

Felony Checklist¹ (non-exhaustive)

Code	Section	Description	Remedy
Penal	32	Accessory after the fact to a felony	Wobbler
Penal	69	Resisting Executive Officers	Wobbler
Penal	71	Threatening a School or Public Officer	Wobbler
Penal	72	Presenting False Claim to Government Agency	Wobbler
Penal	76	Threatening a Public Official	Wobbler
Penal	95	Influencing juror/referee/umpire	Wobbler
Penal	95.1	Threatening juror following verdict	Wobbler
Penal	96	Misconduct of jurors/referees/umpires	Wobbler
Penal	99	State printer conflict of interest	Wobbler
Penal	100	Collusion of state printer in fraud against state	Wobbler
Penal	107	Escape of felon prisoner from training school/county hospital	Wobbler
Penal	115.1	Publishing campaign ad containing unauthorized signature	Wobbler
Penal	118.1	False Police Report	Wobbler
Penal	136.1	Intimidating a Witness	Wobbler
Penal	136.5	Armed with Intent to Intimidate Witness	Wobbler
Penal	136.7	Revealing Names of Sex Victims /w Intent to Intimidate	Wobbler
Penal	139	Threatening a Witness or Victim with Violence	Wobbler
Penal	142	Officer Refusing to Arrest Person Charged /w Crime	Wobbler
Penal	146a	Impersonating a Public Agent	Wobbler
Penal	148(d)	Removing Police Officer's Firearm	Wobbler
Penal	148.l	False Bomb Threat	Wobbler
Penal	148.10	Resist Police and Causing Death or SBI to Officer	Wobbler
Penal	149	Assault by Officer Under Color of Law	Wobbler
Penal	153	Compounding Crimes	Wobbler
Penal	166(c)(4)	Violation of a protective order with prior violations	Wobbler
Penal	168	Disclosing Existence of Search or Arrest Warrant	Wobbler
Penal	171b	Possessing Weapon in Public Building or Meeting	Wobbler
Penal	171c	Possessing Loaded Firearm in State Capitol	Wobbler
Penal	171d	Possessing Loaded Firearm in Mansion	Wobbler
Penal	182(a)(4)	Conspiracy to cheat or defraud person of property	Wobbler
Penal	186.10	Money Laundering	Wobbler
Penal	186.22	Participation in criminal gang activity	Wobbler
Penal	186.28	Supply firearm to street gang member to commit felony	Wobbler
Penal	192(c)(1)	Vehicular Manslaughter	Wobbler
Penal	192.5(a)	Manslaughter While Operating a Vessel	Wobbler
Penal	219.2	Throwing object at Train, Bus, or Ferry	Wobbler
Penal	241.1	Assault on Custodial Officer	Wobbler
Penal	241.4	Assault on School Police Officer	Wobbler
Penal	241.7	Assault on Juror	Wobbler
Penal	243(c)(1)	Battery with Injury on Certain Officers	Wobbler
Penal	243.3	Battery with Injury on Transportation Worker	Wobbler
Penal	243.4	Sexual Battery	Wobbler
Penal	243.6	Battery with Injury on School Employee	Wobbler
Penal	243.7	Battery on Juror	Wobbler
Penal	243.9	Throwing Feces at a Custodial Officer	Wobbler

¹ References applies to whole section, unless a particular subsection is noted.

Penal	244.5	Assault with Stun Gun or Taser	Wobbler
Penal	245	Assault With Deadly Weapon	Wobbler
Penal	245.5	Assault With Deadly Weapon on School Employee	Wobbler
Penal	246	Shooting at Inhabited Dwelling	Wobbler
Penal	246.3	Negligent Discharge of Firearm	Wobbler
Penal	247.5	Discharge of Laser at Aircraft	Wobbler
Penal	261.5	Unlawful Sexual Intercourse	Wobbler
Penal	266	Seduction of minor for prostitution	Wobbler
Penal	266c	Inducing Consent to Sexual Act by Fraud	Wobbler
Penal	270	Child neglect	Wobbler
Penal	271a	Willful Abandonment of Child Under 14	Wobbler
Penal	273(e)	Accepting payments w/o intent to allow adoption; with prior	
Penal	273a	Child Endangerment	Wobbler
Penal	273d	Infliction of Corporal Punishment on Child	Wobbler
Penal	273.5	Spousal Battery	Wobbler
Penal	273.6(d)-(e) 273.65(d)-(e)	Violation of a protective order with prior violations	Wobbler
Penal	278 & 278.5	Child Abduction	Wobbler
Penal	280(b)	Child concealment outside of state	Wobbler
Penal	281 & 283	Bigamy	Wobbler
Penal	284	Marrying Another's Spouse	Wobbler
Penal	286(b)(1)	Sodomy of a person under 18	Wobbler
Penal	286(e)	Sodomy with prisoner	Wobbler
Penal	286(h)	Sodomy victim incompetent, both confined for mental disorder	Wobbler
Penal	288(c)	Lewd Act by Caretaker on Dependent Person	Wobbler
Penal	288.2	Sending Harmful Matter to a Minor	Wobbler
Penal	288.4(a)(1)	Arranged Meeting with Minor for lewd behavior	Wobbler
Penal	288a(b)(1)	Oral Copulation of a person under 18	Wobbler
Penal	288a(e)	Oral Copulation with prisoner	Wobbler
Penal	288a(h)	Oral copulation victim incompt., both confined for mental disorder	Wobbler
Penal	289(c)	Foreign object victim incompt., both confined for mental disorder	Wobbler
Penal	289(h)	Foreign object penetration of a person under 18	Wobbler
Penal	289.6	Employee of Detention Facility having Sex /w Inmate	Wobbler
Penal	290	Failure to Register as Sex Offender	Wobbler
Penal	311	Selling Obscene Matter Depicting Minor	Wobbler
Penal	314(1)	Enter Dwelling Without Consent to Expose Oneself	Wobbler
Penal	327	Operation of a "Pyramid" Scheme	Wobbler
Penal	337a-f & i	Sporting event offenses	Wobbler
Penal	337.3 & .7	Horse racing offenses	Wobbler
Penal	347(b)	False report of contaminated food, drink, medicine, etc.	Wobbler
Penal	350	Making or Selling Counterfeit Goods	Wobbler
Penal	367f	Sale of human organs for transplantation	Wobbler
Penal	368(a)-(e)	Elder Abuse	Wobbler
Penal	374.2	Discharge of harmful materials into sewer w/prior	Wobbler
Penal	374.8	Depositing Hazardous Substances	Wobbler
Penal	382.5 - .6	Sale of Dinitrophenol	Wobbler
Penal	387	Corporate Liability for Non-Disclosure Concealed Danger	Wobbler
Penal	399(b)	Owner liability for mischievous dog that causes SBI	Wobbler
Penal	399.5	Owner Liability for Vicious Dog	Wobbler

Penal	404.6	Inciting Riot in Jail/Prison with Injury	Wobbler
Penal	417(b)	Brandishing a Firearm at Day Care Center or Officer	Wobbler
Penal	417.6	Causing Injury While Brandishing a Weapon	Wobbler
Penal	422	Criminal Threats	Wobbler
Penal	422.7	Hate Crime	Wobbler
Penal	452	Reckless Burning	Wobbler
Penal	453	Possession of explosive material	Wobbler
Penal	460(b)	Commercial/Auto Burglary	Wobbler
Penal	461(2)	Second degree burglary	Wobbler
Penal	463	Looting Destruction	Wobbler
Penal	470	Forgery	Wobbler
Penal	471	Forgery	Wobbler
Penal	472	Forgery of public and corporate seals	Wobbler
Penal	473	Forgery	Wobbler
Penal	474	Sending Forged Telegram	Wobbler
Penal	475	Possession of forgery	Wobbler
Penal	476	Passing/making of forgery	
Penal	476a	Passing NSF Check	Wobbler
Penal	481	Forgery of ticket	Wobbler
Penal	484b	Diversion of Construction Funds	Wobbler
Penal	484i	Use of Forged Credit Card	Wobbler
Penal	487	Grand Theft	Wobbler
Penal	487a	Stealing Livestock Carcass	Wobbler
Penal	487g	Stealing Animal for Sale, Medical Research, or Slaughter	Wobbler
Penal	487j	Stealing of Copper	Wobbler
Penal	496	Receiving Stolen Property	Wobbler
Penal	496a	Buying Metals Known to Be Stolen	Wobbler
Penal	496d	Buying Vehicles Know to Be Stolen	Wobbler
Penal	498(d)	Grand Theft of Utility Services	Wobbler
Penal	499(a)-(b)	Joyriding	Wobbler
Penal	499c	Theft of Trade Secrets	Wobbler
Penal	499d	Airplane Theft	Wobbler
Penal	503	Embezzlement	Wobbler
Penal	529	False Personation	Wobbler
Penal	530.5	Identity Theft	Wobbler
Penal	587	Injury to Railroad or Railroad structure	Wobbler
Penal	587.1	Moving a Locomotive	Wobbler
Penal	591	Injuring Telegraph, Telephone or Electrical Line	Wobbler
Penal	592	Taking Water from Canal, Ditch or Reservoir	Wobbler
Penal	593	Interference with Electrical Transmission Lines	Wobbler
Penal	594	Vandalism	Wobbler
Penal	594.3	Church vandalism	Wobbler
Penal	594.35	Grave Desecration	Wobbler
Penal	597	Cruelty to Animals	Wobbler
Penal	625b	Tampering With Aircraft	Wobbler
Penal	626.9	Possession of Firearm on School Grounds	Wobbler
Penal	631	Unauthorized Wiretap	Wobbler
Penal	632	Eavesdropping on Private Communication	Wobbler
Penal	632.5	Interception of Cell Phone Calls	Wobbler
Penal	632.6	Eavesdropping on Cordless Phone Communication	Wobbler

Penal	632.7	Recording Cell and Cordless Phone Communication	Wobbler
Penal	634	Trespass to Wiretap	Wobbler
Penal	635	Sale of Wiretap Equipment	Wobbler
Penal	641.3	Commercial Bribery	Wobbler
Penal	653h	Selling Pirated Discs	Wobbler
Penal	653s	Transportation of "Live Performance" Recordings	Wobbler
Penal	653u	Unlawful Recording of "Live Performance"	Wobbler
Penal	653w	Selling Pirated Audio Visual Work	Wobbler
Penal	11411	"Cross Burning"	Wobbler
Penal	11418.1	Delivery of Fake WMD	Wobbler
Penal	11418.5	Threat to Use WMD	Wobbler
Penal	12020	Possession of Enumerated Weapons	Wobbler
Penal	12025	Carrying Concealed Firearm	Wobbler
Penal	12031	Carrying Loaded Firearm	Wobbler
Penal	12034	Allowing Passenger to Fire Gun	Wobbler
Penal	12035	Criminal Storage of Firearm	Wobbler
Penal	12320	Possession of Armor-Piercing Ammunition	Wobbler
H&S	11355	Sale of In-lieu Controlled Substance	Wobbler
H&S	11360	Transporting Less Than Ounce of Marijuana	Wobbler, Prop 64**
H&S	11364.7	Manufacture of Equipment to Process Opiates	Wobbler
H&S	11366	Maintaining Drug House	Wobbler
H&S	11366.5	Providing Premises for Manufacture of Drugs	Wobbler
H&S	11366.7	Selling Pre-Cursor Chemicals or Devices	Wobbler
H&S	11366.8	False Compartment in Automobile	Wobbler
H&S	11368	Illegal Prescription for Narcotic Drug	Wobbler
H&S	11370.6	Possession of Drug-connected Money	Wobbler
H&S	11370.9	Drug Money Laundering	Wobbler
H&S	11377	Possession of Restricted Dangerous Drug	Wobbler
H&S	11379.2	Sale or Possession For Sale of Ketamine	Wobbler
H&S	11390	Cultivation of Controlled Mushrooms	Wobbler
H&S	11391	Transportation or Sale of Controlled Mushrooms	Wobbler
VC	10851	Auto theft	Wobbler
VC	23152	Felony DUI (3+ priors)	Wobbler
VC	23153	DUI with Injury	Wobbler
Penal	459	Commercial Burglary, if <\$950	Prop 47*
Penal	459.5	Commercial Burglary, if <\$950	Prop 47*
Penal	460(b)	Burglary, if <\$950	Prop 47*
Penal	470 470(a) 470(d)	475(a) 475(b) 475(c)	Forgery, if (i) <\$950 and (ii) check, bond, bank bill, note, traveler's check or money order.
Penal	476a 476a(b)	Check Fraud, if (i) <\$950 and (ii) no more than two prior forgery convictions under 470, 475, or 476	Prop 47*
Penal	484e(a) 484e(b) 484e(d)	484g 484h	Grand Theft, if <\$950
Penal	486	Theft, if <\$950	Prop 47*

Penal	487 487(a) 487(b) 487(b)(1)(A)	487(b)(1)(B) 487(b)(2) 487(c) 487(d)	487a 487b 487d 487e	487h 487i 487j	Grand Theft, if <\$950	Prop 47*
Penal	487c 487f 488	Petty theft, if <\$950				Prop 47*
Penal	489	Grand Theft, if <\$950				Prop 47*
Penal	490.2	Petty theft, if <\$950				Prop 47*
Penal	496 496(a)	Receipt of Stolen Property, if <\$950				Prop 47*
Penal	666	Petty Theft with Priors				Prop 47*
H&S	11350	Possession of Controlled Substance				Prop 47*
H&S	11357(a)	Possession of Concentrated Cannabis (Hashish)				Prop 47*, Prop 64**
H&S	11377	Possession of Methamphetamines				Prop 47*
H&S	11357	Possession of concentrated cannabis				Prop 64**
H&S	11358	Planting, cultivation, or harvesting of marijuana				Prop 64**
H&S	11359	Possession of marijuana with intent to sell				Prop 64**
H&S	11360	Sale of marijuana				Prop 64**

* Not eligible if previous conviction for a violent sex offense, sex offense against a minor, offense requiring sex offender registry under 290(c), murder (incl. attempted & solicitation), assault with a machine gun on officer or firefighter, possession of weapon of mass destruction, any offense punishable by life imprisonment or death. Relevant Penal Code(s): 37, 128, 182, 187, 191.5(a), 191.5(b), 192(c)(3), 205, 206, 207, 209(a), 209(b), 209.5, 217.1(b), 218, 219, 220, 236.1(b), 236.1(c), 243.4, 245(d)(3), 261(a)(1)-(4)&(6), 262, 264.1, 266, 266c, 266h(b), 266i(b), 266j, 267, 269, 272, 273ab, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 311.1, 311.2(b)-(d), 311.3, 311.4, 311.10, 311.11, 314.1, 314.2, 368(d)-(e), 451.5, 647.6 (formerly 647a), 653f(b), 653f(c), 664, 664-187, 667.61, 667.7, 667.71, 4500, 11418, 11418(b)(1)-(2), 12022.53(d), 18745, 18755(a), 18755(b), 12308, 12310(a)-(b), Military & Vets. 1670/1672(a), & Military & Vets. 1671/1672(a).

**Prop 64 eligible felonies are eligible to be mandatorily reduced. However, they become “wobblers”, and thus discretionary in certain circumstances: 1) on a third offense for the same crime under the new amended subsections (should not apply to convictions before November 2016); 2) if a person has previously been convicted of a serious or violent crime (see Prop 47 footnote that lists serious or violent offenses above); 3) if the offense involved the transport of more than 28.5 grams of marijuana out of the state; or 4) if the offense involved a sale to a person under 18. Felony penalties will remain for sales to minors (H&S 11361) and manufacturing concentrates by chemical synthesis without a license (H&S 11379.6).

Offenses Ineligible for 1203.4 Dismissal

Code	Section	Description	Remedy
VC	42002.1	Failure to stop for inspection when previously convicted of any misdemeanor charge of VC 2800, 2801, or 2802	Certificate of rehabilitation (COR)
Penal	286(c)	Sodomy with a minor	None
Penal	288	Lewd and lascivious acts with a minor	None
Penal	288a(c)	Oral copulation with a minor under the age of 14 and more than 10 years younger than the defendant	None
Penal	288.5	Continuous sexual abuse of a child	None
Penal	289(j)	Statutory rape of a minor under the age of 14 and more than 10 years younger than the defendant	None
Penal	311.1	Various child pornography offenses	COR
Penal	311.2	Misconduct of jurors/referees/umpires	COR
Penal	311.3	State printer conflict of interest	COR
Penal	311.11	Collusion of state printer in fraud against state	COR
Penal	261.5(d)	FELONY convictions only – statutory rape of a minor under the age of 16 by a defendant 21 years or older	COR