \$1,000 maximum (Pen C §672); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5)
*192.5(c), 193.5(c)	Vessel manslaughter with gross negligence	1 year and \$1,000 maximum (Pen C §672)
192.5(d), 193.5(d)	Vessel manslaughter without gross negligence	1 year and \$1,000 maximum (Pen C §672)
193.8	Relinquishing motor vehicle to intoxicated minor	6 months and/or \$1,000 maximum
*218.1	Placing obstruction on or near railroad track resulting in train damage, derailment, or injury to a rail passenger or employee	1 year and/or \$2,500 maximum
236-237	False imprisonment (felony sentence is mandated if effected by violence, menace, fraud, or deceit)	1 year and/or \$1,000 maximum
240, 241(a)	Assault	6 months and/or \$1,000 maximum; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
241(b)	Assault against parking control officer	6 months and/or \$2,000 maximum; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
241(c)	Assault against peace officer, or other specified public service employee	1 year and/or \$2,000 maximum; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*241.1	Assault against custodial officer	1 year and \$1,000 maximum (Pen C §672)
241.2(a)(1)	Assault against person on school or park property	1 year and/or \$2,000 maximum; if assault committed by minor on school property, court may order minor to attend counseling at expense of minor's parents (Pen C §241.2(a)(2)); counseling mandatory if minor subject to juvenile court jurisdiction (Welf & I C §729.6)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
241.3	Assault against person on the property of, or on a motor vehicle of, a public transportation provider	1 year and/or \$2,000 maximum; defendant must serve some period of confinement (Pen C §1203.055)
*241.4	Assault against school police department member	1 year and \$1,000 maximum (Pen C §672)
241.5	Assault against highway worker	1 year and/or \$2,000 maximum
241.6	Assault against school employee	1 year and/or \$2,000 maximum
*241.7	Assault against juror by party to action	1 year and/or \$2,000 maximum
241.8	Assault against member of US Armed Forces	1 year and/or \$2,000 maximum
242, 243(a)	Battery	6 months and/or \$2,000 maximum; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
243(b)	Battery against peace officer or other specified public service employee	1 year and/or \$2,000 maximum; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*243(c)(1)	Battery inflicting injury on specified public service employee	1 year and/or \$2,000 maximum; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
243(c)(2)	Battery inflicting injury on peace officer	1 year and/or \$10,000 maximum; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*243(d)	Battery with serious bodily injury	1 year and \$1,000 maximum (Pen C §672); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
243(e)	Battery against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom defendant has or had a dating or engagement relationship	1 year and/or \$2,000 maximum; if probation granted, defendant must participate in minimum 1-year batterer's treatment or other counseling program; as condition of probation, court may require, instead of a fine, maximum \$5,000 payment to battered women's shelter and/or payment of expenses incurred by the victim (Pen C §§243(e)(2), 1203.097); mandatory minimum 48 hours if probation granted and defendant has been previously convicted of violating Pen C §243(e), unless good cause shown (Pen C §243(e)(3)); domestic violence prevention programs fee of \$250 maximum where authorized by county (Pen C §1463.27); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
243.2	Battery against person on school or park property, or hospital grounds	1 year and/or \$2,000 maximum; if battery committed by minor on school property, court may order minor to attend counseling at expense of minor's parents (Pen C §243.2(a)(2)); counseling mandatory if minor subject to juvenile court jurisdiction (Welf & I C §729.6)
243.25	Battery against elder or dependent adult with knowledge that victim is an elder or dependent adult	1 year and/or \$2,000 maximum
*243.3	Battery against transportation worker or passenger (wobbler if injury is inflicted)	1 year and/or \$10,000 maximum; defendant must serve some period of confinement (Pen C §1203.055)
243.35	Battery against person on the property of, or in the motor vehicle of, a public transportation provider	1 year and/or \$2,000 maximum
*243.4(a)-(d)	Sexual battery	1 year and \$2,000 maximum; additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); mandatory registration with law enforcement under Pen C §290; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
243.4(e)	Misdemeanor sexual battery	6 months and/or \$2,000 maximum; additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); mandatory registration with law enforcement under Pen C §29; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))0
243.4(e)	Misdemeanor sexual battery by employer	6 months and/or \$3,000 maximum; additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); mandatory registration with law enforcement under Pen C §290; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*243.6	Battery against school employee (wobbler if injury is inflicted)	1 year and/or \$2,000 maximum
243.65	Battery against highway worker	1 year and/or \$2,000 maximum
*243.7	Battery against juror by party to action	1 year and/or \$5,000 maximum
243.8	Battery against sports official	1 year and/or \$2,000 maximum
243.10	Battery against member of US Armed Forces	1 year and/or \$2,000 maximum

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*244.5	Assault with stun gun or less lethal weapon	1 year and \$1,000 maximum (Pen C §672); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*245(a)(1)	Assault with deadly weapon other than firearm or assault with force likely to produce great bodily injury	1 year and/or \$10,000 maximum; disposal of weapon under Pen C §12028 (Pen C §245(e)); in cases of “road rage” assault, court may suspend driving privileges (6 months — 1st offense; 1 year — 2nd or subsequent offense) and/or order completion of anger management course (Veh C §13210); mandatory revocation of driving privileges if felony conviction and court finds vehicle constituted the deadly weapon or instrument used to commit the offense (Veh C §13351.5); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*245(a)(2)	Assault with firearm	minimum 6 months (mandatory, except in unusual cases, with probation under Pen C §1203.095); 1 year and/or \$10,000 maximum; disposal of firearm under Pen C §12028 (Pen C §245(e)); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*245.5(a)	Assault with deadly weapon other than firearm or assault with force likely to produce great bodily injury on school employee	1 year and \$1,000 maximum (Pen C §672); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*245.5(b)	Assault with firearm on school employee	mandatory minimum 6 months to maximum 1 year and \$1,000 maximum (Pen C §672); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*245.5(c)	Assault with stun gun or taser on school employee	1 year and \$1,000 maximum (Pen C §672); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
245.6(c)	Hazing not resulting in serious bodily injury	1 year maximum and/or minimum \$100 to maximum \$5,000
*245.6(d)	Hazing resulting in death or serious bodily injury	1 year and \$1,000 maximum (Pen C §672)
*246	Discharging firearm at inhabited dwelling or occupied building or vehicle	minimum 6 months (mandatory, except in unusual cases, with probation under Pen C §1203.095); 1 year and \$1,000 maximum (Pen C §672)
*246.3(a)	Discharging firearm in grossly negligent manner that could result in injury or death	1 year and \$1,000 maximum (Pen C §672)
246.3(b)	Discharging BB gun in grossly negligent manner that could result in injury or death	1 year and \$1,000 maximum (Pen C §672)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*247(b)	Discharging firearm at uninhabited building or unoccupied vehicle	1 year and \$1,000 maximum (Pen C §672); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
261.5(b)	Unlawful sexual intercourse with minor who is not more than 3 years older or 3 years younger than defendant	6 months and/or \$1,000 maximum (Pen C §19); discretionary maximum \$70 additional fine for AIDS education fund (Pen C §§261.5(e), 1463.23); mandatory AIDS testing (Pen C §1202.1); defendant may be liable for civil penalties (Pen C §261.5(e))
*261.5(c)	Unlawful sexual intercourse with minor who is more than 3 years younger than defendant	1 year and \$1,000 maximum (Pen C §672); discretionary maximum \$70 additional fine for AIDS education fund (Pen C §§261.5(e), 1463.23); mandatory AIDS testing (Pen C §1202.1); defendant may be liable for civil penalties (Pen C §261.5(e))
*261.5(d)	Unlawful sexual intercourse with minor who is under age 16 by defendant 21 years of age or older	Same as above
*266	Seduction of minor for prostitution	1 year and/or \$2,000 maximum; additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); mandatory registration with law enforcement under Pen C §290
*266c	Inducing commission of sexual act through false representation creating fear	1 year and \$1,000 maximum (Pen C §672); additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); mandatory registration with law enforcement under Pen C §290
*270	Non-support of minor child (wobbler if defendant acted with notice of court adjudication that he or she is child's parent)	1 year and/or \$2,000 maximum
270a	Abandonment or non-support of spouse	6 months and/or \$1,000 maximum (Pen C §19)
270c	Adult child's non-support of indigent parent	6 months and/or \$1,000 maximum (Pen C §19)
270.6	Leaving state with intent to willfully omit, without lawful excuse, to furnish spousal support	1 year and/or \$2,000 maximum
*271	Desertion of child under age 14, with intention to abandon	1 year and/or \$1,000 maximum
*271a	Abandonment or refusal to maintain child under age 14	1 year and/or \$1,000 maximum

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
272(a)	Contributing to the delinquency or dependency of a minor	1 year and/or \$2,500 maximum; probation for maximum 5 years; registration with law enforcement under Pen C §290 and additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense) under Pen C §290.3, if offense involves lewd and lascivious conduct
272(b)	Communication (including use of telephone and Internet) by person over 21 years of age with minor under 14 years of age for purpose of luring or transporting minor away from home without express consent of minor's parent or guardian (may be charged as infraction)	6 months and/or \$1,000 maximum (Pen C §19)
*273a(a)	Child abuse or endangerment likely to produce great bodily harm or death	1 year and \$1,000 maximum (Pen C §672); discretionary maximum \$1,000 restitution fine (Pen C §294(a)); if probation granted, court must require minimum 4-year probation period, a criminal court protective order, participation for minimum 1 year in child abuser's treatment counseling program (Pen C §273a(c)(1)–(3)); if defendant under the influence of drugs or alcohol during commission of offense, defendant must, as condition of probation, abstain from use of drugs or alcohol and is subject to random drug testing (Pen C §273a(c)(4)); court may waive minimum conditions of probation in interest of justice and states reasons on record (Pen C §273a(c)(5))
273a(b)	Child abuse or endangerment not likely to produce great bodily harm or death	6 months and/or \$1,000 maximum (Pen C §19); discretionary maximum \$1,000 restitution fine (Pen C §294(a)); if probation granted, court must require minimum 4-year probation period, a criminal court protective order, participation for minimum 1 year in child abuser's treatment counseling program (Pen C §273a(c)(1)–(3)); if defendant under the influence of drugs or alcohol during commission of offense, defendant must, as condition of probation, abstain from use of drugs or alcohol and is subject to random drug testing (Pen C §273a(c)(4)); court may waive minimum conditions of probation in interest of justice and states reasons on record (Pen C §273a(c)(5))

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*273d	Infliction of cruel or inhuman corporal punishment on child	1 year and/or \$6,000 maximum; discretionary maximum \$1,000 restitution fine (Pen C §294(a)); if probation granted, court must require minimum 3-year probation period, a criminal court protective order, participation for minimum 1 year in child abuser's treatment counseling program (Pen C §273d(c)(1)–(3)); if defendant under the influence of drugs or alcohol during commission of offense, defendant must, as condition of probation abstain from use of drugs or alcohol and is subject to random drug testing (Pen C §273d(c)(4)); court may waive minimum conditions of probation in interest of justice and states reasons on record (Pen C §273d(c)(5))
273i	Publishing information about a child with intent that another person use the information to commit a crime against the child, and the information is likely to aid in the commission of the crime	1 year and/or \$1,000 maximum
*273.5(a)	Abuse of spouse, former spouse, cohabitant, former cohabitant, or parent of defendant's child by willfully inflicting corporal injury resulting in a traumatic condition	1 year and/or \$6,000 maximum; court must consider issuing order restraining defendant from any contact with the victim (Pen C §273.5(i)); if probation granted, court must impose conditions specified for crimes of domestic violence under Pen C §1203.097 (Pen C §273.5(f)); as condition of probation, court may require, instead of a fine, maximum \$5,000 payment to battered women's shelter and/or payment of expenses incurred by the victim (Pen C §§273.5(h), 1203.097); domestic violence prevention programs fee of \$250 maximum where authorized by county (Pen C §1463.27); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*273.5(e)	Spouse/cohabitant abuse in violation of Pen C §273.5(a) occurring within 7 years of a prior conviction of Pen C §§243(d) (battery resulting in serious bodily injury), 243(e) (battery against spouse/cohabitant), 243.4 (sexual battery), 244 (assault with caustic chemicals), 244.5 (assault with stun gun or taser), 245 (assault with deadly weapon or firearm), or 273.5(a)	1 year and/or \$10,000 maximum; if probation granted, court must order minimum 15 days in county jail (60 days if two or more priors within 7 years) and impose conditions specified for crimes of domestic violence under Pen C §1203.097, unless court finds good cause for not imposing either or both requirements and states reasons on record (Pen C §273.5(g)); as condition of probation, court may require, instead of a fine, maximum \$5,000 payment to battered women's shelter and/or payment of expenses incurred by the victim (Pen C §§273.5(h), 1203.097); domestic violence prevention programs fee of \$250 maximum where authorized by county (Pen C §1463.27); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
273.6(a)	Intentional and knowing violation of protective order under specified code provisions — 1st offense	1 year and/or \$1,000 maximum; if probation granted, court must impose conditions specified for crimes of domestic violence under Pen C §1203.097 (Pen C §273.6(h)); as condition of probation, court may require, instead of a fine, maximum \$5,000 payment to battered women's shelter or to a shelter for abused elder persons or dependent adults and/or payment of expenses incurred by the victim (Pen C §§273.6(h), 1203.097); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
273.6(b)	Violation of protective order resulting in physical injury	mandatory minimum 30 days to maximum 1 year and/or \$2,000 maximum; if defendant imprisoned for 48 hours or more, court may reduce or eliminate the mandatory minimum imprisonment in interest of justice and state reasons on record; if probation granted, court must impose conditions specified for crimes of domestic violence under Pen C §1203.097 (Pen C §273.6(h)); as condition of probation, court may require, instead of a fine, maximum \$5,000 payment to battered women's shelter or to a shelter for abused elder persons or dependent adults and/or payment of expenses incurred by the victim (Pen C §§273.6(h), 1203.097); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*273.6(d)	Violation of protective order — 2nd or subsequent offense within 7 years and involving act or “credible threat” of violence as defined in Pen C §139(c)	1 year and \$1,000 maximum (Pen C §672); if probation granted, court must impose conditions specified for crimes of domestic violence under Pen C §1203.097 (Pen C §273.6(h)); as condition of probation, court may require, instead of a fine, maximum \$5,000 payment to battered women’s shelter or to a shelter for abused elder persons or dependent adults and/or payment of expenses incurred by the victim (Pen C §§273.6(h), 1203.097); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*273.6(e)	Violation of protective order — 2nd or subsequent offense within 1 year and resulting in physical injury to the same victim	mandatory minimum 6 months to maximum 1 year and/or \$2,000 maximum; if defendant imprisoned for 30 days or more, court may reduce or eliminate the mandatory minimum imprisonment in interest of justice and state reasons on record; if probation granted, court must impose conditions specified for crimes of domestic violence under Pen C §1203.097 (Pen C §273.6(h)); as condition of probation, court may require, instead of a fine, maximum \$5,000 payment to battered women’s shelter or to a shelter for abused elder persons or dependent adults and/or payment of expenses incurred by the victim (Pen C §§273.6(h), 1203.097); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*273.6(g)	Violation of protective order — knowing possession, purchase, or receipt of firearm in violation of order	1 year and/or \$1,000 maximum (Pen C §§273.6(g)(1), 12021(g)); if probation granted, court must impose conditions specified for crimes of domestic violence under Pen C §1203.097 (Pen C §§273.6(g)(1), 12021(g)(4)); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
273.65(a)	Intentional and knowing violation of protective order issued under Welf & I C §213.5, §304, or §362.4 — 1st offense	1 year and/or \$1,000 maximum; court may order counseling and participation in batterer’s treatment program, unless inappropriate for defendant (Pen C §273.65(g)); as condition of probation, court may require, instead of fine, maximum \$5,000 payment to battered women’s shelter and/or payment of expenses incurred by the victim (Pen C §§273.65(h), 1203.097)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
273.65(b)	Violation of protective order resulting in physical injury	mandatory minimum 30 days to maximum 1 year and/or \$2,000 maximum; if defendant imprisoned for 48 hours or more, court may reduce or eliminate the mandatory minimum imprisonment in interest of justice and state reasons on record; court may order counseling and participation in batterer's treatment program, unless inappropriate for defendant (Pen C §273.65(g)); as condition of probation, court may require, instead of fine, maximum \$5,000 payment to battered women's shelter and/or payment of expenses incurred by the victim (Pen C §§273.65(h), 1203.097)
273.65(d)	Violation of protective order — 2nd or subsequent offense within 7 years and involving act or "credible threat" of violence as defined in Pen C §139(c)	1 year and \$1,000 maximum (Pen C §672); court may order counseling and participation in batterer's treatment program, unless inappropriate for defendant (Pen C §273.65(g)); as condition of probation, court may require, instead of fine, maximum \$5,000 payment to battered women's shelter and/or payment of expenses incurred by the victim (Pen C §§273.65(h), 1203.097)
273.65(e)	Violation of protective order — 2nd or subsequent offense within 1 year and resulting in physical injury to the same victim	mandatory minimum 6 months to maximum 1 year and/or \$2,000 maximum; if defendant imprisoned for 30 days or more, court may reduce or eliminate the mandatory minimum imprisonment in interest of justice and state reasons on record; court may order counseling and participation in batterer's treatment program, unless inappropriate for defendant (Pen C §273.65(g)); as condition of probation, court may require, instead of a fine, maximum \$5,000 payment to battered women's shelter and/or payment of expenses incurred by the victim (Pen C §§273.65(h), 1203.097)
273.7	Disclosing location of domestic violence shelter or trafficking shelter	6 months and/or \$1,000 maximum (Pen C §19)
*278	Child abduction from lawful custodian	1 year and/or \$1,000 maximum; court must order payment of restitution for costs incurred by the district attorney and the victim in locating and recovering the child (Pen C §278.6(c))
*278.5	Child abduction in violation of custody order	1 year and/or \$1,000 maximum; court must order payment of restitution for costs incurred by the district attorney and the victim in locating and recovering the child (Pen C §278.6(c))
*288.2(a)	Distribution or exhibition of lewd material to minor (2nd offense is punishable as felony)	1 year and \$1,000 maximum (Pen C §672)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*288.2(b)	Distribution or exhibition of lewd material by electronic mail, commercial online service, or Internet to minor (2nd offense is punishable as felony)	1 year and \$1,000 maximum (Pen C §672)
288.4(a)	Arranging meeting with minor for lewd purpose (punishable as felony if defendant has prior conviction for sex offense listed in Pen C §290(c))	1 year and/or \$5,000 maximum; additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); mandatory registration with law enforcement under Pen C §290
289.5(a), (b)	Flight to California with intent to avoid prosecution for, or custody or confinement imposed for conviction of, specified sex offenses committed in jurisdiction from which the person fled	6 months and/or \$1,000 maximum (Pen C §19)
290.018(a)	Violation of registration provisions by person convicted of a misdemeanor sex offense or juvenile adjudicated for the commission of a sex offense	1 year and \$1,000 maximum (Pen C §672); if probation granted, defendant must serve minimum 90 days in county jail (Pen C §290.018(c))
290.018(d)	Violation of registration provisions by mentally disordered sex offender or offender found guilty of sex offense but adjudged not guilty by reason of insanity (2nd offense punishable as felony)	1 year and \$1,000 maximum (Pen C §672)
*290.018(f)	Failure of sexually violent predator, as defined in Welf & I C §6600, to verify his/her registration every 90 days	1 year and \$1,000 maximum (Pen C §672)
290.018(g)	Failure of person convicted of sex offense who is living as a transient to update his/her registration no less than every 30 days	mandatory minimum 30 days to maximum; 6 months and \$1,000 maximum (Pen C §672)
	3rd or subsequent violation (punishable as felony if underlying conviction is a felony sex offense)	1 year and \$1,000 maximum
290.018(h)	Failure of person convicted of sex offense to provide proof of residence as required for preregistration under Pen C §290.015(a)(5)	6 months and \$1,000 maximum (Pen C §672)
290.018(i)	Failure of person convicted of sex offense to provide required information on Dep't of Justice registration forms	1 year and \$1,000 maximum (Pen C §672)
290.01(c)	Failure of person convicted of sex offense who attends or is employed by higher learning institution to register with campus police department	\$1,000 maximum
	2nd offense	6 months and/or \$1,000 maximum
	3rd or subsequent offense	1 year and/or \$1,000 maximum

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*311.1(a)	Bringing child pornography into or distributing it within the state	1 year and/or \$1,000 maximum; additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); mandatory registration with law enforcement under Pen C §290
311.2(a), 311.9(a)	Bringing obscene matter into or distributing it within the state — 1st offense (2nd offense is punishable as felony)	6 months, plus one day for each additional unit of material, not to exceed 360 days; and/or \$1,000 plus \$5 for each additional unit, not to exceed \$10,000; discretionary maximum \$1,000 restitution fine (Pen C §294(a))
*311.2(c)	Bringing child pornography into or distributing it within the state — 1st offense (2nd offense is punishable as felony)	1 year and/or \$2,000 maximum; additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); discretionary maximum \$1,000 restitution fine (Pen C §294(a)); mandatory registration with law enforcement under Pen C §290
311.3	Sexual exploitation of a child — 1st offense (2nd offense is punishable as felony)	1 year and/or \$2,000 maximum; additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); discretionary maximum \$1,000 restitution fine (Pen C §294(a)); mandatory registration with law enforcement under Pen C §290
*311.4(a), 311.9(b)	Using a minor to assist in bringing in obscene matter or distributing it within the state — 1st offense (2nd offense is punishable as felony)	1 year and/or \$2,000 maximum; additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); mandatory registration with law enforcement under Pen C §290
311.5, 311.9(a)	Advertising obscene matter — 1st offense (2nd offense is punishable as felony)	6 months and/or \$1,000 maximum; additional punishment per unit described above under §311.2(a)
311.6	Engaging in or supporting obscene live conduct	6 months and/or \$1,000 maximum (Pen C §19)
311.7, 311.9(c)	Requiring acceptance of obscene matter as condition to purchasing other merchandise — 1st offense	6 months and/or \$1,000 maximum
	2nd or subsequent offense (3rd or subsequent offense is felony)	1 year and/or \$2,000 maximum
*311.10	Advertising child pornography for sale or distribution	1 year and/or \$50,000 maximum; additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); mandatory registration with law enforcement under Pen C §290

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*311.11(a)	Possession of child pornography	1 year and/or \$2,500 maximum; additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); mandatory registration with law enforcement under Pen C §290
314(1)	Indecent exposure — 1st offense (2nd offense, or 1st offense after violation of Pen C §288, is felony)	6 months and/or \$1,000 maximum (Pen C §19); additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); mandatory registration with law enforcement under Pen C §290
*314(1)	Indecent exposure after entering inhabited building or vehicle without consent	1 year and \$1,000 maximum (Pen C §672); additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); mandatory registration with law enforcement under Pen C §290
314(2)	Indecent exposure — procuring, counseling, or assisting a person to expose	6 months and/or \$1,000 (Pen C §19); additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); mandatory registration with law enforcement under Pen C §290
330	Gaming	6 months maximum and/or minimum \$100 to maximum \$1,000
*337a	Bookmaking — 1st offense	1 year and/or \$5,000 maximum (Pen C §337a(a))
	2nd offense	mandatory minimum \$1,000 to maximum \$10,000 and/or 1 year maximum; if probation granted, court must still order fine or imprisonment (Pen C §337a(b))
	3rd or subsequent offense	mandatory minimum of \$1,000 to maximum of \$15,000 and/or 1 year maximum; if probation granted, court must still order fine or imprisonment (Pen C §337a(c))
337u–337y	Cheating in playing of gambling game	1 year and/or \$10,000 maximum (Pen C §337z(a)(1))
	2nd or subsequent offense	1 year and/or \$15,000 maximum (Pen C §337z(a)(2))
346	Ticket scalping	6 months and/or \$1,000 maximum (Pen C §19)
*368(b)(1)	Willful causing of pain to, or suffering of, elder or dependent adult under circumstances or conditions likely to produce great bodily harm or death — 1st offense	1 year and/or \$6,000 maximum; if probation granted, court may order counseling (Pen C §368(k))

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*368(b)(1) (<i>cont.</i>)	2nd or subsequent offense	1 year and/or \$10,000 maximum; if probation granted, court may order counseling (Pen C §368(k))
368(c)	Willful causing of pain to, or suffering of, elder or dependent adult under circumstances or conditions other than those likely to produce great bodily harm or death	6 months and/or \$1,000 maximum (Pen C §19); if probation granted, court may order counseling (Pen C §368(k))
	2nd or subsequent offense	1 year and/or \$5,000 maximum; if probation granted, court may order counseling (Pen C §368(k))
368(d)–(e)	Theft or embezzlement of property belonging to elder or dependant adult, and value of property taken is \$950 or less	1 year and/or \$1,000 maximum (Pen C §672); if probation granted, court may order counseling (Pen C §368(k))
*368(d)–(e)	Theft or embezzlement of property belonging to elder or dependent adult and value of property taken exceeds \$950	1 year and \$1,000 maximum; if probation granted, court may order counseling (Pen C §368(k))
374.2	Malicious discharge of harmful materials into public sewer — 1st offense	1 year and/or \$25,000 maximum
	*2nd offense	1 year maximum and minimum \$5,000 to maximum \$25,000
374.3(a), (b)	Dumping waste matter/dirt on public or private property or road (infraction) — 1st offense	mandatory minimum \$250 to maximum \$1,000; fine doubled if waste consists of used tires (Pen C §374.3(e)); fines may not be waived or reduced except in unusual cases (Pen C §374.3(j)); additional fine of \$100 (Pen C §1202.51); also as condition of probation, court may require removal or payment for removal of waste matter dumped, or waste pickup in court's jurisdiction for minimum 12 hours (Pen C §374.3(f)–(g))
	2nd offense	mandatory minimum \$500 to maximum \$1,500 (Pen C §374.3(e)); same additional fine and conditions permitted as on 1st offense
	3rd or subsequent offense	mandatory minimum \$750 to maximum \$3,000 (Pen C §374.3(e)); same additional fine and conditions permitted as on 1st offense
374.3(h)	Dumping waste matter on public or private property or road in commercial quantities — 1st offense	6 months and mandatory; minimum \$1,000 to maximum \$3,000; additional fine of \$200 (Pen C §1202.51)
	2nd offense	6 months and mandatory trebled fine of minimum \$3,000 to maximum \$6,000; additional fine of \$200 (Pen C §1202.51)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
374.3(h) (cont.)	3rd or subsequent offense	6 months and mandatory trebled fine of minimum \$6,000 to maximum \$10,000; additional fine of \$200 (Pen C §1202.51)
374.4	Littering on public or private property (infraction) — 1st offense	mandatory minimum \$250 to maximum \$1,000; additional fine of \$100 (Pen C §1202.51); also as condition of probation, court may require litter pickup for minimum 8 hours (Pen C §374.4(e))
	2nd offense	mandatory minimum \$500 to maximum \$1,500; same additional fine and condition permitted as on 1st offense
	3rd or subsequent offense	mandatory minimum \$750 to maximum \$3,000; same additional fine and condition permitted as on 1st offense
374.5	Improper disposal of grease waste — 1st offense	6 months and/or \$10,000 maximum; also as condition of probation, court may require removal or payment of cost removal of dumped waste (Pen C §374.5(b))
	2nd offense or subsequent offense	1 year and/or \$25,000; same additional condition permitted as on 1st offense; court may bar individual or business from engaging in grease waste hauling business for maximum 5 years (Pen C §374.5(g))
374.7	Dumping waste matter into water (misdemeanor) — 1st offense	mandatory minimum \$250 to maximum \$1,000; additional fine of \$200 (Pen C §1202.51); also as condition of probation, court may require litter pickup for minimum 8 hours
	2nd offense	mandatory minimum \$500 to maximum \$1,500; same additional fine and probation condition as on 1st offense
	3rd or subsequent offense	mandatory minimum \$750 to maximum \$3,000; same additional fine and probation condition as on 1st offense
*374.8	Unauthorized dumping of hazardous substances	1 year maximum and/or minimum \$50 to maximum \$10,000; additional fine of \$200 (Pen C §1202.51)
379	Sale or distribution of salvia divinorum or Salvinorin A to minor	6 months and/or \$1,000 maximum
380(a)	Sale or distribution of toluene to minor	minimum 6 months to maximum 1 year or minimum \$1,000 to maximum \$2,500; mandatory business license suspension if one prior conviction unless good faith effort to prevent illegal sales (Pen C §380(b))
381	Possession of toluene or other substance with intent to inhale and become intoxicated	6 months and/or \$1,000 maximum (Pen C §19); defendant may be eligible for sentencing under Proposition 36

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
381b	Possession of nitrous oxide or other substance with intent to inhale and become intoxicated	6 months and/or \$1,000 maximum (Pen C §19); defendant may be eligible for sentencing under Proposition 36
381c	Sale or distribution of nitrous oxide to minor	6 months and/or \$1,000 maximum (Pen C §19); court must consider ordering community service as condition of probation
396(a)	Overcharging for consumer goods and services during state of emergency	1 year and/or \$10,000 maximum (Pen C §396(e))
396(b), (c)	Overcharging for emergency goods and services during state of emergency	1 year and/or \$10,000 maximum (Pen C §396(e))
396.5	Food stamp violations by business	90 days and/or \$5,000 maximum
*399(b)	Owner or person having custody or control allowing vicious animal at large resulting in serious bodily injury	6 months and/or \$1,000 maximum (Pen C §19)
*399.5	Failure of owner to exercise ordinary care with dog that bites persons on two separate occasions or on one occasion causing substantial physical injury	1 year and/or \$10,000 maximum
404, 405	Participating in riot	1 year and/or \$1,000 maximum
404.6(a), (b)	Incitement to riot	1 year and/or \$1,000 maximum
404.6(a), (c)	Incitement to riot in state prison or county jail resulting in serious bodily injury	1 year and \$1,000 maximum (Pen C §672)
407, 408	Unlawful assembly	6 months and/or \$1,000 maximum (Pen C §19)
415	Disturbing the peace	90 days and/or \$400 maximum
415.5	Disturbing the peace on school, college, or university grounds — 1st offense	90 days and/or \$400 maximum
	2nd offense or 1st offense after conviction under Pen C §§626–626.11 of another crime on school property	mandatory minimum 10 days to maximum 6 months and \$1,000 maximum (cannot be released on any basis without service of minimum)
	3rd or subsequent offense, including convictions under Pen C §§626–626.11	mandatory minimum 90 days to maximum 6 months and \$1,000 maximum (cannot be released on any basis without service of minimum)
417(a)(1)	Brandishing a deadly weapon other than a firearm	minimum 30 days (Pen C §417(a)(1)) to maximum 6 months (Pen C §19) and \$1,000 maximum (Pen C §672); disposal of weapon under Pen C §§417.6, 12028; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
417(a)(2)(A)	Brandishing a concealable firearm in a public place	minimum 3 months (mandatory except in unusual cases, with probation under Pen C §1203.095) to maximum 1 year and/or \$1,000 maximum; disposal of firearm under Pen C §§417.6, 12028; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
417(a)(2)(B)	Brandishing a firearm	minimum 3 months (mandatory, except in unusual cases, with probation under Pen C §1203.095) to maximum 6 months (Pen C §19) and \$1,000 maximum (Pen C §672); disposal of firearm under Pen C §§417.6, 12028; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*417(b)	Brandishing a loaded firearm on grounds of a day care center	minimum 3 months to maximum 1 year and \$1,000 maximum (Pen C §672); disposal of firearm under Pen C §§417.6, 12028; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*417(c)	Brandishing a firearm in the immediate presence of a peace officer	minimum 9 months (mandatory minimum 6 months, except in unusual cases, with probation under Pen C §1203.095) to maximum 1 year (Pen C §417(c)) and \$1,000 maximum (Pen C §672); disposal of firearm under Pen C §§417.6, 12028; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
417(d)	Brandishing a deadly weapon or firearm in the presence of person who is cleaning up graffiti or vandalism	minimum 3 months to maximum 1 year and \$1,000 maximum (Pen C §672); disposal of weapon under Pen C §§417.6, 12028; defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
417.25	Brandishing a laser scope or laser pointer	30 days and \$1,000 maximum (Pen C §672)
417.26	Brandishing a laser scope or laser pointer at a peace officer	6 months and \$1,000 maximum (Pen C §672)
417.4	Brandishing imitation firearm	minimum 30 days (Pen C §417.4) to maximum 6 months (Pen C §19) and \$1,000 maximum (Pen C §672)
417.6(a)	Serious bodily injury while brandishing deadly weapon or firearm	1 year and \$1,000 maximum (Pen C §672); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
422.4	Publishing information about academic researcher or his or her family with intent that another person use the information to commit a crime involving violence or threat of violence against the researcher or his or her family, and information is likely to aid in commission of the crime	1 year and/or \$1,000 maximum
422.6	Use of force, threats, or destruction of property to interfere with another's exercise of civil rights	1 year and/or \$5,000 maximum; court must order community service of maximum 400 hours over period not exceeding 350 days (during time other than school or employment) (Pen C §422.6(c)); if probation granted, court must, absent compelling circumstances stated on record, issue an order protecting the victim from further violence, including any stay-away conditions the court deems appropriate (Pen C §422.85); if probation granted, court may order defendant to complete an ethnic or racial sensitivity class or one-year counseling program, make payments to local agency that provides services to victims of hate violence, and/or reimburse victim for costs of counseling and other expenses (Pen C §422.85)
*422.7	Commission of crime for purpose of interfering with another's exercise of civil rights	1 year and/or \$10,000 maximum; if probation granted, court must, absent compelling circumstances stated on record, issue an order protecting the victim from further violence, including any stay-away conditions the court deems appropriate (Pen C §422.85); if probation granted, court may order defendant to complete an ethnic or racial sensitivity class or one-year counseling program, make payments to local agency that provides services to victims of hate violence, and/or reimburse victim for costs of counseling and other expenses (Pen C §422.85)
422.77	Violation of civil order protecting exercise of civil rights issued under CC §52.1(a) or (b)	6 months and/or \$1,000 maximum (Pen C §422.77(a)); if defendant convicted of hate crime, court may order community service of maximum 400 hours over period not to exceed 350 days (during time other than school or employment) (Pen C §422.77(d))
	2nd or subsequent violation	1 year and \$1,000 maximum (Pen C §672); same community service condition as on 1st offense

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
423.2(a)	Intentionally injuring, intimidating, or interfering with reproductive health services client or provider by force, threat of force, or physical obstruction	1 year and \$25,000 maximum (Pen C §423.3(c)); if probation granted, court must, absent compelling circumstances stated on record, issue an order protecting the victim from further violence, including any stay-away conditions the court deems appropriate (Pen C §422.85); if probation granted, court may order defendant to complete an ethnic or racial sensitivity class or one-year counseling program, make payments to local agency that provides services to victims of hate violence, and/or reimburse victim for costs of counseling and other expenses (Pen C §422.85)
	2nd or subsequent violation	1 year and \$50,000 maximum (Pen C §423.3(d)); same probation conditions as on 1st offense
423.2(b)	Intentionally injuring, intimidating, or interfering with person lawfully exercising or seeking to exercise right of religious freedom at place of worship by force, threat of force, or physical obstruction	1 year and \$25,000 maximum (Pen C §423.3(c)); if probation granted, court must, absent compelling circumstances stated on record, issue an order protecting the victim from further violence, including any stay-away conditions the court deems appropriate (Pen C §422.85); if probation granted, court may order defendant to complete an ethnic or racial sensitivity class or one-year counseling program, make payments to local agency that provides services to victims of hate violence, and/or reimburse victim for costs of counseling and other expenses (Pen C §422.85)
	2nd or subsequent violation	1 year and \$50,000 maximum (Pen C §423.3(d)); same probation conditions as on 1st offense
423.2(c)	Intentionally injuring, intimidating, or interfering with reproductive health services client or provider by nonviolent physical obstruction	6 months and \$2,000 maximum (Pen C §423.3(a)); if probation granted, court must, absent compelling circumstances stated on record, issue an order protecting the victim from further violence, including any stay-away conditions the court deems appropriate (Pen C §422.85); if probation granted, court may order defendant to complete an ethnic or racial sensitivity class or one-year counseling program, make payments to local agency that provides services to victims of hate violence, and/or reimburse victim for costs of counseling and other expenses (Pen C §422.85)
	2nd or subsequent violation	6 months and \$5,000 maximum (Pen C §423.3(b)); same probation conditions as on 1st offense

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
423.2(d)	Intentionally injuring, intimidating, or interfering with person lawfully exercising or seeking to exercise right of religious freedom at place of worship by nonviolent physical obstruction	6 months and \$2,000 maximum (Pen C §423.3(a)); if probation granted, court must, absent compelling circumstances stated on record, issue an order protecting the victim from further violence, including any stay-away conditions the court deems appropriate (Pen C §422.85); if probation granted, court may order defendant to complete an ethnic or racial sensitivity class or one-year counseling program, make payments to local agency that provides services to victims of hate violence, and/or reimburse victim for costs of counseling and other expenses (Pen C §422.85)
	2nd or subsequent violation	6 months and \$5,000 maximum (Pen C §423.3(b)); same probation conditions as on 1st offense
423.2(e)	Intentionally damaging or destroying property of a reproductive health services client, provider, assistant, or facility	1 year and \$25,000 maximum (Pen C §423.3(c)); if probation granted, court must, absent compelling circumstances stated on record, issue an order protecting the victim from further violence, including any stay-away conditions the court deems appropriate (Pen C §422.85); if probation granted, court may order defendant to complete an ethnic or racial sensitivity class or one-year counseling program, make payments to local agency that provides services to victims of hate violence, and/or reimburse victim for costs of counseling and other expenses (Pen C §422.85)
	2nd or subsequent violation	1 year and \$50,000 maximum (Pen C §423.3(d)); same probation conditions as on 1st offense
423.2(f)	Intentionally damaging or destroying property of a place of religious worship	1 year and \$25,000 maximum (Pen C §423.3(c)); if probation granted, court must, absent compelling circumstances stated on record, issue an order protecting the victim from further violence, including any stay-away conditions the court deems appropriate (Pen C §422.85); if probation granted, court may order defendant to complete an ethnic or racial sensitivity class or one-year counseling program, make payments to local agency that provides services to victims of hate violence, and/or reimburse victim for costs of counseling and other expenses (Pen C §422.85)
	2nd or subsequent violation	1 year and \$50,000 maximum (Pen C §423.3(d)); same probation conditions as on 1st offense

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*453	Possession, manufacture, or disposal of flammable with intent to set a fire	1 year and \$1,000 (Pen C §672); registration with law enforcement under Pen C §457.1
457(i)	Violation of registration provisions by person convicted of arson Willful violation	6 months and/or \$1,000 maximum (Pen C §19) minimum 90 days to maximum 1 year and \$1,000 maximum (Pen C §672); court may not absolve minimum confinement obligation and minimum 1-year probation
*459, 460, 461(b)	Burglary in the second degree (probation not permitted if burglary of inhabited dwelling, trailer, or building)	1 year and \$1,000 maximum (Pen C §672)
*463(a)	Burglary in the second degree during emergency resulting from earthquake, flood, fire, riot, or other natural or manmade disaster — “looting”	1 year and \$1,000 maximum (Pen C §672); if probation granted, court must order minimum 180 days in county jail unless court finds that the interests of justice would best be served by reducing or eliminating the mandatory jail sentence; court may also require as condition of probation maximum 240 hours of community service
*463(b)	Grand theft during emergency resulting from earthquake, flood, fire, riot, or other natural or manmade disaster — “looting”	1 year and \$1,000 maximum (Pen C §672); if probation granted, court must order minimum 180 days in county jail unless court finds that the interests of justice would best be served by reducing or eliminating the mandatory jail sentence; court may also require as condition of probation maximum 160 hours of community service
463(c)	Petty theft during emergency resulting from earthquake, flood, fire, riot, or other natural or manmade disaster	6 months and \$1,000 maximum (Pen C §672); if probation granted, court must order minimum 90 days in county jail unless court finds that the interests of justice would best be served by reducing or eliminating the mandatory jail sentence; court may also require as condition of probation maximum 80 hours of community service
*470, 473	Forgery (including lottery tickets)	1 year and \$1,000 maximum (Pen C §672)
*470a, 470b	Alteration (§470a) or display (§470b) of driver’s license or ID card with intent to facilitate forgery	1 year and \$1,000 maximum (Pen C §672)
*474	Sending false or forged message by telephone or telegraph	1 year and/or \$10,000 maximum
*475, 473	Possession of forged bill, note, lottery ticket, etc., with intent to pass	1 year and \$1,000 maximum (Pen C §672)
*476, 473	Making or uttering fictitious instrument with intent to defraud	1 year and \$1,000 maximum (Pen C §672)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*476a	Issuing checks without sufficient funds, with intent to defraud (wobbler if check amount exceeds \$450 or if prior conviction of specified forgery-related offense)	1 year and \$1,000 maximum (Pen C §672)
484, 487, 488, 490	Petty theft — 1st offense (may be charged as infraction if value of property does not exceed \$50 (Pen C §490.1))	6 months and/or \$1,000 maximum
	*2nd or subsequent offense (wobbler under Pen C §666)	1 year and \$1,000 maximum (Pen C §672)
*484e(a), 489(b)	Transferring, selling, conveying, or acquiring bank access card with intent to defraud	1 year and \$1,000 maximum (Pen C §672)
*484e(b), 489(b)	Acquiring bank access cards of four or more persons within 12-month period knowing that they were acquired under circumstances which constitute a violation of Pen C §484e(a), (c), or (d)	1 year and \$1,000 maximum (Pen C §672)
*484e(c), 490	Acquiring bank access card without holder's or issuer's consent with intent to sell or transfer it to person other than the holder or issuer	6 months and/or \$1,000 maximum
*484e(d), 489(b)	Acquiring bank access card account information without holder's or issuer's consent with intent to defraud	1 year and \$1,000 maximum (Pen C §672)
485, 488, 490	Appropriation of lost property by finder	6 months and/or \$1,000 maximum
*487, 489(b)	Grand theft — property other than firearm, when value exceeds \$400, or \$250 for certain agricultural or aquacultural products; property taken by employee from employer valued at \$950 or more; property taken from a person; automobile; or an animal listed in Pen C §487(d); felony punishment if property is firearm	1 year and \$1,000 maximum (Pen C §672)
*487(h), 489(b)	Grand theft — cargo valued at more than \$950	1 year and \$1,000 maximum (Pen C §672)
*487i, 489(b)	Grand theft—defrauding public housing authority of more than \$400	1 year and \$1,000 maximum (Pen C §672)
490.5	Petty theft from merchant or library	minimum \$50 to maximum \$1,000 and/or 6 months maximum
*496	Receiving stolen property (wobbler if value of property exceeds \$950)	1 year and \$1,000 maximum (Pen C §672)
*496d	Receiving stolen vehicle, trailer, or vessel	1 year and/or \$1,000 maximum

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*499(a)	Joyriding in violation of Pen C §499b with prior conviction of Pen C §487(d) involving a vehicle or vessel, or of taking a vehicle without the owner's consent (Veh C §10851), for which jail term was served	1 year and \$1,000 maximum (Pen C §672)
*499(b)	Joyriding in violation of Pen C §499b with two or more prior convictions of Pen C §499b, and jail term previously served	1 year and \$1,000 maximum (Pen C §672)
499b(a)	Joyriding of bicycle	3 months and/or \$400 maximum
499b(b)	Joyriding of vessel	1 year and/or \$1,000 maximum
*502	Computer-related crimes	1 year and/or \$5,000 maximum; \$10,000 maximum in cases involving computer viruses when injury results, or second or subsequent violation; some violations are infractions with \$1,000 maximum fine; computer subject to forfeiture under Pen C §502.01
502.6	Possession or use of device designed to scan or reencode information from or to the magnetic strip of a credit card with intent to defraud	1 year and/or \$1,000 maximum
518, 521	Extortion under color of official right	6 months and/or \$1,000 maximum (Pen C §19)
*524	Attempted extortion	1 year and/or \$10,000 maximum
529.7	Obtaining or assisting person in obtaining a false driver's license or other DMV documents	1 year and/or \$1,000 maximum
*530.5(a)	Use of personal identifying information of another person to obtain credit, goods, services, or medical information	1 year and/or \$1,000 maximum
530.5(c)(1)	Acquisition or retention of personal identifying information of another person with intent to defraud (wobbler if second or subsequent offense (Pen C §530.5(c)(2)))	1 year and/or \$1,000 maximum
*530.5(c)(3)	Acquisition or retention of personal identifying information of 10 or more persons with intent to defraud with prior conviction	1 year and/or \$1,000 maximum
*530.5(d)(1)	Sale, transfer, or conveyance of personal identifying information of another person with intent to defraud	1 year and/or \$1,000 maximum
530.5(e)	Mail theft	1 year and/or \$1,000 maximum

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
537(a)	Obtaining accommodations or food services with intent to defraud and value is \$950 or less	6 months and/or \$1,000 maximum
*537(a)	Obtaining accommodations of food services with intent to defraud and value exceeds \$950	1 year and \$1,000 maximum (Pen C §672)
537e	Possession of personal property from which serial number has been removed and value of property is \$950 or less	6 months and \$1,000 maximum (Pen C §672)
537e	Possession of personal property from which serial number has been removed and value of property exceeds \$950	1 year and \$1,000 maximum (Pen C §672)
*537e	Possession of integrated computer chip or panel valued at \$950 or more from which serial number has been removed	1 year and \$1,000 maximum (Pen C §672)
*591	Removing or damaging telegraph, telephone, cable television, or electrical line	1 year or \$500 maximum
591.5	Removing, damaging, or obstructing use of wireless telephone used to notify or summon law enforcement or other public safety agency	6 months and/or \$1,000 maximum (Pen C §19)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*594(a), (b)(1)	Vandalism with damage of \$400 or more	1 year and/or \$10,000 maximum; parent liable for fine if minor unable to pay, unless court waives for good cause (Pen C §594(d)); court must, when appropriate and feasible, order cleanup and repair if damage consists of defacing property with graffiti or participation in local graffiti abatement program; if court finds that cleanup is inappropriate, the court must consider ordering community service (Pen C §594(c)); court may order counseling in addition to community service (Pen C §594(f)); if defendant is 13 years of age or older, court may order license suspension for not more than 2 years or delay of license for not less than 1 year nor more than 3 years, and immediate surrender of license to court; for 2nd or subsequent offense, court must suspend or delay license for additional year; defendant may reduce period by performing community service (graffiti cleanup), at rate of 1 day per 1 hour performed (Veh C §13202.6); court may order as condition of probation community service of maximum 300 hours over period not exceeding 240 days (during time other than school or employment) or participation in local graffiti abatement program (Pen C §594.6)
	Vandalism with damage of \$10,000 or more	1 year and/or \$50,000 maximum; parent liable for fine if minor unable to pay, unless court waives for good cause (Pen C §594(d)); graffiti cleanup/repair (Pen C §594(c)); license suspension or delay, community service, and counseling as described under §594(a), (b)(1) above (Veh C §13202.6; Pen C §594.6)
594(a), (b)(2)(A)	Vandalism with damage of less than \$400 (wobbler if third or subsequent offense and jail term previously served (Pen C §594.7))	1 year and/or \$1,000 maximum; parent liable for fine if minor unable to pay, unless court waives for good cause (Pen C §594(d)); graffiti cleanup/repair (Pen C §594(c)); license suspension or delay, community service, and counseling as described under §594(a), (b)(1) above (Veh C §13202.6; Pen C §594.6)
594(a), (b)(2)(B)	Vandalism with damage of less than \$400 with prior graffiti or vandalism conviction under Pen C §§594, 594.3, 594.4, 640.5, 640.6, or 640.7 (wobbler if third or subsequent offense and jail term previously served (Pen C §594.7))	1 year and/or \$5,000 maximum; parent liable for fine if minor unable to pay, unless court waives for good cause (Pen C §594(d)); graffiti cleanup/repair (Pen C §594(c)); license suspension or delay, community service, and counseling as described under §594(a), (b)(1) above (Veh C §13202.6; Pen C §594.6)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
594.2	Possession of graffiti marking materials with intent to commit vandalism	6 months and/or \$1,000 maximum (Pen C §19); if defendant under age 18, court must order (i) minimum 24 hours of community service (during time other than school or employment) and parent/ guardian must be present at service site for minimum one half of the hours, or (ii) participation in local graffiti abatement program, unless court finds parent/guardian participation inappropriate or potentially detrimental to the minor (Pen C §594.8); if probation granted, court may order defendant to perform maximum 90 hours' community service (during time other than school or employment) (Pen C §594.2(b))
*594.3(a)	Vandalism of place of worship or cemetery	1 year and \$1,000 maximum (Pen C §672); license suspension or delay and community service as described under §594(a), (b)(1) above (Veh C §13202.6; Pen C §594.6); if probation granted, court must, absent compelling circumstances stated on record, issue an order protecting the victim from further violence, including any stay-away conditions the court deems appropriate (Pen C §422.85); if probation granted, court may order defendant to complete an ethnic or racial sensitivity class or one-year counseling program, make payments to local agency that provides services to victims of hate violence, and/or reimburse victim for costs of counseling and other expenses (Pen C §422.85)
*594.4(a), (b)(1)	Defacing damaging, or contaminating property with noxious or caustic chemicals or substances — damages of \$50,000 or more	6 months (Pen C §19) and/or \$50,000 maximum; license suspension or delay and community service as described under §594(a), (b)(1) above (Veh C §13202.6; Pen C §594.6)
*594.4(a), (b)(2)	Defacing, damaging, or contaminating property with noxious or caustic chemicals or substances — damage of \$5,000 or more, but less than \$50,000	6 months (Pen C §19) and/or \$10,000 maximum; license suspension or delay and community service as described under §594(a), (b)(1) above (Veh C §13202.6; Pen C §594.6)
*594.4(a), (b)(3)	Defacing, damaging, or contaminating property with noxious or caustic chemicals or substances — damage of \$950 or more, but less than \$5,000	6 months (Pen C §19) and/or \$5,000 maximum; license suspension or delay and community service as described under §594(a), (b)(1) above (Veh C §13202.6; Pen C §594.6)
*594.4(a), (b)(4)	Defacing, damaging, or contaminating property with noxious or caustic chemicals or substances — damage of less than \$950	6 months (Pen C §19) and/or \$1,000 maximum; license suspension or delay and community service as described under §594(a), (b)(1) above (Veh C §13202.6; Pen C §594.6)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
*597(a)	Killing, maiming, torturing, or mutilating animal	1 year and/or \$20,000 maximum; if probation granted, court must order defendant to pay for and complete counseling designed to treat behavior or conduct disorders (Pen C §597(g))
*597(b)	Cruelty to or abuse of animal by owner or custodian	6 months (Pen C §19) and \$20,000 maximum; if probation granted, court must order defendant to pay for and complete counseling designed to treat behavior or conduct disorders (Pen C §597(g))
597f	Animal neglect by owner, driver, or possessor	6 months and/or \$1,000 maximum (Pen C §19)
597.7	Leaving animal in unattended automobile under conditions that endanger the health of the animal and animal suffers great bodily injury — 1st offense	6 months and/or \$500 maximum; if no injury to animal, violation is infraction with maximum \$100 fine per animal
	2nd offense (regardless of injury to animal)	6 months and/or \$500 maximum
*601	Trespass — entering person's residence or contiguous real property or workplace (other than defendant's) within 30 days of making credible threat to cause serious bodily injury to another person as defined in Pen C §417.6 with intent to place that other person in reasonable fear of his/her safety or the safety of his/her immediate family as defined in Pen C §646.9(l)	1 year and/or \$2,000 maximum
602(k)	Trespass — entering lands with intent to injure property or to interfere with owner's business	6 months and/or \$1,000 maximum (Pen C §19)
602(l)	Trespass — entering and occupying real property or structures without consent	6 months and/or \$1,000 maximum (Pen C §19)
602(w)	Refusal to leave battered women's shelter after request by the shelter's manager	1 year and \$1,000 maximum (Pen C §672); court may order defendant to make restitution to a battered woman for relocation expenses if these expenses were incurred as a result of defendant's trespass
602.1	Intentional interference with business or public agency by obstructing or intimidating employees or customers	90 days and/or \$400 maximum
602.5(a)	Trespass — entering or remaining in dwelling without consent	6 months and/or \$1,000 (Pen C §19)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
602.5(b)	Aggravated trespass — entering or remaining in dwelling without consent while resident is present	1 year and/or \$1,000 maximum; court must consider issuing an order restraining defendant from any contact with the victim (Pen C §602.5(d)); if probation granted, court must order counseling (Pen C §602.5(c))
602.8	Trespass — entering cultivated, fenced, or posted lands without written permission — 1st offense (infraction)	\$75
	2nd offense on contiguous land of same owner (infraction)	\$250
	3rd or subsequent offense on contiguous land	6 months and/or \$1,000 maximum (Pen C §19)
602.11	Physically obstructing access to health care facility, church, or school — 1st offense	6 months and/or maximum \$250; court may order defendant to perform community service instead of fine or imprisonment if it determines that paying the fine would result in undue hardship to defendant or his or her dependents
	2nd offense	mandatory minimum 5 days to maximum 6 months (Pen C §19) and \$500 maximum; court may order defendant to perform community service instead of fine or imprisonment if it determines that paying the fine would result in undue hardship to defendant or his or her dependents
	3rd or subsequent offense	mandatory minimum 30 days to maximum 6 months (Pen C §19) and \$2,000 maximum; court may order defendant to perform community service instead of fine or imprisonment if it determines that paying the fine would result in undue hardship to defendant or his or her dependents
602.12	Trespass—entering residential property of academic researcher for purpose of chilling, preventing exercise of, or interfering with the researcher's academic freedom	6 months and/or \$1,000 maximum (Pen C §19)
626.6(a)	Trespass — nonstudent's or nonemployee's refusal to leave college or university campus as ordered, or reentry within 7 days after being directed to leave — 1st offense	6 months and \$500 maximum
	2nd offense, including other school-related priors under Pen C §415.5 or §§626–626.11	mandatory minimum 10 days to maximum 6 months and maximum \$500
	3rd or subsequent offense, including other school-related priors under Pen C §415.5 or §§626–626.11	mandatory minimum 90 days to maximum 6 months and maximum \$500

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
626.7(a)	Trespass — nonstudent's or nonemployee's refusal to leave public school property as ordered, or reentry without following posted requirements to contact the administrative offices of the school — 1st offense	6 months and \$500 maximum
	2nd offense, including other school-related priors under Pen C §415.5 or §§626–626.11	mandatory minimum 10 days to maximum 6 months and maximum \$500
	3rd or subsequent offense, including other school-related priors under Pen C §415.5 or §§626–626.11	mandatory minimum 90 days to maximum 6 months and maximum \$500
*626.9(b)	Possession of firearm within 1,000 feet of school grounds	1 year and \$1,000 maximum (Pen C §672); if defendant has prior conviction of misdemeanor offense specified in Pen C §12001.6, court must order minimum 3-month sentence or condition of probation unless unusual case and court specifies reasons (Pen C §626.9(g)(1), (g)(4)); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*626.10(a)(1)	Possession of weapon, other than firearm, on grounds of public or private elementary, middle, or high school	1 year and \$1,000 maximum (Pen C §672)
626.10(a)(2)	Possession of razor blade or box cutter on grounds of public or private elementary, middle, or high school	1 year and \$1,000 maximum (Pen C §672)
*626.10(b)	Possession of weapon, other than firearm, on grounds of public or private college	1 year and \$1,000 maximum (Pen C §672)
616.10(i)	Possession of stun gun or less lethal weapon on ground of public or private college	6 months and/or \$1,000 maximum (Pen C §19)
626.81	Entry onto school building or grounds by registered sex offender without lawful business and written permission from school chief administrator — 1st offense	6 months and/or \$500 maximum
	2nd offense	minimum 10 days to maximum 6 months, and \$500 maximum; defendant may not be released on probation until minimum 10 days are served
	3rd offense	minimum 90 days to maximum 6 months, and \$500 maximum; defendant may not be released on probation until minimum 90 days are served

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
626.85	Trespass — drug offender's refusal to leave school property as ordered, reentry within 7 days after being directed to leave, or continued pattern of unauthorized entry — 1st offense	6 months and/or \$1,000 maximum
	2nd offense, including other school-related priors under Pen C §415.5 or §§626–626.11	mandatory minimum 10 days to maximum 6 months and/or \$1,000 maximum
	3rd or subsequent offense, including other school-related priors under Pen C §415.5 or §§626–626.11	mandatory minimum 90 days to maximum 6 months and/or \$1,000 maximum
*626.95	Possessing firearm on grounds of playground or youth center	1 year and \$1,000 maximum (Pen C §672)
640.5(a)	Defacing with graffiti facilities or vehicles of governmental entity or public transportation system, or those operated or subsidized by Department of Transportation, and costs incurred for cleanup and repair do not exceed \$250 (infraction); provision does not preclude application of Pen C §594 (vandalism)	maximum \$1,000; and community service of minimum 48 hours to maximum 200 hours over period not exceeding 180 days (during time other than school or employment) which may be performed under the direct supervision of parent/guardian if defendant is under age 18 (Pen C §640.5(e); <i>Note:</i> Penal Code §594.8 requires parent/ guardian to be present at service site for minimum one-half of the hours unless court finds parent/ guardian participation inappropriate or potentially detrimental to the minor); court may order participation in local graffiti abatement program instead of community service (Pen C §640.5(a)(2)); court may order counseling in addition to community service (Pen C §640.5(g)); parent or guardian liable for fine if minor unable to pay, unless court waives for good cause (Pen C §640.5(d)(2)); in addition, court, at the victim's option, may order defendant to perform necessary labor to clean up, repair, or replace property (Pen C §640.5(d)(1))

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
640.5(b)	Violation of Pen C §640.5(a) with prior graffiti or vandalism conviction under Pen C §§594, 594.3, 594.4, 640.5(a), 640.6, or 640.7	6 months and/or \$2,000 maximum; if defendant under age of 18, court must order minimum 24 hours of community service (during time other than school or employment) and parent/guardian must be present at service site for minimum one-half of the hours unless court finds parent/guardian participation inappropriate or potentially detrimental to the minor (Pen C §594.8); if probation granted, court must order defendant to perform minimum 96 hours to maximum 400 hours of community service over period not exceeding 350 days (during time other than school or employment), which may be performed under the direct supervision of parent/guardian if defendant is under age 18 (Pen C §640.5(e)); court may order participation in local graffiti abatement program instead of community service (Pen C §640.5(b)(2)); court may order counseling in addition to community service (Pen C §640.5(g)); parent/guardian liability for fine and performance of cleanup labor as described under §640.5(a) above (Pen C §640.5(d))
640.5(c)	Violation of Pen C §640.5(a) with 2 or more prior graffiti or vandalism convictions under Pen C §§594, 594.3, 594.4, 640.5(a), 640.6, or 640.7, and jail term previously served	1 year and \$3,000 maximum; if defendant under age of 18, court must order minimum 24 hours of community service (during time other than school or employment) and parent/guardian must be present at service site for minimum one-half of the hours unless court finds parent/guardian participation inappropriate or potentially detrimental to the minor (Pen C §594.8); if probation granted, court may order maximum 600 hours of community service over period not exceeding 480 days (during time other than school or employment), which may be performed under the direct supervision of parent/guardian if defendant is under age 18 (Pen C §640.5(e)); court may order participation in local graffiti abatement program instead of community service (Pen C §640.5(c)(2)); court may order counseling in addition to community service (Pen C §640.5(g)); parent/guardian liability for fine and performance of cleanup labor as described under §640.5(a) above (Pen C §640.5(d))

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
640.6(a)	Defacing with graffiti real or personal property of another and amount of defacement or damage is less than \$250 (infraction); provision does not preclude application of Pen C §594 (vandalism)	maximum \$1,000 and community service of minimum 48 hours to maximum 200 hours over period not exceeding 180 days (during time other than school or employment), which may be performed under the direct supervision of parent/guardian if defendant is under age 18 (Pen C §640.6(e); Note: Penal Code §594.8 requires parent/ guardian to be present at service site for minimum one-half of the hours unless court finds parent/guardian participation inappropriate or potentially detrimental to the minor); court may order participation in local graffiti abatement program instead of community service (Pen C §640.6(a)(2)); court may order counseling in addition to community service (Pen C §640.6(g)); parent or guardian liable for fine if minor unable to pay, unless court waives for good cause (Pen C §640.6(e)); in addition, court, at victim's option, may order defendant to perform necessary labor to clean up, repair, or replace property (Pen C §640.6(d))
640.6(b)	Violation of Pen C §640.6(a) with prior graffiti or vandalism conviction under Pen C §§594, 594.3, 594.4, 640.5, 640.6(a), or 640.7	6 months and/or \$2,000 maximum; if defendant under age of 18, court must order minimum 24 hours of community service (during time other than school or employment) and parent/guardian must be present at service site for minimum one-half of the hours unless court finds parent/guardian participation inappropriate or potentially detrimental to the minor (Pen C §594.8); if probation granted, court must order defendant to perform minimum 96 hours to maximum 400 hours of community service over period not exceeding 350 days (during time other than school or employment), which may be performed under the direct supervision of parent/guardian if defendant is under age 18 (Pen C §640.6(e)); court may order participation in local graffiti abatement program instead of community service (Pen C §640.6(b)(2)); court may order counseling in addition to community service (Pen C §640.6(g)); parent/guardian liability for fine and performance of cleanup labor as described under §640.6(a) above (Pen C §640.6(d)–(e))

Pen C §	Description of Crime	Sentence
640.6(c)	Violation of Pen C §640.6(a) with 2 or more prior graffiti or vandalism convictions under Pen C §§594, 594.3, 594.4, 640.5, 640.6(a), or 640.7, and imprisoned at least once	6 months and/or \$3,000 maximum; if defendant under age of 18, court must order 24 hours of community service (during time other than school or employment) and parent/guardian must be present at service site for minimum one-half of the hours unless court finds parent/guardian participation inappropriate or potentially detrimental to the minor (Pen C §594.8); if probation granted, court must order defendant to perform maximum 600 hours of community service over period not exceeding 480 days (during time other than school or employment), which may be performed under the direct supervision of parent/guardian if defendant is under age 18 (Pen C §640.6(e)); court may order participation in local graffiti abatement program instead of community service (Pen C §640.6(c)(2)); court may order counseling in addition to community service (Pen C §640.6(g)); parent/guardian liability for fine and performance of cleanup labor as described under §640.6(a) above (Pen C §640.6(d)–(e))
640.7	Graffiti or vandalism under Pen C §§640.5, 640.6, or 594 committed on or within 100 feet of highway or its appurtenances — 1st offense	6 months and/or \$1,000 maximum; if defendant under age of 18, court must order (i) minimum 24 hours of community service (during time other than school or employment) and parent/guardian must be present at service site for minimum one half of the hours, or (ii) participation in local graffiti abatement program, unless court finds parent/guardian participation inappropriate or potentially detrimental to the minor (Pen C §594.8); if probation granted, court may order maximum 300 hours of community service over period not exceeding 240 days (during time other than school or employment) or participation in local graffiti abatement program (Pen C §594.6)

Pen C §	Description of Crime	Sentence
	2nd or subsequent offense	1 year and/or \$1,000 maximum; if defendant under age of 18, court must order (i) minimum 24 hours of community service (during time other than school or employment) and parent/guardian must be present at service site for minimum one-half of the hours, or (ii) participation in local graffiti abatement program unless court finds parent/guardian participation inappropriate or potentially detrimental to the minor (Pen C §594.8); if probation granted, court may order maximum 300 hours of community service over period not exceeding 240 days (240 days if 3rd or subsequent offense) (during time other than school or employment) or participation in local graffiti abatement program (Pen C §594.6)
640.8	Violation of Pen C §594, §640.5, or §640.6 committed on a freeway or its appurtenances	1 year and/or \$5,000 maximum; if probation granted, court may order defendant to perform maximum 480 hours of community service over period not exceeding 420 days (during time other than school or employment)
*646.9(a)	Stalking	1 year and/or \$1,000 maximum; if probation granted, court must require counseling unless court waives for good cause (Pen C §646.9(j)); court must also consider issuing order restraining defendant from any contact with the victim (Pen C §646.9(k)); court must also consider whether defendant would benefit from treatment at a state hospital under Pen C §2684 (Pen C §646.9(m)); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*646.9(c)(1)	Stalking with prior felony conviction of Pen C §273.5, §273.6, or §422	1 year and/or \$1,000 maximum; if probation granted, court must require counseling unless court waives for good cause (Pen C §646.9(j)); court must also consider issuing order restraining defendant from any contact with the victim (Pen C §646.9(k)); court must also consider whether defendant would benefit from treatment at a state hospital under Pen C §2684 (Pen C §646.9(m)); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
647(a)	Disorderly conduct — lewd conduct in public	6 months and/or \$1,000 maximum (Pen C §19); mandatory AIDS education, and offering of testing, as condition of probation or drug diversion (Pen C §1001.10); discretionary additional maximum fine of \$70 to AIDS education fund (Pen C §647.1); if peace officer witnesses defendant pick up a prostitute, and defendant engages in a lewd act with the prostitute within 1,000 feet of a private residence and with the use of a vehicle, court may suspend defendant's driving privileges for up to 30 days or restrict privileges for up to 6 months (Veh C §13201.5)
647(b)	Disorderly conduct — soliciting or engaging in prostitution — 1st offense	6 months and/or \$1,000 maximum (Pen C §19); mandatory AIDS education and testing under Pen C §1202.6(a), (e) (see also Pen C §1001.10); discretionary additional maximum fine of \$70 to AIDS education fund (Pen C §647.1); if offense committed within 1,000 feet of a private residence and with the use of a vehicle, the court may suspend defendant's driving privileges for up to 30 days or restrict privileges for up to 6 months (Pen C §647; Veh C §13201.5)
	*2nd offense (court may not absolve defendant of obligation to serve mandatory minimum sentence); wobbler under Pen C §647f if defendant knows of positive HIV status from AIDS test administered for prior conviction	mandatory minimum 45 days (Pen C §647(k) to maximum 6 months (Pen C §19) and \$1,000 maximum (Pen C §672); mandatory AIDS testing under Pen C §1202.6(b), (e); mandatory AIDS education, as condition of probation or drug diversion (Pen C §1001.10); discretionary additional maximum fine of \$70 to AIDS education fund (Pen C §647.1); if offense committed within 1,000 feet of a private residence and with the use of a vehicle, the court may suspend defendant's driving privileges for up to 30 days or restrict privileges for up to 6 months (Pen C §647(k); Veh C §13201.5)
	3rd or subsequent offense (court may not absolve defendant of obligation to serve mandatory minimum sentence); wobbler under Pen C §647f if defendant knows of positive HIV status from AIDS test administered for prior conviction	mandatory minimum 90 days (Pen C §647(k) to maximum 6 months (Pen C §19) and \$1,000 maximum (Pen C §672); mandatory AIDS testing under Pen C §1202.6(b), (e); mandatory AIDS education as condition of probation or drug diversion (Pen C §1001.10); discretionary additional maximum fine of \$70 to AIDS education fund (Pen C §647.1); if offense committed within 1,000 feet of a private residence and with the use of a vehicle, the court may suspend defendant's driving privileges for up to 30 days or restrict privileges for up to 6 months (Pen C §647(k); Veh C §13201.5)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
647(c)	Disorderly conduct — begging or soliciting alms in public	6 months and/or \$1,000 maximum (Pen C §19)
647(d)	Disorderly conduct — loitering in or about public toilet to engage in or solicit lewd act	6 months and/or \$1,000 maximum
647(e)	Disorderly conduct — lodging in public or private building without permission of owner/caretaker	6 months and/or \$1,000 maximum (Pen C §19)
647(f)	Disorderly conduct — public intoxication (alcohol or drugs)	6 months and/or \$1,000 maximum (Pen C §19); 1-year license suspension or delay if defendant under age 21 and immediate surrender of license to court (Veh C §13202.5); if offense involves intravenous use of controlled substance, discretionary additional maximum fine of \$70 for AIDS education fund (Pen C §647.1) and, as condition of probation or diversion, participation in AIDS education and offering of AIDS testing if offense involved intravenous use of controlled substance (Pen C §1001.10); defendant may be eligible for sentencing under Proposition 36
647(h)	Disorderly conduct — loitering, prowling, or wandering on private property of another	6 months and/or \$1,000 maximum (Pen C §19)
647(i)	Disorderly conduct — peeking in door or window while loitering on private property of another — 1st offense 2nd or subsequent offense	6 months and/or \$1,000 maximum (Pen C §19); if probation granted, court may order counseling (Pen C §647.7(a)) 1 year and/or \$1,000 maximum (Pen C §647.7(b)); if probation granted, court may order counseling (Pen C §647.7(a))
647(j)(1)	Disorderly conduct — looking through a hole or opening, into, or otherwise view, by means of binoculars, camera, or other instrumentality, the interior of a bathroom, fitting room, dressing room, or any other area in which the occupant has a reasonable expectation of privacy — 1st offense 2nd or subsequent offense	6 months and/or \$1,000 maximum (Pen C §19); if probation granted, court may order counseling (Pen C §647.7(a)); <i>Note:</i> Penal Code §647.7 refers to former Pen C §647(k), which was recast as Pen C §647(j), eff. 1/1/08 1 year and/or \$1,000 maximum (Pen C §647.7(b)); if probation granted, court may order counseling (Pen C §647.7(a)); <i>Note:</i> Penal Code §647.7 refers to former Pen C §647(k), which was recast as Pen C §647(j), eff. 1/1/08

Pen C §	Description of Crime	Sentence
647(j)(2)	Disorderly conduct — using concealed camera to secretly videotape, film, or photograph another person under or through his or her clothing — 1st offense	6 months and/or \$1,000 maximum (Pen C §19); if probation granted, court may order counseling (Pen C §647.7(a)); <i>Note:</i> Penal Code §647.7 refers to former Pen C §647(k), which was recast as Pen C §647(j), eff. 1/1/08
	2nd or subsequent offense	1 year and/or \$1,000 maximum (Pen C §647.7(b)); if probation granted, court may order counseling (Pen C §647.7(a)); <i>Note:</i> Penal Code §647.7(a) refers to former Pen C §647(k), which was recast as Pen C §647(j), eff. 1/1/08
647(j)(3)	Disorderly conduct — using concealed camera to secretly videotape, file, or photograph another person in the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth	6 months and/or \$1,000 maximum (Pen C §19); if probation granted, court may order counseling (Pen C §647.7(a)); <i>Note:</i> Penal Code §647.7(a) refers to former Pen C §647(k), which was recast as Pen C §647(j), eff. 1/1/08
	2nd or subsequent offense	1 year and/or \$5,000 maximum (Pen C §647.7(c)); if probation granted, court may order counseling (Pen C §647.7(a)); <i>Note:</i> Penal Code §647.7(a) refers to former Pen C §647(k), which was recast as Pen C §647(j), eff. 1/1/08
*647.6(a)(1)	Molestation of child under 18 years; wobbler if violation after entering inhabited building or vehicle without consent (Pen C §647.6(b))	1 year and/or \$5,000 maximum; mandatory registration with law enforcement under Pen C §290; counseling required as condition of probation unless court finds inappropriate or ineffective (Pen C §647.6(d)(1)); additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); discretionary maximum \$1,000 restitution fine (Pen C §294(a))
*647.6(a)(2)	Person motivated by abnormal sexual interest in children engaging in conduct with an adult whom he or she believes to be a child under 18 years, which conduct, if directed toward a child under 18 years, would be a violation of Pen C §647.6(a)(1)	1 year and/or \$5,000 maximum; mandatory registration with law enforcement under Pen C §290; counseling required as condition of probation unless court finds inappropriate or ineffective (Pen C §647.6(d)(1)); additional mandatory fine of \$300 (1st offense) or \$500 (2nd or subsequent offense), unless defendant unable to pay (Pen C §290.3); discretionary maximum \$1,000 restitution fine (Pen C §294(a))
653b	Loitering about school or public place where children congregate	6 months and/or \$1,000 maximum (Pen C §653b(a))
653b	Registered sex offender loitering about school or public place where children congregate — 1st offense	6 months and/or \$2,000 maximum (Pen C §653b(b)(1))

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
653b	2nd offense	mandatory minimum 10 days to maximum 6 months and \$2,000 maximum; defendant may not be released on probation until minimum 10 days are served (Pen C §653b(b)(2))
	3rd or subsequent offense	mandatory minimum 90 days to maximum 6 months and \$2,000 maximum; defendant may not be released on probation until minimum 90 days are served (Pen C §653b(b)(3))
	Registered criminal street gang offender loitering about school or public place where children congregate — 1st offense	1 year and/or \$1,000 maximum (Pen C §653b(c)(1))
	2nd offense	1 year and/or \$2,000 maximum; court must consider 10-day minimum jail term (Pen C §653b(c)(2))
	3rd or subsequent offense	1 year and/or \$2,000 maximum; court must consider 90-day minimum jail term (Pen C §653b(c)(3))
*653f(a)	Solicitation to commit specified crimes	maximum of 1 year and/or \$10,000, or the amount that could have been assessed for commission of the offense, whichever is greater
653f(d)	Solicitation to commit specified drug offenses — 1st offense	6 months and \$1,000 maximum (Pen C §672)
	2nd or subsequent offense (wobbler)	1 year and \$1,000 maximum (Pen C §672)
653k	Possession of switchblade	6 months and/or \$1,000 maximum (Pen C §19)
653m(a)	Harassing another by telephone or other electronic communication device with intent to annoy another	6 months and/or \$1,000 maximum (Pen C §19)
653m(b)	Repeated harassment by telephone or other electronic communication device with intent to annoy another	6 months and/or \$1,000 maximum (Pen C §19)
653aa	Electronic dissemination of commercial recording or audiovisual work to more than 10 other people w/o disclosure of e-mail address and the title of the recording or audiovisual work	1 year and/or \$2,500 maximum (Pen C §653aa(a)); court must order deletion or destruction of electronic file containing the recording or audiovisual work (Pen C §653aa(e))
	3rd or subsequent violation by minor (first and second violations are infractions)	1 year and/or \$1,000 maximum (Pen C §653aa(b)); court must order deletion or destruction of electronic file containing the recording or audiovisual work (Pen C §653aa(e))

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
653.2	Electronic harassment or posting of personal identifying information of another person with intent to place that person in fear for his/her safety	1 year and/or \$1,000 maximum
653.22	Loitering in public place with intent to commit prostitution	6 months and/or \$1,000 maximum (Pen C §19)
653.23	Recruiting, supervising, or aiding another person in the commission of prostitution; collecting proceeds earned from prostitution	6 months and/or \$1,000 maximum (Pen C §19)
664(b), (c)	Attempt	maximum of 1/2 the maximum jail term and 1/2 the maximum fine for the crime attempted
*666	Petty theft with a prior theft-related conviction for which imprisonment term actually served (see Pen C §484)	1 year and \$1,000 maximum (Pen C §672)
*836.6	Escape after being lawfully arrested or remanded to custody (wobbler if escape causes serious bodily injury to police officer)	1 year and \$1,000 maximum (Pen C §672)
1320(a)	Willful failure to appear by person charged with, or convicted of, misdemeanor after release on own recognizance	6 months and/or \$1,000 maximum (Pen C §19)
*1320(b)	Willful failure to appear by person charged with, or convicted of, felony after release on own recognizance	1 year and/or \$5,000 maximum
*1320.5	Willful failure to appear by person charged with, or convicted of, felony after release on bail	1 year and/or \$10,000 maximum
*1370.5	Escape from mental health facility	1 year and \$1,000 maximum (Pen C §672)
*4532(a)	Escape by convicted misdemeanor or person committed under Welf & I C §5654, §5656, or §5677 as an inebriate	1 year and \$1,000 maximum (Pen C §672); consecutive sentence if escape committed by force or violence
*4532(b)	Escape by convicted felon	1 year and \$1,000 maximum (Pen C §672); consecutive sentence if escape committed by force or violence
*4532(c)	Escape from main jail facility or a court building, or while being transported	90 days minimum and 1 year maximum, consecutive to any other sentence in effect or pending, and \$1,000 maximum (Pen C §672); probation only in unusual cases, with reasons given by court
*4532(d)	Failing to return to place of confinement subsequent to an authorized temporary release	1 year and \$1,000 maximum (Pen C §672)

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
11418.1	Mailing, sending, or causing to be sent false or facsimile weapon of mass destruction, or placing or possessing false or facsimile weapon with intent to cause another person to fear for their safety	6 months and/or \$1,000 (Pen C §19)
	Violation of Pen C §11418.1, and conduct causes another person to be placed in sustained fear (wobbler)	1 year and \$250,000 maximum
*12020	Manufacture, importation, sale, or possession of dangerous weapon	1 year and \$1,000 maximum (Pen C §672)
12020.1	Manufacture, importation, sale, or possession of composite or hard wooden knuckles	6 months and/or \$1,000 maximum (Pen C §19)
*12021(c)	Ownership or possession of firearm within 10 years of conviction of certain misdemeanor offenses	1 year and/or \$1,000 maximum
*12021(d)	Ownership or possession of firearm in violation of express condition of probation prohibiting or restricting ownership or possession of firearm	1 year and/or \$1,000 maximum
*12023	Carrying loaded firearm with intent to commit felony	1 year and \$1,000 maximum (Pen C §672); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
12024	Possession of deadly weapon with intent to assault another	6 months and/or \$1,000 maximum (Pen C §19); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
12025(a)	Carrying a concealed firearm on person or in vehicle or causing any firearm to be carried concealed in vehicle in which he/she is occupant; wobbler if prior conviction of crime against person or property or of narcotics or dangerous drug violation (Pen C §12025(b)(5)) or if firearm in possession of person who is not registered owner and the firearm is loaded or ammunition is in person's immediate possession or readily accessible (Pen C §12025(b)(6))	1 year and/or \$1,000 maximum; disposal of weapon under Pen C §12028
	Conviction of Pen C §12025(a) with prior conviction of a misdemeanor offense enumerated in Pen C §12001.6 (listing Pen C §§245(a)(2), (3), (c), 246, and 417(a)(2), (c), involving violent use of a firearm)	minimum 3 months to maximum 6 months, and \$1,000 maximum (Pen C §672); minimum is mandatory unless unusual case and court specifies reasons (Pen C §12025(e)); disposal of weapon under Pen C §12028

* Wobbler, alternative misdemeanor/felony

Pen C §	Description of Crime	Sentence
12031(a)	Carrying loaded firearm on person or in vehicle; wobbler if prior conviction of crime against person or property or of a narcotics or dangerous drug violation (Pen C §12031(a)(2)(E)) or if handgun in possession of person who is not registered owner (Pen C §12031(a)(2)(F)) Conviction of Pen C §12031(a) with prior conviction of offense enumerated in Pen C §12001.6 (see §12025(a) above)	1 year and/or \$1,000 maximum; disposal of weapon under Pen C §12028 minimum 3 months to maximum 6 months (Pen C §19), and \$1,000 maximum (Pen C §672); minimum is mandatory unless unusual case and court specifies reasons (Pen C §12031(a)(6)(B)); disposal of weapon under Pen C §12028
12034(a)	Driver or owner knowingly permitting vehicle occupant to carry loaded firearm	6 months and/or \$1,000 maximum (Pen C §19)
*12034(b)	Driver or owner knowingly permitting another person to discharge firearm from vehicle	1 year and \$1,000 maximum (Pen C §672); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*12034(d)	Discharging firearm from vehicle	1 year and \$1,000 maximum (Pen C §672); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))
*12035(b)(1)	Criminal storage of firearm in the first degree	1 year and/or \$1,000 maximum (Pen C §12035(d)(1))
12035(b)(2)	Criminal storage of firearm in the second degree	1 year and/or \$1,000 maximum (Pen C §12035(d)(2))
12036(b)	Storage of concealable firearm by person who knows or reasonably should know that a child is likely to gain access to the firearm and the child obtains access to it and carries it off the premises	1 year and/or \$1,000 maximum; disposal of firearm under Pen C §12028 (Pen C §12036(d))
12036(c)	Storage of firearm by person who knows or reasonably should know that a child is likely to gain access to the firearm, and the child obtains access to it and carries it to a school ground or school- sponsored activity	1 year and/or \$5,000 maximum
*12040	Carrying firearm in public while masked to hide identity	1 year and \$1,000 maximum (Pen C §672); defendant may not possess firearm for 10 years (Pen C §12021(c)(1))

III. [§74.3] HEALTH AND SAFETY CODE

In addition to the sentences in this chart, the court may require a defendant convicted of a substance abuse offense to participate in counseling or education programs, or both, including local parent education or parenting programs. Health & S C §11376. When the court grants probation, it must order the defendant to secure education or treatment from a local community

* Wobbler, alternative misdemeanor/felony

agency designated by the court, if the service is available and the defendant is likely to benefit from the service. Health & S C §11373.

The court must grant probation as an alternative to incarceration to qualifying defendants convicted of “nonviolent drug possession offenses,” as defined in Pen C §1210(a). Pen C §1210.1(a). Proposition 36 (codified at Pen C §§1210 et seq) provides that these defendants participate in a program of drug treatment and supervision as a condition of probation. Defendants convicted of nonviolent drug possession offenses may qualify for probation under Proposition 36 if they consent to participate in a drug treatment program, are amenable to treatment, and are not otherwise excluded from participation under Pen C §1210.1(b). Trial courts that impose drug treatment under the provisions of Proposition 36 are not otherwise limited in the type of probation conditions they may impose. Pen C §1210.1(a). If a qualifying drug offender refuses drug treatment as a condition of probation, the general sentencing guidelines for the particular offense will apply. Proposition 36 does not define all the potential drug statutes that may be included within its provisions. However, this chart cites Proposition 36 under the sentence column of crimes that may qualify as nonviolent drug possession offenses.

Health & S C §	Description of Crime	Sentence
*11153	Improperly prescribing and/or dispensing controlled substance — dual responsibility of physician and pharmacist	1 year and/or \$20,000 maximum
*11154, 11371	Prescribing, administering, dispensing, or furnishing controlled substance to nonpatient	1 year and/or \$20,000 maximum
*11155, 11371	Physician’s dispensing/administering controlled substance without appropriate registration	1 year and/or \$20,000 maximum
*11156, 11371	Prescribing, furnishing, or administering controlled substance to addict	1 year and/or \$20,000 maximum
*11350(b)	Possession of controlled substance specified in §11054(e)	1 year and \$1,000 maximum (Pen C §672); discretionary additional fine up to \$70 for AIDS education fund (Health & S C §11350(c)); criminal laboratory analysis fee of \$50 (Health & S C §11372.5(a)); drug program fee of \$150 maximum, unless defendant unable to pay (Health & S C §11372.7); revocation of driver’s license if vehicle involved (Veh C §13202(b)); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5); probation condition that defendant submit to drug abuse testing as directed by probation officer (Pen C §1203.1ab); registration with law enforcement under Health & S C §11590(a); defendant may be eligible for sentencing under Proposition 36

* Wobbler, alternative misdemeanor/felony

Health & S C §	Description of Crime	Sentence
*11357(a)	Possession of concentrated cannabis (hashish)	1 year and/or \$500 maximum; criminal laboratory analysis fee of \$50 (Health & S C §11372.5(a)); drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); revocation of driver's license if vehicle involved (Veh C §13202(b)); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5); probation condition that defendant submit to drug abuse testing as directed by probation officer (Pen C §1203.1ab); defendant may be eligible for sentencing under Proposition 36
11357(b)	Possession of marijuana — 28.5 grams or less	\$100 maximum; diversion if 3 or more offenses within prior 2 years & plead; same additional fines and conditions as specified in §11357(a) above, except no criminal laboratory analysis fee under Health & S C §11372.5(a) or drug program fee under Health & S C §11372.7; defendant may be eligible for sentencing under Proposition 36
11357(c)	Possession of marijuana — more than 28.5 grams	6 months and/or \$500 maximum; same additional fines and conditions as specified in §11357(a) above; defendant may be eligible for sentencing under Proposition 36
11357(d)	Possession of marijuana — 28.5 grams or less by adult on school grounds	10 days and/or \$500 maximum; same additional fines and conditions as specified in §11357(a) above, except no criminal laboratory analysis fee under Health & S C §11372.5(a); defendant may be eligible for sentencing under Proposition 36
11360(b)	Giving away or transporting marijuana — 28.5 grams or less	\$100 maximum; drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); revocation of driver's license if vehicle involved (Veh C §13202(b)); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5); probation condition that defendant submit to drug abuse testing as directed by probation officer (Pen C §1203.1ab); defendant may be eligible for sentencing under Proposition 36

* Wobbler, alternative misdemeanor/felony

Health & S C §	Description of Crime	Sentence
*11363	Planting, harvesting, or processing peyote	1 year and \$1,000 maximum (Pen C §672); criminal laboratory analysis fee of \$50 (Health & S C §11372.5(a)); drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5); registration with law enforcement under Health & S C §11590(a); defendant may be eligible for sentencing under Proposition 36
11364	Possession of paraphernalia for injecting or smoking specified controlled substances	15 days minimum to 180 days maximum and/or \$30 minimum to \$500 maximum (Health & S C §11374); criminal laboratory analysis fee of \$50 (Health & S C §11372.5(a)); drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5)
11364.7(a)	Manufacturing, furnishing, or delivering drug paraphernalia to be used with controlled substance	15 days minimum to 180 days maximum and/or \$30 minimum to \$500 maximum (Health & S C §11374); drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5)
*11364.7(b)	Manufacturing drug paraphernalia to be used with cocaine, cocaine base, heroin, PCP, or methamphetamine	1 year and \$1,000 maximum (Pen C §672); drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5)
11364.7(c)	Furnishing drug paraphernalia to minor by adult who is at least 3 years older or possessing hypodermic needle on school grounds with intent to furnish or deliver the needle with knowledge that it will be used by minor	1 year and/or \$1,000 maximum; drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5)
11365	Presence during unlawful use of controlled substance	15 days minimum to 180 days maximum and/or \$30 minimum to \$500 maximum (Health & S C §11374); drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5)

* Wobbler, alternative misdemeanor/felony

Health & S C §	Description of Crime	Sentence
*11366	Maintaining place for use or distribution of controlled substance	1 year and \$1,000 maximum (Pen C §672); drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5); registration with law enforcement under Health & S C §11590(a)
*11368	Forging prescription or uttering forged prescription	minimum 6 months to maximum 1 year and \$1,000 maximum (Pen C §672); criminal laboratory analysis fee of \$50 (Health & S C §11372.5(a)); drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5); registration with law enforcement under Health & S C §11590(a)
*11370.9	Receiving, transferring, investing, or managing proceeds over \$25,000 derived from controlled substance offenses with intent to conceal the nature, location, ownership, control, or source of proceeds or to avoid a transaction reporting requirement	1 year and/or \$250,000 or twice the value of the proceeds or property involved in the violation, whichever is greater; drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5)
*11375(b)(1)	Sale or possession for sale of controlled substance specified in §11375(c)	1 year and \$1,000 maximum (Pen C §672); criminal laboratory analysis fee of \$50 (Health & S C §11372.5(a)); drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5); probation condition that defendant submit to drug abuse testing as directed by probation officer (Pen C §1203.1ab)

* Wobbler, alternative misdemeanor/felony

Health & S C §	Description of Crime	Sentence
11375(b)(2)	Possession of controlled substance specified in §11375(c) (also punishable as infraction)	15 days minimum to 180 days maximum and/or \$30 minimum to \$500 maximum (Health & S C §11374); criminal laboratory analysis fee of \$50 (Health & S C §11372.5(a)); drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5); probation condition that defendant submit to drug abuse testing as directed by probation officer (Pen C §1203.1ab); defendant may be eligible for sentencing under Proposition 36
*11377(a)	Possession of specified controlled substance, such as PCP, methamphetamine, etc., without prescription	1 year and \$1,000 maximum (Pen C §672); same additional fees and conditions described under §11375 above; as condition of probation or diversion, participation in AIDS education and offering of AIDS testing (Pen C §1001.10); discretionary additional fine up to \$70 for AIDS education fund (Health & S C §11377(c)); defendant may be eligible for sentencing under Proposition 36
11377(b)(1)	Possession of controlled substance specified in §11056(f) and no prior conviction of possessing such substance	15 days minimum to 180 days maximum and/or \$30 minimum to \$500 maximum (Health & S C §11374); same additional fees and conditions described under §11375 above; discretionary additional fine up to \$70 for AIDS education fund (Health & S C §11377(c)); defendant may be eligible for sentencing under Proposition 36
11377(b)(2)	Possession of controlled substance specified in §11056(g)	15 days minimum to 180 days maximum and/or \$30 minimum to \$500 maximum (Health & S C §11374); same additional fees and conditions described under §11375 above; discretionary additional fine up to \$70 for AIDS education fund (Health & S C §11377(c)); defendant may be eligible for sentencing under Proposition 36
11377(b)(3)	Possession of controlled substance specified in §11055(d)(7) or (d)(8)	15 days minimum to 180 days maximum and/or \$30 minimum to \$500 maximum (Health & S C §11374); same additional fees and conditions described under §11375 above; discretionary additional fine up to \$70 for AIDS education fund (Health & S C §11377(c)); defendant may be eligible for sentencing under Proposition 36

* Wobbler, alternative misdemeanor/felony

Health & S C §	Description of Crime	Sentence
11377(b)(4)	Possession of controlled substance specified in §11057(f)(8)	15 days minimum to 180 days maximum and/or \$30 minimum to \$500 maximum (Health & S C §11374); same additional fees and conditions described under §11375 above; discretionary additional fine up to \$70 for AIDS education fund (Health & S C §11377(c)); defendant may be eligible for sentencing under Proposition 36
11379.2	Sale or possession for sale of controlled substance specified in §11056(g)	1 year and \$1,000 maximum (Pen C §672); drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5); probation condition that defendant submit to drug abuse testing as directed by probation officer (Pen C §1203.1ab)
*11390	Cultivating spores or mycelium capable of producing a controlled substance	1 year and \$1,000 maximum (Pen C §672); criminal laboratory analysis fee of \$50 (Health & S C §11372.5(a)); drug program fee of \$150 maximum unless defendant unable to pay (Health & S C §11372.7); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5); defendant may be eligible for sentencing under Proposition 36
*11391	Transporting, importing, selling, or furnishing spores or mycelium capable of producing a controlled substance	1 year and \$1,000 maximum (Pen C §672); same additional fees and conditions as described under §11390 above; defendant may be eligible for sentencing under Proposition 36
11532	Loitering in public place with intent to commit narcotics offense	6 months and/or \$1,000 maximum (Pen C §19)

* Wobbler, alternative misdemeanor/felony

Health & S C §	Description of Crime	Sentence
11550(a)	Under the influence of a controlled substance; probation may be 5 years; defendant is eligible for diversion except for certain violations (Health & S C §11550(g)) — 1st or 2nd offense	minimum 90 days and maximum 1 year; and \$1,000 maximum (Pen C §672); court may permit completion of licensed drug rehabilitation program instead of all or portion of imprisonment (Health & S C §11550(c)); criminal laboratory analysis fee of \$50 (Health & S C §11372.5(a)); 1-year license suspension or delay if defendant under age 21 (Veh C §13202.5); probation condition that defendant submit to drug abuse testing as directed by probation officer (Pen C §1203.1 ab); as condition of probation or diversion, participation in AIDS education and offering of AIDS testing (Pen C §1001.10); discretionary additional fine up to \$70 for AIDS education fund (Health & S C §11550(d)); registration with law enforcement under Health & S C §11590(a); defendant may be eligible for sentencing under Proposition 36
11550(b)	Under influence of controlled substance — 3rd or subsequent offense within 7 years and refusal to complete licensed drug rehabilitation program offered by court under §11550(c)	mandatory minimum 180 days to maximum 1 year; and \$1,000 maximum (Pen C §672); court may not absolve service of at least 180 days unless no licensed drug rehabilitation programs are readily available, based on defendant's ability to pay; court may permit completion of licensed drug rehabilitation program instead of all or portion of imprisonment (Health & S C §11550(c)); same additional fees and conditions described under §11550(a) above; registration with law enforcement under Health & S C §11590(a); defendant may be eligible for sentencing under Proposition 36
*11550(e)	Under influence of cocaine, cocaine base, heroin, methamphetamine, or phencyclidine while in immediate personal possession of loaded, operable firearm; diversion not permitted (Health & S C §11550(g))	1 year and \$1,000 maximum (Pen C §672); same additional fees and conditions described under §11550(a) above; registration with law enforcement under Health & S C §11590(a); defendant may be eligible for sentencing under Proposition 36
11590	Failure to register with law enforcement	15 days minimum to 180 days maximum and/or \$30 minimum to \$500 maximum (Health & S C §11374)

* Wobbler, alternative misdemeanor/felony

IV. [§74.4] BUSINESS AND PROFESSIONS CODE

Bus & P C §	Description of Crime	Sentence
4059	Furnishing dangerous drug or device without prescription	minimum 30 days to maximum 6 months and/or minimum \$200 to maximum \$2,000 if defendant knowingly violates (Bus & P C §4321(a)); otherwise infraction with \$1,000 maximum (Bus & P C §4321(b))
4060	Possession of controlled substance without prescription	minimum 30 days to maximum 6 months and/or minimum \$200 to maximum \$2,000 if defendant knowingly violates (Bus & P C §4321(a)); otherwise infraction with \$1,000 maximum (Bus & P C §4321(b)); defendant may be eligible for sentencing under Proposition 36
4140	Possession of hypodermic needle or syringe	minimum 30 days to maximum 6 months and/or minimum \$200 to maximum \$2,000 if defendant knowingly violates (Bus & P C §4321(a)); otherwise infraction with \$1,000 maximum (Bus & P C §4321(b)); as condition of probation or diversion, participation in AIDS education and offering of AIDS testing (Pen C §1001.10; <i>Note:</i> Penal Code §1001.10 refers to former Bus & P C §4149, which was recast as Bus & P C §4140, eff. 1/1/97); discretionary additional fine up to \$70 for AIDS education fund (Bus & P C §4338)
4141	Furnishing hypodermic needles or syringes without a permit	minimum 30 days to maximum 6 months and/or minimum \$200 to maximum \$2,000 if defendant knowingly violates (Bus & P C §4321(a)); otherwise infraction with \$1,000 maximum (Bus & P C §4321(b))
4142	Retail sale of hypodermic needle or syringe without prescription	minimum 30 days to maximum 6 months and/or minimum \$200 to maximum \$2,000 if defendant knowingly violates (Bus & P C §4321(a)); otherwise infraction with \$1,000 maximum (Bus & P C §4321(b)); as condition of probation or diversion, participation in AIDS education and offering of AIDS testing (Pen C §1001.10; <i>Note:</i> Penal Code §1001.10 refers to former Bus & P C §4143, which was recast as §4142, eff. 1/1/97); discretionary additional fine up to \$70 for AIDS education fund (Bus & P C §4338)
4147(c)	Discarding hypodermic needle or syringe in a playground, beach, park, or school	6 months and/or \$200 minimum to \$2,000 maximum (Pen C §4147(d))

* Wobbler, alternative misdemeanor/felony

Bus & P C §	Description of Crime	Sentence
4323	False representation in telephone or electronic communication as person who can lawfully prescribe drug	1 year and \$1,000 maximum (Pen C §672)
*4324	Forging prescription (§4324(a)) or possession of drugs secured by forged prescription (§4324(b))	1 year and \$1,000 maximum (Pen C §672); defendant convicted of Pen C §4324(b) may be eligible for sentencing under Proposition 36
4326(b)	Misuse or permitted misuse of hypodermic needle or syringe	1 year and/or \$1,000 maximum
17500	False advertising	6 months and/or \$2,500 maximum
25602	Selling alcoholic beverage to habitual drunkard or intoxicated person	6 months and/or \$1,000 maximum (Bus & P C §25617)
25658(a)	Selling, furnishing, or giving alcoholic beverage to minor	mandatory \$1,000 (nonsuspendable) and minimum 24 hours of community service (Bus & P C §25658(e)(2)); 1-year license suspension or delay and immediate surrender of license to court if defendant is under age 21 (Veh C §13202.5)
25658(b)	Minor's purchase or consumption of alcoholic beverage in any on-sale premises — 1st offense	mandatory minimum \$250 (nonsuspendable) to maximum \$1,000 (Bus & P C §25617) or minimum 24 to maximum 32 hours of community service, or combined fine and community service as determined by court (Bus & P C §25658(e)(1)); 1-year license suspension or delay and immediate surrender of license to court if defendant is under age 21 (Veh C §13202.5)
	2nd or subsequent offense	\$500 maximum or minimum 36 to maximum 48 hours of community service, or combined fine and community service as determined by court (Bus & P C §25658(e)(1)); 1-year license suspension or delay and immediate surrender of license to court if defendant is under age 21 (Veh C §13202.5)
25658(c)	Selling, furnishing, or giving alcoholic beverage to minor and the minor consumes the alcohol and proximately causes great bodily injury or death	minimum 6 months to maximum 1 year and/or \$1,000 maximum (Bus & P C §25658(e)(3)); 1-year license suspension or delay and immediate surrender of license to court if defendant is under age 21 (Veh C §13202.5)
25658.2(a)	Parent or legal guardian permitting minor to consume alcohol or use controlled substance and allowing minor to drive under the influence resulting in traffic accident	1 year and/or \$1,000 maximum (Bus & P C §25658.2(b))

* Wobbler, alternative misdemeanor/felony

Bus & P C §	Description of Crime	Sentence
25658.5(a)	Minor's attempted purchase of alcoholic beverage from licensee — 1st offense (infraction)	\$250 maximum or minimum 24 to maximum 32 hours of community service, or combined fine and community service as determined by court; 1-year license suspension or delay and immediate surrender of license to court if defendant is under age 21 (Veh C §13202.5)
	2nd or subsequent offense	\$500 maximum or minimum 36 to maximum 48 hours of community service, or combined fine and community service as determined by court; 1-year license suspension or delay and immediate surrender of license to court if defendant is under age 21 (Veh C §13202.5)
25661(a)	Minor's presenting or possessing of false evidence of age and identity — 1st offense	mandatory minimum of \$250 (nonsuspendable) and maximum of \$1,000 (Bus & P C §25617) or minimum 24 to maximum 32 hours of community service, or combined fine and community service as determined by court; 1-year license suspension or delay and immediate surrender of license to court if defendant is under age 21 (Veh C §13202.5)
	2nd or subsequent offense	\$500 maximum or minimum 36 to maximum 48 hours of community service, or combined fine and community service as determined by the court; 1-year license suspension or delay and immediate surrender of license to court if defendant is under age 21 (Veh C §13202.5)
25662(a)	Minor's possession of alcoholic beverage in public (except delivery ordered by parent, responsible adult relative, any adult designated by parent or legal guardian, or employer) — 1st offense	\$250 maximum or minimum 24 to maximum 32 hours of community service; 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5)
	2nd or subsequent offense	\$500 maximum or minimum 36 to maximum 48 hours of community service, or combined fine and community service as determined by the court; 1-year license suspension or delay and immediate surrender of license to court if defendant is under age 21 (Veh C §13202.5)
25663(a)	Employment of minor in premises used for on-sale consumption of alcoholic beverage	6 months and/or \$1,000 maximum (Bus & P C §25617)
25665	Permitting minor to enter and remain in licensed, on-sale premises	6 months and/or \$1,000 maximum (Bus & P C §25617)

* Wobbler, alternative misdemeanor/felony

Bus & P C §	Description of Crime	Sentence
25665	Minor's entering and remaining in licensed on-sale premises without lawful business	mandatory minimum \$250 (nonsuspendable) to maximum \$1,000 (Bus & P C §25617)

V. [§74.5] VEHICLE CODE

Unless otherwise provided, Vehicle Code violations are infractions. See Veh C §40000.1. Numerous exceptions have been enacted to classify specified violations as misdemeanors (see Veh C §§40000.5–40000.61), or to provide for punishment of some offenses as felonies (see Veh C §40000.3), instead of infractions. Unless a different penalty is expressly provided, the standard sentence for a Vehicle Code misdemeanor (general misdemeanor) is a maximum of six months and/or \$1,000. Veh C §42002.

The punishment for infractions and a list of common infractions are discussed in §§74.11–74.12.

A court that conducts a night session must impose a night court assessment of \$1 for every fine and forfeiture imposed for a Vehicle Code offense. Veh C §42006.

A. [§74.6] General Misdemeanors

Each code section listed below includes the statutory reference classifying it as a misdemeanor instead of an infraction. Unless otherwise noted below, the applicable punishment is the standard general misdemeanor sentence of six months and/or \$1,000 maximum under Veh C §42002.

Veh C §	Description of Crime	Sentence
20, 40000.5	Using false name or filing false statement with DMV	
27, 40000.5	Impersonating CHP member	
31, 40000.5	Giving false information to peace officer	
*10501(a), 40000.9	False or fraudulent report of vehicle theft — 1st offense	2nd offense is wobbler with 1 year maximum under Veh C §10501(b)
10750(a), 40000.9	Altering vehicle identification number	
10852, 40000.9	Tampering with vehicle or its parts or contents	if violation involves vehicle modified for use of disabled person, 1 year and/or \$2,000 maximum (Veh C §42002.5)
10853, 40000.9	Malicious mischief to vehicle	if violation involves vehicle modified for use of disabled person, 1 year and/or \$2,000 maximum (Veh C §42002.5)
12500(a), 40000.11(b)	Driving without license	
12951(b), 40000.11(h)	Failure to present license on demand of officer	
13004, 40000.11(i)	Unlawful use of DMV identification card	

* Wobbler, alternative misdemeanor/felony

Veh C §	Description of Crime	Sentence
13004.1, 40000.11(j)	Manufacture or sale of document substantially similar to DMV identification card	\$1,000, nonsuspendable, and minimum 24 hours of community service during hours when defendant is not employed and is not attending school
14604, 40000.11(l)	Allowing person to drive vehicle without determining that the person possesses valid driver's license	
14610, 40000.11(m)	Unlawful use of driver's license	
14610.1, 40000.11(n)	Manufacture or sale of document substantially similar to driver's license	\$1,000, nonsuspendable, and minimum 24 hours of community service during hours when defendant is not employed and is not attending school
20002, 40000.13(b)	Hit-and-run accident with no personal injury	6 months and/or \$1,000 maximum, specified in Veh C §20002(c); discretionary 6-month maximum license suspension by court (Veh C §13201(a))
*21651(b), 40000.13(d)	Driving wrong way on divided highway (wobbler under Veh C §21651(c) if willful violation that results in injury or death)	
23110(a), 40000.15	Throwing substance at vehicle or its occupant	
23253, 40000.15	Disobeying peace officer at vehicular crossing or toll highway	
23332, 40000.15	Trespassing on vehicular crossing	
28050– 28051.5, 40000.15	Odometer offenses	
35550– 35796, 40000.23	Weight violations, if excess weight is 4501 pounds or greater	see fine schedule in Veh C §42030 for violations that are infractions
38319, 40000.24(e)	Damaging environment with off-road vehicle — owner or operator liability	
40005, 40000.25	Employer's responsibility for driver's violations	
40504(b), 40000.25	False signature on written promise to appear	
40508, 40000.25	Willfully failing to appear or pay fine	
40614, 40000.25	False signature on notice to correct	
40616, 40000.25	Willfully violating written promise to correct	

* Wobbler, alternative misdemeanor/felony

Veh C §	Description of Crime	Sentence
40000.28	4th or subsequent infraction conviction within 12 months (except violations by pedestrians)	

B. [§74.7] Exceptions to General Misdemeanor Treatment

The following are exceptions to Veh C §42002 treatment as a general misdemeanor, *i.e.*, misdemeanor offenses for which different punishments are provided by the governing code sections or other provisions.

Veh C	Description of Crime	Sentence
2800.1	Fleeing or attempting to elude a pursuing peace officer	1 year and \$1,000 maximum (Pen C §672); discretionary 6-month maximum license suspension or restriction by court (Veh C §13201(d), (e)(2))
*2800.2	Fleeing or attempting to elude a pursuing peace officer, with the vehicle driven recklessly	minimum 6 months to maximum 1 year and/or \$1,000 minimum to \$10,000 maximum; discretionary 6-month maximum license suspension or restriction by court (Veh C §13201(d), (e)(2)); discretionary vehicle impound for maximum 6 months (maximum 12 months for second or subsequent conviction) if (i) defendant is owner; (ii) the violation results in an accident; and (iii) the violation occurred within 7 years of prior conviction under Pen C §191.5(a), §191.5(b), §192(c), or §192.5(a), or Veh C §23103, §23152, or §23153 (Veh C §23592(a))

* Wobbler, alternative misdemeanor/felony

Veh C	Description of Crime	Sentence
*2800.3(a)	Fleeing or attempting to elude a pursuing peace officer, with serious bodily injury (felony if violation results in death (Veh C §2800.3(b))	1 year maximum and/or \$2,000 minimum to \$10,000 maximum; discretionary 6-month maximum license suspension or restriction by court (Veh C §13201(d), (e)(2)); mandatory license revocation for 3 years if violation causes serious bodily injury resulting in a serious impairment of physical condition (Veh C §13351(a)(3), (b)); discretionary vehicle impound for maximum 6 months (maximum 12 months for second or subsequent conviction) if (i) defendant is owner, and (ii) the violation occurred within 7 years of prior conviction Pen C §191.5(a), §191.5(b), §192(c), or §192.5(a), or Veh C §23103, §23152, or §23153 (Veh C §23592(a))
*2800.4	Driving in wrong direction while fleeing or attempting to elude a pursuing peace officer in violation of Veh C §2800.1	minimum 6 months to maximum 1 year and/or \$1,000 minimum to \$10,000 maximum; discretionary 6-month maximum license suspension or restriction by court (Veh C §13201(d), (e)(2))
4461(a)	Lending registration documents to another	6 months and/or \$250 minimum to \$1,000 maximum; additional penalty assessment of \$100 (Veh C §4461.3)
4461(b)	Lending disabled person placard to another	6 months and/or \$250 minimum to \$1,000 maximum; additional penalty assessment of \$100 (Veh C §4461.3); assessment equal to 10 percent of fine imposed (Pen C §1465.6(a)); as alternative to punishing as a misdemeanor, defendant may be issued a notice of parking violation imposing a civil penalty of \$250 minimum to \$1000 maximum
4461(c)	Displaying disabled person placard belonging to another	6 months and/or \$250 minimum to \$1,000 maximum; additional penalty assessment of \$100 (Veh C §4461.3); assessment equal to 10 percent of fine imposed (Pen C §1465.6(a)); court may impose civil penalty not exceeding \$1,500 (Veh C §4461.5); as alternative to misdemeanor punishment, defendant may be issued a notice of parking violation imposing a civil penalty of \$250 minimum to \$1,000 maximum
4461(d)	Parking vehicle displaying disabled person identification plates issued to another in designated parking space	6 months and/or \$250 minimum to \$1,000 maximum; additional penalty assessment of \$100 (Veh C §4461.3); assessment equal to 10 percent of fine imposed (Pen C §1465.6(a)); court may impose civil penalty not exceeding \$1,500 (Veh C §4461.5); as alternative to misdemeanor

* Wobbler, alternative misdemeanor/felony

Veh C	Description of Crime	Sentence
4461(d) (cont.)		punishment, defendant may be issued a notice of parking violation imposing a civil penalty of \$250 minimum to \$1000 maximum
*4463(a)	Forging or falsifying registration or license	1 year and \$1,000 maximum (Pen C §672)
4463(b)	Forging, falsifying, acquiring, or possessing, disabled person placard with intent to defraud	mandatory 6 months and/or \$500 minimum to \$1,000 maximum, nonsuspendable; court may impose civil penalty not exceeding \$2,500 (Veh C §4463.3)
4463(c)	Displaying disabled person placard with intent to defraud	mandatory 6 months and/or \$250 minimum to \$1,000 maximum, nonsuspendable; court may impose civil penalty not exceeding \$2,500 (Veh C §4463.3); assessment equal to 10 percent of fine imposed (Pen C §1465.6(a)); as alternative to misdemeanor punishment, defendant may be issued a notice of parking violation imposing a civil penalty of \$250 minimum to \$1,000 maximum
10751(a), 40000.9	Possession or sale of vehicle or part with altered or removed identification number	6 months maximum if value of property is \$950 or less; 1 year maximum if value of property exceeds \$950 (Veh C §42002.4); and \$1,000 maximum (Pen C §672)
*10752	Fraudulent possession or sale of vehicle identification number	minimum 90 days to maximum 1 year and minimum \$250 to maximum \$5,000
*10851(a)	Driving or taking vehicle without consent of owner (may serve as prior conviction for purposes of enhanced joyriding punishment under Pen C §499)	1 year and/or \$1,000 maximum; DMV must suspend license on recommendation of court (Veh C §13357)

NOTE: General provisions governing license suspension or revocation by the court are outlined in §74.9. They are also noted throughout this chart with the various sections that invoke them.

Veh C §	Description of Crime	Sentence
14601(a)	Driving after knowledge of license suspension or revocation for reckless driving under Veh C §23103, §23104, §23105, or any reason listed in Veh C §12806(a) or (c) (DMV refusal to renew because of alcohol or drug use or uncontrolled medical condition), Veh C §12809(e) (negligent or incompetent operation of vehicle), or Veh C §12810.5 (negligent operation) — 1st offense	minimum 5 days to maximum 6 months and minimum \$300 to maximum \$1,000 (Veh C §14601(b)(1)); discretionary vehicle impound for maximum 6 months if defendant is owner (Veh C §23592(a)); if defendant pleads guilty or no contest in satisfaction of, or as a substitute for, an original charge of Veh C §14601.2, court must order installation of ignition interlock device for period not to exceed three years (Veh C §§14601(e), 23575)

* Wobbler, alternative misdemeanor/felony

Veh C §	Description of Crime	Sentence
14601(a) (cont.)	2nd or subsequent offense within 5 years of prior conviction under Veh C §14601, §14601.1, §14601.2, or §14601.5	mandatory minimum 10 days, nonsuspendable (Veh C §14601(c)), to maximum 1 year and minimum \$500 to maximum \$2,000 (Veh C §14601(b)(2)); discretionary vehicle impound for maximum 12 months if defendant is owner (Veh C §23592(a)); if defendant pleads guilty or no contest in satisfaction of, or as a substitute for, an original charge of Veh C §14601.2, court must order installation of ignition interlock device for period not to exceed three years (Veh C §§14601(e), 23575)
14601.1(a)	Driving after knowledge of license suspension or revocation for any reason other than those listed in Veh C §14601, §14601.2, or §14601.5 — 1st offense [Note: Violation of §14601.1 based on failure to appear may be an infraction, with a \$250 maximum sentence, under Pen C §§17(d), 19.8.]	6 months maximum and/or \$300 minimum to \$1,000 maximum (Veh C §14601.1(b)(1)); discretionary vehicle impound for maximum 6 months if defendant is owner (Veh C §23592(a)); if defendant pleads guilty or no contest in satisfaction of, or as a substitute for, an original charge of Veh C §14601.2, court must order installation of ignition interlock device for period not to exceed three years (Veh C §§14601.1(d), 23575)
	2nd or subsequent offense within 5 years of prior conviction under Veh C §14601, §14601.1, §14601.2, or §14601.5	minimum 5 days to maximum 1 year and minimum \$500 to maximum \$2,000 (Veh C §14601.1(b)(2)); discretionary vehicle impound for maximum 12 months if defendant is owner (Veh C §23592(a)); if defendant pleads guilty or no contest in satisfaction of, or as a substitute for, an original charge of Veh C §14601.2, court must order installation of ignition interlock device for period not to exceed three years (Veh C §§14601.1(d), 23575)
14601.2(a), (b)	Driving after knowledge of license suspension or revocation under Veh C §23152 or §23153 (DUI) or of license restriction, unless in full compliance — 1st offense	mandatory minimum 10 days, nonsuspendable (Veh C §14601.2(e)), to maximum 6 months and minimum \$300 to maximum \$1,000, plus additional sentence under Veh C §14601.3(e)(3) if habitual traffic offender (see discussion below) (Veh C §14601.2(d)(1)); court must order installation of ignition interlock device (Veh C §§14601.2(h), 23575(a)(2)); discretionary vehicle impound for maximum 6 months if defendant is owner (Veh C §23592(a))

Veh C §	Description of Crime	Sentence
14601.2(a), (b) (<i>cont.</i>)	2nd or subsequent offense within 5 years of prior conviction under Veh C §14601, §14601.1, §14601.2, or §14601.5	mandatory minimum 30 days, nonsuspendable (Veh C §14601.2(f)), to maximum 1 year and minimum \$500 to maximum \$2,000, plus additional sentence under Veh C §14601.3(e)(3) if habitual traffic offender (see discussion below) (Veh C §14601.2(d)(2)); court must order installation of ignition interlock device (Veh C §§14601.2(h), 23575(a)(2)); discretionary vehicle impound for maximum 12 months if defendant is owner (Veh C §23592(a))
	2nd or subsequent offense within 7 years, but over 5 years, of prior conviction under Veh C §14601, §14601.1, §14601.2, or §14601.5	mandatory minimum 10 days, nonsuspendable (Veh C §14601.2(g)), to maximum 6 months and minimum \$300 to maximum \$1,000, plus additional sentence under Veh C §14601.3(e)(3) if habitual traffic offender (see discussion below) (Veh C §14601.2(d)(1)); court must order installation of ignition interlock device (Veh C §§14601.2(h), 23575(a)(2)); discretionary vehicle impound for maximum 12 months if defendant is owner (Veh C §23592(a))
	Veh C §14601.2 conviction of person designated as habitual traffic offender under Pen C §193.7 or Veh C §23546(b) (3 DUI convictions within prior 7 years), §23550(b) (4 or more DUI convictions within prior 7 years), §23550.5(d) (DUI conviction within 10 years of prior DUI, or Pen C §191.5(a) violation, Pen C §191.5(b) violation that resulted in a felony conviction, or Pen C §192.5(a) violation), or §23566(d) (3 or more §23153 DUI violations within prior 7 years) (Veh C §14601.2(d)(1), (2))	180 days and \$2,000, consecutive to penalty imposed for violation of any other law (Veh C §14601.3(e)(3))
14601.3(a)	Habitual traffic offender because of specified driving history accumulated from driving during period of license suspension or revocation — 1st offense	30 days and \$1,000 (Veh C §14601.3(e)(1)); discretionary vehicle impound for maximum 6 months if defendant is owner (Veh C §23592(a))
	2nd or subsequent offense within 7 years	180 days and \$2,000 (Veh C §14601.3(e)(2)); discretionary vehicle impound for maximum 12 months if defendant is owner (Veh C §23592(a))

* Wobbler, alternative misdemeanor/felony

Veh C §	Description of Crime	Sentence
14601.4	Causing bodily injury while driving a vehicle with a license suspended or revoked pursuant to Veh C §14601.2	mandatory minimums prescribed for Veh C §14601.2 (described above) must be served, whether or not probation is granted; work or other release not permitted before service of minimum term; maximum \$1,000 (Pen C §672); discretionary vehicle impound if defendant is owner (Veh C §23592(a)); if defendant pleads guilty or no contest in satisfaction of, or as a substitute for, an original charge of Veh C §14601.2, court must order installation of ignition interlock device for period not to exceed three years (Veh C §§14601.4(c), 23575)
14601.5 (a)–(b)	Driving after knowledge of license suspension or revocation under Veh C §13353, §13353.1, or §13353.2, or of license restriction, unless in full compliance — 1st offense	6 months and/or minimum \$300 to maximum \$1,000 (Veh C §14601.5(d)(1)); in imposing minimum fine, the court must consider defendant's ability to pay and may reduce the minimum fine in interests of justice and must state reasons on the record (Veh C §14601.5(e)); if defendant pleads guilty or no contest in satisfaction of, or as a substitute for, an original charge of Veh C §14601.2, court must order installation of ignition interlock device for period not to exceed three years (Veh C §§14601.5(g), 23575)
	2nd or subsequent offense within 5 years of prior conviction of Veh C §14601, §14601.1, §14601.2, §14601.3, or §14601.5	minimum 10 days to maximum 1 year and minimum \$500 to maximum \$2,000 (Veh C §14601.5(d)(2)); in imposing minimum fine, court must consider defendant's ability to pay and may reduce the minimum fine in the interests of justice and must state reasons on the record (Veh C §14601.5(e)); if defendant pleads guilty or no contest in satisfaction of, or as a substitute for, an original charge of Veh C §14601.2, court must order installation of ignition interlock device for period not to exceed three years (Veh C §§14601.5(g), 23575)
*20001	Hit-and-run accident resulting in injury other than death or permanent, serious injury	1 year and/or minimum \$1,000 to maximum \$10,000 (Veh C §20001(b)(1)); in imposing minimum fine, the court must consider defendant's ability to pay and may reduce the minimum fine in interests of justice and must state reasons on the record (Veh C §20001(b)(3))

* Wobbler, alternative misdemeanor/felony

Veh C §	Description of Crime	Sentence
*20001 (cont.)	Hit-and-run accident resulting in death or permanent, serious injury	minimum 90 days to maximum 1 year and/or minimum \$1,000 to maximum \$10,000 (Veh C §20001(b)(2)); court may reduce or waive mandatory minimum jail term in the interests of justice and must state reasons on the record (Veh C §20001(b)(2)); in imposing fine, the court must consider defendant's ability to pay and may reduce the minimum fine in the interests of justice and must state reasons on the record (Veh C §20001(b)(3))
20002	Failure to exchange information with another driver at scene of non-injury accident; failure to leave note with name and address on unattended vehicle involved in accident	6 months and/or \$1,000 maximum
21200.5, 40000.13 (c)	Riding a bicycle under the influence of alcohol or drug	\$250 maximum; if defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §21200.5 (violations are subject to §13202.5); see Veh C §13202.5(d) (no mention of §21200.5 in listing of applicable violations))
23103	Reckless driving; if court accepts guilty or no contest plea to Veh C §23103 violation in satisfaction of Veh C §23152 DUI charge, prosecutor must state for record whether defendant consumed alcohol or ingested drug in connection with offense; if yes, conviction constitutes prior for purposes of Veh C §23540, §23546, §23550, §23560, §23566, or §23622 (Veh C §23103.5)	minimum 5 days to maximum 90 days and/or minimum \$145 to maximum \$1,000; discretionary license suspension by court for specified maximum time depending on number of prior convictions (Veh C §13200); if violation of §23103 when subject to §23103.5 and defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5)
*23104	Reckless driving that causes bodily injury (wobbler under Veh C §23104(b) if great bodily injury and prior conviction of Veh C §23103, §23104, §23105, §23109, §23109.1, §23152, or §23153)	minimum 30 days to maximum 6 months and/or minimum \$220 to maximum \$1,000; discretionary 6 month maximum license suspension by court (Veh C §13201(b)); mandatory 1-year license revocation by DMV (Veh C §13350(a)(3), (c))
*23105	Reckless driving causing one or more specified injuries to a person other than the driver	minimum 30 days to maximum 6 months and/or minimum \$220 to maximum \$1,000

* Wobbler, alternative misdemeanor/felony

Veh C §	Description of Crime	Sentence
23109(a)	Motor vehicle speed contest on highway — 1st offense	minimum 24 hours to maximum 90 days and/or minimum \$355 to maximum \$1,000; court must order 40 hours of community service (Veh C §23109(e)(1)); discretionary license suspension or restriction for 90 days to 6 months (Veh C §§13352(a)(8), 23109(e)(1)); discretionary vehicle impound for 1 to 30 days (Veh C §23109(h))
23109(a)	Motor vehicle speed contest on highway that causes bodily injury — 1st offense	minimum 30 days to maximum 6 months and/or minimum \$500 to maximum \$1,000 (Veh C §23109(e)(2)); discretionary license suspension for 90 days to 6 months (Veh C §13352(a)(8)); discretionary vehicle impound for 1-30 days (Veh C §23109(h))
23109(a)	Motor vehicle speed contest on highway — 2nd or subsequent offense within 5 years	minimum 4 days (with probation, mandatory minimum 48 hours) to maximum 6 months and minimum \$500 to maximum \$1,000 (Veh C §23109(f)(1), (g)); mandatory license suspension or restriction for 6 months (Veh C §§13352(a)(9), 23109(f)(4), (g)); discretionary vehicle impound for 1 to 30 days (Veh C §23109(h))
23109(a)	Motor vehicle speed contest on highway that causes bodily injury — 2nd or subsequent offense within 5 years	minimum 30 days (with probation, mandatory minimum 48 hours) to maximum 6 months and minimum \$500 to maximum \$1,000 (Veh C §23109(f)(2), (g)); mandatory license suspension or restriction for six months (Veh C §§13352(a)(9), 23109(f)(4), (g)); discretionary vehicle impound for 1-30 days (Veh C §23109(h))
*23109(a)	Motor vehicle speed contest on highway that causes serious bodily injury — 2nd or subsequent offense	minimum (with probation, mandatory minimum 48 hours) 30 days to maximum 1 year and minimum \$500 to maximum \$1,000 (Veh C §23109(f)(3), (g)); mandatory license suspension or restriction for 6 months (Veh C §§13352(a)(9), 23109(f)(4), (g)); discretionary vehicle impound for 1-30 days (Veh C §23109(h))
23109(b), (c) or (d)	Aiding speed contest, engaging in motor vehicle exhibition of speed, or aiding a speed exhibition	90 days and/or \$500 maximum (Veh C §23109(i))
*23109.1	Motor vehicle speed contest on highway that causes one or more specified injuries to a person other than the driver	minimum 30 days to maximum 6 months and/or \$500 minimum to \$1,000 maximum; discretionary license suspension or restriction for 90 days to 6 months (Veh C §13352(a)(8))

* Wobbler, alternative misdemeanor/felony

Veh C §	Description of Crime	Sentence
23224(a), (b)	Possession of alcoholic beverage by driver or passenger under age 21	6 months and/or \$1,000; 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5); discretionary vehicle impound for 1 to 30 days (Veh C §23224(c))

NOTE: Driving under the influence (DUI) sentencing provisions are described in §74.10.

23247(a), (b), (c), (d)	Knowingly renting, leasing, or lending motor vehicle to person with restricted license under Veh C §13352 or §23575, unless equipped with functioning, certified ignition interlock device; requesting person to blow into ignition interlock device or to start vehicle, by person with restricted license under Veh C §13352 or §23575; blowing into device or starting vehicle for restricted person; tampering with device	6 months and/or \$5,000 maximum (Veh C §23247(f))
23247(e)	Driving, by person with restricted license under Veh C §13352 or §23575, of vehicle not equipped with a functioning ignition interlock device or vehicle that court ordered him or her not to drive	6 months and/or \$5,000 maximum (Veh C §23247(f)); if defendant's driving privilege is restricted under Veh C §13352, court must notify DMV to terminate restriction and to suspend or revoke defendant's driving privilege for the remaining period of the originating suspension or revocation and until all reinstatement requirements in Veh C §13352 are met; if privilege restricted under Veh C §23575, DMV must suspend driving privilege for one year (Veh C §23247(g))
38316, 40000.24 (b)	Reckless driving of off-highway motor vehicle	minimum 5 days to maximum 90 days and/or minimum \$50 to maximum \$500
38317, 40000.24 (c)	Reckless driving of off-highway motor vehicle, causing personal injury	minimum 30 days to maximum 6 months and/or minimum \$100 to maximum \$1,000
38320, 40000.24(f)	Littering from off-highway motor vehicle	mandatory minimum \$50 (Veh C §38320) to maximum \$1,000 (see Veh C §42002)

C. [§74.8] Special Vehicle Code Misdemeanors

Insofar as the misdemeanors listed below affect failure to stop and submit to inspection of equipment or for an unsafe condition endangering any person, the penalties under Veh C §42002.1 are as follows:

1st offense	5 days or \$50 maximum
2nd offense within 1 year	10 days and/or \$100 maximum
3rd or subsequent offense within 1 year	6 months and/or \$500 maximum

* Wobbler, alternative misdemeanor/felony

Veh C §	Description of Offense	Sentence
2800, 40000.7(a)(2)	Willful failure or refusal to obey peace officer	specified above
2801, 40000.7(a)(4)	Willful failure or refusal to obey firefighter	specified above
2803, 40000.7(a)(5)	Unlawful vehicle or load	specified above

D. [§74.9] License Suspension or Revocation by the Court

The following are general license suspension or revocation (by the court) provisions of the Vehicle Code. Other specific suspension provisions are described in connection with relevant code sections outlined in this chart.

Veh C §	Description of Conviction	Action Permitted or Mandated
13200	Speeding or reckless driving without bodily injury (Veh C §23103)	Court may suspend (unless code mandates revocation by DMV), as follows: 1st conviction — maximum 30 days; 2nd conviction — maximum 60 days; and 3rd or subsequent conviction — maximum 6 months
13200.5	Driving at speed exceeding 100 miles per hour in violation of Veh C §22348(b)	Court may suspend (unless code mandates revocation by DMV) for maximum 30 days
13201(a)–(d)	Failure to stop at accident involving property causing bodily injury (Veh C §23104 or §23105), failure to stop at railway crossing (Veh C §22452), or evading a peace officer (Veh C §2800.1, §2800.2, or §2800.3)	Court may suspend for maximum 6 months
13201(e)	Causing or participating in accident for purpose of making false or fraudulent insurance claim	Court may suspend or restrict license for maximum 6 months
13201.5(a)	Conviction of Pen C §647(b) (soliciting or engaging in prostitution) when violation committed within 1,000 feet of a private residence and use of motor vehicle involved	Court may suspend license for maximum 30 days or restrict license for maximum 6 months
13201.5(b)	Conviction of Pen C §647(a) (lewd conduct in public) and peace officer witnessed defendant pick up a prostitute and the defendant engaged in a lewd act with the prostitute within 1,000 feet of a private residence and with use of motor vehicle	Court may suspend license for maximum 30 days or restrict license for maximum 6 months
13202(a), (c)	Conviction of any offense related to controlled substances as defined in Health & S C §§11000–11651, when use of motor vehicle was involved or incidental to commission of offense	Court may suspend or order DMV to revoke for maximum 3 years

* Wobbler, alternative misdemeanor/felony

Veh C §	Description of Conviction	Action Permitted or Mandated
13202(b), (c)	Violation of Health & S C §11350, §11351, §11352, §11353, §11357, §11359, §11360 or §11361 when motor vehicle was involved or incidental to commission of offense	Court must order that DMV revoke for maximum 3 years
13202.4	Conviction of minor of public offense involving a pistol, revolver, or other firearm capable of being concealed on the person	For 1st conviction, court may suspend license or order DMV to delay issuance for 5 years; for 2nd or subsequent conviction, court may suspend license or order DMV to delay issuance for additional 1 year; court must consider personal or family hardship before ordering suspension or delay (Veh C §13202.4(c)); defendant may reduce period by performing community service if at least one-half of suspension or delay period has expired and defendant has not been convicted of another offense during the suspension or delay period (Veh C §13202.4(a)(2))
13202.5	Conviction of person under age 21 but age 13 or older of drug- and alcohol-related offense specified in Veh C §13202.5(d)	For each conviction, court must suspend license or order DMV to delay issuance for 1 year
13202.6	Conviction of person age 13 or older of vandalism under Pen C §594, §594.3, or §594.4	For 1st conviction, court must suspend license for maximum 2 years, unless it finds that a suspension would cause a personal or family hardship (Veh C §13202.6(a)(1)); court must order DMV to delay issuance for minimum 1 year to maximum 3 years; for 2nd or subsequent conviction, court must suspend or order DMV to delay issuance for additional year; defendant may reduce period by performing community service (graffiti cleanup) (Veh C §13202.6(a)(2))
13351.5	Felony conviction of Pen C §245 (assault with deadly weapon) when vehicle constituted deadly weapon or instrument used to commit offense	Revocation by DMV
13357	Theft or unlawful taking of a vehicle under Section 10851	Suspension or revocation by DMV on recommendation of court

E. [§74.10] Driving Under the Influence (DUI) Provisions

The fines specified below do not include penalty assessments, fees, or the state surcharge (see Pen C §§1464, 1465.7, 1465.8; Govt C §§70372(a), 70373(a), 70375(b), 76000) applicable generally in criminal cases. County boards of supervisors may, by resolution, authorize an additional \$50 penalty (raising total to \$100) for the cost of testing for alcohol content. The additional penalty may be imposed only when defendant has the ability to pay. Pen C §1463.14.

In lieu of any drug or alcohol education program required under Veh C §§23538, 23542, 23546, 23548, 23550, 23550.5, 23552, 23556, 23562, or 23568, the court may require that the

* Wobbler, alternative misdemeanor/felony

defendant complete a live-in substance abuse rehabilitation program under Pen C §8001 for a minimum period of two years if defendant consents and is accepted into the program. Veh C §§13352(a)(5)–(a)(7), 23598.

The court must specify on the record its reasons for an order striking a prior DUI conviction, dismissing a DUI allegation under Veh C §23152, or substituting a lesser offense. Furthermore, the prosecution must submit for the record a written statement giving reasons for any motion to dismiss, strike a prior offense, or substitute a lesser offense. Veh C §23635.

Commercial vehicle drivers convicted of a first violation of driving any vehicle while under the influence of alcohol or controlled substance are prohibited from operating a commercial vehicle for one year. Veh C §15300(a). A second conviction will result in a lifetime prohibition. Veh C §15302.

Veh C § Offense and Sentence

- 23152(a) or (b) Driving under the influence of alcohol or drug or with blood alcohol content of .08% or greater (.04% or greater for commercial drivers until such time that the director of the DMV determines that federal regulations do not require the state to enforce the .04% blood alcohol level). Sentences are specified in Veh C §§23536, 23538, 23540, 23542, 23546, 23548, 23550, 23550.5, and 23552, listed below, and depend on the number of prior offenses and whether probation is granted.
- 23153 Driving under the influence of alcohol or drug or with blood alcohol content of .08% or greater, with bodily injury to another (.04% or greater for commercial drivers until such time that the director of the DMV determines that federal regulations do not require the state to enforce the .04% blood alcohol level). Sentences are specified in Veh C §§23554, 23556, 23560, 23562, 23566, and 23568, listed below, and depend on the number of prior offenses and whether probation is granted.
- 23536 **1st offense under Veh C §23152 — no probation**
Mandatory imprisonment, fine, and penalties:
 (1) Jail time: minimum 96 hours, at least 48 hours of which must be continuous unless court determines it would interfere with person's work schedule; maximum 6 months (Veh C §23536(a)–(b)).
 (2) Fine: minimum \$390 to maximum \$1,000, plus assessments (Veh C §23536(a)).
 (3) Maximum \$50 alcohol abuse education and prevention penalty assessment unless defendant is unable to pay (Veh C §23645).
 (4) 6-month license suspension under Veh C §13352(a)(1), and immediate surrender of license to court (Veh C §23536(c)). DMV will not reinstate license until the defendant provides proof of financial responsibility and proof of completion of a licensed driving-under-the-influence program described in Veh C §23538(b) (Veh C §13352(a)(1)).
Additional penalties and enhancements:
 (1) Court may disallow issuance of a restricted driver's license under Veh C §13352.4 if it determines that defendant would present a traffic safety or public safety risk. Veh C §23536(d).
 (2) If minor passenger under 14 years was in vehicle, enhanced mandatory imprisonment of 48 continuous hours unless defendant also convicted of Pen C §273a (Veh C §23572(a)(1), (c)).
 (3) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor that may justify enhancing penalties in sentencing and in determining whether to grant probation (Veh C §23578).
 (4) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).
 (5) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st

* Wobbler, alternative misdemeanor/felony

Veh C §**Offense and Sentence**

23536

conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).

- (6) Court must order defendant to attend and complete county alcohol and drug problem assessment program if defendant has a prior conviction of Veh C §23152 or §23153 that occurred more than 10 years ago, or has been previously convicted of Pen C §647(f) (public intoxication) (Veh C §23646(b)(3)(A)).
- (7) Court may order vehicle impounded for 1–30 days if defendant is registered owner (Veh C §23594(a)).
- (8) Court may require installation of a functioning, certified ignition interlock device on any vehicle owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(a)).

23538

1st offense under Veh C §23152 — probation granted***Mandatory imprisonment, fine, and penalties:***

- (1) Jail time: Court may impose minimum 48 hours to maximum 6 months (Veh C §23538(a)(1));
- (2) Fine: minimum \$390 to maximum \$1,000, plus assessments (Veh C §23538(a)(1)); and
- (3) 6-month license suspension under Veh C §13352(a)(1), and immediate surrender of license to court. 10-month license suspension if 9-month treatment program is ordered. DMV will not reinstate license until the defendant provides proof of financial responsibility and proof of completion of 3-month or 9-month licensed driving-under-the-influence program described in Veh C §23538(b) (Veh C §§13352(a)(1), 13352.1, 23538(a)(2)).

All cases:

- (1) Court may disallow issuance of a restricted driver's license under Veh C §13352.4 if it determines that defendant would present a traffic safety or public safety risk. Veh C §23538(a)(3).
- (2) Maximum \$50 alcohol abuse education and prevention penalty assessment unless defendant is unable to pay (Veh C §23645).
- (3) If defendant's blood-alcohol concentration was less than .20%, by weight, court must order participation in a licensed alcohol or other drug education and counseling program for minimum of 3 months (Veh C §23538(b)(1); Health & S C §11837(c)(1)).
- (4) If defendant's blood-alcohol concentration was .20% or more, by weight, or defendant refused to take a chemical test, court must order participation in a licensed alcohol or other drug education and counseling program for minimum of 9 months (Veh C §23538(b)(2); Health & S C §11837(c)(2)).
- (5) Additional mandatory probation terms and conditions under Veh C §23600(b)(1)–(4):
 - Probation for minimum 3 years and maximum 5 years;
 - Defendant may not drive vehicle with measurable amount of alcohol in blood, and court must revoke probation under Veh C §23600(d) if blood alcohol of over .04%;
 - If arrested for DUI, defendant may not refuse to submit to blood alcohol test; and
 - Defendant may not commit a criminal offense.

Additional penalties and enhancements:

- (1) If chemical test was refused, license restriction (Alternative 2 above) may not be imposed instead of minimum 48 hours' imprisonment (Veh C §23577(a)(1)).
- (2) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor in determining additional or enhanced terms and conditions of probation (Veh C §23578).
- (3) If vehicle involved required class A or class B driver's license, court must order the DMV to suspend license for six months (Veh C §§13352(a)(1), 23538(d)).
- (4) If minor passenger under 14 years was in vehicle, enhanced mandatory imprisonment of 48 continuous hours unless defendant also convicted of Pen C §273a (Veh C §23572(a)(1), (c)).

Veh C § Offense and Sentence

- 23538 (5) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).
 (6) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).
 (7) Court must order defendant to attend and complete county alcohol and drug problem assessment program if defendant has a prior conviction of Veh C §23152 or §23153 that occurred more than 10 years ago, or has been previously convicted of Pen C §647(f) (public intoxication). If assessment recommends additional treatment, the court may order the defendant to enroll in 18-month or 30-month driving-under-the-influence program in lieu of the 3-month or 9-month program described in Veh C §23538(b) (Veh C §§13352(a)(1), 23542(b)(4), 23646(b)(3)).
 (8) Court may order vehicle impounded for 1–30 days if defendant is registered owner (Veh C §23594(a)).
 (9) Court may require installation of a functioning, certified ignition interlock device on any vehicle owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(a)).
- 23540 **2nd offense under Veh C §23152 — no probation** (within 10 years of prior conviction under Veh C §23103 as specified in §23103.5 (wet reckless), §23152, or §23153; time computed from arrest to arrest).
- Mandatory imprisonment, fine, and penalties:**
- (1) Jail time: minimum 90 days to maximum 1 year (Veh C §23540).
 (2) Fine: minimum \$390 to maximum \$1,000, plus assessments (Veh C §23540).
 (3) Maximum \$50 alcohol abuse education and prevention penalty assessment unless defendant is unable to pay (Veh C §23645).
 (4) 2-year license suspension under Veh C §13352(a)(3), and immediate surrender of license to court. DMV will not reinstate license until the defendant provides proof of financial responsibility and proof of completion of 18-month or 30-month licensed driving-under-the-influence program described in Veh C §23542(b).
 (5) Court must order vehicle impounded for 1–30 days if defendant is registered owner, except in an unusual case, if offense occurred within 5 years of prior; court must state circumstances on record when not ordered (Veh C §23594(a)).
- Additional penalties and enhancements:**
- (1) Court may disallow issuance of a restricted driver's license under Veh C §13352.5 if it determines that defendant would present a traffic safety or public safety risk. Veh C §23540(b).
 (2) If chemical test was refused, enhanced mandatory imprisonment of 96 hours (Veh C §23577(a)(3)).
 (3) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor that may justify enhancing penalties in sentencing and in determining whether to grant probation (Veh C §23578).
 (4) If minor passenger under 14 years was in vehicle, enhanced mandatory imprisonment of 10 days unless defendant also convicted of Pen C §273a (Veh C §23572(a)(2), (c)).
 (5) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).
 (6) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).
 (7) Court must order defendant to participate in county alcohol and drug problem

Veh C § Offense and Sentence

23540 assessment program (Veh C §23646(b)(1)).
 (cont.) (8) Court may require installation of functioning, certified ignition interlock device on any vehicle owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(f)).

23542 **2nd offense under Veh C §23152 — probation granted** (within 10 years of prior conviction under Veh C §23103 as specified in §23103.5 (wet reckless), §23152, or §23153; time computed from arrest to arrest).

Mandatory imprisonment, fine, and penalties:

- (1) Jail time: minimum 10 days to maximum 1 year or minimum 96 hours to maximum 1 year; sentence of 96 hours must be served in two 48-hour increments that may be served nonconsecutively;
- (2) Fine: minimum \$390 to maximum \$1,000, plus assessments (Veh C §23542(a)(1)); and
- (3) 2-year license suspension under Veh C §13352(a)(3), and immediate surrender of license to court. Veh C §23542(a)(2). DMV will not reinstate license until the defendant provides proof of financial responsibility and proof of completion of 18-month or 30-month driving-under-the-influence program described in Veh C §23542(b).

All cases:

- (1) Court may disallow issuance of a restricted driver's license under Veh C §13352.5 if it determines that defendant would present a traffic safety or public safety risk. Veh C §23542(d).
- (2) Maximum \$50 alcohol abuse education and prevention penalty assessment unless defendant is unable to pay (Veh C §23645).
- (3) Additional mandatory probation terms and conditions under Veh C §23600(b)(1)–(4):
 - Probation for minimum 3 years and maximum 5 years;
 - Defendant may not drive vehicle with measurable amount of alcohol in blood, and court must revoke probation under Veh C §23600(d) if blood alcohol of over .04%;
 - If arrested for DUI, defendant may not refuse to submit to blood alcohol test; and
 - Defendant may not commit a criminal offense.
- (4) Court must order vehicle impounded for 1–30 days if defendant is registered owner, except in an unusual case, if offense occurred within 5 years of prior; court must state circumstances on record when not ordered (Veh C §23594(a)).

Additional penalties and enhancements:

- (1) If chemical test was refused, enhanced mandatory imprisonment of 96 hours (Veh C §23577(a)(3)).
- (2) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor in determining additional or enhanced terms and conditions of probation (Veh C §23578).
- (3) If minor passenger under 14 years was in vehicle, enhanced mandatory imprisonment of 10 days unless defendant also convicted of Pen C §273a (Veh C §23572(a)(2), (c)).
- (4) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).
- (5) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).
- (6) Court must order defendant to participate in county alcohol and drug problem assessment program (Veh C §23646(b)(1)).
- (7) Court may require installation of functioning, certified ignition interlock device on any vehicle owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(f)).

Veh C §**Offense and Sentence**

23546

3rd offense under Veh C §23152 — no probation (within 10 years of prior convictions under Veh C §23103 as specified in §23103.5 (wet reckless), §23152, or §23153; time computed from arrest to arrest).

Mandatory imprisonment, fine, and penalties:

- (1) Jail time: minimum 120 days to maximum 1 year (Veh C §23546(a)).
- (2) Fine: minimum \$390 to maximum \$1,000, plus assessments (Veh C §23546(a)).
- (3) Maximum \$50 alcohol abuse education and prevention penalty assessment unless defendant is unable to pay (Veh C §23645).
- (4) 3-year license revocation under Veh C §13352(a)(5), and immediate surrender of license to court. DMV will not reinstate license until the defendant provides proof of financial responsibility and proof of completion of 18-month licensed driving-under-the-influence program or, if available in the county of defendant's residence or employment, a 30-month program.
- (5) Designation as habitual traffic offender for 3 years (Veh C §§13350, 23546(b)).
- (6) Court must order vehicle impounded for 1–90 days if defendant is registered owner, except in an unusual case, if offense occurred within 5 years of prior; court must state circumstances on record when not ordered (Veh C §23594(a)).

Additional penalties and enhancements:

- (1) If chemical test was refused, enhanced mandatory imprisonment of 10 days (Veh C §23577(a)(4)).
- (2) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor that may justify enhancing penalties in sentencing and in determining whether to grant probation (Veh C §23578).
- (3) If minor passenger under 14 years was in vehicle, enhanced mandatory imprisonment of 30 days unless defendant also convicted of Pen C §273a (Veh C §23572(a)(3), (c)).
- (4) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).
- (5) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).
- (6) Court must order defendant to participate in county alcohol and drug problem assessment program (Veh C §23646(b)(1)).
- (7) Court may declare vehicle nuisance and order its forfeiture (Veh C §23596).
- (8) Court may require installation of functioning, certified ignition interlock device on any vehicle owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(l)).

23548

3rd offense under Veh C §23152 — probation granted (within 10 years of prior convictions under Veh C §23103 as specified in §23103.5 (wet reckless), §23152, or §23153; time computed from arrest to arrest).

Mandatory imprisonment, fine, and penalties:

Alternative 1 (Veh C §23548(a), (c)):

- (1) Jail time: minimum 120 days to maximum 1 year;
- (2) Fine: minimum \$390 to maximum \$1,000, plus assessments; and
- (3) Completion of 18-month licensed driving-under-the-influence program subsequent to the date of the current violation if 18-month or 30-month program not previously completed.

Alternative 2, on defendant's specific request and showing of good cause (Veh C §23548(b)):

- (1) Jail time: minimum 30 days to maximum 1 year;
- (2) Fine: minimum \$390 to maximum \$1,000, plus assessments; and
- (3) Completion of 30-month licensed driving-under-the-influence program; defendant must

Veh C §
23548
(cont.)

Offense and Sentence

request treatment and obtain from court an order of satisfaction at conclusion of program.

All cases:

- (1) Maximum \$50 alcohol abuse education and prevention penalty assessment unless defendant is unable to pay (Veh C §23645).
- (2) 3-year license revocation under Veh C §13352(a)(5), and immediate surrender of license to court. DMV will not reinstate license until proof of completion of 18-month licensed driving-under-the-influence program or, if available in the county of defendant's residence or employment, a 30-month program.
- (3) Designation as habitual traffic offender for 3 years (Veh C §§13350, 23546(b));
- (4) Additional mandatory probation terms and conditions under Veh C §23600(b)(1)–(4):
 - Probation for minimum 3 years and maximum 5 years;
 - Defendant may not drive vehicle with measurable amount of alcohol in blood, and court must revoke probation under Veh C §23600(d) if blood alcohol of over .04%;
 - If arrested for DUI, defendant may not refuse to submit to blood alcohol test; and
 - Defendant may not commit a criminal offense.
- (5) Court must order vehicle impounded for 1–90 days if defendant is registered owner, except in an unusual case, if offense occurred within 5 years of prior; court must state circumstances on record when not ordered (Veh C §23594(a)).

Additional penalties and enhancements:

- (1) If chemical test refused, enhanced mandatory imprisonment — 10 days (Veh C §23577(a)(4)).
- (2) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor in determining additional or enhanced terms and conditions of probation (Veh C §23578).
- (3) If minor passenger under 14 years was in vehicle, enhanced mandatory imprisonment of 30 days unless defendant also convicted of Pen C §273a (Veh C §23572(a)(3), (c)).
- (4) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).
- (5) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).
- (6) Court must order defendant to participate in county alcohol and drug problem assessment program (Veh C §23646(b)(1)).
- (7) Court may declare vehicle nuisance and order its forfeiture (Veh C §23596).
- (8) Court may require installation of functioning, certified ignition interlock device owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(f)).

Veh C § Offense and Sentence

- *23550 **4th or subsequent offense under Veh C §23152 — no probation** (within 10 years of prior convictions under Veh C §23103 as specified in §23103.5 (wet reckless), §23152, or §23153; time computed from arrest to arrest).
- Mandatory imprisonment, fine, and penalties:**
- (1) Jail time: 16 months, or 2 or 3 years in state prison, or minimum 180 days and maximum 1 year in county jail (Veh C §23550(a)).
 - (2) Fine: minimum \$390 to maximum \$1,000, plus assessments (Veh C §23550(a)).
 - (3) Maximum \$50 alcohol abuse education and prevention penalty assessment unless defendant is unable to pay (Veh C §23645).
 - (4) 4-year license revocation under Veh C §13352(a)(7), and immediate surrender of license to court. DMV will not reinstate license until the defendant provides proof of financial responsibility and proof of completion of 18-month licensed driving-under-the-influence program or, if available in the county of defendant's residence or employment, a 30-month program.
 - (5) Designation as habitual traffic offender for 3 years (Veh C §§13350(b), 23550(b)).
 - (6) Court must order vehicle impounded for 1–90 days if defendant is registered owner, except in an unusual case, if offense occurred within 5 years of prior; court must state circumstances on record when not ordered (Veh C §23594(a)).
- Additional penalties and enhancements:**
- (1) If chemical test was refused, enhanced mandatory imprisonment of 18 days (Veh C §23577(a)(5)).
 - (2) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor that may justify enhancing penalties in sentencing and in determining whether to grant probation (Veh C §23578).
 - (3) If minor passenger under 14 years was in vehicle, enhanced mandatory imprisonment of 90 days unless defendant also convicted of Pen C §273a (Veh C §23572(a)(4), (c)).
 - (4) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).
 - (5) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).
 - (6) Court must order defendant to participate in county alcohol and drug problem assessment program (Veh C §23646(b)(1)).
 - (7) Court may declare vehicle nuisance and order its forfeiture (Veh C §23596).
 - (8) Court may require installation of functioning, certified ignition interlock device on any vehicle owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(j)).
- *23550.5 Violation of Veh C §23152 or §23153 within 10 years of (i) a prior violation of Veh C §23152 that resulted in a felony conviction under Veh C §23550 (fourth or subsequent offense within seven years) or this section, or both, or under former Veh C §23175 or former Veh C §23175.5, or both, (ii) a prior violation of Veh C §23153 that resulted in a felony conviction, or (iii) a prior violation of Pen C §192(c)(1) (vehicular manslaughter) that resulted in a felony conviction; violation of Veh C §23152 or §23153 with (i) a prior violation of Pen C §191.5(a) (gross vehicular manslaughter while intoxicated), (ii) a prior violation of Pen C §191.5(b) (vehicular manslaughter while intoxicated) that resulted in a felony conviction, or (iii) a prior violation of Pen C §192.5(a) (vehicular manslaughter involving vessel while intoxicated).
- Mandatory imprisonment, fine, and penalties:**
- (1) Jail time: 16 months, or 2 or 3 years in state prison, or maximum 1 year in county jail (Veh C §23550.5(a)).
 - (2) Fine: minimum \$390 to maximum \$1,000, plus assessments (Veh C §23550.5(a)).
 - (3) Maximum \$50 alcohol abuse education and prevention penalty assessment (Veh C

* Wobbler, alternative misdemeanor/felony

Veh C § Offense and Sentence

*23550.5
(cont.)

§23645).

(4) 4-year license revocation under Veh C §13352(a)(7) or, if applicable, 5-year license revocation under Veh C §13352(a)(6) and immediate surrender of license to court. DMV will not reinstate license until the defendant provides proof of financial responsibility and proof of completion of 18-month licensed driving-under-the-influence program or, if available in the county of defendant's residence or employment, a 30-month program.

(5) Designation as habitual traffic offender for 3 years (Veh C §§13350(b), 23550.5(d)).

(6) Court must order vehicle impounded for 1–90 days if defendant is registered owner, except in an unusual case, if offense occurred within 5 years of prior; court must state circumstances on record when not ordered (Veh C §23594(a)).

Additional penalties and enhancements:

(1) If chemical test was refused, enhanced mandatory imprisonment of 18 days (Veh C §23577(a)(5)).

(2) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor that may justify enhancing penalties in sentencing and in determining whether to grant probation (Veh C §23578).

(3) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).

(4) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).

(5) If felony conviction for violation of Veh C §23153, 1-year enhancement in state prison for each additional injured victim (maximum of three) (Veh C §23558).

(6) Court may require installation of functioning, certified ignition interlock device on any vehicle owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(f)).

23552

4th or subsequent offense under Veh C §23152 — probation granted (within 10 years of prior convictions under Veh C §23103 as specified in §23103.5 (wet reckless), §23152, or §23153; time computed from arrest to arrest).

Mandatory imprisonment, fine, and penalties:

Alternative 1 (Veh C §23552(a), (c)):

(1) Jail time: minimum 180 days to maximum 1 year;

(2) Fine: minimum \$390 to maximum \$1,000, plus assessments; and

(3) Completion of 18-month licensed driving-under-the-influence program subsequent to the date of the current violation if 18-month or 30-month program not previously completed.

Alternative 2, on defendant's specific request and showing of good cause (Veh C §23552(b)):

(1) Jail time: minimum 30 days to maximum 1 year;

(2) Fine: minimum \$390 to maximum \$1,000, plus assessments; and

(3) Completion of 30-month licensed driving-under-the-influence program; defendant must request treatment and obtain from court an order of satisfaction at conclusion of program.

All cases:

(1) Maximum \$50 alcohol abuse education and prevention penalty assessment unless defendant is unable to pay (Veh C §23645).

(2) 4-year license revocation under Veh C §13352(a)(7), and immediate surrender of license to court. DMV will not reinstate license until the defendant provides proof of financial responsibility and proof of completion of 18-month licensed driving-under-the-influence program or, if available in the county of defendant's residence or employment, a 30-month program.

(3) Designation as habitual traffic offender for 3 years (Veh C §§13350(b), 23550(b)).

(4) Additional mandatory probation terms and conditions under Veh C §23600(b)(1)–(4):

- Probation for minimum 3 years and maximum 5 years;

* Wobbler, alternative misdemeanor/felony

Veh C §**Offense and Sentence**

23552

(cont.)

- Defendant may not drive vehicle with measurable amount of alcohol in blood, and court must revoke probation under Veh C §23600(d) if blood alcohol of over .04%;
- If arrested for DUI, defendant may not refuse to submit to blood alcohol test; and
- Defendant may not commit a criminal offense.

(5) Court must order vehicle impounded for 1–90 days if defendant is registered owner, except in an unusual case, if offense occurred within 5 years of prior; court must state circumstances on record when not ordered (Veh C §23594(a)).

Additional penalties and enhancements:

(1) If chemical test was refused, enhanced mandatory imprisonment of 18 days (Veh C §23577(a)(5)).

(2) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor in determining additional or enhanced terms and conditions of probation (Veh C §23578).

(3) If minor passenger under 14 years was in vehicle, enhanced mandatory imprisonment of 90 days unless defendant also convicted of Pen C §273a (Veh C §23572(a)(4), (c)).

(4) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).

(5) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).

(6) Court must order defendant to participate in county alcohol and drug problem assessment program (Veh C §23646(b)(1)).

(7) Court may declare vehicle nuisance and order its forfeiture (Veh C §23596).

(8) Court may require installation of functioning, certified ignition interlock device on any vehicle owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(l)).

*23554

1st offense under Veh C §23153 — no probation**Mandatory imprisonment, fine, and penalties:**

(1) Jail time: 16 months, or 2 or 3 years in state prison, or minimum 90 days to maximum 1 year in county jail (Veh C §23554).

(2) Fine: minimum \$390 to maximum \$1,000, plus assessments (Veh C §23554).

(3) Maximum \$50 alcohol abuse education and prevention penalty assessment unless defendant is unable to pay (Veh C §23645).

(4) 1-year license suspension under Veh C §13352(a)(2) (Veh C §23554), and immediate surrender of license to court. DMV will not reinstate license until the defendant provides proof of financial responsibility and proof of completion of 3-month or 9-month licensed driving-under-the-influence program described in Veh C §23556(b) (Veh C §13352(a)(2)).

Additional penalties and enhancements:

(1) If felony conviction, 1-year enhancement in state prison for each additional injured victim (maximum of three) (Veh C §23558).

(2) If chemical test was refused, enhanced mandatory imprisonment of 48 continuous hours (Veh C §23577(a)(2)).

(3) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor that may justify enhancing penalties in sentencing and in determining whether to grant probation (Veh C §23578).

(4) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).

(5) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st conviction, court must also require completion of alcohol and/or drug education and counseling

Veh C § Offense and Sentence

*23554

(cont.)

program (Veh C §23582).

(6) Court must order defendant to attend and complete county alcohol and drug problem assessment program if defendant has a prior conviction of Veh C §23152 or §23153 that occurred more than 10 years ago, or has been previously convicted of Pen C §647(f) (public intoxication) (Veh C §23646(b)(3)(A)).

(7) Court may order vehicle impounded for 1–30 days if defendant is registered owner (Veh C §23594(a)).

(8) Court may require installation of a functioning, certified ignition interlock device on any vehicle owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(a)).

*23556

1st offense under Veh C §23153 — probation granted***Mandatory imprisonment, fine, and penalties:***

(1) Jail time: minimum 5 days to maximum 1 year (Veh C §23556(a)).

(2) Fine: minimum \$390 to maximum \$1,000, plus assessments (Veh C §23556(a)).

(3) Maximum \$50 alcohol abuse education and prevention penalty assessment unless defendant is unable to pay (Veh C §23645).

(4) 1-year license suspension under Veh C §13352(a)(2) (Veh C §23556(a)), and immediate surrender of license to court. DMV will not reinstate license until the defendant provides proof of financial responsibility and proof of completion of 3-month or 9-month licensed driving-under-the-influence program described in Veh C §23556(b) (Veh C §13352(a)(2)).

(5) If defendant's blood-alcohol concentration was less than .20%, by weight, court must order participation in a licensed alcohol/drug education and counseling program for minimum 3 months (Veh C §23556(b); Health & S C §11837(c)(1)).

(6) If defendant's blood-alcohol concentration was .20% or more, by weight, or defendant refused to take a chemical test, court must order participation in a licensed alcohol/drug education and counseling program for minimum 6 months (Veh C §23556(b); Health & S C §11837(c)(2)).

(7) Additional mandatory probation terms and conditions under Veh C §23600(b)(1)–(4):

- Probation for minimum 3 years and maximum 5 years;
- Defendant may not drive vehicle with measurable amount of alcohol in blood, and court must revoke probation under Veh C §23600(d) if blood alcohol of over .04%;
- If arrested for DUI, defendant may not refuse to submit to blood alcohol test; and
- Defendant may not commit a criminal offense.

(8) If felony conviction, 1-year enhancement in state prison for each additional injured victim (maximum of three) (Veh C §23558).

Additional penalties and enhancements:

(1) If chemical test was refused, enhanced mandatory imprisonment of 48 continuous hours (Veh C §23577(a)(2)).

(2) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor in determining additional or enhanced terms and conditions of probation (Veh C §23578).

(3) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).

(4) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on first conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).

(5) Court must order defendant to attend and complete county alcohol and drug problem assessment program if defendant has a prior conviction of Veh C §23152 or §23153 that occurred more than 10 years ago, or has been previously convicted of Pen C §647(f) (public intoxication). If assessment recommends additional treatment, the court may order defendant to enroll in 18-month or 30-month driving-under-the-influence program in lieu of the program described in Veh C §23556(b) (Veh C §§13352(a)(2), 23542(b)(4),

* Wobbler, alternative misdemeanor/felony

Veh C §	Offense and Sentence
*23556 (cont.)	<p>23646(b)(3)).</p> <p>(6) Court may order vehicle impounded for 1–30 days if defendant is registered owner (Veh C §23594(a)).</p> <p>(7) Court may require installation of a functioning, certified ignition interlock device on any vehicle owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(a)).</p>
*23560	<p>2nd offense under Veh C §23153 — no probation (within 10 years of prior conviction under Veh C §23103 as specified in §23103.5 (wet reckless), §23152, or §23153; time computed from arrest to arrest).</p> <p>Mandatory imprisonment, fine, and penalties:</p> <p>(1) Jail time: 16 months, or 2 or 3 years in state prison, or minimum 120 days to maximum 1 year in county jail (Veh C §23560).</p> <p>(2) Fine: minimum \$390 to maximum \$5,000, plus assessments (Veh C §23560)).</p> <p>(3) Maximum \$50 alcohol abuse education and prevention penalty assessment unless defendant is unable to pay (Veh C §23645).</p> <p>(4) 3-year license revocation under Veh C §13352(a)(4) (Veh C §23560), and immediate surrender of license to court. DMV will not reinstate license until the defendant provides proof of responsibility and proof of completion of 18-month or 30-month licensed driving-under-the-influence program described in Veh C §23562(b).</p> <p>(5) Court must order vehicle impounded for 1–30 days if defendant is registered owner, except in an unusual case, if offense occurred within 5 years of prior; court must state circumstances on record when not ordered (Veh C §23594(a)).</p> <p>Additional penalties and enhancements:</p> <p>(1) If felony conviction, 1-year enhancement in state prison for each additional injured victim (maximum of three) (Veh C §23558).</p> <p>(2) If chemical test was refused, enhanced mandatory imprisonment of 96 continuous hours (Veh C §23577(a)(3)).</p> <p>(3) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor that may justify enhancing penalties in sentencing and in determining whether to grant probation (Veh C §23578).</p> <p>(4) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).</p> <p>(5) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).</p> <p>(6) Court must order defendant to participate in county alcohol and drug problem assessment program (Veh C §23646(b)(1)).</p> <p>(7) Court may declare vehicle nuisance and order its forfeiture (Veh C §23596).</p> <p>(8) Court may require installation of functioning, certified ignition interlock device owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(l)).</p>
*23562	<p>2nd offense under Veh C §23153 — probation granted (within 10 years of prior conviction under Veh C §23103 as specified in §23103.5 (wet reckless), §23152, or §23153; time computed from arrest to arrest).</p> <p>Mandatory imprisonment, fine, and penalties:</p> <p><i>Alternative 1</i> (Veh C §23562(a)):</p> <p>(1) Jail time: minimum 120 days to maximum 1 year;</p> <p>(2) Fine: minimum \$390 to maximum \$5,000, plus assessments; and</p> <p>(3) 3-year license revocation under Veh C §13352(a)(4), and immediate surrender of</p>

* Wobbler, alternative misdemeanor/felony

Veh C § Offense and Sentence

*23562 license to court. DMV will not reinstate license until the defendant provides proof of financial responsibility and proof of completion of 18-month or 30-month licensed driving-under-the-influence program described in Veh C §23562(b).
(cont.)

Alternative 2 (Veh C §23562(b)(1)–(4)):

- (1) Jail time: minimum 30 days to maximum 1 year;
- (2) Fine: minimum \$390 to maximum \$1,000, plus assessments;
- (3) 1-year license suspension, followed by two-year license restriction allowing travel to and from work and alcohol or drug treatment program, under Veh C §13352.5, and immediate surrender of license to court (Veh C §23660); and
- (4) Completion of 18-month or 30-month driving-under-the-influence program subsequent to the date of the current violation, if available in county of defendant's residence or employment. (Veh C §23562(c)).

All Cases:

- (1) Maximum \$50 alcohol abuse education and prevention penalty assessment unless defendant is unable to pay (Veh C §23645).
- (2) Additional mandatory probation terms and conditions under Veh C §23600(b)(1)–(4):
 - Probation for minimum 3 years and maximum 5 years;
 - Defendant may not drive vehicle with measurable amount of alcohol in blood, and court must revoke probation under Veh C §23600(d) if blood alcohol of over 04%;
 - If arrested for DUI, defendant may not refuse to submit to blood alcohol test; and
 - Defendant may not commit a criminal offense.
- (3) If felony conviction, 1-year enhancement in state prison for each additional injured victim (maximum of three) (Veh C §23558).
- (4) Court must order vehicle impounded for 1–30 days if defendant is registered owner, except in an unusual case, if offense occurred within 5 years of prior; court must state circumstances on record when not ordered (Veh C §23594(a)).

Additional penalties and enhancements:

- (1) If chemical test was refused, enhanced mandatory imprisonment of 96 hours (Veh C §23577(a)(3)).
- (2) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor in determining additional or enhanced terms and conditions of probation (Veh C §23578).
- (3) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).
- (4) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).
- (5) Court must order defendant to participate in county alcohol and drug problem assessment program (Veh C §23646(b)(1)).
- (6) Court may declare vehicle nuisance and order its forfeiture (Veh C §23596).
- (7) Court may require installation of functioning, certified ignition interlock device owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(l)).

*23566 **3rd or subsequent offense under Veh C §23153 — no probation** (within 10 years of prior convictions under Veh C §23103 as specified in §23103.5 (wet reckless), §23152, or §23153; time computed from arrest to arrest). [Note: This violation must be punished as a felony unless the court grants probation under Veh C §23568.]

Mandatory imprisonment, fine, and penalties:

- (1) Jail time: state prison for 2, 3, or 4 years (Veh C §23566(a)).
- (2) Fine: minimum \$1,015 to maximum \$5,000, plus assessments (Veh C §23566(a)).
- (3) Maximum \$50 alcohol abuse education and prevention penalty assessment unless

* Wobbler, alternative misdemeanor/felony

Veh C §**Offense and Sentence**

*23566

(cont.)

defendant is unable to pay (Veh C §23645).

(4) 5-year license revocation under Veh C §13352(a)(6), and immediate surrender of license to court. DMV will not reinstate license until the defendant provides proof of financial responsibility and proof of completion of 18-month licensed driving-under-the-influence program or, if available in the county of defendant's residence or employment, a 30-month program.

(5) Designation as habitual traffic offender for 3 years (Veh C §§13350(b), 23566(d)).

(6) 1-year enhancement in state prison for each additional injured victim (maximum of three) (Veh C §23558).

(7) 3-year enhancement in state prison if violation results in great bodily injury and defendant has four or more prior convictions (Veh C §23566(c)).

(8) Court must order vehicle impounded for 1–90 days if defendant is registered owner, except in an unusual case, if offense occurred within 5 years of prior; court must state circumstances on record when not ordered (Veh C §23594(a)).

Additional penalties and enhancements:

(1) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor that may justify enhancing penalties in sentencing and in determining whether to grant probation (Veh C §23578).

(2) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).

(3) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).

(4) Court must order defendant to participate in county alcohol and drug problem assessment program (Veh C §23646(b)(1)).

(5) Court may declare vehicle nuisance and order its forfeiture (Veh C §23596).

(6) If defendant confined in state prison, court must order defendant to participate in an alcohol or drug program that is available at the prison (Veh C §23566(e)).

(7) Court may require installation of functioning, certified ignition interlock device owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(l)).

*23568

3rd or subsequent offense under Veh C §23153 — probation granted (within 10 years of prior conviction under Veh C §23103 as specified in §23103.5 (wet reckless), §23152, or §23153; time computed from arrest to arrest).

Mandatory imprisonment, fine, and penalties:

Alternative 1 (Veh C §23568(a)):

(1) Jail time: minimum 1 year; and

(2) Fine: minimum \$390 to maximum \$5,000, plus assessments.

Alternative 2 (Veh C §23568(b)):

(1) Jail time: minimum 30 days to maximum 1 year;

(2) Fine: minimum \$390 to maximum \$5,000, plus assessments; and

(3) Completion of an 18-month licensed driving-under-the-influence program or, if available in the county of defendant's residence or employment, a 30-month program subsequent to the date of the current violation (see Health & S C §11837); defendant must obtain from court an order of satisfaction at conclusion of program.

All cases:

(1) Maximum \$50 alcohol abuse education and prevention penalty assessment unless defendant is unable to pay (Veh C §23645).

(2) 5-year license revocation under Veh C §13352(a)(6), and immediate surrender of license to court. DMV will not reinstate license until the defendant provides proof of financial responsibility and proof of completion of 18-month licensed driving-under-the-

Veh C §
*23568
(cont.)

Offense and Sentence

influence program or, if available in the county of defendant's residence or employment, a 30-month program.

- (3) Additional mandatory probation terms and conditions under Veh C §23600(b)(1)–(4):
- Probation for minimum 3 years and maximum 5 years;
 - Defendant may not drive vehicle with measurable amount of alcohol in blood, and court must revoke probation under Veh C §23600(d) if blood alcohol of over .04%;
 - If arrested for DUI, defendant may not refuse to submit to blood alcohol test; and
 - Defendant may not commit a criminal offense.
- (4) Designation as habitual traffic offender for 3 years (Veh C §§13350(b), 23566(d)).
- (5) If felony conviction, 1-year enhancement in state prison for each additional injured victim (maximum of three) (Veh C §23558).
- (6) 3-year enhancement in state prison if violation results in great bodily injury and defendant has four or more prior convictions (Veh C §23566(c)).
- (7) Court must order vehicle impounded for 1–90 days if defendant is registered owner, except in an unusual case, if offense occurred within 5 years of prior; court must state circumstances on record when not ordered (Veh C §23594(a)).

Additional penalties and enhancements:

- (1) If alcohol concentration of .15% or more or chemical test was refused, court must consider as a special factor in determining additional or enhanced terms and conditions of probation (Veh C §23578).
- (2) If defendant is under age 21, additional 1-year license suspension or delay and immediate surrender of license to court (Veh C §13202.5).
- (3) If defendant drives 30 mph over limit on freeway (20 mph for other roads) in manner prohibited by Veh C §23103 during commission of DUI, additional and consecutive term of 60 days, except in unusual cases with specification of reasons on record; on 1st conviction, court must also require completion of alcohol and/or drug education and counseling program (Veh C §23582).
- (4) Court must order defendant to participate in county alcohol and drug problem assessment program (Veh C §23646(b)(1)).
- (5) Court may declare vehicle nuisance and order its forfeiture (Veh C §23596).
- (6) Court may require installation of functioning, certified ignition interlock device owned or operated by defendant and prohibit defendant from operating any vehicle unless equipped with such device (Veh C §23575(f)).

F. Infractions

1. [§74.11] General Vehicle Code Infractions

Except as otherwise provided in the Vehicle Code, the penalties for general infractions are as follows (Veh C §42001(a)):

1st offense	\$100 maximum
2nd offense within 1 year	\$200 maximum
3rd or subsequent offense within 1 year	\$250 maximum
4th offense within 1 year, if charged as a misdemeanor under Veh C §40000.28	6 months and/or \$1,000 maximum (Veh C §42002)

* Wobbler, alternative misdemeanor/felony

2. [§74.12] Special Vehicle Code Infractions

Special Vehicle Code infractions are punishable as specified below.

Veh C §	Description of Offense	Sentence
2815, 42001.1	Disregarding traffic signal or direction given by nonstudent school crossing guard — 1st offense	minimum \$50 to maximum \$100
	2nd offense within 1 year	minimum \$100 to maximum \$200
	3rd or subsequent offense within 2 years	minimum \$250 to maximum \$500; court may order DMV to suspend license for maximum 30 days
4000, 42001.8	Violation of vehicle registration requirements	minimum \$50 to maximum \$250
4463(e)	Falsifying a Clean Air Sticker, passing as true a false, forged, or counterfeit sticker, or acquisition or sale of genuine or counterfeit sticker with fraudulent intent — 1st offense	minimum \$100 to maximum \$250
	2nd offense	minimum \$250 to maximum \$250
	3rd or subsequent offense	Minimum \$500 to maximum \$1,000
21453(a), 21453(c), 21454(c), 21457(a), 42001.15	Failure to stop at steady or flashing red signal light	mandatory \$100
21461, 35550- 35796	Weight violations, including signs regarding limits (general misdemeanor if excess weight is 4501 pounds or greater (see Veh C §40000.23))	see fine schedule in Veh C §42030
21655.8, 42001.11	Crossing over double line to enter or exit exclusive or preferential use lane for high-occupancy vehicle (HOV) — 1st offense	minimum \$100 to maximum \$150
	2nd offense within 1 year	minimum \$150 to maximum \$200
	3rd or subsequent offense within two years	minimum \$250 to maximum \$500
21806, 42001.12	Failure to yield right-of-way to authorized emergency vehicles — 1st offense	minimum \$100 to maximum \$250
	2nd offense within 1 year	minimum \$150 to maximum \$500
	3rd or subsequent offense within 3 years	minimum \$250 to maximum \$500
21951, 42001.17	Passing vehicle stopped at crosswalk — 1st offense	mandatory \$100

* Wobbler, alternative misdemeanor/felony

Veh C §	Description of Offense	Sentence
	2nd offense within 1 year	\$200 maximum
	3rd or subsequent offense within 1 year	\$250 maximum
21971, 42001.18	Violation of Veh C §§21451(a) or (b), 21453(b), 21950(a), or 21952 causing injury to pedestrian — 1st offense	mandatory \$220
	2nd offense within 1 year	mandatory \$320
	3rd or subsequent offense within 1 year	mandatory \$370
21070, 42001.19 (a)	Unsafe operation of vehicle resulting in bodily injury	mandatory \$70
21070, 42001.19 (b)	Unsafe operation of vehicle resulting in great bodily injury	mandatory \$95
22348(b)	Driving vehicle on highway at speed greater than 100 miles per hour — 1st offense	maximum \$500; court may suspend license for maximum 30 days under Veh C §13200.5
	2nd offense within 3 years	maximum \$750; DMV must suspend license for 6 months under Veh C §13355(a)
	3rd or subsequent offense within 5 years	maximum \$1,000; DMV must suspend license for 1 year under Veh C §13355(b)
22507.8, 42001.13	Parking in space designated for persons with disabilities, parking on disabled space boundary lines or in designated loading zone by any person, including person with disability — 1st offense	minimum \$250 to maximum \$500; additional penalty assessments of \$100 (Veh C §4461.3) and assessment equal to 10 percent of fine imposed (Pen C §1465.6(a)); court may suspend imposition of fine if defendant possessed at the time of the offense, but failed to display, a valid license plate issued under Veh C §5007, or placard issued under Veh C §22511.55 or §22511.59; as alternative to punishing as an infraction, defendant may be issued a civil notice of parking violation imposing a civil penalty of \$250 minimum to \$1,000 maximum that may be suspended as above (Veh C §§40203.5(c), 42001.13(a))

Veh C §	Description of Offense	Sentence
	2nd offense	minimum \$500 to maximum \$750; additional penalty assessments of \$100 (Veh C §4461.3) and assessment equal to 10 percent of fine imposed (Pen C §1465.6(a)); court may suspend imposition of fine if defendant possessed at the time of the offense, but failed to display, a valid license plate issued under Veh C §5007, or placard issued under Veh C §22511.55 or §22511.59; as alternative to punishing as an infraction, defendant may be issued a civil notice of parking violation imposing a civil penalty of \$250 minimum to \$1,000 maximum that may be suspended as above (Veh C §§40203.5(c), 42001.13(a))
	3rd or subsequent offense	minimum \$750 to maximum \$1,000; additional penalty assessments of \$100 (Veh C §4461.3) and assessment equal to 10 percent of fine imposed (Pen C §1465.6(a)); court may suspend imposition of fine if defendant possessed at the time of the offense, but failed to display, a valid license plate issued under Veh C §5007, or placard issued under Veh C §22511.55 or §22511.59; as alternative to punishing as an infraction, defendant may be issued a civil notice of parking violation imposing a civil penalty of \$250 minimum to \$1000 maximum that may be suspended as above (Veh C §§40203.5(c), 42001.13(a))
22511.1, 42001.6	Parking in or blocking space designated for zero-emission vehicles; displaying zero-emission vehicle decal on non-electric vehicle	mandatory \$100; court may suspend portion of fine above \$25 if defendant possessed at time of offense, but failed to display a valid zero-emission vehicle decal issued under Veh C §5205.5(a) or (b)
22523	Abandoning vehicle	mandatory minimum \$100; proof of payment of removal costs, unless vehicle stolen prior to abandonment
22526, 42001.1 (a)	Entering intersection or marked crosswalk, or railroad or rail transit crossing, when there is insufficient space to accommodate vehicle without blocking traffic or railroad vehicle — 1st offense	minimum \$50 to maximum \$100
	2nd offense within 1 year	minimum \$100 to maximum \$200
	3rd or subsequent offense within two years	minimum \$250 to maximum \$500

* Wobbler, alternative misdemeanor/felony

Veh C §	Description of Offense	Sentence
23111, 23112, 23113(a), 42001.7	Littering offenses — 1st offense	mandatory minimum \$100 to maximum \$1,000 and mandatory litter collection or graffiti cleanup for minimum 8 hours; court may not suspend fine or pickup/cleanup order except in unusual cases where interests of justice would be served, and for every \$100 suspended court must order minimum 8 hours of cleanup or pickup (Veh C §42001.7(c))
	2nd offense	mandatory minimum \$500 to maximum \$1,000 and mandatory litter collection or graffiti cleanup for minimum 16 hours; same additional requirements as on 1st offense
	3rd or subsequent offense	mandatory minimum \$750 to maximum \$1,000 and mandatory litter collection or graffiti cleanup for minimum 24 hours; same additional requirements as on 1st offense
23123	Driving motor vehicle while using a wireless telephone unless the telephone is designed and configured to allow hands-free operation, and is used in that manner — 1st offense	mandatory \$20
	2nd or subsequent offense	mandatory \$50
23123.5	Driving while using a wireless telephone to write, send, or read text message — 1st offense	mandatory \$20
	2nd or subsequent offense	mandatory \$50
23124	Person under age 18 driving motor vehicle while using a wireless telephone or mobile service device — 1st offense	mandatory \$20
	2nd or subsequent offense	mandatory \$50
23135, 42001.9	Operating modified motorized bicycle on highway	mandatory \$50
23140, 42001.25	Person under 21 years of age driving with blood-alcohol level of 0.05 percent or more — 1st offense	Mandatory \$100; court must order defendants between the ages of 18 and 21 to attend licensed DUI program (Veh C §23502(a)–(b)); DMV must suspend defendant's driving privileges until DUI program is successfully completed, and court must require defendant to surrender driver's license to court (Veh C §§13352.6, 13550, 23502(c))
	2nd offense within 1 year	Mandatory \$200; same additional requirements as on 1st offense

* Wobbler, alternative misdemeanor/felony

Veh C §	Description of Offense	Sentence
	3rd or subsequent offense within 1 year	Mandatory \$300; same additional requirements as on 1st offense
27156, 42001.14	Disconnecting, modifying, or altering pollution control device — 1st offense	minimum \$50 to maximum \$100
	2nd or subsequent offense	minimum \$100 to maximum \$250
27315(d), (e), or (f), and (h)	Violations of mandatory seat belt law —1st offense	\$20 maximum, or alternatively traffic or driving school
	2nd or subsequent offense	\$50 maximum
38020, 42001.10	Failure to provide required identification of off-highway motor vehicle — 1st offense	minimum \$50
	2nd or subsequent offense	\$250 maximum
42001(b)	Infraction violations by pedestrians	\$50 maximum