|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Felony Checklist[[1]](#footnote-1) (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 |
| 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-Curser 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. | | | Prop 47\* |
| 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 | | | Prop 47\* |
| Penal | 486 | Theft, if <$950 | | | | Prop 47\* |
| Penal | 487  487(a)  487(b)  487(b)(l)(A) | 487(b)(l)(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 |

1. References applies to whole section, unless a particular subsection is noted. [↑](#footnote-ref-1)