

Subject to the exceptions below, the following is a list of the crimes which are now misdemeanors as a result of Prop 47:

**Theft Crimes:**

1. **Any type of property theft** – including shoplifting by entering a business during regular business hours with intent to commit theft – if the value of the property is **\$950 or less**. This does not include robbery or first degree (residential) burglary. [Cal. Penal Code §§ 490.2 and 459.5.]
2. **Receiving stolen property**, if the value of the property is **\$950 or less**. [Cal. Penal Code § 496(a).]
3. **Forgery** of a check, etc. for **\$950 or less each**, unless also convicted of identity theft under Penal Code section 530.5. [Cal. Penal Code § 473(b).]
4. **Passing bad check(s)** for **\$950 or less each**, unless also convicted three or more times of Penal Code sections 470, 473, 475, or 476. [Cal. Penal Code § 476a(b).]
5. **Petty theft with a prior**, unless also convicted and imprisoned for elder abuse theft (then it is a wobbler). [Cal. Penal Code § 666.]

**Drug-Possession Crimes:<sup>1</sup>**

1. **Possession of various controlled substances**, including cocaine and heroin. [Cal. Health & Safety Code § 11350.]
2. **Possession of concentrated cannabis**. [Cal. Health & Safety Code § 11357(a).]
3. **Possession of methamphetamine**. [Cal. Health & Safety Code § 11377.]

**Exclusions:<sup>2</sup>**

Though the crimes listed above will now *usually* only be punishable as misdemeanors, the following individuals with “disqualifying priors” are, unfortunately, excluded from relief under Prop 47 and *may not* convert the above felonies to misdemeanors.

1. Those with any **convictions for “serious or violent” offenses** under Penal Code section 667(e)(2)(C)(iv), *or*<sup>3</sup>
2. Those with any **convictions which require sex offender registration** under Penal Code section 290(c). This includes many, but not all, sex offense convictions.

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<sup>1</sup> Only simple drug possession convictions are included. Drug possession on jail or prison property is not affected by Prop 47.

<sup>2</sup> To most courts, “prior conviction” has been interpreted to mean a conviction which happened *any time* prior to submitting a Prop 47 application (the exclusionary conviction does not need to have occurred prior to the Prop 47 conviction).

<sup>3</sup> The offenses listed under Penal Code § 667(e)(2)(C)(iv) are:

- a. “Sexually violent offenses” committed by force, violence, duress, menace, fear bodily injury, or threat of retaliation.
- b. Oral copulation, sodomy, or sexual penetration with a child under age 14 and more than 10 years younger than the defendant.
- c. Lewd or lascivious acts with a child under age 14 years.
- d. Murder or gross vehicular manslaughter while intoxicated.
- e. Solicitation to commit murder.
- f. Assault with a machine gun on a peace officer or firefighter.
- g. Possession of a weapon of mass destruction.
- h. Any serious or violent felony punishable by life imprisonment or death.