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:[[1]](#footnote-1)**

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:[[2]](#footnote-2)**

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* [[3]](#footnote-3)
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.

1. Only simple drug possession convictions are included. Drug possession on jail or prison property is not affected by Prop 47. [↑](#footnote-ref-1)
2. 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). [↑](#footnote-ref-2)
3. The offenses listed under Penal Code § 667(e)(2)(C)(iv) are:

   “Sexually violent offenses" committed by force, violence, duress, menace, fear bodily injury, or threat of retaliation.

   Oral copulation, sodomy, or sexual penetration with a child under age 14 and more than 10 years younger than the defendant.

   Lewd or lascivious acts with a child under age 14 years.

   Murder or gross vehicular manslaughter while intoxicated.

   Solicitation to commit murder.

   Assault with a machine gun on a peace officer or firefighter.

   Possession of a weapon of mass destruction.

   Any serious or violent felony punishable by life imprisonment or death. [↑](#footnote-ref-3)