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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.

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**Source:** Criminal Law/Felony Sentencing Handbook/Preface

Preface

The 2010 CJER Felony Sentencing Handbook provides California judges with a quick-reference guide to the punishment of California felonies, felony sentencing enhancements, and probation restrictions. It covers legislation through 2009 and supersedes the 2009 Handbook.

This publication is based on, and also supersedes, the Determinate Sentencing Manual, last published in 1988 by Chief Justice Ronald M. George, California Supreme Court.

The first edition of the Handbook was prepared under the direction and with the assistance of the CJER Criminal Proceedings Benchbook Planning Committee. CJER expresses its appreciation to the planning committee members, and especially to Chief Justice George for his generous contributions.

CJER Publications Attorney Barry Harding prepared the 2010 Handbook; production editor was Iris Okura.

We hope you will find the Handbook to be a useful practice tool, and we welcome your comments, criticisms, and suggestions for its improvement.

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Director  
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Determinate Sentencing Law Ranges of Punishment

**Key to Abbreviations**

ADW	=	assault with deadly weapon
CS	=	controlled substance
DOJ	=	Department of Justice
GBI	=	great bodily injury
NGI	=	not guilty by reason of insanity
NSF	=	not sufficient funds
pfc	=	prior felony conviction
w/pc	=	with prior conviction
wit	=	with intent to
witc	=	with intent to commit
*	=	wobbler, alternative felony/misdemeanor

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Penal Code

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* <u>289.6</u> (a)(2)	Employee of public detention facility engaging in sexual activity (as defined in <u>Pen C §289.6(d)(1)-(4)</u> ) with inmate	16 24 36
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* <u>289.6</u> (a)(3)	Employee of Youth and Adult Correctional Agency engaging in sexual activity (as defined in <u>Pen C §289.6(d)(1)-(4)</u> ) with inmate	16 24 36
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* <u>337a</u>	Pool selling or bookmaking	16 24 36
* <u>337b</u>	Corrupt sporting event/bribe player or participant	16 24 36
* <u>337c</u>	Accepting bribe to throw sport event	16 24 36
* <u>337d</u>	Bribing official of sport event	16 24 36
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* <u>337i</u>	Transmitting race information for illegal gambling	16 24 36
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* <u>337.3</u>	Using name of official in touting	16 24 36
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* <u>350(b)</u>	Manufacture or sale of counterfeit mark w/pc	16 24 36
* <u>350(b)</u>	Manufacture, sale, or possession for sale of counterfeit mark w/pc	16 24 36
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* <u>368(b)(1)</u>	Willful causing of pain to or suffering of elder or dependent adult	24 36 48
* <u>368(d)</u>	Theft or embezzlement over \$950 of elder or dependent adult	24 36 48
* <u>368(e)</u>	Theft or embezzlement over \$950 by caretaker of elder or dependent adult	24 36 48
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* <u>374.8</u>	Unauthorized deposit of hazardous substances	16 24 36
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* <u>382.5</u>	Selling dinitrophenol	16 24 36
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* <u>399.5</u>	Failure of owner to exercise ordinary care with dog that bites person	24 36 48
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* <u>417(b)</u>	Draw/exhibit loaded firearm in threatening manner on grounds of daycare center	16 24 36
* <u>417(c)</u>	Draw/exhibit firearm in a threatening manner in presence of po	16 24 36
<u>417.3</u>	Draw/exhibit firearm in threatening manner in presence of person in motor vehicle	16 24 36
* <u>417.6</u>	Inflict serious BI during violation of <u>§417/§417.1/§417.8</u>	16 24 36
<u>417.8</u>	Draw/exhibit deadly weapon w/i to resist arrest	24 36 48
* <u>422</u>	Criminal threats of violence	16 24 36
* <u>422.7</u>	Hate crime	16 24 36
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<u>451(d)</u>	Arson of property	16 24 36
* <u>452(a)</u>	Unlawful fire w/GBI	24 48 72
* <u>452(b)</u>	Unlawful fire of inhabited structure or property	24 36 48
* <u>452(c)</u>	Unlawful fire of structure or forest land	16 24 36
* <u>453(a)</u>	Possess, manufacture, dispose of flammable material or incendiary device w/arson intent	16 24 36
<u>454</u>	Commission of <u>Pen C §451(a)</u> , <u>§451(b)</u> or <u>§451(c)</u> within area of insurrection or emergency	60 84 108
<u>454</u>	Commission of <u>Pen C §451(d)</u> or <u>§452</u> within area of insurrection or emergency	36 60 84
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* <u>461(b)</u>	Burglary second degree	16 24 36
* <u>463(a)</u>	Second-degree burglary during emergency resulting from earthquake, flood, fire, riot, or other natural or unnatural disaster	16 24 36
* <u>463(b)</u>	Grand theft, except grand theft of firearm	16 24 36
<u>463(b)</u>	Grand theft of firearm during emergency resulting from earthquake, flood, fire, riot, or other natural or unnatural disaster	16 24 36
<u>464</u>	Open/attempt to open vault w/explosives	36 60 84
* <u>470</u>	Forgery	16 24 36
* <u>470a</u>	Forgery of driver's license or identification cards	16 24 36
* <u>470b</u>	Possess/display forged driver's license or identification card	16 24 36
* <u>471</u>	Altering entries in books and records	16 24 36
* <u>472</u>	Forgery of public and corporate seals	16 24 36
* <u>474</u>	Sending false/forged message by phone/telegraph w/fraud intent	16 24 36
* <u>475</u>	Passing or receiving forged bill/check/note	16 24 36
* <u>476</u>	Making/passing/possessing fictitious bill/note/check	16 24 36
* <u>476a</u>	NSF checks	16 24 36
<u>478</u>	Counterfeiting	24 36 48
<u>479</u>	Possessing or receiving counterfeit coin/bullion, etc.	24 36 48
<u>480</u>	Making/possessing counterfeit die or apparatus	24 36 48
<u>481</u>	Counterfeiting or altering passenger ticket	16 24 36
* <u>483.5(d)</u>	Manufacture, sale, or transport of deceptive identification document for fraudulent use	16 24 36
* <u>484b</u>	Diversion of over \$2,350 in construction improvement loans	16 24 36
<u>484c</u>	Obtaining construction funds by false voucher	16 24 36
* <u>484e(a)</u>	Selling or transferring access card wit defraud	16 24 36
* <u>484e(b)</u>	Theft of access cards of four or more persons	16 24 36
* <u>484e(d)</u>	Acquiring access card information wit defraud	16 24 36
<u>484f(a)</u>	Forgery of access card	16 24 36
<u>484f(b)</u>	Forgery of signature on access card	16 24 36
* <u>484g</u>	Using forged access card or altered access card account information to obtain over \$950	16 24 36
* <u>484h</u>	Access card offenses by merchant over \$950	16 24 36
* <u>484i(b)</u>	Altering or modifying access card account information wit defraud	16 24 36
* <u>484i(c)</u>	Counterfeiting access card	16 24 36
<u>485</u>	Appropriation of lost property by finder	16 24 36
* <u>487(a)</u>	Grand theft money, labor, or property over \$400	16 24 36

* <u>487(b)(1), (2)</u>	Grand theft agricultural or aquacultural products over \$250	16 24 36
* <u>487(b)(3)</u>	Grand theft money, labor, or property of \$950 or more by servant, agent, or employee	16 24 36
* <u>487(c)</u>	Grand theft person	16 24 36
<u>487(d)</u>	Grand theft firearm	16 24 36
* <u>487(d)</u>	Grand theft auto, farm animal	16 24 36
* <u>487a</u>	Grand theft carcass	16 24 36
<u>487b</u>	Severance of other's realty for cash w/felonious intent	16 24 36
<u>487d</u>	Theft from claim/mine	16 24 36
* <u>487e</u>	Stealing dog valued at more than \$950	16 24 36
* <u>487g</u>	Stealing/fraudulently obtaining any animal for commercial use	16 24 36
* <u>487h</u>	Grand theft cargo valued at more than \$950	16 24 36
* <u>496(a)</u>	Receiving stolen property	16 24 36
* <u>496(b)</u>	Receiving stolen property in excess of \$950 by secondhand goods dealer	16 24 36
* <u>496(d)</u>	Attempted receiving stolen property	16 24 36
* <u>496a</u>	Junk dealer receiving property of utility company/railroad, etc.	16 24 36
* <u>496c</u>	Copying title information w/o consent of owner	16 24 36
* <u>496d</u>	Receiving stolen vehicle, trailer, or vessel	16 24 36
* <u>497</u>	Bringing stolen or embezzled property into state	16 24 36
* <u>498(d)</u>	Unauthorized diversion or connection of utility services valued at more than \$950 or w/pc	16 24 36
* <u>499(a)</u>	Joyriding w/1 pc of <u>Pen C §487(d)</u> or <u>Veh C §10851</u>	16 24 36
* <u>499(b)</u>	Joyriding w/2 pc of joyriding	16 24 36
<u>499(c)</u>	Joyriding w/3 pc of joyriding	16 24 36
<u>499(d)</u>	Joyriding w/2 pc of joyriding and 1 pc of <u>Pen C §487h, §487(d)</u> , or <u>Veh C §10851</u>	16 24 36
* <u>499c</u>	Theft of trade secrets	16 24 36
* <u>499d</u>	Theft of aircraft	16 24 36
<u>500(b)</u>	Receiving money of \$950 or more for transmittal to foreign countries	16 24 36
* <u>502(d)</u>	Malicious alteration/destruction of computer program/data	16 24 36
* <u>502(d)</u>	Computer-related crimes	16 24 36
* <u>502.5</u>	Removal of structures from mortgaged realty w/o owner's consent	16 24 36
* <u>502.7(a)</u>	Fraudulently avoiding charge for telephone or telegraph service	16 24 36
* <u>502.7(b)</u>	Use of instrument to avoid telephone or telegraph charge	16 24 36
* <u>502.7(d)</u>	Allowing fraudulent use of calling or credit card to obtain telecommunications service	16 24 36
* <u>502.7(g)</u>	Theft of telephone or telegraph services w/pc within 5 years	16 24 36
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* <u>502.8(d)</u>	Possession of illegal telecommunications equipment wit sell and avoid charge for service	16 24 36
<u>502.8(e)</u>	Manufacture of 10 or more telecommunications devices wit sell and avoid charge for service	16 24 36
<u>502.8(e)</u>	Possession of 10 or more items of illegal telecommunications equipment wit sell and avoid charge for service	16 24 36
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* <u>503</u>	Embezzlement	16 24 36
* <u>504</u>	Embezzlement by public officer	16 24 36
* <u>504a</u>	Embezzlement of property held under lease	16 24 36
* <u>504b</u>	Debtor's embezzlement by sale of mortgaged property	16 24 36
* <u>505</u>	Embezzlement by carrier	16 24 36
* <u>506</u>	Embezzlement by trustee	16 24 36
* <u>506b</u>	Violation of <u>CC §§2985.3-2985.4</u> re real estate sales	16 24 36
* <u>507</u>	Embezzlement by tenant or bailee	16 24 36
* <u>508</u>	Embezzlement by clerk or servant	16 24 36
<u>514</u>	Embezzlement of public funds	16 24 36
<u>520</u>	Extortion	24 36 48
<u>522</u>	Obtain signature by threat	24 36 48
<u>523</u>	Sending threatening letters wit extort	24 36 48
* <u>524</u>	Attempted extortion	16 24 36
<u>528</u>	Marriage by impersonation	16 24 36
* <u>529</u>	Impersonation for fraud	16 24 36
* <u>530</u>	Receiving money/property in assumed character	16 24 36
* <u>530.5(a)</u>	Using personal identifying information of another to obtain credit, goods, services, or	16 24 36

	medical information	
* <u>530.5</u> (c)(2)	Acquisition or retention of personal identifying information of another wit defraud w/pc	16 24 36
* <u>530.5</u> (c)(3)	Acquisition or retention of personal identifying information of 10 or more persons wit defraud	16 24 36
* <u>530.5</u> (d)(1)	Sale, transfer, or conveyance of personal identifying information of another wit defraud	16 24 36
<u>530.5</u> (d)(2)	Sale, transfer, or conveyance of personal identifying information w/knowledge that the information will be used to commit violation of <u>Pen C §530.5(a)</u>	16 24 36
* <u>532</u>	Obtain money/credit/property/labor by false pretense	16 24 36
* <u>532a</u> (4)	Making false financial statement	16 24 36
* <u>532f</u> (h)	Mortgage fraud	16 24 36
<u>533</u>	Selling land twice	16 24 36
<u>534</u>	Spouse selling land/property by false pretense	16 24 36
* <u>535</u>	Illegal auction	16 24 36
* <u>537</u> (a)(2)	Defrauding innkeeper of more than \$950	16 24 36
* <u>537c</u> (a)	Purchase/possess/sell integrated circuit w/removed/alterd ID/ser. no. more than \$950	16 24 36
* <u>538</u>	Sale/dispose of mortgaged property	16 24 36
* <u>538.5</u>	Fraudulent use of wire, radio, or TV transmissions	16 24 36
<u>548</u>	Defrauding insurer	24 36 60
* <u>549</u>	Soliciting fraudulent insurance claims	16 24 36
<u>549</u>	Second or subsequent offense of soliciting fraudulent insurance claims	16 24 36
<u>550</u> (a)(1), (4)	Filing fraudulent insurance claim	24 36 60
<u>550</u> (a)(2)	Filing multiple insurance claims wit defraud	24 36 60
<u>550</u> (a)(3)	Participating in staged auto accident for purpose of filing fraudulent insurance claim	24 36 60
<u>550</u> (a)(5)	Preparing writing wit present, use, or allow it to be presented in support of fraudulent claim	24 36 60
* <u>550</u> (a)(6)-(9)	Defrauding health care provider of more than \$950	24 36 60
* <u>550</u> (b)(1)-(4)	Preparing or making false oral or written statement in support of or opposition to insurance claim	24 36 60
* <u>551</u>	Offering consideration for referrals to auto repair dealer or contractor—more than \$950.	16 24 36
* <u>551</u>	Offering consideration for referrals to auto repair dealer or contractor w/pc	16 24 36
* <u>560</u>	Issuing false documents of title	16 24 36
* <u>560.4</u>	Issuing fraudulent duplicate document of title	16 24 36
* <u>566</u>	Dairy equipment offenses over \$950	16 24 36
* <u>570</u>	Unlawful subleasing of motor vehicle	16 24 36
* <u>577</u>	Issuing false bill of lading/receipt/voucher	16 24 36
* <u>578</u>	Issuing fictitious warehouse receipts	16 24 36
* <u>580</u>	Failure to show receipt is duplicate	16 24 36
* <u>581</u>	Sale or pledge of property receipted for by carrier or warehouse	16 24 36
* <u>587</u>	Injury to or obstruction of railroad tracks or bridges	16 24 36
<u>588a</u>	Depositing injurious substance on highway witc GBI	16 24 36
* <u>591</u>	Injury to telegraph/telephone/cable TV or other electric line	16 24 36
* <u>592</u> (b)	Taking water from canal, ditch, flume, or reservoir valued at more than \$950	16 24 36
* <u>592</u> (b)	Taking water from canal, ditch, flume, or reservoir w/pc	16 24 36
* <u>593</u>	Interfering w/electric power line	16 24 36
<u>593a</u>	Malicious damage to timber/trees	16 24 36
<u>593c</u>	Malicious interference w/gas line	16 24 36
* <u>593d</u> (b)	Manufacture or distribution of 10 or more, or sale of 5 or more, unauthorized video signal converter boxes	16 24 36
* <u>593d</u> (b)	Manufacture or distribution of less than 10, or sale of less than 5, unauthorized video signal converter boxes w/pc	16 24 36
* <u>594</u> (b)(1)	Vandalism of \$400 or more	16 24 36
* <u>594.3</u> (a)	Vandalism of place of worship or cemetery	16 24 36
<u>594.3</u> (b)	Vandalism of place of worship or cemetery committed for purpose of deterring free exercise of religious beliefs	16 24 36
* <u>594.35</u>	Vandalism of mortuary; disturbing or obstructing funeral service	16 24 36
* <u>594.4</u>	Defacing, damaging, or contaminating property with noxious or caustic chemical or substance	16 24 36
* <u>594.7</u>	Vandalism w/2 pc of vandalism	16 24 36
* <u>597b</u> (c)	Animal fighting exhibition violation w/pc	16 24 36
<u>597.5</u> (a)	Dog fighting	16 24 36

<u>598c</u>	Conducting transaction involving horse wit kill horse for human consumption	16 24 36
* <u>600(a)</u>	Inflicting serious injury on police horse or dog	16 24 36
* <u>601</u>	Trespass consisting of credible threat to cause serious bodily injury and unlawful entry onto property within 30 days of the threat	16 24 36
* <u>607</u>	Injury or destruction of hydra-power equipment of \$5,000 or more	16 24 36
<u>610</u>	Tampering w/signal lights	16 24 36
<u>617</u>	Injuring or destroying other's written instrument	16 24 36
* <u>620</u>	Altering telegraph/telephone messages	16 24 36
* <u>621</u>	Vandalism of law enforcement memorial or firefighter's memorial	16 24 36
* <u>625b(b)</u>	Tampering w/aircraft	16 24 36
<u>625c</u>	Tampering with transit vehicle wit cause GBI	16 24 36
<u>626.9(b)</u>	Possession of firearm on school grounds	24 36 60
* <u>626.9(b)</u>	Possession of firearm within 1,000 feet of school grounds	24 36 60
<u>626.9(b)</u>	Possession of firearm within 1,000 feet of school grounds w/felony pc of specified felonies, defendant prohibited from possessing firearm, or firearm concealable	24 36 60
<u>626.9(d)</u>	Discharging or attempted discharge of firearm with reckless disregard of safety of others on or within 1,000 feet of school grounds	36 60 84
<u>626.9(h)</u>	Bring/possess loaded firearm on public or private college grounds	24 36 48
<u>626.9(i)</u>	Bring/possess firearm on public or private college grounds	12 24 36
* <u>626.10(a)(1)</u>	Possession of weapon, not firearm, on public or private school grounds	16 24 36
* <u>626.10(b)</u>	Possession of weapon, not firearm, on public or private college grounds	16 24 36
* <u>626.95</u>	Possessing firearm on grounds of playground or youth center	12 24 36
* <u>629.84</u>	Violation of wiretapping laws	16 24 36
* <u>631</u>	Wiretapping	16 24 36
* <u>632</u>	Eavesdropping or recording confidential communication	16 24 36
* <u>632.5</u>	Unlawful interception of cellular radio telephone communication	16 24 36
* <u>632.6</u>	Unlawful interception of cordless telephone communication	16 24 36
* <u>632.7</u>	Unlawful interception of and recordation of cellular radio or cordless telephone communication	16 24 36
* <u>634</u>	Trespass to invade privacy	16 24 36
* <u>635</u>	Mfg. or sale of eavesdropping devices	16 24 36
<u>636(a)</u>	Electronic eavesdropping on privileged conversation	16 24 36
* <u>636(b)</u>	Nonelectronic eavesdropping on privileged conversation	16 24 36
* <u>637</u>	Wrongful disclosure of telephone/telegraph communication	16 24 36
* <u>637.1</u>	Wrongful disclosure of telephone/telegraph communication by employee	16 24 36
<u>639</u>	Bribing financial institution employee to obtain credit/loan	16 24 36
<u>639a</u>	Financial institution employee soliciting/accepting bribe	16 24 36
<u>641</u>	Bribing telegraph/telephone agent	16 24 36
* <u>641.3</u>	Commercial bribery where amount of bribe exceeds \$1,000	16 24 36
* <u>642</u>	Grand theft from corpse	16 24 36
* <u>646.9(a)</u>	Stalking	16 24 36
<u>646.9(b)</u>	Stalking in violation of temporary restraining order or injunction	24 36 48
* <u>646.9(c)(1)</u>	Stalking w/pfc of <u>Pen C §273.5</u> , <u>§273.6</u> , or <u>§422</u>	24 36 60
<u>646.9(c)(2)</u>	Stalking w/pfc of stalking	24 36 60
* <u>647.6</u>	Child molestation after entering inhabited dwelling without consent	16 24 36
<u>647.6</u>	Child molestation, second or subsequent conviction	16 24 36
<u>647.6</u>	Child molestation w/pfc of <u>§647.6</u> , <u>§288</u> , <u>§311.4</u> involving minor under 14, or w/pfc of <u>§261</u> , <u>§264.1</u> , <u>§269</u> , <u>§285</u> , <u>§286</u> , <u>§288a</u> , <u>§288.5</u> , or <u>§289</u> involving minor under 16	24 48 72
<u>648</u>	Second or subsequent offense of issuing or circulating counterfeit money	16 24 36
* <u>653f(a)</u>	Soliciting commission of crime not murder	16 24 36
<u>653f(b)</u>	Soliciting murder	36 72 108
<u>653f(c)</u>	Solicit commission of sections <u>264.1/288/289</u>	24 36 48
* <u>653f(d)</u>	Soliciting commission of drug offenses w/pc	16 24 36
* <u>653f(e)</u>	Soliciting commission of health care fraud under <u>Welf &amp; I C §14014</u> w/pc	16 24 36
* <u>653h(b)</u>	Illegal sound recording, transfer, or transport of 1,000 or more articles	24 36 60
* <u>653h(c)</u>	Illegal sound recording, transfer, or transport, w/pc	16 24 36
* <u>653h(d)</u>	Illegal sound recording for sale w/pc	16 24 36
<u>653j</u>	Solicitation of minor to commit certain felonies	36 60 84
<u>653t(a)</u>	Interfering w/emergency radio transmission resulting in serious bodily injury or property loss in excess of \$10,000	16 24 36
<u>653t(d)</u>	Interfering w/emergency transmission over public safety radio frequency resulting in	16 24 36

	serious injury or property loss in excess of \$10,000	
<u>664/190</u>	Attempted murder	60 84 108
<u>664/190</u>	Attempted murder, second degree	60 84 108
<u>664/209(a)</u>	Attempted kidnap for ransom	60 84 108
<u>664/209(b)</u>	Attempted kidnap for robbery	60 72 108
* <u>666</u>	Petty theft/w/prior petty, grand, or auto theft, burglary, carjacking, robbery, or felony receiving stolen property	16 24 36
<u>666.5</u>	Felony vehicle theft under <u>Veh C §10851</u> or felony grand theft involving an auto, trailer, vessel, or special construction equipment under <u>Pen C §487(d)</u> , <u>§487h</u> , <u>§496d</u> , or former <u>§487(3)</u> w/pc	24 36 48
<u>836.6</u>	Escape after being lawfully arrested or remanded to custody causing serious bodily injury to police officer	24 36 48
* <u>1319.4</u>	Failure to appear on a felony	16 24 36
* <u>1320(b)</u>	Willful failure to appear felony hearing, when released on OR	16 24 36
* <u>1320.5</u>	Willful failure to appear felony hearing, when released on bail	16 24 36
* <u>1370.5</u>	Escape from mental health facility	1 yr. and 1 day
<u>2042</u>	Escape/attempted escape from DVI	16 24 36
<u>2772</u>	Interference w/prisoner or delivery of forbidden items to prisoner	16 24 36
<u>2790</u>	Interference w/prisoner or delivery of forbidden items to prisoner	16 24 36
* <u>4011.7</u>	Escape w/force or violence of misdemeanor prisoner from hospital	16 24 36
* <u>4131.5</u>	Battery on non-inmate by county jail prisoner	16 24 36
* <u>4133</u>	Escape from industrial farm	16 24 36
<u>4501</u>	Aggravated assault/ADW by prisoner serving less than life sentence	24 48 72
* <u>4501.1</u>	Battery of peace officer or prison employee by prisoner by gassing	24 36 48
<u>4501.5</u>	Battery on nonprisoner by prisoner	24 36 48
<u>4502(a)</u>	Prisoner possessing deadly weapon	24 36 48
<u>4502(b)</u>	Prisoner manufacturing or attempting to manufacture deadly weapon	16 24 36
<u>4503</u>	Prisoner holding hostage in prison	36 60 84
<u>4530(a)</u>	Escape or attempted escape from prison w/force or violence	24 48 72
<u>4530(b)</u>	Escape or attempted escape from prison w/o force or violence	16 24 36
* <u>4532(a)</u>	Escape or attempt of misdemeanor from jail w/force or violence	24 48 72
* <u>4532(a)</u>	Escape or attempt of misdemeanor from jail w/o force or violence	1 yr. and 1 day
* <u>4532(b)</u>	Escape or attempt of felon from jail w/o force or violence	16 24 36
* <u>4532(b)</u>	Escape or attempt of felon from jail w/force or violence	24 48 72
* <u>4532(d)</u>	Failure of misdemeanor to return to jail subsequent to temporary release	1 yr. and 1 day
* <u>4532(d)</u>	Failure of felon to return to jail subsequent to temporary release	16 24 36
<u>4533</u>	Officer aiding or abetting escape of prisoner	16 24 36
<u>4534</u>	Aiding or abetting escape	16 24 36
<u>4535</u>	Carrying items into prison/jail useful for escape	16 24 36
* <u>4536</u>	Escape or attempt of MDSO from state hospital, etc.	16 24 36
<u>4550(1)</u>	Rescue or attempted rescue of prisoner convicted of capital crime	24 36 48
* <u>4550(2)</u>	Rescue or attempt-prisoner convicted of noncapital crime	16 24 36
<u>4571</u>	Unauthorized entry on prison/jail grounds by ex-convict	16 24 36
<u>4573</u>	Smuggling drugs/drug device/alcohol into prison/jail	24 36 48
<u>4573.5</u>	Bringing drugs/paraphernalia into prison/jail	16 24 36
<u>4573.6</u>	Possessing controlled substances/drug device where prisoners are kept	24 36 48
<u>4573.8</u>	Possessing drugs/drug device/alcohol where prisoners are kept	16 24 36
<u>4573.9</u>	Sale of controlled substances to prisoner	24 48 72
<u>4574(a)</u>	Bring/send firearms/deadly weapons/explosives into prison	24 36 48
<u>4574(b)</u>	Smuggling tear gas into prison or jail	24 36 48
<u>4600</u>	Destruction of prison or jail, damage exceeds \$950	16 24 36
* <u>11411(c)</u>	Placing or displaying Nazi swastika on property of another on two or more occasions for purpose of terrorizing the property owner	16 24 36
* <u>11411(d)</u>	Cross-burning on private property of another or school property for purpose of terrorizing property owner, student, or school employee	16 24 36
<u>11412</u>	Religious terrorism	16 24 36
<u>11413</u>	Use of explosives in terrorism of specified places	36 60 84
<u>11418(a)(1)</u>	Possession, production, or transfer of weapons of mass destruction	48 96 144
<u>11418(a)(2)</u>	Possession, production, or transfer of weapons of mass destruction with designated pc	60 120 180
<u>11418(b)(3)</u>	Use of weapon of mass destruction to damage or disrupt food or source of drinking water	60 96 144

<u>11418(b)(4)</u>	Use of weapon of mass destruction to cause damage to or substantial loss in the value of stock animals or crops	48 96 144
<u>11418(c)</u>	Use of weapon of mass destruction to damage public natural resources	36 48 72
<u>11418(d)(1)</u>	Use of recombinant technology to create new pathogens for use in any crime defined in <u>Pen C §11418(b)</u>	48 96 144
<u>11418(d)(2)</u>	Use of recombinant technology to create new pathogens for use in any crime defined in <u>Pen C §11418(c)</u>	36 72 108
* <u>11418.1</u>	Mailing, sending, or causing to be sent a false or facsimile weapon of mass destruction, or placing or possessing such weapon and causing another person to be placed in sustained fear	16 24 36
* <u>11418.5</u>	Threat of use of weapon of mass destruction resulting in isolation, quarantine, or decontamination	36 48 72
<u>11419</u>	Possession of restricted biological agents	48 96 144
* <u>12020</u>	Mfg., sale, possession of illegal weapons or large-capacity magazines	16 24 36
<u>12021(a)(1)</u>	Possession of firearm by addicts or felons	16 24 36
<u>12021(a)(2)</u>	Possession of firearm by person w/2 pc of brandishing firearm under <u>Pen C §417(a)(2)</u>	16 24 36
<u>12021(b)</u>	Possession of firearm by felon when pc results from prosecution as an adult under <u>Welf &amp; I C §707</u>	16 24 36
* <u>12021(c)</u>	Possession of firearm within 10 years of certain misdemeanor convictions	16 24 36
* <u>12021(d)</u>	Possession of firearm in violation of condition of probation	16 24 36
* <u>12021(e)</u>	Possession of firearm by juvenile court ward before age of 30	16 24 36
* <u>12021(g)</u>	Purchasing/receiving firearm when subject to domestic violence restraining or protective order	16 24 36
<u>12021.1</u>	Possession of firearms by felon convicted of violent crimes	16 24 36
* <u>12023</u>	Carrying loaded firearm with intent to commit felony	16 24 36
<u>12025(a)</u>	Carrying concealed firearm on person or in vehicle w/pfc	16 24 36
<u>12025(a)</u>	Carrying concealed firearm on person or in vehicle when firearm is stolen and defendant knew or had reasonable cause to believe that it was stolen	16 24 36
<u>12025(a)</u>	Carrying concealed firearm on person or in vehicle and defendant is active participant in criminal street gang	16 24 36
* <u>12025(a)</u>	Carrying concealed firearm on person or in vehicle and pc of a narcotics offense or an offense against person or property	16 24 36
* <u>12025(a)</u>	Immediate possession or ready access to concealable firearm and ammunition or loaded concealable firearm, and defendant not registered owner	16 24 36
<u>12031(a)</u>	Carrying loaded firearm on person or in vehicle w/pfc	16 24 36
<u>12031(a)</u>	Carrying loaded firearm on person or in vehicle and defendant is an active participant in criminal street gang	16 24 36
<u>12031(a)</u>	Carrying loaded firearm on person or in vehicle and defendant not in lawful possession of firearm or is a felon or mental patient	16 24 36
* <u>12031(a)</u>	Carrying loaded firearm on person or in vehicle w/pc of a narcotics offense or an offense against person or property	16 24 36
* <u>12031(a)</u>	Carrying handgun on person or in vehicle and defendant not registered owner	16 24 36
* <u>12034(b)</u>	Permitting another to discharge firearm from motor vehicle	16 24 36
<u>12034(c)</u>	Discharging firearm from motor vehicle at another person	36 60 84
* <u>12034(d)</u>	Discharging firearm from motor vehicle	16 24 36
* <u>12035(b)(1)</u>	Criminal storage of firearm in the first degree	16 24 36
* <u>12040</u>	Carrying firearm in public while masked to hide identity	16 24 36
<u>12051(c)</u>	False application for license to carry a concealed weapon	16 24 36
<u>12072</u>	Unlawful firearm transaction defined in <u>Pen C §12072(g)(2)(A)-(F)</u>	24 36 48
* <u>12072</u>	Unlawful firearm transaction defined in <u>Pen C §12072(g)(3)(A)-(F)</u>	16 24 36
<u>12090</u>	Altering or effacing identifying marks on firearm	16 24 36
* <u>12101</u>	Possession of concealable firearm by minor w/pc	16 24 36
* <u>12220(a)</u>	Possession or transport of machine gun	16 24 36
* <u>12220(b)</u>	Conversion, sale, or manufacture of machine gun	48 72 96
<u>12280(a)(1)</u>	Manufacture, transport, or sale of assault weapon or .50 BMG rifle	48 72 96
* <u>12280(b)</u>	Possession of assault weapon	16 24 36
* <u>12303</u>	Possession of destructive device	16 24 36
<u>12303.1</u>	Carrying or placing explosives on passenger vehicle	24 48 72
<u>12303.2</u>	Possession of destructive device in public place	24 48 72
<u>12303.3</u>	Ignite/explode destructive device wit injure/intimidate	36 60 84
<u>12303.6</u>	Sale or transportation of destructive device	24 36 48

* <u>12304</u>	Second conviction for sale or transportation of fixed ammunition	16 24 36
<u>12309</u>	Explosion of destructive device causing bodily injury	60 84 108
<u>12312</u>	Possessing materials wit make destructive device	24 36 48
* <u>12316(b)</u>	Possession of ammunition or reloaded ammunition by felon or mental patient	16 24 36
<u>12355(a)</u>	Placing or maintaining a booby trap	24 36 60
* <u>12355(b)</u>	Possession of a booby trap	16 24 36
<u>12370</u>	Unauthorized possession of body armor by person convicted of violent felony	16 24 36
* <u>12403.7</u>	Using tear gas other than in self-defense	16 24 36
<u>12403.7</u>	Using tear gas against peace officer	16 24 36
* <u>12422</u>	Alteration of identification on tear gas weapons	16 24 36
* <u>12520</u>	Possession of firearm silencer	16 24 36
* <u>14166</u>	Money laundering	16 24 36

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Business and Professions Code

Business and Professions Code

<b>Bus &amp; P C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
* <u>580</u>	Sale of medical degree	16 24 36
* <u>581</u>	Fraudulent procurement or alteration of medical diploma	16 24 36
* <u>582</u>	Fraudulent use of medical diploma	12 24 36
* <u>583</u>	False statement by medical license applicant	16 24 36
* <u>584</u>	Impersonation during medical license examination	16 24 36
<u>585</u>	Medical records fraud	16 24 36
<u>601</u>	Abortion advertising	16 24 36
* <u>650</u>	Accepting consideration for referring patients to clinic or lab	16 24 36
<u>650</u>	Accepting consideration for referring patients to clinic or lab w/pc	16 24 36
* <u>729</u>	Sexual exploitation by physician, psychotherapist, or alcohol and drug abuse counselor involving two or more victims	16 24 36
<u>729</u>	Sexual exploitation by physician, psychotherapist, or alcohol and drug abuse counselor involving two or more victims w/pc	16 24 36
* <u>729</u>	Two or more acts of sexual exploitation by physician, psychotherapist, or alcohol and drug abuse counselor involving single victim w/pc	16 24 36
* <u>1282.3</u>	Improper collection, storage, or labeling of biological specimen with willful or wanton disregard for safety	16 24 36
<u>1282.3</u>	Improper collection, storage, or labeling of biological specimen with willful or wanton disregard for safety w/pc	24 48 72
<u>1701</u>	Sale/alter dentist's diploma, etc. w/pc	16 24 36
* <u>2052(a)</u>	Unauthorized practice of medicine	16 24 36
* <u>2052(b)</u>	Aiding or abetting another in the unauthorized practice of medicine	16 24 36
* <u>4324</u>	Forgery of prescription	16 24 36
<u>4336</u>	Use of minor as agent regarding pharmaceuticals by doctor/veterinarian, etc.	16 24 36
* <u>6126(b)</u>	Unauthorized practice of law by person disbarred or suspended from membership in state bar	16 24 36
* <u>6126(c)</u>	Failure of member of State Bar or one who has resigned or been disbarred to comply with order of Supreme Court to comply with <u>Cal Rules of Ct 955</u>	16 24 36
* <u>6152</u>	Unlawful solicitation w/pc	16 24 36
* <u>7027.3</u>	Fraudulent use of contractor's license number	16 24 36
* <u>7028.16</u>	Repairing structures damaged by a natural disaster without a contractor's license	16 24 36
<u>11010</u>	Failure to notify real estate commissioner re sale of property	16 24 36
* <u>11010.1</u>	Failure to notify real estate comm'r of intent to issue notes secured by property	16 24 36
* <u>11013.1</u>	Sale or lease of property subject to blanket encumbrance	16 24 36
* <u>11013.2</u>	Sale or lease of property subject to blanket encumbrance	16 24 36
* <u>11013.4</u>	Sale or lease of property not subject to blanket encumbrance	16 24 36
* <u>11018.2</u>	Sale or lease of property w/o public report	16 24 36
* <u>11019</u>	Failure to cease and desist activities when ordered re prop sales	16 24 36
* <u>11022</u>	False or misleading real estate advertising	16 24 36
* <u>11286</u>	Issuing forged, altered, or false public report	16 24 36
* <u>11287</u>	Violation of time-share project provisions	16 24 36
* <u>17511.9</u>	Fraudulent telephonic sales methods	16 24 36
* <u>17550.19(b)</u> - (c)	Violation of seller of travel law	16 24 36
<u>21653</u>	Unauthorized resale of goods by secondhand dealer exceeding \$950	16 24 36
* <u>22430(d)</u>	Manufacture, sale, or transport of deceptive identification document for fraudulent use	16 24 36
* <u>25603</u>	Bring alcohol into prison/jail, etc.	16 24 36



**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Civil Code

Civil Code

<u>CC §</u>	<u>Description of Crime</u>	<u>Term (in months)</u>
* <u>892</u>	Rent skimming, five or more acts.	16 24 36
* <u>1695.8</u>	Violations by equity purchasers.	16 24 36
* <u>1812.116(b)-(c)</u>	Violations by discount buying organization.	16 24 36
* <u>1812.217</u>	Marketing plan sales fraud	16 24 36
* <u>2945.4</u>	Unfair dealing by mortgage foreclosure consultant	16 24 36
* <u>2985.2</u>	Encumbering unrecorded real estate contracts	16 24 36
* <u>2985.3</u>	Appropriation by seller of buyer's payment when payment by seller on obligation secured by encumbrance on real property	16 24 36

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Corporations Code

Corporations Code

<b>Corp C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
* <u>2255</u>	Corporation agent falsifying/destroying records w/fraud intent	16 24 36
* <u>2256</u>	Falsifying evidence used in investigating corporation affairs	16 24 36
* <u>6811</u>	Fraudulent distribution by director of public benefit corporation	16 24 36
* <u>6812</u>	Filing of false financial reports by director or officer of public benefit corporation	16 24 36
* <u>6813</u>	Fraudulent acquisition of corporate property by director or officer of public benefit corporation	16 24 36
* <u>6814</u>	Deception of public officer examining the organization of public benefit corporation	16 24 36
* <u>8812</u>	Fraudulent distribution by director of mutual benefit corporation	16 24 36
* <u>8813</u>	Filing of false financial reports by director or officer of mutual benefit corporation	16 24 36
* <u>8814</u>	Fraudulent acquisition of corporate property by director or officer of mutual benefit corporation	16 24 36
* <u>8815</u>	Deception of public officer examining the organization of mutual benefit corporation	16 24 36
* <u>12672</u>	Fraudulent distribution by director of consumer cooperative corporation	16 24 36
* <u>12673</u>	Filing of false financial reports by director or officer of consumer cooperative corporation	16 24 36
* <u>12674</u>	Fraudulent acquisition of corporate property by director or officer of consumer cooperative corporation	16 24 36
* <u>12675</u>	Deception of public officer examining the organization of consumer cooperative corporation	16 24 36
* <u>22002</u>	Corporation agent falsifying records	16 24 36
* <u>25110</u>	Unlawful sale of securities	16 24 36
* <u>25120</u>	Unlawful sale of securities	16 24 36
* <u>25130</u>	Unlawful sale of securities	16 24 36
* <u>25164</u>	Representing that qualification of document indicated verity	16 24 36
* <u>25166</u>	Making false statements to commissioner	16 24 36
* <u>25210</u>	Transacting securities w/o certificate	16 24 36
* <u>25214(a)</u>	Employing suspended securities agent	16 24 36
* <u>25216</u>	Sale of security by fraudulent scheme by broker/dealer	16 24 36
* <u>25218</u>	Violation of equity rules by broker/dealer	16 24 36
* <u>25230</u>	Practicing by uncertified investment advisor	16 24 36
* <u>25232.2</u>	Employing suspended/disqualified investment advisor	16 24 36
* <u>25234(a)</u>	Entering illegal investment advisory contract	16 24 36
* <u>25235</u>	Defrauding client by investment advisor	16 24 36
* <u>25243</u>	Misrepresenting certification as approval by commissioner	16 24 36
* <u>25245</u>	Misrepresenting facts on report/application to commissioner	16 24 36
* <u>25246</u>	Requiring spouse's consent to transaction	16 24 36
* <u>25300(a)</u>	Advertising sale of security w/o filing	16 24 36
* <u>25400</u>	Churning	24 36 60
* <u>25401</u>	Sale or offer to sell security by misrepresentation	24 36 60
* <u>25402</u>	Insider trading	24 36 60
* <u>25404</u>	Altering, concealing, or falsifying entry in record wit impede, obstruct, or influence enforcement of corporate securities law	16 24 36
* <u>25540(a)</u>	General violation of corporate securities law	16 24 36
<u>25540(b)</u>	Violation of Corp C <u>§25400</u> , <u>§25401</u> , <u>§25402</u> , or related provisions	24 36 60
* <u>25541</u>	Securities fraud	24 36 60
<u>27101</u>	General violation of Security Owners Protection Law	24 36 48
* <u>28880</u>	Willful violation of Capital Access Company Law	16 24 36
* <u>29100</u>	Making bucketing contract or keeping bucketing shop	16 24 36
* <u>29101</u>	Use of price quotations in bucketing	16 24 36
* <u>29550(a)</u>	General violation of California commodity law	16 24 36
* <u>29550(b)</u>	Fraud in violation of Corp C <u>§29536</u>	24 36 48
* <u>31110</u>	Unlawful offering of franchise for sale	16 24 36
* <u>31200</u>	Filing false report w/Franchise Commissioner	16 24 36

* <u>31201</u>	Misrepresenting facts in offering to sell franchise	16 24 36
* <u>31202</u>	Making false statement to obtain franchise exemption	16 24 36
* <u>31203</u>	Violating commissioner's order on sale of franchise	16 24 36
* <u>31210</u>	Sale of franchise by unlicensed person	16 24 36
* <u>31410</u>	General violation of franchise investment law	16 24 36
* <u>31411</u>	Franchise fraud	16 24 36
<u>35301</u>	Official violates or allows violations of provisions/statutes, etc.	16 24 36

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Elections Code

Elections Code

<u>Elec C §</u>	<u>Description of Crime</u>	<u>Term (in months)</u>
* <u>18100(a)</u>	Allowing unqualified voter to register	16 24 36
* <u>18100(b)</u>	Registering nonexistent person to vote	16 24 36
* <u>18101</u>	Knowingly completing registration form for fictitious person	16 24 36
* <u>18102</u>	Knowingly accepting registration of ineligible person	16 24 36
* <u>18106</u>	Defacing party affiliation declaration on affidavit of registration	16 24 36
<u>18110</u>	Disclosure of home address of peace officer or family member contained in confidential voter registration card resulting in bodily injury to these persons	16 24 36
<u>18200</u>	Signing false name to nomination petition	16 24 36
* <u>18201</u>	False making, destruction, or defacement of nomination papers	16 24 36
* <u>18203</u>	Knowingly filing false nomination papers	16 24 36
* <u>18204</u>	Willful suppression of nomination papers or declaration of candidacy	16 24 36
<u>18205</u>	Bribe to induce person to withdraw/not to become candidate	16 24 36
<u>18310</u>	Consideration to vote in certain way at political party caucus	16 24 36
<u>18311</u>	Giving or receiving bribes	16 24 36
* <u>18400</u>	Use, furnishing imitation ballot paper or punch card	16 24 36
* <u>18403</u>	Person other than election official to receive, examine, or solicit voter to show voted ballot	16 24 36
<u>18500</u>	Abetting voting fraud	16 24 36
<u>18501</u>	Public official aiding illegal casting of votes	16 24 36
<u>18502</u>	Interference with officers or votes	16 24 36
<u>18520</u>	Offer or promise of office to induce voting or refrain from voting	16 24 36
<u>18521</u>	Gift/consideration to induce person to vote/refrain from voting	16 24 36
<u>18522</u>	Pay/offer/lend/contribute to induce voter to vote/refrain from voting	16 24 36
<u>18523</u>	Election bribery	16 24 36
<u>18524</u>	Boarding person wit induce vote	16 24 36
<u>18540</u>	Influencing voting by use of force	16 24 36
* <u>18541</u>	Soliciting votes or discussing voter qualifications in proximity of polling place, or photographing or videotaping voter entering or exiting polling place	16 24 36
* <u>18543(a)</u>	Challenging person's right to vote w/o probable cause or on fraudulent grounds	16 24 36
<u>18543(b)</u>	Conspiring to violate <u>Elec C §18543(a)</u>	16 24 36
* <u>18544</u>	Possessing firearm or uniformed police or security guards stationed near polling place	16 24 36
* <u>18560</u>	Fraudulent voting	16 24 36
<u>18561</u>	Procuring, advising vote of unqualified person	16 24 36
<u>18564</u>	Tampering w/voting machines	24 36 48
* <u>18565</u>	Aiding or abetting violation of <u>Elec C §18564</u>	16 24 36
<u>18566</u>	Forging, counterfeiting election returns	24 36 48
<u>18567</u>	Altering returns	16 24 36
* <u>18569</u>	Aiding, abetting voting offenses	16 24 36
* <u>18568</u>	Offenses at the polls	16 24 36
<u>18573</u>	Deceiving voter	16 24 36
<u>18575</u>	Unlawfully acting as election officer	24 36 48
* <u>18578</u>	Fraudulent absentee voting	16 24 36
* <u>18611</u>	Circulating petition w/false/forged/fictitious names	16 24 36
<u>18613</u>	Signing name of another	24 36 48
* <u>18614</u>	Filing petition w/false signatures	16 24 36
* <u>18620</u>	Soliciting or obtaining money to induce abandonment of petition	16 24 36
* <u>18621</u>	Receiving consideration for abandoning petition	16 24 36
* <u>18640</u>	Failure to surrender petitions	16 24 36
* <u>18660</u>	False affidavits concerning recall petitions	16 24 36
* <u>18661</u>	False affidavits concerning recall petitions by public official	16 24 36
* <u>18680</u>	Misappropriate money to be used to promote/dispute election process	16 24 36



**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Financial Code

Financial Code

<u>Fin C §</u>	<u>Description of Crime</u>	<u>Term (in months)</u>
<u>752</u>	Bribery of bank officer or employee	16 24 36
<u>753</u>	Misappropriation of bank assets	16 24 36
<u>754</u>	False statements or omission of required entries by bank officer or employee	16 24 36
<u>761</u>	Misapplication of bank assets	16 24 36
<u>765</u>	Deposit of bank funds on condition of loan or advance	16 24 36
<u>768</u>	False entries or concealment of records by bank officer or employee	16 24 36
* <u>1853</u>	Willful failure to obtain license to issue travelers checks	16 24 36
* <u>1913.5</u>	Unlawful dealings with bank	16 24 36
* <u>3510</u>	Price fixing of commodities	16 24 36
<u>3531</u>	Corporate embezzlement	24 36 48
<u>3532</u>	Misrepresenting state liability for bonds	16 24 36
* <u>5202</u>	General violation of savings & loan association laws	16 24 36
* <u>5300</u>	Harming savings & loan's financial standing by false statement or rumor	16 24 36
* <u>5300</u>	General violation of savings & loan association laws	16 24 36
* <u>5301</u>	False overvaluation of collateral to influence savings & loan transaction	16 24 36
* <u>5302</u>	General violation of savings & loan association laws	16 24 36
* <u>5302(a)</u>	Participating or permitting participation of person convicted of offense involving dishonesty in conduct of affairs of savings ass'n	24 36 48
* <u>5302(b)</u>	Violation of commissioner's order under <u>Fin C §8201</u>	24 36 48
* <u>5303</u>	Making false entry or omitting or changing entry in savings ass'n records with intent to deceive	24 36 48
* <u>5304</u>	Bribery or extortion exceeding \$1,000 in connection with savings ass'n	24 36 48
* <u>5304</u>	Bribery or extortion not exceeding \$1,000 in connection with savings ass'n	16 24 36
<u>5305</u>	Misapplication of savings ass'n assets exceeding \$250	24 36 48
* <u>5305</u>	Misapplication of savings ass'n assets not exceeding \$250	16 24 36
* <u>5306</u>	Executing scheme to defraud savings ass'n	24 36 48
* <u>5307</u>	Harming savings ass'n financial standing by false statement or rumor	16 24 36
* <u>5308</u>	False overvaluation of collateral to influence savings ass'n transaction	16 24 36
* <u>10004</u>	Unlawful selling, disposing, taking, or soliciting of foreign savings accounts	16 24 36
* <u>12102</u>	Willful violation of provisions regarding check sellers and proraters	16 24 36
* <u>14752</u>	Willful violation of provisions regarding credit unions	16 24 36
* <u>17700</u>	Willful violation of provisions regarding escrow agents	16 24 36
* <u>18349.5</u>	Unlawful dealings with industrial loan companies	16 24 36
* <u>18435</u>	Violation of provisions regarding industrial loan companies	16 24 36
* <u>22780</u>	Willful violation of California Finance Lenders Law	16 24 36
* <u>31880</u>	Violation of business and industrial development corporation law	16 24 36
* <u>33222</u>	Misrepresent reports/applications under payment instruments law	16 24 36
* <u>33400</u>	Engaging in business w/o license	16 24 36
* <u>50500</u>	Willful violation of Residential Mortgage Lending Act	16 24 36

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Fish and Game Code

Fish and Game Code

<b>Fish &amp; G C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
<u>3009</u>	Failure to render aid after shooting person while hunting	16 24 36
<u>12001</u>	Hunting with revoked/suspended license	16 24 36
* <u>12004</u> (b)	Illegal hunting, possession, or sale of specified fish w/pc	16 24 36

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**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Food and Agricultural Code

Food and Agricultural Code

<b>Food &amp; Ag C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
* <u>12996</u>	Willful violation of provisions regarding pesticides creating hazard to health or environment	16 24 36
<u>17551</u>	Alter brand of animal w/intent to steal	16 24 36
* <u>18841</u>	Slaughter livestock/poultry w/o compliance w/inspection act wit defraud or w/pc	16 24 36
* <u>18842</u>	Sale or transport meat w/o inspection wit defraud or w/pc	16 24 36
* <u>18843</u>	Alteration/misbrand meat/poultry wit defraud or w/pc	16 24 36
* <u>18844</u>	Sale or transport uncleaned slaughtered poultry wit defraud or w/pc	16 24 36
* <u>18845</u>	Violate director of agriculture's regulations wit defraud or w/pc	16 24 36
* <u>18846</u>	Counterfeit official mark/certificate under meat/poultry act wit defraud or w/pc	16 24 36
* <u>18847</u>	Forge official marks/acts under meat/poultry inspection act wit defraud or w/pc	16 24 36
* <u>18848</u>	Sell prepared meat/poultry w/o inspection stamp wit defraud or w/pc	16 24 36
* <u>18849</u>	Sell/transport improperly labeled carcass wit defraud or w/pc.	16 24 36
* <u>18850</u>	Sell/transport livestock product not marked not human food wit defraud or w/pc	16 24 36
* <u>18851</u>	Sale of dead/diseased animals wit defraud or w/pc	16 24 36
* <u>18852</u>	Bribery of state meat/poultry inspectors wit defraud or w/pc	16 24 36
* <u>18853</u>	State meat/poultry inspector receiving bribe wit defraud or w/pc	16 24 36
* <u>18854</u>	Interfere w/inspector performing duty wit defraud or w/pc	16 24 36
* <u>18855</u>	Disobey subpoena/lawful order of director of agriculture wit defraud or w/pc	16 24 36
* <u>18856</u>	False statements/reports under meat/poultry inspection law wit defraud or w/pc	16 24 36
* <u>18857</u>	Tardy file of meat/poultry report under inspection law wit defraud or w/pc	16 24 36
* <u>18933</u>	Adulteration of meat/poultry intended as human food	16 24 36
* <u>19440</u>	Violation of provisions regarding horsemeat/pet foods wit defraud or w/pc	16 24 36
* <u>19441</u>	Adulteration of human food w/horsemeat or other pet foods	16 24 36
* <u>80174</u>	Willful violation of provisions regarding desert native plants w/pc	16 24 36

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Government Code

Government Code

<b>Govt C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
<u>1026</u>	Public employee working as ineligible in regard to oath	16 24 36
* <u>1097</u>	Public officer conflict of interest in public contracts	16 24 36
<u>1195</u>	Diversion by state officer of salary of another state officer for own use	16 24 36
<u>1368</u>	Perjury by public officer	24 36 48
<u>1369</u>	Public officer advocating forcible overthrow of government	16 24 36
<u>1855</u>	Officer destroying/retaining records after termination of duties	16 24 36
<u>3108</u>	Perjury by public officer	24 36 48
<u>3109</u>	Public employee advocating forcible overthrow of government	16 24 36
<u>6200</u>	Destroying/altering record by custodian of records	24 36 48
* <u>6201</u>	Theft/destruction/falsify records by person other than custodian	16 24 36
<u>8214.2</u>	Notarizing deed of single family residence knowing deed is false	16 24 36
<u>8227.3</u>	False representation as notary on transaction for single family residence	16 24 36
<u>8926</u>	Conspiracy to violate legislative code of ethics	16 24 36
<u>9050</u>	Preventing legislature from meeting	16 24 36
<u>9052</u>	Fraudulent alteration of bill	16 24 36
<u>9053</u>	Fraudulent alteration of enrolled copy of bill	16 24 36
<u>9054</u>	Soliciting consideration for influencing legislator	16 24 36
* <u>9056</u>	Solicit/accept pay for introducing legislation	16 24 36
<u>9130.5</u>	Making knowingly false claim on State Contingent Fund	24 36 48
* <u>27443</u>	Public administrator/guardian/etc., conflict of interest	16 24 36
* <u>51018.7(a)</u>	Willful violation of provisions regarding Pipeline Safety Act	16 24 36
<u>91002</u>	Acting as candidate or lobbyist after conviction of violating Political Reform Act	16 24 36

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Harbors and Navigation Code

Harbors and Navigation Code

<b>Harb &amp; Nav C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
<u>264</u>	Causing boiler to burst due to malfeasance	16 24 36
<u>302</u>	Sinking/setting adrift vessel of 10 tons or more	16 24 36
<u>304</u>	Ship's commander sinking or injuring vessel or cargo	24 36 48
<u>305</u>	Sinking or injuring vessel or cargo	16 24 36
<u>306</u>	Fraudulent preparation of manifest, etc.	16 24 36
* <u>668</u> (c)	Failure to report accident	16 24 36
* <u>668</u> (g)	Operating vessel under the influence and causing BI	16 24 36

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Health and Safety Code

Health and Safety Code

<b>H &amp; S C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
* <u>1390</u>	Willful violation of health care services provisions	16 24 36
* <u>1621.5</u>	Donation of blood organs, tissue, or semen by person knowing he/she has AIDS	24 48 72
<u>7051</u>	Unlawful removal of human remains for sale or to dissect	16 24 36
<u>7052</u>	Unauthorized removal, mutilation, or sexual penetration of human remains	16 24 36
* <u>11100</u>	Transferring CS w/out reporting or filing false report w/pc	16 24 36
* <u>11100.1</u>	Failing to report receipt of CS w/pc	16 24 36
<u>11104(a)</u>	Transfer of substance w/knowledge of intent to manufacture CS	16 24 36
* <u>11105</u>	Knowingly making false statement on report of drug activity	16 24 36
* <u>11105</u>	Violation of section w/pc	24 36 48
* <u>11106</u>	Transferring CS w/o permit	16 24 36
* <u>11153</u>	Issuing prescription to addict/habitual user of CS	16 24 36
* <u>11153.5</u>	Wholesaler knowingly furnishing CS not for medical purposes	16 24 36
* <u>11162.5</u>	Counterfeiting official prescription blank	16 24 36
* <u>11162.5</u>	Possession of four or more counterfeit prescription blanks	16 24 36
<u>11350(a)</u>	Possession of CS	16 24 36
* <u>11350(b)</u>	Possession of CS specified in <u>§11054(e)</u>	16 24 36
<u>11351</u>	Possession of CS for sale	24 36 48
<u>11351.5</u>	Possession for sale of cocaine	36 48 60
<u>11352(a)</u>	Sale/transportation of CS	36 48 60
<u>11352(b)</u>	Transportation for sale of CS between noncontiguous counties	36 72 108
<u>11353</u>	Adult inducing minor's involvement w/CS	36 72 108
<u>11353.5</u>	Sale by adult to minor of CS at school, public playground, church, synagogue, or child day care center	60 84 108
<u>11353.7</u>	Sale by adult to minor of CS in public park	36 72 108
<u>11354</u>	Minor inducing minor's involvement w/CS	16 24 36
* <u>11355</u>	Selling/furnishing substance falsely represented to be CS	16 24 36
* <u>11357(a)</u>	Possession of concentrated cannabis	16 24 36
<u>11358</u>	Cultivating/harvesting/processing marijuana	16 24 36
<u>11359</u>	Possession of marijuana for sale	16 24 36
<u>11360(a)</u>	Sale or transportation of marijuana	24 36 48
<u>11361(a)</u>	Adult involving minor under 14 w/marijuana	36 60 84
<u>11361(b)</u>	Adult involving minor 14 or over w/marijuana	36 48 60
* <u>11363</u>	Cultivating/harvesting/processing peyote	16 24 36
* <u>11364.7(b)</u>	Manufacturing drug paraphernalia	16 24 36
* <u>11366</u>	Maintaining place for selling/using CS	16 24 36
* <u>11366.5(a)</u>	Managing place for manufacture, storage, or distribution of CS	16 24 36
<u>11366.5(b)</u>	Managing place for CS and knowingly allowing it to be fortified against police	24 36 48
<u>11366.5(c)</u>	Violation of <u>Health &amp; S C §11366.5(a)</u> w/prior conviction	24 36 48
<u>11366.6</u>	Use of fortified place to sell or manufacture CS	36 48 60
* <u>11366.7</u>	Sale of chemical, drug, or lab equip for unlawful use	16 24 36
* <u>11366.8(a)</u>	Possession, use, or control of false compartment to store, smuggle, or transport CS	16 24 36
<u>11366.8(b)</u>	Construction or installation of false compartment to store, smuggle, or transport CS	16 24 36
* <u>11368</u>	Forgery/alter prescription of any narcotic drug	16 24 36
<u>11370.1</u>	Possession of CS while in possession of loaded firearm	24 36 48
* <u>11370.6</u>	Possession of funds over \$100,000 to purchase CS	24 36 48
* <u>11370.9</u>	Receive, transfer, invest, or manage funds over \$25,000 derived from CS offenses	24 36 48
* <u>11371</u>	Violate/solicit minor to violate CS prescription laws	16 24 36
* <u>11371.1</u>	Violate/induce minor to violate CS laws	16 24 36
* <u>11374.5</u>	Unlawful disposal of hazardous substance used in manufacturing CS	24 36 48
* <u>11375(b)(1)</u>	Possession for sale of designated CS	16 24 36
* <u>11377</u>	Possession of non-narcotic CS	16 24 36
<u>11378</u>	Possession of non-narcotic CS for sale	16 24 36
<u>11378.5</u>	Possession of PCP for sale	36 48 60

<u>11379(a)</u>	Sale or transportation of non-narcotic CS	24 36 48
<u>11379(b)</u>	Transportation for sale of non-narcotic CS between noncontiguous counties	36 72 108
* <u>11379.2</u>	Sale or possession for sale of CS specified in <u>§11056(g)</u>	16 24 36
<u>11379.5</u>	Sale or transportation of PCP	36 48 60
<u>11379.5(b)</u>	Transportation for sale of PCP between noncontiguous counties	36 72 108
<u>11379.6(a)</u>	Manufacturing CS	36 60 84
<u>11379.6(c)</u>	Offering to manufacture CS	36 48 60
<u>11380</u>	Adult inducing minor's involvement w/non-narcotic CS	36 72 108
* <u>11382</u>	Selling or furnishing substance falsely represented to be CS	16 24 36
<u>11383(a)</u>	Possession of materials wit manufacture PCP	24 48 72
<u>11383(b)</u>	Possession of isomers of PCP wit manufacture PCP	24 48 72
<u>11383(c)</u>	Possession of materials wit manufacture PCP	24 48 72
<u>11383(d)</u>	Possession of immediate precursors wit manufacture PCP	24 48 72
<u>11383.5(a)</u>	Possession of materials wit manufacture methamphetamine	24 48 72
<u>11383.5(b)(1)</u>	Possession of isomers of methamphetamine wit manufacture methamphetamine	24 48 72
<u>11383.5(b)(2)</u>	Possession of hydriodic acid or reducing agent	24 48 72
<u>11383.5(c)</u>	Possession of isomers of methamphetamine wit manufacture methamphetamine	24 48 72
<u>11383.5(d)</u>	Possession of immediate precursors wit manufacture methamphetamine	24 48 72
<u>11383.5(e)</u>	Possession of chemicals sufficient to manufacture hydriodic acid or reducing agent wit manufacture methamphetamine	24 48 72
<u>11383.5(f)</u>	Possession of materials wit manufacture methamphetamine	24 48 72
<u>11383.6(a)</u>	Possession of materials wit sell or furnish materials to another w/knowledge that they will be used to manufacture PCP	16 24 36
<u>11383.6(b)</u>	Possession of isomers of PCP wit sell or furnish materials to another w/knowledge that they will be used to manufacture PCP	16 24 36
<u>11383.6(c)</u>	Possession of materials wit sell or furnish materials to another w/knowledge that they will be used to manufacture PCP	16 24 36
<u>11383.6(d)</u>	Possession of immediate precursors wit sell or furnish to another w/knowledge that they will be used to manufacture PCP	16 24 36
<u>11383.7(a)</u>	Possession of material wit sell or furnish materials to another w/knowledge that they will be used to manufacture methamphetamine	16 24 36
<u>11383.7(b)(1)</u>	Possession of isomers of methamphetamine wit sell or furnish to another w/knowledge that they will be used to manufacture methamphetamine	16 24 36
<u>11383.7(b)(2)</u>	Possession of hydriodic acid or reducing agent wit sell or furnish to another w/knowledge that they will be used to manufacture methamphetamine	16 24 36
<u>11383.7(c)</u>	Possession of isomers of methamphetamine wit sell or furnish to another w/knowledge that they will be used to manufacture methamphetamine	16 24 36
<u>11383.7(d)</u>	Possession of materials wit sell or furnish materials to another w/knowledge that they will be used to manufacture methamphetamine	16 24 36
<u>11383.7(e)</u>	Possession of chemicals sufficient to manufacture hydriodic acid or reducing agent wit sell or furnish materials to another w/knowledge that they will be used to manufacture methamphetamine	16 24 36
<u>11383.7(f)</u>	Possession of materials wit sell or furnish materials to another w/knowledge that they will be used to manufacture methamphetamine	16 24 36
* <u>11390</u>	Cultivating mushrooms for CS	16 24 36
* <u>11391</u>	Sale or transportation of mushrooms for CS	16 24 36
* <u>11550(e)</u>	Under influence of CS while in possession of loaded firearm	16 24 36
<u>11550(f)</u>	Second or subsequent conviction of <u>§11550(e)</u>	24 36 48
* <u>12305</u>	Unlawful possession of explosive	16 24 36
* <u>12401</u>	Felony explosives violations	16 24 36
* <u>12700(b)</u>	Unlawful possession of 100 lbs or more of fireworks	16 24 36
* <u>18124.5</u>	Fraudulent alteration of title to mobilehome	16 24 36
<u>25180.7</u>	Knowing failure to disclose information regarding illegal discharge of hazardous waste	16 24 36
* <u>25189.5(b)</u>	Knowing disposal of hazardous waste at unauthorized site	16 24 36
* <u>25189.5(c)</u>	Transport of hazardous waste to unauthorized plant	16 24 36
* <u>25189.5(d)</u>	Treatment or storage of hazardous waste at unauthorized facility	16 24 36
* <u>25189.6(a)</u>	Treatment, transport, disposal, or storage of hazardous waste that causes unreasonable risk of fire, explosion, or serious injury	16 24 36
<u>25189.6(b)</u>	Violation of <u>§25189.6(a)</u> that places person in imminent danger of serious harm or death	36 72 108
* <u>25189.7(b)</u>	Burning hazardous waste at unauthorized facility	16 24 36

* <u>25190</u>	Violation of hazardous waste disposal regulations w/pc	16 20 24
* <u>25191(a)</u>	Illegal transport of hazardous waste w/pc	16 20 24
* <u>25515</u>	Failure to report release of hazardous waste w/pc	16 20 24
* <u>44209</u>	Falsifying vehicle emissions test report	16 24 36
* <u>100895</u>	Falsifying statements in reports regarding regulation of environmental laboratories w/pc	16 20 24
<u>103800</u>	Willful filing of false birth certificate	16 24 36
* <u>115215(b)(1)</u>	Unauthorized disposal of radioactive material causing substantial danger to public health or safety	16 24 36
* <u>115215(b)(2)</u>	Unauthorized disposal of radioactive material causing GBI or substantial probability of death	36 60 84
* <u>116730</u>	Falsifying statements in reports regarding regulation of public water systems w/pc	16 20 24
<u>116750(a)</u>	Tampering with public water system	36 48 60
<u>116750(b)</u>	Threatening to tamper with public water system	16 24 36
* <u>118340(a)</u>	Unauthorized treatment, transport, storage, or disposal of medical waste w/pc	12 24 36
* <u>118340(d)</u>	Knowing unauthorized treatment or disposal of medical waste	12 24 36
* <u>120291(a)</u>	Willfully infecting another with HIV by engaging in unprotected sex	36 60 96

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Insurance Code

Insurance Code

<b>Ins C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
* <u>750</u>	Unlawful referrals	16 24 36
<u>750</u>	Unlawful referrals w/pc	16 24 36
* <u>833</u>	False statement to insurance commissioner, etc.	16 24 36
* <u>1043</u>	Unlawful acts in mutualization or rehabilitating insurer	16 24 36
* <u>1215.10</u>	Violation of insurance holding company system regulatory act	16 24 36
* <u>1764.2</u>	Issuing evidence of insurance w/o authority	16 24 36
* <u>1764.3</u>	Failure to deliver insurance policy in timely fashion	16 24 36
* <u>1764.4</u>	Failure of surplus line broker to provide evidence of insurance	16 24 36
* <u>1814</u>	Violation of commissioner rules, etc.	16 24 36
* <u>1871.4</u>	Preparing/presenting false/fraudulent workers' compensation claim or claim under return-to-work program	24 36 60
* <u>11161</u>	Paying compensation to any employee/officer to aid merger	16 24 36
<u>11162</u>	Officer borrowing funds/guaranteeing loans for organization	16 24 36
<u>11163</u>	Officer asking/receiving consideration for procuring loans	16 24 36
* <u>11760(a)</u>	Making false/fraudulent statements for purpose of reducing premium, rate, or cost of workers' comp insurance	24 36 60
* <u>11880(a)</u>	Making false/fraudulent statements for purpose of reducing premium, rate, or cost of state workers' comp insurance	24 36 60
* <u>12660</u>	Guaranteeing or insuring land values	16 24 36
<u>14080</u>	Submitting false fingerprints/photos in application for insurance adjuster license	16 24 36
<u>15053</u>	Submitting false fingerprints/photos in application for public insurance adjuster license	16 24 36

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Labor Code

Labor Code

<b>Lab C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
<u>*227</u>	Willful failure to make payments exceeding \$500 to employee health, welfare, or pension fund	16 24 36
<u>7770</u>	Mismanagement of steam boiler/engine causing accident endangering human life	16 24 36
<u>7771</u>	Mismanagement of steam boiler/engine resulting in death/BI	24 36 48

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**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Military and Veterans Code

Military and Veterans Code

<u>Mil &amp; Vet C §</u>	<u>Description of Crime</u>	<u>Term (in months)</u>
* <u>145</u>	Violation of martial law	24 36 48
<u>421</u>	Conversion of military property over \$950	16 24 36
* <u>1318</u>	Vandalizing veterans' memorial	16 24 36
<u>1670</u>	Act of sabotage not resulting in death or GBI	24 48 72
<u>1670</u>	Act of sabotage not resulting in death or GBI w/specific intent	36 60 84
<u>1671</u>	Interfering w/property or failing to report defects in property intended for war or defense not resulting in death or GBI	24 48 72
<u>1671</u>	Interfering w/property or failing to report defects in property intended for war or defense not resulting in death or GBI w/specific intent to commit sabotage	36 60 84
<u>1673</u>	Attempted violation of §§ <u>1670</u> and <u>1671</u>	24 36 48

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Public Contract Code

Public Contract Code

<b>Pub Cont C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
<u>10280</u>	Corrupt performance of official act	16 24 36
<u>10281</u>	Corrupt action by state contractor	16 24 36
<u>10282</u>	Failure of state contractor to give notice of contract violation	16 24 36
<u>10422</u>	Corrupt performance of official act	16 24 36
<u>10423</u>	Corrupt action by state procurement contractor	16 24 36

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Public Resources Code

Public Resources Code

<b>Pub Res C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
* <u>14591</u> (b)(2)	Violation of Beverage Container Act—fraudulent claim exceeding \$950	16 24 36
* <u>25205</u>	State energy resources commission conflict of interests	16 24 36

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**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Public Utilities Code

Public Utilities Code

<b>Pub Util C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
* <u>2114</u>	False testimony under oath by public utility agent	16 24 36
<u>7676</u>	Running freight car behind passenger car resulting in death or BI	16 24 36
<u>7679</u>	Act of negligence causing death or BI by railroad employee under the influence of alcohol or drugs	16 24 36
<u>7680</u>	Willful negligence of railroad employee causing death	24 36 48
* <u>7903</u>	Telegraph/telephone employee using information from private msg.	16 24 36
* <u>8285</u>	False representation of business	16 24 36
* <u>21407.6(b)</u>	Recklessly operating aircraft while under influence of drugs/alcohol causing BI	16 24 36

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Revenue and Taxation Code

Revenue and Taxation Code

<u>Rev &amp; T C §</u>	<u>Description of Crime</u>	<u>Term (in months)</u>
<u>7093.6</u>	Fraud in connection w/others in compromise on final tax liability	16 24 36
<u>9278</u>	Fraud in connection w/others in compromise on final tax liability	16 24 36
<u>14251</u>	Disclosure of confidential information	16 24 36
<u>16910</u>	Disclosure of confidential information	16 24 36
* <u>18631.7</u>	Willful failure of check cashing business to file informational return	16 24 36
* <u>19542.3</u>	Willful disclosure of tax-related computer software source code	16 24 36
<u>19705</u>	Willful filing of false return	16 24 36
* <u>19706</u>	Willful failure to file return or willful filing of false/fraudulent return	16 24 36
* <u>19708</u>	Failure to collect/account for/pay over withholding tax	16 24 36
<u>30473</u>	Counterfeiting stamps or meter impressions	24 36 48
* <u>30475</u>	Transport tobacco products w/o permit wit evade tax	16 24 36
* <u>32552</u>	Tax evasion	16 24 36
* <u>32553</u>	Diversion of tax-free liquor for beverage use	16 24 36
<u>43604</u>	Tax evasion	16 24 36
<u>45953</u>	Evasion of payment of integrated waste management fee	16 24 36
<u>46703</u>	Evasion of payment of oil spill fee	16 24 36
<u>50156.18</u>	Fraud in connection w/offers in compromise on final tax liability	16 24 36

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Unemployment Insurance Code

Unemployment Insurance Code

<b>Un Ins C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
* <u>2117.5</u>	Willful failure to file returns wit defraud	16 24 36
* <u>2118.5</u>	Willful failure to collect or pay unemployment	16 24 36
* <u>2122</u>	General violation of reporting/filing/payment requirements	16 24 36

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Vehicle Code

Vehicle Code

<u>Veh C §</u>	<u>Description of Crime</u>	<u>Term (in months)</u>
<u>1808.4</u>	Disclosure of home address of peace officer or family member contained in confidential DMV record resulting in bodily injury to these persons	16 24 36
* <u>2800.2</u>	Flight from police in willful or wanton disregard for safety of person or property	16 24 36
* <u>2800.3(a)</u>	Flight from police causing serious bodily injury	36 60 84
<u>2800.3(b)</u>	Flight from police causing death	48 72 120
* <u>2800.4</u>	Driving in wrong direction while fleeing from police	16 24 36
* <u>4463</u>	False evidence of registration	16 24 36
* <u>10501</u>	False report of stolen car w/pc	16 24 36
* <u>10752</u>	Fraudulent use of vehicle identification number	16 24 36
* <u>10851(a)</u>	Vehicle theft	16 24 36
<u>10851(b)</u>	Theft of ambulance, police, or fire dep't vehicle, or disabled person's vehicle	24 36 48
<u>10851(e)</u>	Vehicle theft w/ felony pc	24 36 48
* <u>20001(b)(1)</u>	Hit-and-run driving	16 24 36
* <u>20001(b)(2)</u>	Hit-and-run driving causing death or serious injury	24 36 48
* <u>21464</u>	Interfere with traffic devices causing BI/death	16 24 36
* <u>23104</u>	Reckless driving causing GBI w/pc	16 24 36
* <u>23105</u>	Reckless driving causing one or more specified injuries to person other than driver	16 24 36
* <u>23109</u>	Motor vehicle speed contest causing serious BI w/pc within 5 years	16 24 36
* <u>23109.1</u>	Engaging in speed contest causing one or more specified injuries to person other than driver	16 24 36
* <u>23110</u>	Throwing substance at vehicle capable of causing serious BI	16 24 36
* <u>23152</u>	DUI of alcohol/drugs w/3 priors within 10 years (term prescribed in <u>Veh C §23550</u> )	16 24 36
* <u>23152</u>	DUI of alcohol/drugs w/pfc of DUI or vehicular manslaughter (term prescribed in <u>Veh C §23550.5</u> )	16 24 36
* <u>23153</u>	DUI of alcohol/drugs causing BI (term prescribed in <u>Veh C §23554</u> )	16 24 36
* <u>23153</u>	DUI of alcohol/drugs causing BI w/1 prior within 10 years (term prescribed in <u>Veh C §23550</u> )	16 24 36
<u>23153</u>	DUI of alcohol/drugs causing BI w/2 priors within 10 years (term prescribed in <u>Veh C §23566(a)</u> )	24 36 48
<u>23153</u>	DUI of alcohol/drugs causing GBI w/2 priors within 10 years (term prescribed in <u>Veh C §23566(b)</u> )	24 36 48
* <u>23153</u>	DUI of alcohol/drugs causing BI w/pfc of DUI or vehicular manslaughter (term prescribed in <u>Veh C §23550.5</u> )	16 24 36
<u>38318</u>	Throwing things at off-highway vehicle	16 24 36
<u>38318.5</u>	Removing marker from trail causing GBI	16 24 36

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Water Code

Water Code

<b>Wat C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
<u>13387</u> (b)	Negligent discharge of pollutants or chemical or biological warfare agents into water supply w/pc	16 20 24
<u>13387</u> (c)	Knowing discharge of pollutants or chemical or biological warfare agents into water supply	16 24 36
<u>13387</u> (c)	Knowing discharge of pollutants or chemical or biological warfare agents into water supply w/pc	24 48 72
<u>13387</u> (d)	Knowing discharge of pollutants or chemical or biological warfare agents into water supply w/knowledge that another person placed in imminent danger of death or serious bodily injury	60 120 180
<u>13387</u> (d)	Knowing discharge of pollutants or chemical or biological warfare agents into water supply w/knowledge that another person placed in imminent danger of death or serious bodily injury w/pc	120 240 360
<u>13387</u> (e)	Falsifying water quality documents or tampering with water quality monitoring equipment	16 20 24
<u>13387</u> (e)	Falsifying water quality documents or tampering with water quality monitoring equipment w/pc	24 36 48

**Source:** Criminal Law/Felony Sentencing Handbook/Determinate Sentencing Law Ranges of Punishment/Welfare and Institutions Code

Welfare and Institutions Code

<b>Welf &amp; I C §</b>	<b>Description of Crime</b>	<b>Term (in months)</b>
* <u>1001.5(a)</u>	Bring narcotics/alcohol/firearms/tear gas into CYA grounds	16 24 36
<u>1001.5(b)</u>	Use of tear gas or tear gas weapon on CYA grounds	16 24 36
* <u>1768.7</u>	Escape/attempt escape from YA w/o force or violence	16 24 36
<u>1768.7</u>	Escape/attempt escape from YA w/force or violence	24 48 72
<u>1768.8(b)</u>	Assault by YA resident on nonresident w/deadly weapon or by means likely to produce GBI	24 48 72
* <u>1768.85</u>	Battery of peace officer or CYA employee by CYA inmate by gassing	24 36 48
<u>3002</u>	Escape/attempted escape from addiction treatment facility	16 24 36
<u>6330</u>	Escape/attempted escape by MDSO from state hospital/etc.	16 24 36
<u>7326</u>	Aid in escape of person committed to state hospital	16 24 36
* <u>8100(a)</u>	Possession of firearm or deadly weapon by mental patient	16 24 36
* <u>8100(b)</u>	Possession of firearm or deadly weapon by person who communicates threat to psychotherapist	16 24 36
* <u>8101(a)</u>	Knowing gift or sale of deadly weapon to mental patient	16 24 36
<u>8101(b)</u>	Knowing gift or sale of firearm to mental patient	24 36 48
* <u>8103(a)</u>	Possession of firearm or deadly weapon by mentally disordered sex offender or person who is danger to others due to mental illness	16 24 36
* <u>8103(b)</u>	Possession of firearm or deadly weapon by person found not guilty by reason of insanity of crimes designated violent felonies	16 24 36
* <u>8103(c)</u>	Possession of firearm or deadly weapon by person found not guilty by reason of insanity of crimes not included under <u>§8103(b)</u>	16 24 36
* <u>8103(d)</u>	Possession of firearm or deadly weapon by person found mentally incompetent to stand trial	16 24 36
* <u>8103(e)</u>	Possession of firearm or deadly weapon by person placed under conservatorship due to grave disability or chronic alcoholism	16 24 36
* <u>8103(f)</u>	Possession of firearm by mentally disordered person	16 24 36
* <u>8103(g)</u>	Possession of firearm by person certified for treatment under <u>§5250</u> , <u>§5260</u> , or <u>§5270.15</u>	16 24 36
* <u>10980</u>	Food stamp fraud offenses	16 24 36
<u>11054</u>	False affirmation of welfare application	24 36 48
* <u>11483(2)</u>	Fraud in obtaining AFDC over \$400	16 24 36
* <u>11483.5</u>	Using multiple applications to obtain more than one aid payment	16 24 36
* <u>14014</u>	Fraudulent use of health care/false application over \$400	16 24 36
* <u>14107(a)</u>	Fraudulent activities, schemes, or artifices described in <u>Welf &amp; I C §14107(b)</u>	24 36 60
* <u>14107.2(a)</u>	Solicit/receive bribe for MediCal referrals or service	16 24 36
<u>14107.2(a)</u>	Solicit/receive bribe for MediCal referrals or service w/pc	16 24 36
* <u>14107.2(b)</u>	Offer/pay bribe for MediCal referrals or services	16 24 36
<u>14107.2(b)</u>	Offer/pay bribe for MediCal referrals or services w/pc	16 24 36
* <u>14107.3</u>	MediCal provider requiring bribe as condition to grant aid	16 24 36
* <u>14107.4(a)</u>	Failure to disclose conflict of interest to MediCal	16 24 36
* <u>14107.4(b)</u>	False report to MediCal	16 24 36
* <u>15656(a)</u>	Willful causing of pain to or suffering of dependent adult	24 36 48
* <u>15656(c)</u>	Theft or embezzlement over \$950 by caretaker of elder or dependent adult	24 36 48

## Source: Criminal Law/Felony Sentencing Handbook/Enhancement Provisions

### Enhancement Provisions

Pen C §	Description of Crime	Sentence
<u>186.10</u> (c)(1)(A)	Money laundering when value of transaction(s) over \$50,000	1 yr.
<u>186.10</u> (c)(1)(B)	Money laundering when value of transaction(s) over \$150,000	2 yrs.
<u>186.10</u> (c)(1)(C)	Money laundering when value of transaction(s) over \$1,000,000	3 yrs.
<u>186.10</u> (c)(1)(D)	Money laundering when value of transaction(s) over \$2,500,000	4 yrs.
<u>186.11</u> (a)(2)	Commission of two or more related felonies involving fraud or embezzlement of more than \$500,000	2, 3, or 5 yrs.
<u>186.11</u> (a)(3)	Commission of two or more related felonies involving fraud or embezzlement of more than \$100,000	1 or 2 yrs.
<u>186.22</u> (b)(1)(A)	Committing felony while violating provisions against participating in criminal street gang	2, 3, or 4 yrs.
<u>186.22</u> (b)(1)(B)	Committing serious felony, as defined in <u>Pen C §1192.7</u> (c), while violating provisions against participating in criminal street gang	5 yrs.
<u>186.22</u> (b)(1)(C)	Committing violent felony, as defined in <u>Pen C §667.5</u> (c), while violating provisions against participating in criminal street gang	10 yrs.
<u>186.26</u> (d)	Soliciting, recruiting, coercing, or threatening minor to participate in criminal street gang activity in violation of <u>Pen C §186.26</u> (a), (b), or (c)	3 yrs.
<u>186.33</u> (b)	Failure to register by defendant subsequently convicted of gang-related crime	16 mos., or 2 or 3 yrs.
<u>192.5</u> (e)	Fleeing the scene after committing vessel manslaughter under <u>Pen C §192.5</u> (a), <u>§192.5</u> (b), or <u>§192.5</u> (c)	5 yrs.
<u>273d</u> (b)	Prior conviction of inflicting traumatic injury on child with current conviction of same offense	4 yrs.
<u>273.4</u> (a)	Felony conviction of <u>Pen C §273a</u> (a) involving female genital mutilation	1 yr.
<u>288.3</u> (c)	Contacting minor with specified kidnapping, child pornography, or other sex crimes involving the minor w/pc	5 yrs.
<u>289.5</u> (d)	Commission of designated felony sex offense committed after fleeing to California to avoid prosecution for sex offense in another state	2 yrs.
<u>290.4</u> (c)(1)	Use of disclosed information about sex offenders to commit a felony	5 yrs.
<u>290.45</u> (e)(1)	Use of disclosed information about high-risk sex offenders to commit a felony	5 yrs.
<u>290.46</u> (j)(2)	Use of information about sex offenders disclosed on internet web site to commit a felony	5 yrs.
<u>347</u> (a)	Using poison or harmful substance that may cause death or does cause great bodily injury	3 yrs.
<u>368</u> (b)(2)	Elder or dependent adult abuse resulting in great bodily injury	3 or 5 yrs.
<u>368</u> (b)(3)	Elder or dependent adult abuse resulting in death	5 or 7 yrs.
<u>422.75</u> (a)	Committing felony hate crime	1, 2, or 3 yrs.
<u>422.75</u> (b)	Acting in concert with another/aiding or abetting felony hate crime	2, 3, or 4 yrs.
<u>422.75</u> (d)	Prior conviction of felony hate crime with current conviction of felony hate crime	1 yr.
<u>451.1</u> (a)	Conviction of arson under <u>Pen C §451</u> and designated circumstance ( <u>Pen C §451.1</u> (a)(1)-(5)) found true	3, 4, or 5 yrs.
<u>452.1</u> (a)	Felony conviction of unlawfully causing of fire under <u>Pen C §452</u> and designated circumstance ( <u>Pen C §452.1</u> (a)(1)-(4)) found true	1, 2, or 3 yrs.
<u>548</u> (b)	Prior conviction of insurance fraud with current conviction of insurance fraud	2 yrs.
<u>550</u> (e)	Prior felony conviction of insurance fraud with current conviction of insurance fraud	2 yrs.
<u>550</u> (f)	Two prior felony convictions of insurance fraud with current conviction of insurance fraud	5 yrs.
<u>550</u> (g)	Violation of <u>Pen C §550</u> (a)(3) resulting in serious bodily injury from vehicular collision	2 yrs. per injury
<u>593a</u> (b)	Causing bodily injury in commission of tree spiking	3 yrs.
<u>600</u> (c)-(d)	Harming, obstructing, or interfering with peace officer's horse or dog	1 or 2 yrs.
<u>667</u> (a)	Prior conviction of serious felony with current conviction of serious felony	5 yrs.
<u>667.5</u> (a)	Prior prison term for violent felony with current conviction of violent felony	3 yrs.
<u>667.5</u> (b)	Prior prison term for felony with current conviction of felony	1 yr.
<u>667.51</u> (a)	Prior conviction of sex offense with current conviction of <u>Pen C §288</u> (lewd acts	5 yrs.

	with child) or <u>Pen C §288.5</u> (continuous sexual abuse of child)	
<u>667.6(a)</u>	Prior conviction of serious sex offense with current conviction of serious sex offense	5 yrs.
<u>667.6(b)</u>	Two or more prior prison terms for serious sex offense with current conviction of serious sex offense	10 yrs.
<u>667.8(a)</u>	Kidnapping victim for purpose of committing sex offense	9 yrs.
<u>667.8(b)</u>	Kidnapping child-victim for purpose of committing sex offense	15 yrs.
<u>667.85</u>	Kidnapping to permanently deprive parent of custody of child	5 yrs.
<u>667.9(a)</u>	Committing certain offenses against disabled, elderly, or child victim	1 yr.
<u>667.9(b)</u>	Prior conviction of certain offenses committed against disabled, elderly, or child victim with current conviction of those offenses	2 yrs.
<u>667.10(a)</u>	Prior conviction of <u>Pen C §289</u> with current conviction of same offense committed against disabled, elderly, or child victim	2 yrs.
<u>667.15(a)</u>	Showing child pornography to minor prior to or during commission of lewd act on the minor in violation of <u>Pen C §288</u>	1 yr.
<u>667.15(b)</u>	Showing child pornography to minor prior to or during commission of sexual conduct with that minor in violation of <u>Pen C §288.5</u>	2 yrs.
<u>667.16(a)</u>	Felony conviction of <u>Pen C §470</u> , <u>§487</u> , or <u>§532</u> as part of plan or scheme to defraud an owner in connection with repairs to structure damaged by natural disaster	1 yr.
<u>667.17</u>	Impersonating a peace officer in violation of <u>Pen C §538d</u> during commission of felony	1 yr.
<u>670(c)</u>	Prior conviction of certain offenses committed to defraud in connection with repairs for damage caused by natural disaster with present conviction of those offenses	1 yr.
<u>674(a)</u>	Day care provider committing sex offense against minor victim	2 yrs.
<u>674(b)</u>	Day care provider committing sex offense against minor victim in concert with another	3 yrs.
<u>675(a)</u>	Felony conviction of designated sex offense where the offense was committed with a minor for money or other consideration	1 yr.
<u>12021.5(a)</u>	Carrying firearm while committing street gang crime	1, 2, or 3 yrs.
<u>12021.5(b)</u>	Carrying firearm together with detachable magazine while committing street gang crime	2, 3, or 4 yrs.
<u>12022(a)(1)</u>	Being armed with a firearm	1 yr.
<u>12022(a)(2)</u>	Being armed with an assault weapon, machine gun, or .50 BMG rifle	3 yrs.
<u>12022(b)(1)</u>	Personally using deadly weapon	1 yr.
<u>12022(b)(2)</u>	Personally using deadly weapon in the commission of carjacking or attempted carjacking	1, 2, or 3 yrs.
<u>12022(c)</u>	Being personally armed with a firearm while committing drug offenses	3, 4, or 5 yrs.
<u>12022(d)</u>	Being a principal, knowing another principal is personally armed with a firearm, while committing drug offenses	1, 2, or 3 yrs.
<u>12022.1(b)</u>	Committing felony offenses while released on bail or own recognizance	2 yrs.
<u>12022.2(a)</u>	Being armed with a firearm and possessing metal-piercing ammunition	3, 4, or 10 yrs.
<u>12022.2(b)</u>	Wearing bulletproof body vest in the commission of violent felony	1, 2, or 5 yrs.
<u>12022.3(a)</u>	Using firearm or deadly weapon in commission of sex offense	3, 4, or 10 yrs.
<u>12022.3(b)</u>	Being armed with a firearm or deadly weapon in commission of sex offense	1, 2, or 5 yrs.
<u>12022.4</u>	Supplying firearm for commission of felony	1, 2, or 3 yrs.
<u>12022.5(a)</u>	Personally using firearm	3, 4, or 10 yrs.
<u>12022.5(b)</u>	Personally using assault weapon or machine gun	5, 6, or 10 yrs.
<u>12022.53(b)</u>	Personally using firearm while committing felony designated in <u>Pen C §12022.53(a)</u>	10 yrs.
<u>12022.53(c)</u>	Discharging firearm while committing felony designated in <u>Pen C §12022.53(a)</u>	20 yrs.
<u>12022.53(d)</u>	Discharging firearm causing GBI or death while committing designated felony	25 yrs. to life
<u>12022.55</u>	Discharging firearm from vehicle causing great bodily injury or death	5, 6, or 10 yrs.
<u>12022.6(a)(1)</u>	Taking of or damage to property over \$65,000	1 yr.
<u>12022.6(a)(2)</u>	Taking of or damage to property over \$200,000	2 yrs.
<u>12022.6(a)(3)</u>	Taking of or damage to property over \$1,300,000	3 yrs.
<u>12022.6(a)(4)</u>	Taking of or damage to property over \$3,200,000	4 yrs.
<u>12022.7(a)</u>	Personally inflicting great bodily injury	3 yrs.
<u>12022.7(b)</u>	Personally inflicting great bodily injury resulting in comatose brain injury or permanent paralysis of victim	5 yrs.
<u>12022.7(c)</u>	Personally inflicting great bodily injury on victim 70 years of age or older	5 yrs.
<u>12022.7(d)</u>	Personally inflicting great bodily injury on child under 5 years of age	4, 5, or 6 yrs.
<u>12022.7(e)</u>	Personally inflicting great bodily injury during commission of domestic violence	3, 4, or 5 yrs.

	offense	
<u>12022.75(a)</u>	Administering controlled substance against victim's will	3 yrs.
<u>12022.75(b)</u>	Administering controlled substance to victim in commission of sex offense	5 yrs.
<u>12022.8</u>	Inflicting great bodily injury in commission of sex offense	5 yrs.
<u>12022.85(a)</u>	Committing sex offense knowing defendant carries AIDS virus	3 yrs.
<u>12022.9</u>	Personally inflicting injury causing termination of pregnancy	5 yrs.
<u>12022.95</u>	Willful cruelty to child resulting in death	4 yrs.
<u>12072(g)(4)</u>	Unlawful firearm transaction in violation of <u>Pen C §12072(a)(2)</u> or (b) and firearm used in subsequent commission of a felony for which a conviction is obtained and sentence imposed	1, 2, or 3 yrs.
<u>12280(a)(2)</u>	Selling or giving assault weapon or .50 BMG rifle to a minor	1 yr.
<u>12280(d)</u>	Manufacture, transport, sale, or possession of assault weapon or .50 BMG rifle while committing another crime	1 yr.

**H & S C §**

**Description of Crime**

**Sentence**

<u>1522.01(c)</u>	Use of disclosed information about sex offenders to commit a felony	5 yrs.
<u>11353.1(a)(1)</u>	Using minor for drug transactions involving heroin or cocaine on grounds of church, playground, etc.	1 yr.
<u>11353.1(a)(2)</u>	Using minor for drug transactions involving heroin or cocaine on or near school grounds	2 yrs.
<u>11353.1(a)(3)</u>	Using minor at least four years younger than defendant for drug transactions	1, 2, or 3 yrs.
<u>11353.4(a)</u>	Prior conviction of using minor for drug transactions involving cocaine base resulting in prison sentence with current conviction of same offense	1, 2, or 3 yrs.
<u>11353.4(b)</u>	Prior conviction of using minor for drug transactions involving cocaine base with current conviction of using minor 14 years of age or younger for drug transactions involving cocaine base	1, 2, or 3 yrs.
<u>11353.6(b)</u>	Selling drugs to minor on or near school grounds	3, 4, or 5 yrs.
<u>11353.6(c)</u>	Selling drugs to minor at least four years younger than defendant on or near school grounds	3, 4, or 5 yrs.
<u>11356.5(a)</u>	Inducing another to violate drug laws in excessive values	1, 2, or 3 yrs.
<u>11370.2(a)-(c)</u>	Prior conviction of drug offense with current conviction of drug offense	3 yrs.
<u>11370.4(a)-(b)</u>	Violating drug offenses involving large quantities	3, 5, 10, 15, 20, or 25 yrs.
<u>11379.7(a)</u>	Manufacturing or possessing precursors of methamphetamine or PCP with intent to manufacture in structure where minor under 16 years of age present	2 yrs.
<u>11379.7(b)</u>	Manufacturing or possessing precursors of methamphetamine or PCP with intent to manufacture and causing BGI to minor under 16 years of age	5 yrs.
<u>11379.8(a)</u>	Violating drug offenses involving large quantities	3, 5, 10, or 15 yrs.
<u>11379.9(a)</u>	Manufacturing or possessing precursors of methamphetamine or PCP with intent to manufacture and causing death or GBI	1 yr. per death or injury
<u>11380.1(a)(1)</u>	Using minor for drug transactions involving PCP, methamphetamine, or LSD on grounds of church, playground, etc.	1 yr.
<u>11380.1(a)(2)</u>	Using minor for drug transactions involving PCP, methamphetamine, or LSD on or near school grounds	2 yrs.
<u>11380.1(a)(3)</u>	Using minor at least four years younger than defendant for drug transactions	1, 2, or 3 yrs.
<u>11380.7</u>	Trafficking in controlled substances on grounds of, or within 1,000 feet of, a drug treatment center, detox facility, or homeless shelter	1 yr.
<u>25189.5(e)</u>	Unlawful disposal, transport, treatment, or storage of hazardous waste causing GBI or substantial probability of death (discretionary)	1, 2, or 3 yrs.
<u>25189.7(c)</u>	Unlawful burning or incineration of hazardous waste causing GBI or substantial probability of death (discretionary)	1, 2, or 3 yrs.

**Ins C §**

**Description of Crime**

**Sentence**

<u>1871.4</u> (c)	Prior felony conviction of insurance fraud w/current conviction of making false/fraudulent statements concerning workers' compensation claim or claim under return-to-work program	2 yrs.
<u>11760</u> (b)	Prior felony conviction of insurance fraud with current conviction of making false/fraudulent statements for purpose of reducing premium, rate, or cost of workers' compensation insurance	2 yrs.
<u>11880</u> (b)	Prior felony conviction of insurance fraud with current conviction of making false/fraudulent statements for purpose of reducing premium, rate, or cost of workers' compensation insurance issued by State Compensation Insurance Fund	2 yrs.

<b>Veh C §</b>	<b>Description of Crime</b>	<b>Sentence</b>
<u>20001</u> (c)	Fleeing the scene after committing vehicular manslaughter under <u>Pen C §191.5</u> or <u>§192</u> (c)(1)	5 yrs.
<u>23558</u>	Driving under the influence and causing bodily injury or death to multiple victims	1, 2, or 3 yrs.
<u>23566</u> (c)	Violation of <u>Veh C §23153</u> w/GBI within 10 years of four or more violations of <u>Veh C §23103</u> (as specified in <u>§23103.5</u> ), <u>§23152</u> , or <u>§23153</u>	3 yrs.

<b>Welf &amp; I C §</b>	<b>Description of Crime</b>	<b>Sentence</b>
<u>10980</u> (h)	Fraudulent appropriation or unauthorized use, transfer, sale, or purchase of food stamps committed by means of electronic transfer of benefits involving large amounts	1, 2, 3, or 4 yrs.
<u>14107</u> (d)	Execution of scheme or artifice to defraud health care program under circumstances likely to cause or causing GBI or serious bodily injury to two or more persons	4 yrs. per injury

**Source:** Criminal Law/Felony Sentencing Handbook/Probation Eligibility

Probation Eligibility

**Note:** All citations are to the Penal Code, unless otherwise noted.

**I. Eligible Only in Unusual Case**

**A. Serious Nature of Present Offense**

**1. Sex Offenses**

- 1203.065(b) Pen C §220 violation of assault with intent to commit one of specified sex offenses, violation of Pen C §261(a)(7), §286(k), or §288a(k)
- 1203.066(d) Certain Pen C §288 (lewd or lascivious act with a child) or §288.5 (continuous sexual abuse of child) violations when specified mitigating circumstances are present

**2. Drug Offenses**

- 1203(e)(8) Knowingly furnishing or giving away PCP
- 1203.073(b)(1), (b)(2) Possession for sale or sale of specified amounts of cocaine or methamphetamine in violation of Health & S C §11351, §11352, §11378, or §11379
- 1203.073(b)(3) Manufacturing controlled substances (except PCP) in violation of Health & S C §11379.6
- 1203.073(b)(4) Employing minor to manufacture or sell heroin, cocaine, cocaine base, or methamphetamine in violation of Health & S C §11353 or §11380
- 1203.073(b)(5) Possession for sale of specified amount of cocaine base in violation of Health & S C §11351.5
- 1203.073(b)(6), (b)(7) Transport or sale of any amount of cocaine base in violation of Health & S C §11352
- 1203.074 Violation of Health & S C §11366.6 (use of location specifically designed to suppress police entry in order to manufacture, sell, or possess for sale heroin, cocaine, cocaine base, PCP, amphetamine, methamphetamine, or LSD)

**3. Burglary Offenses**

- 462(a) Burglary of an inhabited dwelling, building, trailer coach, or floating home (first degree burglary)
- 462.5(a) Felony custodial institution burglary

**4. Arson Offenses**

- 454(c) Unlawful burning within area of insurrection or emergency
- 1203(e)(9) Violation of Pen C §451(a) (arson that causes great bodily injury), or §451(b) (arson of inhabited structure or property)

**5. Escape Offenses**

- 4532(c) Specified felony escape from secure main jail facility

**6. Offenses by Public Officials**

- 1203(e)(7) Bribery, embezzlement, or extortion by public official or peace officer in discharge of duties

**7. Weapon Offenses**

- 1203(e)(11) Possession of a short-barreled rifle or shotgun under Pen C §12020, a machinegun under Pen C §12220, or a silencer under Pen C §12520

**8. Solicitation of a Minor**

- 1203.046(a) Solicitation of a minor to commit certain felonies in violation of Pen C §653j

## 9. Failure To Register as Sex Offender

290.018(e) Felony violation of registration provisions under Pen C §290.018(b) and (d)

## 10. Unlawful Transfer of Firearm or Deadly Weapon

1203(e)(12) Knowing gift or sale of deadly weapon or firearm to mental patient in violation of Welf & I C §8101

1203(e)(13) Unlawful firearm transaction specified in Pen C §12072(g)(2) or (3)

## B. Aggravated Nature of Present Offense

### 1. Armed With Deadly Weapon

1203(e)(1) Armed with a deadly weapon, other than a firearm, at the time of commission or arrest, when convicted of specified felonies

### 2. Deadly Weapon Use

1203(e)(2) Used or attempted to use deadly weapon on a person in any offense

### 3. Great Bodily Injury

1203(e)(3) Willfully inflicted great bodily injury or torture in any offense

1203(e)(10) Inflicted great bodily injury or death by discharging a firearm from or at a vehicle

### 4. Excessive Theft

115(c)(2) Conviction in one proceeding of more than one violation of Pen C §115, attempt to record false or forged instrument, with intent to defraud, when violations resulted in cumulative financial loss exceeding \$100,000

1203.044(d) Theft exceeding \$100,000 in single transaction or occurrence

1203.045(a) Theft exceeding \$100,000

1203.048(a) Computer-related crimes (Pen C §§502, 502.1(b)) with taking or damage exceeding \$100,000

1203.049(a) Fraudulent appropriation or unauthorized use, transfer, sale, or purchase of food stamps committed by means of electronic transfer of benefits in violation of Welf & I C §10980(f) or (g) and amount exceeds \$100,000

### 5. Elderly Victim

1203.09(f) Assault with a deadly weapon, battery that results in physical injury requiring professional medical treatment, robbery, carjacking, or mayhem committed against a victim 60 years of age or older

## C. Prior Convictions

115(c)(1) Prior conviction of Pen C §115, attempt to record false or forged instrument, with present conviction of that section in a separate proceeding

1203(e)(4) Two prior felony convictions

1203(e)(5) One prior felony conviction and present conviction of one of specified felonies

1203(e)(6) One prior felony conviction involving deadly weapon use or arming or infliction of great bodily injury

1203.073(b)(8) Prior and present conviction of certain offenses involving methamphetamine

## II. Mandatory Jail Term as Condition of Probation Except in Unusual Case

186.22(c) Participation in criminal street gang activity

186.22(d) Wobbler committed at direction of or in association with a criminal street gang

208(c) Kidnapping

209(c) Kidnapping for ransom or extortion or to commit robbery or sex crime

209.5(c) Kidnapping during commission of carjacking

463 Looting

<u>626.9(g)</u>	Possession of firearm on or within 1,000 feet of school grounds w/prior conviction of any felony, any crime punishable under <u>Pen C §§12000-12101</u> , or any misdemeanor offense specified in <u>Pen C §12001.6</u>
<u>626.9(g)</u>	Discharging or attempted discharge of firearm with reckless disregard of safety of others on or within 1,000 feet of school grounds w/prior conviction of any felony, any crime punishable under <u>Pen C §§12000-12101</u> , or any misdemeanor offense specified in <u>Pen C §12001.6</u>
<u>1203.044(e)</u>	Theft offenses involving amounts over \$50,000
<u>1203.055(a)</u>	Specified crimes against public transit vehicle or occupant
<u>1203.076</u>	Sale of cocaine or heroin ( <u>Health &amp; S C §§11352, 11379.5</u> )
<u>1203.095</u>	Specified firearm offenses
<u>12021.1</u>	Possession of a firearm with a prior conviction of one of specified felonies
<u>12025(d)</u>	Possession of a concealed firearm with a prior conviction of any felony or any misdemeanor offense specified in <u>Pen C §12001.6</u>
<u>12031(a)(6)</u>	Carrying loaded firearm w/pc of any offense specified in <u>Pen C §12001.6</u> or any crime punishable under <u>Pen C §§12000-12101</u>

### III. Not Eligible

#### A. Serious Nature of Present Offense

##### 1. Arson Offenses

1203.06(a)(3) Conviction of Pen C §451.5 (aggravated arson)

##### 2. Sex Offenses

667.61(h) Conviction of specified serious sex offenses committed under designated aggravated circumstances

1203.065(a)  
1203.066(a)(1) Conviction of specified serious sex offenses

1203.066(a)(1) Violation of Pen C §288 (lewd act with child) or Pen C §288.5 (continuous sexual abuse of child) by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury

1203.066(a)(6) Violation of Pen C §207, §209, or §209.5 (kidnapping) for the purpose of committing a violation of Pen C §288 or Pen C §288.5

##### 3. Drug Offenses

1203.07(a) Specified Health and Safety Code violations involving heroin, PCP, or other specified controlled substances

##### 4. Destructive Device Offenses

12311 Any violation of Pen C §§12303-12312

#### B. Aggravated Nature of Present Offense

##### 1. Firearm Use

1203.06(a)(1)  
12022.53(g) Personal use of a firearm in committing or attempting one of specified felonies

Personal use or discharge of firearm in committing or attempting one of specified felonies

##### 2. Great Bodily Injury

1203.075(a) Personal infliction of great bodily injury in committing or attempting one of specified felonies

##### 3. Minor Victim

1203.066(a)(2)-(4) Violation of Pen C §288 or §288.5 when bodily injury caused, weapon used, or stranger befriended child victim for purposes of committing the offense

1203.066(a)(7)-(9) Violation of Pen C §288 or §288.5 involving more than one victim, a victim under the

Health & S C §11370(b)

age of 14, or the use of obscene matter or matter depicting sexual conduct, and specified mitigating circumstances are not present.

Violations involving specified controlled substances or narcotics when an adult involves a minor

#### 4. Elderly or Disabled Victim

1203.09(a)

Infliction of great bodily injury on elderly or disabled victim while committing or attempting one of specified felonies

#### 5. Offense Committed While on Parole

1203.085(a)

Conviction of any non-wobbler felony committed while on parole for a Pen C §667.5(c) violent felony or a Pen C §1192.7(c) serious felony

1203.085(b)

Conviction of a Pen C §667.5(c) violent felony or a Pen C §1192.7(c) serious felony committed while on parole for any felony

#### 6. Offense Committed While on Probation

1203(k)

Conviction of Pen C §667.5(c) violent felony or Pen C §1192.7(c) serious felony while on probation for a felony offense

#### C. Prior Convictions

550(d)

Two or more prior felony convictions of preparing/presenting false/fraudulent insurance claim and present felony conviction of same

667(c), 1170.12(a)

Prior conviction of felony offense ("strike") defined in Pen C §667(d) or §1170.12(b) and present conviction of any felony

1203.044(b)

Present conviction of theft exceeding \$50,000 in a single transaction or occurrence with prior conviction of an offense for which an enhancement under Pen C §12022.6 was found true

1203.055(c)

Prior and present conviction of one of specified felonies committed against public transit vehicles or occupants

1203.06(a)(2)

Prior conviction of one of specified felonies and personally armed with a firearm at the time of commission or arrest, in any subsequent felony

1203.066(a)(5)

Prior conviction of one of specified sex offenses and present conviction of Pen C §288 or Pen C §288.5

1203.07(a)(3)

Prior conviction of violating Health & S C §11351 or §11352 and present conviction of violating Health & S C §11351 or §11352 involving heroin

1203.08

Present conviction of one of "designated" felonies with prior convictions under charges separately brought and tried two or more times of any "designated" felony

Health & S C §11370(a)

Prior conviction of one of specified Health and Safety Code provisions involving controlled substances and present conviction of an offense involving one of specified controlled substances

**Source:** Criminal Law/Felony Sentencing Handbook/Proposition 36 Offenses

Proposition 36 Offenses

**Note:** All citations are to the Health and Safety Code, unless otherwise noted.

Proposition 36 (Pen C §§1210 et seq) does not define all the potential drug statutes that may be included within its provisions. The felonies listed below may qualify as nonviolent drug possession offenses. (However, violations of Pen C §§4573.6 and 4573.8 (drug possession in jail or prison) are specifically excluded from Proposition 36 application. Pen C §1210(a).)

<u>11350(a)</u>	Possession of designated controlled substance
* <u>11350(b)</u>	Possession of depressants
<u>11352(a)</u>	Transportation of controlled substance to noncontiguous county, <i>if for personal use</i>
* <u>11357(a)</u>	Possession of concentrated cannabis
<u>11358</u>	Cultivating, harvesting, or processing marijuana, <i>if for personal use and if not considered "production" of drug</i>
<u>11360(a)</u>	Transportation of marijuana, <i>if for personal use</i>
* <u>11363</u>	Planting, harvesting, or processing peyote, <i>if for personal use and if not considered "production" of drug</i>
* <u>11377</u>	Possession of designated controlled substance
<u>11379</u>	Transportation of controlled substance to noncontiguous county, <i>if for personal use</i>
* <u>11390</u>	Cultivating spores or mycelium for purpose of producing a controlled substance, <i>if for personal use and if not considered "production" of drug</i>
* <u>11391</u>	Transporting spores or mycelium for purpose of producing a controlled substance, <i>if for personal use</i>
* <u>Bus &amp; P C</u>	Possession of drugs by forged prescription
<u>§4324(b)</u>	