Thin Blue Line RP

PENAL CODE HANDBOOK

***2021-2022***

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***THIS PENAL CODE AND RELATED DOCUMENTS, AMENDMENTS AND ADDITIONS ARE NOT LEGALLY BINDING, OR TO BE CONSTRUED, SUBSTITUTED OR USED AS ACTUAL PENAL CODE LAWS AND REGULATIONS IN REAL LIFE. LOS SANTOS COUNTY DEPARTMENT OF JUSTICE RP ASSUMES NO LIABILITY FOR YOUR USE OF THESE IN REAL LIFE, AND AT YOUR SOLE DISCRETION. THIS IS TO BE USED IN GAME ONLY!!!***

# **Title 0: Preamble and definitions**

## **(0)01. Preamble**

### For the creation of a document that ensures the safety of the people of San Andreas and a fair, well-documented process for the enforcement of criminal penalties in the State of San Andreas as written in its laws and codes. This document is only for use for in game/in character infractions and does not create a set of rules for use outside of game or outside of character. All members are reminded that all scenarios must comply with Los Santos County Department of Justice RP rules.

## **(0)02. Citing the Code**

### For consistency and to allow ease of understanding, please refer to penal code entries in one of three ways:

### With the full title, underlined, prefix first. For example, (1)01. Criminal Threats or (10)01. Drivers Licenses

### With the prefix (x)xx. For example, (1)01. or (10)01.

### With the shortening code PCX-XX. For example, PC1-01 or PC10-01

## **(0)03. Definitions**

### “Administrative Search” - An Administrative search is one that complies with all of the following; Serves a non investigative purpose. Serves the public good. Is only as invasive as required to meet the purpose given. Is applied either to all persons/property within or accessing a given area or is applied in a random manner. May be opted out of prior to the search commencing. Persons who opt out of a search may be denied access to the area being protected by the search. A person may not opt out of an administrative search after entering an area where a notice is published that searches may be conducted.

### “Affirmative Defense” - A new fact or set of facts that operates to defeat a claim even if the facts supporting that claim are true. Generally when a person admits to committing an act but states he/she has a reason for doing so which nullifies potential conviction. Most commonly used in self-defenses cases

### “Civilian” or "Citizen" - Any individual who is not an on-duty peace officer or national guardsmen.

### ”Community Property” - Joint ownership of all property acquired during a marriage. A party of a marriage cannot steal community property as he/she is considered an owner of that property

### “Contraband” - Any property that it is illegal to produce or possess. In the context of a correctional facility any controller substance or alcoholic substance.

### “Deadly Force” - When a person intends to cause death or serious bodily harm or when he or she recognizes personal involvement in the creation of a substantial risk that death or bodily harm will occur.

### “Depraved Indifference to Human Life" When a person engages in conduct that poses a grave risk of death. A person has a depraved indifference to human life when that person has an utter disregard for the value of human life – a willingness to act, not because he or she means to cause grievous harm, but because he or she simply does not care whether or not grievous harm will result. In other words, a person who is depravedly indifferent is not just willing to take a grossly unreasonable risk to human life. Instead, that person does not care how the risk turns out.

### “Detain” - To prevent from proceeding.

### “Entrapment” - A practice whereby a law enforcement agent induces a person to commit a criminal offence that the person would have otherwise been unlikely to commit. For example charging a person with possession of a controlled substance after forcing said substance into his/her hand.

### “Force” - Power, violence, compulsion, or constraint exerted upon or against a person or thing.

### “Government employee” - Any on-duty employee of a local, state, or federal agency.

### “Involuntary Intoxication” - A person who was drugged or had their awareness impaired against their will or knowledge.

### “Malice Aforethought” - With wanton disregard for human life, does an act that involves a high probability that it will result in death.

### “MDC” - Mobile Database of Criminals, or the official State of San Andreas database system for criminal and personal identification and information."Stacking Charges" refers to a suspect committing a specific crime on multiple occasions or during multiple incidents. Each "stacked charge" or "count" of the crime will be added to the criminal's record and includes all related punishments, subject to (10)00 Exceptions.

### “Necessity” - With respect to an affirmative defense, the act of committing a violation of the penal code because the alternative would create a significant risk of harm to oneself, others, or a situation worse then if the act were committed. Necessity protections do not apply to property (however self-defense may) and do not apply for cases where the acts of the individual created the need for the violations.

### “One Party Notification Policy” - So long as one party (either person on the phone, in a facility, or other location where a conversation or event is being recorded) is aware of the situation it is considered a legal recording. Property owners always have full surveillance rights to their property and facilities, parking lots, etc. they maintain.

### “Peace Officer” - An individual who is, through a badge, unique identifier, or other internal police protocol, an on-duty officer of the law. Departments employing peace officers are expected to maintain appropriate internal policy to distinguish when an officer is on duty, plain clothes, and other states besides a typically uniformed officer.

### “Person” - Any living human being or individual.

### “Plain View Doctrine” - Legal doctrine that allows an officer to seize without warrant, evidence and contraband that are found in plain view during a lawful observation. For plain view doctrine to apply the officer must be lawful present at the place where the evidence can be plainly seen, have a lawful right of access to the object, and incriminating character of the object to be “immediately apparent.” The standard of probable cause is used to determine if an object is evidence or contraband. Such items seized under this doctrine can be used as probable cause to obtain an arrest and/or search warrant.

### “Premeditation” - Planning, plotting or deliberating before doing something.

### “Probable Cause” - Apparent facts discovered through logical inquiry that would lead a reasonably intelligent and prudent person to believe that an accused person has committed a crime, thereby warranting his or her prosecution and/or search of his or her person or property.

### “Property” - Anything that is owned by a person or entity.

### “Reasonable Suspicion” - A legal standard of proof that requires specific and articulable facts taken together with rational inferences from those facts. For example a report of a Blue and White Rumpo Van shooting at another car at a location followed by a peace officer observing an identical van within 500’ and 2 minutes of the event would be reasonable suspicion. On the other hand a report of a blue van committing an offense at a location would not be reasonable suspicion to pull over a blue van 20 minutes and 3 miles away.

### “Risk” - The potential danger that threatens to harm or destroy an object, event, or person.

### “Self-Defense” - The protection of one's person or property against some injury attempted by another. Generally a person may use reasonable force when it appears reasonably necessary to prevent an impending injury. A person using force in self-defense should use only so much force as is required to repel the attack. Non Deadly force can be used to repel either a nondeadly attack or a deadly attack. Deadly Force may be used to fend off an attacker who is using deadly force but may not be used to repel an attacker who is not using deadly force. Self defense also applies to the defense of others. Self-Defense does not apply in cases where a person has placed his or herself directly in harm's way (for example by attacking another person or committing a criminal act against another)

### “Substantial Risk” - Means a strong possibility, as contrasted with a remote or even a significant possibility, that a certain result may occur or that certain circumstances may exist. It is the risk of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that a reasonable person would exercise in such a situation.

### “Terry Frisk” - quickly patting down the clothes of a possible criminal suspect to determine if there is a concealed weapon. This police action is generally considered legal (constitutional) without a search warrant.

### "Wanton Disregard for Safety" - With respect to driving violations includes, but is not limited to committing either three or more violations within rapid succession, damaging property, driving on an unpopulated sidewalk, pedestrian passageway, or plaza, meandering between lanes of traffic erratically, demonstrating poor control of the motor vehicle or driving decisions, or driving at excessive speeds while violating other sections of this code.

### “Weapon” - Any object, tool or item, whether or not regulated or manufactured, that a person utilizes to inflict harm, threaten harm, or utilize in lieu of a regulated or manufactured item that, when used as intended, can inflict harm.

## **(0)04. Classification of Crimes**

### All violations of this penal code are classified in 1 of 3 ways.

### Infraction - Least serious violation of the penal code. Results in a fine and/or loss of a privilege.

### Misdemeanor - Minor violation of the penal code. Results in arrest, a fine and/or jail time generally up to 60 seconds.

### Felony - Serious violation of the penal code. Results in a fine and jail time of at least 60 seconds.

## **(0)05. Out of Character Notes**

All items in (()) refer to Out of Character Notes.

((The age, gender, or mental state of your character has no bearing on your location of imprisonment or time of imprisonment.))

((Nothing in this document should be used for any real world purpose. This document is not an attempt to create real world legal advice.))

# **Title 1.Crimes Against The Person**

## **(1)01.Criminal Threats**

1. A person who communicates to another that they will physically harm or kill such other, placing such other in a reasonable state of fear for their own safety is guilty under this code section.
2. A person who communicates that they will physically harm or kill another person’s close friends or relatives is guilty under this code section.
3. Such communication can be not just verbal, but also in writing or transmitted through other media is guilty under this code section.

- Violations of Penal Code (1)01 are a misdemeanor with 60 seconds imprisonment.

NOTE: Criminal Threats differs from assault in terms of the distance between the acts. Criminal Threats can occur across the street, while assault is up close, within reach of leading to battery

## **(1)02. Assault**

1. A person who intentionally puts another in the reasonable belief of imminent physical harm or offensive contact is guilty under this code section.

- Violations of Penal Code (1)02 are a misdemeanor with 60 seconds imprisonment and a fine of $1,000.

NOTE: Assault is defined by distance the threats occur. Someone a few feet away threatening to harm or kill you at any moment is assault. Criminal Threats is less severe as there’s a distance that someone can escape through, or that the perpetrator has more time to reconsider the threat. Any unwanted physical contact is considered to be battery, however grabbing someone during a threat may be either assault or battery, depending on intention and interpretation.

## **(1)03. Assault With A Deadly Weapon**

1. A person who attempts to cause or threaten immediate harm to another while using a weapon, tool, or other dangerous item to communicate that threat is guilty under this code section.

- Violations of Penal Code (1)03 are a felony with 120 seconds imprisonment and a fine of $10,000.

## **(1)04. Battery**

1. A person who uses intentional and unlawful force or violence to cause physical harm to another person is guilty under this code section.

- Violations of Penal Code (1)04 are a misdemeanor with 60 seconds imprisonment and a fine of $2,000.

## **(1)05. Aggravated Battery**

1. A person who commits battery and serious bodily injury is inflicted on the person is guilty under this code section.

- Violations of Penal Code (1)05 are a felony with 120 seconds imprisonment.

## **(1)06. Attempted Murder**

1. A person who takes a direct step towards killing another person and intended to kill that person is guilty under this code section .

- Violations of Penal Code (1)06 are a felony with 240 seconds imprisonment and a fine of $10,000.

## **(1)07. Manslaughter**

1. A person who unintentionally kills another, with or without a quarrel or heat of passion is guilty under this code section.
2. A person who, through a criminal accident or negligence, causes someone's death is guilty under this code section.

- Violations of Penal Code (1)07 are a felony with 270 seconds imprisonment.

NOTE: Manslaughter is homicide that is not premeditated or proven to have intent or an opportunity to pause and reflect on killing that person. An opportunity to reflect (and therefore possibly change your mind) demonstrates premeditation and is murder. Manslaughter is only charged in the penal code when some sort of criminal negligence or action can be proven.

## **(1)08. Second Degree Murder**

1. A person who unlawfully kills another with malice aforethought is guilty under this code section.

- Violations of Penal Code (1)08 are a felony with 360 seconds imprisonment.

## **(1)09. First Degree Murder**

1. A person who commits murder while engaging in a felony offense that has been proven to be a premeditated act is guilty under this code section.
2. A person who kills a peace officer with malice aforethought is guilty under this code section.
3. A person who commits murder which is done in a way that is willful, deliberate and premeditated is guilty under this code section.

- Violations of Penal Code (1)09 are a felony with life-sentence imprisonment. ((This means that the character will be deleted and may not be used again by any civilian within the community)).

## **(1)10. False Imprisonment**

1. A person who intentionally and unlawfully restrained, detained, or confined a person and made the person stay or go somewhere against his or her will is guilty under this code section.

- Violations of Penal Code (1)09 are a misdemeanor with 60 seconds imprisonment and a fine of $1,000.

## **(1)11. Kidnapping**

1. A person who forcibly, or by any other means of instilling fear, steals or takes, or holds, detains, or arrests any person is guilty under this code section.
2. A person who commits false imprisonment for the purpose of protection of arrest is guilty under this code section.

- Violations of Penal Code (1)10 are a felony with 210 seconds imprisonment.

## **(1)12. Torture**

1. A person who intentionally causes extreme pain and suffering to someone is guilty under this code section.
2. A person who causes pain and suffering for the purpose of revenge, extortion, persuasion, or for any sadistic purpose is guilty under this code section.

- Violations of Penal Code (1)11 are a felony with 600 seconds imprisonment.

## **(1)13. Reckless Endangerment - Misdemeanor**

1. A person who’s conduct creates a substantial serious risk of injury to another person is guilty under this code section.

- Violations of Penal Code (1)12 are a misdemeanor with 60 seconds imprisonment and a fine of $1,000.

## **(1)14. Reckless Endangerment - Felony**

1. A person who under circumstances indicating a depraved indifference to human life recklessly engages in conduct which creates a grave risk of death to another person is guilty under this code section.

- Violations of Penal Code (1)13 are a felony with 180 seconds imprisonment.

# **Title 2.Crimes Against Property And Criminal Profiteering**

## **(2)01. Arson**

1. A person who intentionally and maliciously sets fire to or burns any structure, forest land, or property without prior authorization is guilty under this code section.
2. A person who intentionally aids, counsels, or helps facilitate the burning of any structure, forest land, or property without proper authorization is guilty under this code section.
3. A person who, through criminal accident or negligence, causes a fire to burn any structure, forest land, or property is guilty under this code section.

- Violations of Penal Code (2)01 are a felony with 210 seconds imprisonment.

NOTE: Arson’s criminality is when someone intentionally creates or helps create a fire.

## **(2)02. Trespassing**

1. A person who remains on a property after being told to leave by the property owner, an agent of the property owner, or a peace officer is guilty under this code section.
2. This cannot stack with (2)03. Trespassing within a Restricted Facility.
3. This crime cannot stack with any form of Burglary

- Violations of Penal Code (2)02 are a misdemeanor with $1,000.

NOTE: A person cannot trespass on their own property. A peace officer may not tell a person to leave his/her own property.

## **(2)03. Trespassing within a Restricted Facility**

1. A person who, without proper authorization, enters any government owned or managed facility that is secured with the intent of keeping ordinary citizens outside is guilty under this code section .
2. Such facilities include (but are not limited to) correctional institutions, airports, military encampments, and federally restricted spaces.
3. This does not apply to local facilities, such as restricted areas within police stations, hospitals, and courthouses.
4. This charge cannot stack with (2)02. Trespassing
5. This charge cannot stack with any form of Burglary.

- Violations of Penal Code (2)03 are a felony with imprisonment for 60 seconds.

## **(2)04. Burglary**

1. A person who enters a structure without the permission of the owner or agent of the owner is guilty under this code section.
2. This crime cannot stack with any form of Trespassing.

- Violations of Penal Code (2)04 are a misdemeanor with 60 seconds imprisonment.

NOTE : Burglary can include homes, apartments, offices, vehicles or any locked space with restricted access. Burglary is also committed irrelevant if any theft or other crime takes place. A less severe act of burglary is trespassing, which would account for instances where there is no intent to commit a crime, no locked door or other physical restriction. The occupancy state of the structure is not relevant to this penal code. This charge can stack with robbery and or theft as appropriate.

## **(2)05. Possession Of Burglary Tools**

1. A person who has in their possession the appropriate combination of tools necessary to commit burglary, such as a tension bar along with a screwdriver, shimmy, or other appropriate items is guilty under this code section.

- Violations of Penal Code (2)05 is a misdemeanor with 60 seconds imprisonment and a fine of $1,000.

NOTE: It must be demonstrated that the person has a certain combination of these tools or in an appropriate context that would assume their usage in burglary. Having a screwdriver is not punishable alone, but a screwdriver, along with a tension bar, is punishable.

## **(2)06. Robbery**

1. A person who takes property from the possession of another against their will, by means of force or fear, such as through criminal threats, assault or battery is guilty under this code section.
2. This charge cannot stack with (2)07. Armed Robbery.

- Violations of Penal Code (2)06 is a felony with imprisonment for 150 seconds.

NOTE : Robbery stacks with any Title 1 crimes that are attempted during the Robbery. It cannot stack with Armed Robbery, which is when the force, criminal threats , or fear involves a dangerous weapon.

## **(2)07. Armed Robbery**

1. A person who takes property from the possession of another against their will, by means of force facilitated with a gun is guilty under this code section

- Violations of Penal Code (2)07 is a felony with imprisonment for 390 seconds.

NOTE: Armed Robbery stacks with any Title 1 crimes that are attempted during the robbery. It cannot stack with Robbery.

## **(2)08. Petty Theft**

1. A person who steals or takes the personal property of another worth $950 or less is guilty under this code section.
2. A person who fails to pay a contract or invoice within a reasonable amount of time for services totaling less than $950 in value is guilty under this code section.

- Violations of Penal Code (2)08 is a misdemeanor with a fine of $1,000.

## **(2)09. Grand Theft**

1. A person who steals or takes the personal property of another worth more than $950 or a firearm of any value is guilty under this code section.
2. A person who fails to pay a contract or invoice within a reasonable amount of time for services totaling more than $1,000 in value is guilty under this code section.

- Violations of Penal Code (2)09 is a felony with 90 seconds imprisonment.

## **(2)10. Grand Theft Auto**

1. A person who commits the theft of any motor vehicle, no matter the value is guilty under this code section.
2. This charge cannot stack with any form of Trespassing or Burglary.

- Violations of Penal Code (2)10 is a felony with 90 seconds imprisonment.

NOTE: Grand Theft Auto does not stack with theft, burglary, or trespassing of a vehicle.

## **(2)11. Receiving Stolen Property**

1. A person who knowingly buys or receives any property that has been stolen or that has been obtained in any manner constituting theft or extortion is guilty under this code section.

- Violations of Penal Code (2)11 is a felony

with 90 seconds imprisonment and a fine of $10,000.

NOTE: If an officer can prove that the individual should have known the item was stolen based on outside factors, such as the price or quality, or any sort of common knowledge, then the person can be charged.

## **(2)12. Extortion**

1. A person who intimidates or influences another to provide or hand over properties or services is guilty under this code section.
2. A person who utilizes or threatens their power or authority with demonstrated malice aforethought in order to compel action by another is guilty under this code section.
3. A person who utilizes privileged information to intimidate another for certain property or services is guilty under this code section.

- Violations of Penal Code (2)12 is a felony with 120 seconds imprisonment and a fine of $10,000.

NOTES: Extortion depends on a person or organization using its authority, power, or influence to intimidate and threaten someone in return for property or services. Property may be demanding money to keep quiet or demanding a certain personal payment to prevent a strike. Extortion may serve in lieu of corruption depending on the circumstances, or if it involves a private organization. A union threatening a strike or collective worker action is NOT extortion unless a specific leader or member is being paid to influence union operations.

## **(2)13. Forgery/Fraud**

1. A person who knowingly alters, creates, or uses a written document with the intent to defraud or deceive another is guilty under this code section.
2. A person who knowingly signs a document or agreement, electronic or otherwise, without the consent or authority of whom they are signing for is guilty under this code section.
3. A person who intentionally misrepresents a matter of fact - whether by words or by conduct, by false or misleading allegations, or by concealment of what should have been disclosed - that deceives and is intended to deceive another so that such other will act upon it to their disadvantage is guilty under this code section.

- Violations of Penal Code (2)13 is a felony with 90 seconds imprisonment.

## **(2)14. Vandalism**

1. A person that defaces, damages, or destroys property which belongs to another is guilty under this code section.

- Violations of Penal Code (2)14 is a misdemeanor with 90 seconds imprisonment and a fine of $1,000.

# **Title 3. Crimes Against Public Decency**

## **(3)01. Lewd Or Dissolute Conduct In Public**

1. A person who solicits anyone to engage in inappropriate sexual or sexually suggestive conduct in any public place or in any place open to the public or exposed to public view is guilty under this code section.
2. A person who touches his or her private parts in any place open to the public or exposed to public view is guilty under this code section.
3. A person who solicits or engages in sexual activity in a public place or any place open to public view is guilty under this code section.

- Violations of Penal Code (3)01 is a misdemeanor with a fine of $1,000.

## **(3)02. Indecent Exposure**

1. A person who intentionally exposes their naked body or genitalia on public property or in the public area of a privately owned business is guilty under this code section.
2. A person who intentionally exposes their naked body or genitals to another person without that person's consent is guilty under this code section.
3. A person who intentionally exposes their naked body or genitalia on private property without permission of the property owner is guilty under this code section.
4. A person who engages in sex or other sexual activity in view of a minor is guilty under this code section.

- Violations of Penal Code(3)02 is a felony with 60 seconds imprisonment and a fine of $1,000.

NOTE: Private parties / reservations in public areas are considered public events that can be restricted and therefore permit naked bodies. It is when it is in a public area or exposed to children that it is indecent exposure.

## **(3)03. Prostitution**

1. A person who knowingly engages in or offers to engage in a sexual act in exchange for payment or other goods and services is guilty under this code section.

- Violations of Penal Code (3)03 is a misdemeanor with 60 seconds imprisonment and a fine of $2,000.

NOTE: Anyone who cannot be proven to commit prostitution may charged with Indecent Exposure or Lewd or Dissolute Conduct depending on the circumstances.

## **(3)04. Pandering / Pimping**

1. A person who knowingly receive financial support or maintenance from the earnings of someone engaged in prostitution is guilty under this code section.
2. A person who receives or tries to receive compensation for soliciting for a prostitute (that is, finding customers for him/her) is guilty under this code section .
3. A person who procures, encourages, or encourages others to procure another person for the purpose of prostitution is guilty under this code section.
4. A person who forces or encourages another person to remain engaged in prostitution is guilty under this code section.

- Violations of Penal Code (3)04 is a felony with 150 seconds imprisonment and a fine of $10,000.

## **(3)05. Sexual Battery**

1. A person who commits unwanted touching or sexual contact is guilty under this code section.
2. A person who causes battery or similar aggressive physical contact for the purpose of sexual arousal, gratification, or abuse is guilty under this code section.

- Violations of Penal Code (3)05 is a felony with 120 seconds imprisonment and a fine of $10,000.

## **(3)06. Rape**

1. A person who forces another to engage in sexual intercourse is guilty under this code section.
2. A person who performs non consensual sexual intercourse with another is guilty under this code section.
3. A person who performs sexual intercourse with another who is incapacitated, disabled, or unable to give consent is guilty under this code section.

- Violations of Penal Code (3)06 is a felony with 210 seconds imprisonment.

## **(3)07. Stalking**

1. A person who intentionally and maliciously follows or harasses another person who has made it known that they do not consent to such following or harassment is guilty under this code section.
2. A person whose actions cause another person to reasonably fear for their safety, or the safety of their close friends or relatives is guilty under this code section.
3. A person who violates an official restraining order issued by a court is guilty under this code section.

- Violations of Penal Code (3)09 is a felony with 120 seconds imprisonment.

# **Title 4. Crimes Against Public Justice**

## **(4)01. Bribery**

1. A person who offers or gives a monetary gift, gratuity, valuable goods, or other reward to a public official, a government employee, or peace officer in an attempt to influence their duties or actions is guilty under this code section.
2. A person who gives services or nonmaterial, but valuable actions to a public official, a government employee, or peace officer in an attempt to influence their duties or actions is guilty under this code section.

- Violations of Penal Code (4)01 is a felony with 120 seconds imprisonment and a fine of $10,000 or double the amount of the bribe whichever is greater.

## **(4)02. Dissuading A Victim**

1. A person who prevents the distribution, completion, answering, or due process of an affidavit or other legal statement is guilty under this code section.

- Violations of Penal Code (4)02 is a felony with 120 seconds imprisonment and a fine of $10,000.

## **(4)03. False Information To A Government Employee**

1. A person who provides false information or details to a peace officer during the course of a criminal investigation or lawful detainment is guilty under this code section.
2. A person who provides knowingly inaccurate data to a government employee investigating in some official capacity is guilty under this code section.

- Violations of Penal Code (4)03 is a misdemeanor with 60 seconds imprisonment and a fine of $1,000.

## **(4)04. Filing A False Police Report**

1. A person who reports to any peace officer that a felony or misdemeanor has been committed knowing the report to be false is guilty under this code section.

- Penal Code (4)04 is a misdemeanor with 60 seconds imprisonment.

## **(4)05. Failure To Identify To A Peace Officer**

1. A person who, while being detained or under arrest by a peace officer, fails to provide a peace officer or other legal authority their name as it appears on an I.D. card or other identifiable information for MDC purposes is guilty under this code section.

- Violations of Penal Code (4)05 is a misdemeanor with 60 seconds imprisonment and a fine of $1,000.

((NOTE: Once a subject has been taken to jail for booking they shall provide their character information out of character if they elect to not identify in character.))

## **(4)06. Impersonation Of A Government Employee**

1. A person who pretends or implies the role of a government worker, such as a peace officer, paramedic, tax collector, federal investigator, or other official is guilty under this code section.
2. A person who wears an official or realistic government employee uniform with an official or realistic badge or identification tag except on an official, legally sanctioned movie or production set is guilty under this code section.
3. A person who claims to be a government worker in order to deceive or take advantage of another individual or organization is guilty under this code section.
4. Military personnel are not permitted to wear their uniforms off base except in the performance of their assigned job function.

- Violations of Penal Code (4)06 is a misdemeanor with 120 seconds imprisonment and a fine of $1,000.

## **(4)07. Obstruction Of A Government Employee**

1. A person who shows a clear and motivated attempt to prevent a government employee from conducting their duties is guilty under this code section.
2. A person who fails to comply with an officer's lawful orders is guilty under this code section.

- Violations of Penal Code (4)07 is a misdemeanor with 60 seconds imprisonment and a $1,000 fine.

NOTE: A government employee would need to contact a peace officer to get the charge of Obstruction issued.

## **(4)08. Resisting A Peace Officer**

1. A person who avoids apprehension from an officer by non-vehicular means or resists apprehension by any physical means is guilty under this code section is guilty under this code section.
2. This charge does not include the attempt to flee and elude by vehicular means, which is (8)29. Evading a Peace Officer.

- Violations of Penal Code (4)08 is a misdemeanor with 60 seconds imprisonment and a $1,000 fine.

NOTE: Resisting with physical violence can additionally result in assault and/or battery charges. This section does not apply to citizen's arrest. Resisting a citizen’s arrest may be considered battery when unreasonable force is used.

## **(4)09. Escape From Custody**

1. A person who has been physically detained or arrested by a peace officer and escapes or attempts to escape from said Peace Officer’s personal custody is guilty under this code section

- Violations of Penal Code (4)09 is a misdemeanor with 60 seconds imprisonment in addition to any outstanding charges on an individual who commits an escape.

NOTE: Escaping with physical violence can additionally result in assault and/or battery charges.

## **(4)10. Escape**

1. Any person arrested, booked, charged, or convicted of any crime who thereafter escapes from a county or city jail, prison, community service, or custody of a Correctional or Parole Officer is guilty under this code section.

- Violations of Penal Code (4)10 is a felony with 90 seconds imprisonment and a $10,000 fine in addition to any outstanding charges on an individual who commits an escape.

## **(4)11. Prisoner Breakout**

1. A person who directly aids or assists an inmate with escaping from the law, including the lawful custody of a peace officer, prisoner transport, parole, community service, or incarceration in a county jail or state prison is guilty under this code section.
2. A person who provides information or insights that subsequently assist an inmate with escaping from the law is guilty under this code section.

- Violations of Penal Code (4)11 is a felony with 90 seconds imprisonment and a $10,000 fine imprisonment.

## **(4)12. Violations of Human Trafficking**

1. A person who intentionally smuggles non-citizens into the state without proper visas and authorization is guilty under this code section.
2. A person who intentionally restricts another’s liberty with intent for forced labor or sex trafficking, or other forced activities is guilty under this code section.
3. This charge does not stack with (1)10. Kidnapping

- Violations of Penal Code (4)12 is a felony with 300 seconds imprisonment and a fine of $500,000.

## **(4)13. Misuse Of A Government Hotline**

1. A person who uses an emergency government hotline for any purpose other than an emergency situation which involves a life-or-death request for assistance or other purposes dictated by the hotline managers is guilty under this code section.
2. A person who uses any non-emergency or public hotline for purposes irrelevant to that particular government office, department, or agency is guilty under this code section.
3. A person who performs prank calls, fake calls, or tries to incite mayhem through public government lines is guilty under this code section.

- Violations of Penal Code (4)13 is a misdemeanor with a fine of $1,000.

## **(4)14. Tampering With Evidence**

1. A person who willfully and intentionally destroys or attempts to destroy, creates or attempts to create false evidence, conceal, or alter any evidence that can later potentially be used in a Criminal investigation or court proceeding is guilty under this code section.

- Violations of Penal Code (4)14 is a misdemeanor with a fine of $1,000.

## **(4)15. Introduction Of Contraband**

1. A person who provides contraband to an inmate of a correctional facility, or attempts to enter a facility with contraband within his or her control is guilty under this code section.

- Violations of Penal Code (4)15 is a felony with 120 seconds imprisonment.

## **(4)16. False Arrest**

1. A peace officer, or person pretending to be a peace officer, who, under the pretense of any process or other legal authority, does any of the following, without a regular process or other lawful authority is guilty under this code section:
   * Arrests any person or detains that person against his or her will.
   * Seizes or levies upon any property.
   * Dispossesses any one of any lands or tenements.

- Violations of Penal Code (4)16 is a felony with 120 seconds imprisonment and a $10,000 fine.

NOTE: Only a patrol supervisor can initiate proceedings against a peace officer who has violated this code. An officer who imprisons or fines a person without proper cause or procedure is subject to imprisonment under this law. ((The inclusion of this law does not indicate that it is acceptable for peace officers to ignore procedures. Ignoring procedures may result in OOC consequences. It is “acceptable” for civilians to violate this law if their “civ rank” allows such.))

## **(4)17 Perjury**

1. A person who willfully gives false information while testifying in court, during a deposition, or on a signed document presented to a court is guilty under this section.

-Violations of Penal Code (4)17 are a felony with 120 second imprisonment and a fine of $10,000.

Note: A person must be "under oath" or filing a legal document with a court (as opposed to a documents presented as evidence) to be charged under this section.

## **(4)18 Impersonation of a Lawyer**

1. A person who is not a certified lawyer who presents himself as a lawyer to another person in order to gain a benefit for himself or a liability for another person is guilty under this code section.

-Violations of (4)18 are a felony with 90 seconds imprisonment and a fine of $10,000

Note: The simple fact of making a claim to be a lawyer is not enough for a charge under this section. There must also be some act that creates a benefit or a liability.

## **(4)19 Contempt of Court**

1. A person who is disrespectful of the court process is guilty under this code section.

A. Examples include but are not limited to being excessively loud or belligerent, refusing to be sworn in as a witness, refusing to comply with a judges request, and willfully disobeying a court order.

Note: This section must be charged by a judge. ((Because court proceeding are out of game this charge should be filed as a warrant so that the time will be served at the time of the next jailing)) -Violations of (4)19 are a misdemeanor with 60 seconds imprisonment and a fine of $1000

## **(4)20. Posse Comitatus Act**

1. When military personnel perform peace officer duties against its citizens off of military installations, conduct operations against the government institutions, on public land or conduct subversive or hostile actions against the citizens or create havoc for AI and other RP.

-Penal Code (4)/20 is a felony offense resulting in the loss of character and/or department rank.

## **(4)21. Stolen Valor Act**

1. When a person impersonates a military veteran, identifies as such, accepts gratitude or gifts intended for military veterans or active duty personnel.

-Penal code (4)21 is a felony offense resulting in 300 seconds jail, for first offense. 2nd offense is 600 seconds, and 3rd offense is loss of character -- life sentences. A 4th or more offense results in a 24 + ban

# **Title 5. Crimes Against Public Peace**

## **(5)01. Disturbing The Peace**

1. Any person who unlawfully fights in a public place or challenges another person in a public place to fight is guilty under this code section.
2. Any person who maliciously and willfully disturbs another person by loud and unreasonable noise is guilty under this code section.
3. Any person who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction is guilty under this code section.

- Violations of Penal Code (5)01 is a misdemeanor with a fine of $400.

## **(5)02. Unlawful Assembly**

1. Whenever two or more persons, assembled and acting together, make any attempt or advance toward the commission of an act which would be a riot if actually committed
2. Whenever two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner is guilty under this code section.
3. Remaining present at the place of any unlawful assembly, after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same is guilty under this code section.

- Violations of Penal Code (5)02 is a misdemeanor with 60 seconds imprisonment.

## **(5)03. Incitement To Riot**

1. A person who with the intent to cause a riot does an act or engages in conduct that urges a riot, or urges others to commit acts of force or violence, or the burning or destroying of property, and at a time and place and under circumstances that produce a clear and present and immediate danger of acts of force or violence or the burning or destroying of property is guilty under this code section.Violations of Penal Code (5)03 is a misdemeanor with 60 seconds imprisonment and a $1,000 fine.

**Title 6. Of Crimes Against Public Health And Safety**

## **(6)01. Possession Of A Controlled Substance**

1. A person who possesses any controlled substance, except when the substance has been lawfully prescribed to them by a licensed practitioner of medicine or is legally available without a prescription is guilty under this code section.
2. A person who possesses more than the following amounts of cannabis without a license to manufacture/sell is guilty under this code section:
   * 1 ounce of dry cannabis or
   * 8 grams of concentrated cannabis
   * More than 6 plants when such plants in located in a private residence.
3. Cannabis is legal in the state of San andreas. You may apply for a license to grow and distribute to vendors/dispensaries in the sheriff's office.

- Violations of Penal Code (6)01 is a misdemeanor with 60 seconds imprisonment and a fine of $1,000.

NOTE: A controlled substance is either a prescription medication or any substance on the following list:<https://www.deadiversion.usdoj.gov/schedules/orangebook/c_cs_alpha.pdf> except cannabis (marajuana).

## **(6)02. Possession Of A Controlled Substance With Intent To Sell**

1. A person in possession of a controlled substance, cannabis, or multiple controlled substances in a large quantity is guilty under this code section.
2. A person in possession of a controlled substance or cannabis package individually in separate baggies or bindles is guilty under this code section.
3. A person with a license to manufacture/sell cannabis cannot be charged under this penal code for violations involving cannabis.
4. A person who possesses a substance that he/she claims is a controlled substance while committing a violation of penal code (6)06 is guilty under this code section in addition to (6)06.

- Violations of Penal Code (6)02 is a felony with 120 seconds imprisonment and a $20,000 fine.

## **(6)03. Possession Of Drug Paraphernalia**

1. A person who willingly possesses a device or mechanism used exclusively for the processing or consumption of an illegal controlled substance is guilty under this code section.

- Violations of Penal Code (6)03 is a misdemeanor with 60 seconds imprisonment and a fine of $1,000.

## **(6)04. Maintaining A Place For The Purpose Of Distribution**

1. A person who opens or maintains any property for the purpose of unlawfully selling, giving away, storing, or using any controlled substance, firearm, or other illicit device, good, or service is guilty under this code section.
2. A person with a license to sell cannabis may sell such from any commercially zoned establishment is not subject to this penal code for such sells.

- Violations of Penal Code (6)04 is a felony with 90 seconds imprisonment and a fine of $10,000.

## **(6)05. Manufacture Of A Controlled Substance**

1. A person who, except as otherwise provided by law, manufactures, compounds, converts, produces, or prepares, either directly or indirectly by chemical or natural extraction, any illegal substance is guilty under this code section.
2. A person with a license to manufacture may produce such from any agricultural or industrial zoned area within the limits set on the license and is not subject to violations of this penal code for such manufacturer.

- Violations of Penal Code (6)05 is a felony with 180 seconds imprisonment and a fine of $50,000.

## **(6)06. Sale Of A Controlled Substance**

1. A person who sells, offers to sell, transports with the intent to sell, or gives away a controlled substance to another person, regardless of whethe r or not they possess that controlled substance is guilty under this code section.
2. A person who has a license to sell cannabis and is doing so from a commercially zoned establishment is not subject to this penal code for such sells.

- Violations of Penal Code (6)06 is a felony with 240 seconds imprisonment and a fine of $20,000.

NOTE: Since it’s irrelevant of possession, this charge can indeed stack with whatever the present possession of a drug is on someone if they are in fact also in illegal possession of a controlled substance. This means anyone caught selling a controlled substance is also charged with whatever possession they currently have too.

## **(6)07. Public Intoxication**

1. A person who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, in a condition that he or she is unable to exercise care for his or her own safety or the safety of others is guilty under this code section.
2. A person by reason of his or her being under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, or toluene, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way is guilty under this code section .

- Violations of Penal Code (6)07 is a misdemeanor with a fine of $1,000.

## **(6)08. Under The Influence Of A Controlled Substance**

1. A person who uses or is under the influence of a controlled substance or dangerous substance without the proper permits or prescription to use such a substance is guilty under this code section.

- Penal Code (6)08 is a misdemeanor with 60 seconds imprisonment.

## **(6)09. Detention of Mentally Disordered Persons**

1. When a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 60 seconds for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment and approved by the State.

- Penal Code (6)09 is not a criminal offense but rather a policy for the handling of mental health disorders.

NOTE: Persons who are held under this code have not committed a crime and are being held for their own well being. Use of this code does not stack with any charge and cannot be used in lieu of a standard punishment for a crime. If a crime has been committed this section is not to be used. This is commonly referred to as a 5150 hold or a baker act hold. This section is most commonly used after an attempted suicide or a person threatening to commit suicide. ((Application of this section is done by use of the hospital script for 60 seconds.))

# **Title 7. Crimes Against State Dependents**

## **(7)01. Animal Abuse / Cruelty**

1. A person who intentionally maims, mutilates, tortures, wounds, or kills a living animal is guilty under this code section.
2. A person whose neglect maims, mutilates, tortures, wounds, or kills a living animal is guilty under this code section.
3. A person who owns a pet or animal that is not reasonably considered domesticated, safe, or healthy for the animal or the owner, without a proper permit is guilty under this code section.
4. A person who leaves an animal in an unattended vehicle under conditions that endanger the health of well-being of the animal is guilty under this code section. (Note: Added based on California Law)

- Violations of Penal Code (7)01 is a felony with 90 seconds imprisonment and a fine of $20,000.

NOTES: "Domesticated" refers to animals listed in [this list](http://en.wikipedia.org/wiki/List_of_domesticated_animals) of domesticated and semi-domesticated animals.

## **(7)02. Sale of Alcohol To A Minor**

1. A person who willfully and knowingly sells alcohol to a minor under the age of 21 is guilty under this code section.

- Violations of Penal Code (7)02 is a misdemeanor with a fine of $1,000.

## **(7)03. Minor Alcohol/Cannabis Violation**

1. A person under the age of 21 who is in possession of products containing alcohol or cannabis, or who appears to be under the influence of alcohol or cannabis is guilty under this code section.
2. A person who carried more cannabis then is allowed by a person in penal code (6)01 and is under the age of 21 shall be charged under penal code (6)01.

- Violations of Penal Code (7)03 is a misdemeanor with a fine of $1,000.

# **Title 8. Vehicular Offenses**

## **(8)01. Applicability**

1. This title applies to the operation of any vehicle or bicycle on any road within San Andreas.
2. This title also applies to pedestrians who are present on any road within San Andreas or any walkway/sidewalk immediately adjacent to a road.
3. A “road” or “highway” is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.
4. A “vehicle” is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device used exclusively upon stationary rails or tracks. A bicycle is a type of a vehicle.
5. A “motor vehicle” is a vehicle that is not exclusively moved by human power.
6. When a vehicle is impounded under this section it may be recovered after 1 day by the registered owner unless otherwise stated in this section. Said owner must demonstrate he/she has a valid drivers license, vehicle registration, insurance, and must pay the impound fee (($150 per day)). A vehicle may be recovered without registration and/or insurance if it is towed out of the impound lot. A vehicle not recovered after 30 days may be sold by the state.

## **(8)02. Driver License Point System**

1. All drivers of motor vehicles who are convicted of certain violations under title (8) shall be assigned points in accordance with the following table:

| Penal Code Violation | Points Assigned |
| --- | --- |
| (8)7-19, 21-28 | 1 |

2. Points expire after 12 days.

3. A person who receives 4 points shall have his/her license suspended for a period of 6 Days.

4. A person can only earn 1 point per calendar day.

5. When another section of this code requires a license suspension at the same time that this section requires the same the suspensions shall be added together.

6. When a driver is issued a license suspension under this or any other section he/she shall be informed of the suspension and the date where the suspension is no longer in effect.

## **(8)03. Vehicle Registration**

1. A person shall not drive, move, or leave standing upon a highway, or in an off street public parking facility, any motor vehicle, trailer, semitrailer, pole or pipe dolly, or logging dolly, unless it is registered and the appropriate fees have been paid under this code.
2. Any motor vehicle which is based in San Andreas or primarily used on San Andreas highways, shall be registered in San Andreas
   * Exception: A motor vehicle properly registered in any state and that has operated in San Andreas for under 90 days need not be registered in San Andreas.
   * Exception: Any motor vehicle properly registered to the federal government.

3. License plates shall at all times be securely fastened to the rear of the motor vehicle for which they are issued, fastened so as to prevent the plates from swinging, shall be mounted in a position so as to be clearly visible, and so that the characters are upright and display from left to right, and shall be maintained in a condition so as to be clearly legible.

* + - Exception: Any motor vehicle properly registered to the federal government.
    - Exception: Motor Cycles may mount plates vertically
    - Exception: Vehicles and trailers being towed by another vehicle do not require displayed license plates as long as the towing vehicle displays a license plate.
    - ((OOC Note: Some vehicles do not allow the proper display of plates under this section. In this case as long as the Civilian provides a valid registration that can be ran (a plate) this section is considered complied with. Do note that dirt bikes are not road legal.))

4. A person who sells a motor vehicle must inform the Department of Motor Vehicles within 24 hours of selling the motor vehicle.

* + - ((OOC Note: This is done by contacting a civilian supervisor or manager))

5. Proof of registration shall be carried in the motor vehicle for which issued at all times while it is being operated in the State

- Violations of Penal Code (8)03 are an infraction with a fine of $194. A motor vehicle that has not been registered may be impounded if driven on a road.

## **(8)04. Drivers Licenses**

1. A person may not drive a motor vehicle or combination of motor vehicles that is not of a type for which the person is licensed.
   1. No person shall have in his or her possession or otherwise under his or her control more than one driver’s license.
   2. The licensee shall have the valid driver’s license issued to him or her in his or her immediate possession at all times when driving a motor vehicle upon a highway.

- Violations of Penal Code (8)03 a re an infraction with a fine of $234. A motor vehicle that is being driven by someone without a valid driver’s license may be impounded.

## **(8)05. Driving Without a License**

1. A person who drives a motor vehicle without a valid license is guilty of a crime under this section.
2. Any resident of San Andreas must have a driver's license issued by the State of Andreas.
   * Exception: A person who has been a resident for under 10 days and has a valid driver's license in any state need not have a San Andreas Drivers Licenses.
   * Exception: Any resident operating a motor vehicle properly registered to the federal government who is authorized by the federal government to operate that vehicle.

- Violations of Penal Code (8)04 are a misdemeanor with a $1,000 fine. A vehicle that is being driven by someone without a valid driver’s license may be impounded.

## **(8)06. Driving With A Suspended or Revoked License**

1. No person shall drive a motor vehicle at any time when that person’s driving privilege is suspended or revoked.

- First Violations of Penal Code (8)06 are a misdemeanor with 60 seconds imprisonment, a $1,000 fine, and 6 days added to the current license suspension. A vehicle that is being driven by someone with a suspended or revoked driver’s license shall be impounded until such time that the owner demonstrate he/she has a valid license and upon payment of impound fees (($150 per day)).

- Second violation of Penal Code (8)06 within 60 days of a previous violation are a misdemeanor with 90 seconds imprisonment, a $2,000 fine, and 12 days added to the current license suspension. A vehicle that is being driven by someone with a suspended or revoked driver’s license shall be impounded and shall be forfeited ((permanently seized with no return)) if the person violating this penal code is the registered owner. If the violator is not the registered owner the registered owner may pickup the vehicle upon demonstration of a valid license and upon payment of all fees (($150 per day)).

## **(8)07. Accident Reporting Requirements - Property Damage**

1. The driver of a motor vehicle who is in any manner involved in an accident originating from the operation of a motor vehicle that has resulted in damage to the property of any one person in excess of one thousand dollars ($1,000) shall report the accident to the local law enforcement office as soon as possible
   * Exception: An accident that occurs on the drivers private property that only results in damage to the drivers property, and does not result in bodily injury or death need not be reported.

2. Every driver involved in the accident shall, unless rendered incapable, exchange with any other driver or property owner involved in the accident and present at the scene, all of the following information.

* + Driver’s name and current residence address, driver’s license number, vehicle identification number, and current residence address of registered owner.
  + Evidence of automobile insurance to include the name and address of the insurance company and the number of the insurance policy.

- Violations of Penal Code (8)06 are a misdemeanor with a $1,000 fine.

NOTES: This section is commonly referred to as Hit and Run.

## **(8)08. Accident Reporting Requirements - Injury or Death**

1. The driver of a motor vehicle who is in any manner involved in an accident originating from the operation of a motor vehicle that has resulted in bodily injury, or in the death of any person shall report the accident to the local law enforcement office as soon as possible
2. Every driver involved in the accident shall, unless rendered incapable, exchange with any other driver or property owner involved in the accident and present at the scene, all of the following information:
   * Driver’s name and current residence address, driver’s license number, vehicle identification number, and current residence address of registered owner.
   * Evidence of automobile insurance to include the name and address of the insurance company and the number of the insurance policy.

3. Drivers charged under this section may not be charged with violations of penal code (8)06 for events arising from the same accident.

- Violations of Penal Code (8)08 are a felony with 120 seconds imprisonment and a fine of $10,000.

NOTES: This section is commonly referred to as felony Hit and Run.

## **(8)09. Vehicle Insurance**

1. All drivers and all owners of a motor vehicle shall at all times be able to establish valid insurance for the vehicle, and shall at all times carry in the vehicle evidence of vehicle insurance.
2. Whenever a driver involved in an accident described in Section (8)06 fails to provide evidence of vehicle insurance, as required by this section, at the time of the accident, the state shall, suspend the privilege of the driver or owner to drive a motor vehicle, including the driving privilege of a nonresident in this state.

- Violations of Penal Code (8)09 are an infraction with a $480 fine. Violations of element 2 are additionally with license suspension until the driver provides proof of vehicular insurance or 6 days have passed.

## **(8)10. Traffic Signals - Responsibility at a Green Signal**

1. A driver facing a circular green signal shall proceed straight through or turn right or left or make a U-turn unless a sign prohibits a U-turn. Any driver, including one turning, shall yield the right-of-way to other traffic and to pedestrians lawfully within the intersection or an adjacent crosswalk.
2. A driver facing a green signal shown immediately in front of a lane marked for a left or right turn shall enter the intersection only to make the movement indicated by pavement markings or any other movement that is permitted by other indications shown at the same time. A driver permitted to make a left turn may also make a U-turn unless prohibited by a sign. A driver shall yield the right-of-way to other traffic and to pedestrians lawfully within the intersection or an adjacent crosswalk.
3. A pedestrian facing a circular green signal, unless prohibited by sign or otherwise directed by a pedestrian control signal, may proceed across the roadway within any marked or unmarked crosswalk, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.

- Violations of Penal Code (8)10 are an infraction with a $234 fine for vehicular violations and a $194 fine for pedestrian violations.

## **(8)11. Traffic Signals - Responsibility at a Red Signal**

1. A driver facing a steady circular red signal alone shall stop at a marked limit line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain stopped until an indication to proceed is shown, except as provided in element 2.
2. Except when a sign is in place prohibiting a turn, a driver, after stopping as required by element 1, facing a steady circular red signal, may turn right, or turn left from a one-way street onto a one-way street. A driver making that turn shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to any vehicle that has approached or is approaching so closely as to constitute an immediate hazard to the driver, and shall continue to yield the right-of-way to that vehicle until the driver can proceed with reasonable safety.
3. A driver facing a steady red signal shown immediately in front of a lane marked for a left turn shall not enter the intersection to make the movement indicated by pavement markings, and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked limit line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain stopped until an indication permitting movement is shown.
4. Unless otherwise directed by a pedestrian control signal a pedestrian facing a steady circular red or red arrow signal shall not enter the roadway.

- Violations of Penal Code (8)11 are an infraction with a $480 fine for vehicular violations and a $194 fine for pedestrian violations.

## **(8)12. Driving on the Right Side**

1. Upon all highways, a vehicle shall be driven upon the right half of the roadway or to the right of double solid parallel yellow lines, except as follows:
   * Yellow markings do not prohibit a driver from crossing the marking if (1) turning to the left at an intersection or into or out of a driveway or private road, or (2) making a U-turn under the rules governing that turn
   * When overtaking and passing another vehicle proceeding in the same direction when such action can be taken without crossing a solid yellow or solid white line
   * Upon a roadway restricted to one-way traffic.
   * When the vehicle is necessarily traveling so slowly as to impede the normal movement of traffic, that portion of the road adjacent to the right edge of the roadway may be utilized temporarily when in a condition permitting safe operation.

2. Whenever a road has been divided into two or more roadways by means of intermittent barriers or by means of a dividing section of not less than two feet in width, either unpaved or delineated by curbs, double-parallel lines, or other markings on the roadway, it is unlawful to do either of the following:

* + To drive any vehicle over, upon, or across the dividing section.
  + To make any left, semicircular, or U-turn with the vehicle on the divided highway, except through an opening in the barrier designated and intended by public authorities for the use of vehicles or through a plainly marked opening in the dividing section.

- Violations of Penal Code (8)12 are an infraction with a $234 fine.

## **(8)13. Maintaining Lanes**

1. Any vehicle proceeding upon a road at a speed less than the normal speed of traffic moving in the same direction at such time shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
2. On a two-lane road where passing is unsafe because of traffic in the opposite direction or other conditions, any vehicle proceeding upon the highway at a speed less than the normal speed of traffic moving in the same direction at that time, behind which five or more vehicles are formed in line, shall turn off the roadway at the nearest place where sufficient area for a safe turnout exists, in order to permit the vehicles following it to proceed.
3. Whenever any roadway has been divided into two or more clearly marked lanes for traffic in one direction, the following rules apply
   * A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until such movement can be made with reasonable safety.
     + Exception: Driving a motorcycle that has two wheels in contact with the ground, between rows of stopped or slow moving vehicles in the same lane, including on both divided and undivided streets, roads, or highways is permitted.

4. On a two-lane highway, no vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction.

- Violations of Penal Code (8)13 are an infraction with a $234 fine.

## **(8)14. Following Distance**

1. The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon, and the condition of, the roadway.
2. No vehicle, except an authorized emergency vehicle, shall follow within 300 feet of any authorized emergency vehicle operating with lights or sirens
   * This section shall not apply to a police or traffic officer when serving as an escort

- Violations of Penal Code (8)14 are an infraction with a $234 fine.

## **(8)15. Right of Way**

1. The driver of any vehicle approaching an intersection which has official traffic control signals that are inoperative shall stop at the intersection, and may proceed with caution when it is safe to do so.
2. The driver of a vehicle intending to turn to the left or to complete a U-turn upon a highway, or to turn left into public or private property, or an alley, shall yield the right-of-way to all vehicles approaching from the opposite direction which are close enough to constitute a hazard at any time during the turning movement, and shall continue to yield the right-of-way to the approaching vehicles until the left turn or U-turn can be made with reasonable safety.
3. The driver of any vehicle about to enter or cross a highway from any public or private property, or from an alley, shall yield the right-of-way to all traffic, approaching on the highway close enough to constitute an immediate hazard, and shall continue to yield the right-of-way to that traffic until he or she can proceed with reasonable safety.
4. A person driving a vehicle on a road approaching a stationary authorized emergency vehicle that is displaying emergency lights or a stationary tow truck that is displaying flashing amber warning lights, shall approach with due caution and, before passing in a lane immediately adjacent to the authorized emergency vehicle or tow truck, absent other direction by a peace officer, proceed to do one of the following
   * Make a lane change into an available lane not immediately adjacent to the authorized emergency vehicle or tow truck, with due regard for safety and traffic conditions, if practicable and not prohibited by law.
   * If the maneuver described above would be unsafe or impracticable, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.
5. The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.
6. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.
7. Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard.
8. Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.
9. Pedestrians, bicycles, and other non motorized traffic are not authorized on the following roads:
   * Interstate 1
   * Interstate 2
   * Interstate 4
   * Interstate 5
   * US Route 1
   * US Route 13
   * US Route 15
   * US Route 20
10. No person may stop a vehicle unnecessarily in a manner that causes the vehicle to block a marked or unmarked crosswalk or sidewalk.
    * The above does not preclude the driver of a vehicle facing a steady circular red light from turning right or turning left from a one-way street onto a one-way street.

- Violations of Penal Code (8)15 are an infraction with a $234 fine for vehicular violations and a $194 fine for pedestrian violations.

## **(8)16. Right of Way - Emergency Vehicles**

1. Upon the immediate approach of an authorized emergency vehicle which is sounding a siren and which has at least one lighted lamp exhibiting a red light, the surrounding traffic shall do the following:
   * the driver of every other vehicle shall yield the right-of-way and shall immediately drive to the right-hand edge or curb of the highway, clear of any intersection, and thereupon shall stop and remain stopped until the authorized emergency vehicle has passed.
2. All pedestrians upon the highway shall proceed to the nearest curb or place of safety and remain there until the authorized emergency vehicle has passed.

- Violations of Penal Code (8)16 are an infraction with a $480 fine.

## **(8)17. Turning**

1. Both the approach for a right-hand turn and a right-hand turn shall be made as close as practicable to the right-hand curb or edge of the roadway unless roadway markings permit otherwise.
2. The approach for a left turn shall be made as close as practicable to the left-hand edge of the extreme left-hand lane or portion of the roadway lawfully available to traffic moving in the direction of travel of the vehicle and, when turning at an intersection, the left turn shall not be made before entering the intersection. After entering the intersection the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in that direction upon the roadway being entered.
3. No driver shall make a U-turn at an intersection controlled by official traffic control devices except from the far left hand lane that is lawfully available to traffic moving in the direction of travel from which the turn is commenced.

- Violations of Penal Code (8)17 are an infraction with a $234 fine.

## **(8)18. Speed Limits**

1. No driver may operate a vehicle at a speed greater than the posted speed limit.
2. No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.
3. When no speed limit is posted the following speed limits apply:
   * 15 mph in any alley way
   * 45 mph on any road other than a state highway
   * 65 mph on any state highway, freeway, interstate, or US highway
4. A driver who fails to show a use of fair judgment in their speed when driving in poor conditions, such as poor weather, or on unpaved, slick, or damaged roads.
5. No person shall drive upon a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic unless the reduced speed is necessary for safe operation, because of a grade, or in compliance with law.
6. No person shall bring a vehicle to a complete stop upon a highway so as to impede or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation or in compliance with law.
7. No person may drive any of the following vehicles on a highway at a speed in excess of 55 miles per hour:
   * A motor truck or truck tractor having three or more axles or any motor truck or truck tractor drawing any other vehicle.
   * A vehicle transporting explosives.

- Violations of Penal Code (8)18 are an infraction with a fine listed in the table below:

| Amount over Limit | Fine |
| --- | --- |
| Stop/Unreasonably Slow | $234 |
| 1-15 mph in excess | $234 |
| 16-25 mph in excess | $360 |
| 26+ mph in excess | $450 |

Note: Excessive speeding which causes a “wanton disregard for safety” can be charged as reckless driving in addition to this section.

## **(8)19. Criminal Speeding**

1. A driver who operates a vehicle at a speed greater than 100 mph is guilty under this code section.

- Violations of Penal Code (8)19 are an infraction with a fine of $880, and license suspension for 1 day.

Note: Excessive speeding which causes a “wanton disregard for safety” can be charged as reckless driving in addition to this section.

## **(8)20. Stop Signs**

1. The driver of any vehicle approaching a stop sign or pavement marking of “STOP” at the entrance to, or within, an intersection shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection. If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway.
2. When two vehicles enter an intersection from different highways at the same time and the intersection is controlled from all directions by stop signs, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on his or her immediate right.

Violations of Penal Code (8)20 are an infraction with a $234 fine.

## **(8)21. Parking**

1. No vehicle may park, with its driver outside the vehicle, in the following ways:
   * In a manner that obstructs a lane of traffic and prevents the flow of traffic.
   * In a manner that completely obstructs an alleyway.
   * In a manner that obstructs a parking lot entrance.
   * Within a marked crosswalk.
   * In a manner that obstructs more than two thirds of a sidewalk or pedestrian path.
   * On any median.
   * Facing opposing traffic.
   * Within 15’ of a fire hydrant
   * On any bridges or tunnels.
   * On any state highway or freeway.
   * On railroad tracks or within range of being struck by a railroad car.
   * In the immediate ambulatory parking or bay area of a hospital or clinic.
   * In the immediate vicinity of Rodeo Bank's entrance, including the sidewalk adjacent to the metal barriers.
   * In front of or obstructing a private driveway or an entrance or exit to a private road or path.
2. No vehicle may park in a manner not permitted by the property owner. Private property may set its own parking rules, so long as they do not obstruct any public roads or sidewalks. Policies may also be set by a property manager authorized by the property owner. State agencies, such as the LSPD and others, may set parking rules for the facilities they maintain.
3. A person who is sitting in a vehicle, with the engine on or off, in any above location and refuses to move at the request of a peace officer or, if private property, by the property manager is guilty of an infraction under this section.

- Violations of Penal Code (8)21 are an infraction with a fine of $234 and impoundment of the vehicle at the discretion of the peace officer.

## **(8)22. Reckless Driving**

1. A person who demonstrates a willful or wanton disregard for the safety of persons or property while operating a motor vehicle is guilty under this code section.

- Violations of Penal Code (8)22 is a misdemeanor with a fine of $1,000

## **(8)23. Motor Vehicle Contest**

1. A person shall not engage in a motor vehicle speed contest on a highway. As used in this section, a motor vehicle speed contest includes a motor vehicle race against another vehicle, a clock, or other timing device
2. A person shall not aid or abet in any motor vehicle speed contest on any highway.
3. A person shall not, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or exhibition upon a highway, in any manner obstruct or place a barricade or obstruction or assist or participate in placing a barricade or obstruction upon any highway.

Violations of Penal Code (8)23 are a misdemeanor with a $394 fine, impoundment of the vehicle, and license suspension for 1 day.

## **(8)25. Throwing Objects**

1. Any person who throws any substance at a vehicle or any occupant thereof is guilty under this code.

Violations of Penal Code (8)25 are a misdemeanor with a $1,000 fine.

NOTES

When there is intent to harm this charge can be stacked with assault with a deadly weapon.

## **(8)26. Driving Under The Influence (DUI)**

1. A person who drives a vehicle or operate heavy machinery while under the influence of alcohol at or above the legal limit of 0.08 percent BAC
2. A person who drives a vehicle or operates heavy machinery requiring a commercial driver's license while under the influence of alcohol at or above the legal limit of 0.04 percent BAV
3. A person who is under the age of 21 and drives a vehicle or operate heavy machinery while under the influence of alcohol at or above the legal limit of 0.05 percent BAV
4. A person who drives or operates heavy machinery under the influence of awareness-altering drugs, regardless of whether those drugs are being used under a prescription.

- First offenses of penal Code (8)24 are a misdemeanor with 60 seconds imprisonment, a fine of $1000, and license suspension for 10 days.

- Second offenses of penal Code (8)24 within 120 days of a first offense is a misdemeanor with 60 seconds imprisonment, a fine of $1000, and license suspension for 24 days.

- Third offenses of penal Code (8)24 within 120 days of a first and second offense are a misdemeanor with 60 seconds imprisonment, a fine of $1000, and license suspension for 36 days.

## **(8)27. Enhanced Driving Under The Influence (DUI)**

1. A person who violates penal code (8)26 and performs one of the acts is guilty under this code:
   * A person who drives a vehicle or operate heavy machinery while under the influence of alcohol at or above a limit of 0.15 percent BAV.
   * A person who exceeds the speed limit by 20 mph and violates penal code (8)20.
   * A person who injures or kills another person due to an accident caused while in violation of penal code (8)26.
2. A person who violates penal code (8)26 on four or more separate occasions within 120 days is guilty under this code section.
   * In this case a violation of (8)24 is not charged.
3. A person who has previously been convicted under this section and commits a violation of penal code (8)24 within 120 days of the first violation of this section is guilty under this code section.
   * In this case a violation of (8)24 is not charged.

- Violations of Penal Code (8)27 are a felony with 120 seconds imprisonment, a fine of $5000, and license suspension for 60 days .

NOTES

When a death occurs this charge can be stacked with manslaughter.

## **(8)28. Alcohol Beverages in Motor Vehicles**

1. No driver shall drink any alcoholic beverage while in a vehicle upon a highway.
2. No passenger shall drink any alcoholic beverage while in a vehicle upon a highway.
3. No person shall have in his or her possession on his or her person, while driving a vehicle upon a highway any bottle, can, or other receptacle, containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed.

Violations of Penal Code (8)28 are an infraction with a $360 fine.

NOTE: When the person committing the offense is under 21 years old this charge may be stacked with (7)04 Minor Alcohol Violation

## **(8)29. Evading A Peace Officer**

1. A person who, while operating a vehicle on land, sea, or in air, or while operating a bicycle, willfully flees or otherwise attempts to elude or avoid a pursuing peace officer who communicates visually or audibly their request to pull over or stop is guilty under this code.
2. This charge does not include the attempt to flee and elude by foot, which is (4)8. Resisting a Peace Officer.

- Violations of Penal Code (8)29 are a misdemeanor with 60 seconds imprisonment, a $1,000 fine, and impoundment of the vehicle used.

NOTE: A passenger of a vehicle cannot directly commit this crime. However, such a person may be charged as an accessory under (13)05 if the requirements of that section are met.

## **(8)30. Felony Evading A Peace Officer**

1. A person who violates penal code (8)29 and (8)22 is guilty of an additional offense under this code.
2. This charge cannot be stacked with (8)29.

- Violations of Penal Code (8)30 is a felony with 90 seconds imprisonment, a fine of $10,000, and impoundment of the vehicle used.

NOTE: When an injury occurs this charge can be stacked with assault with a deadly weapon. When a death occurs this charge can be stacked with manslaughter.

## **(8)31. Vehicle Equipment**

1. All motor vehicles operated on a road shall be equipped with the following operational equipment:
   * Note: Golf carts are considered motorcycles for the purposes of this section as long as they only operate on roads with speed limits of 25 mph or less. Golf carts may not operate on roads with speed limits over 25 mph.
   * 2 Headlights
     + Exception: Motorcycles and golf carts may have only 1 headlight
     + Headlights must be operated during darkness and/or inclement weather
     + High beams may not be used within 500’ of an oncoming vehicle traveling in the opposite direction or within 300’ behind a vehicle travelling in the same direction.
   * 2 Red Taillights
     + Taillights must be operated during darkness and/or inclement weather
   * 2 Red Stop lights
     + Stop lights may be combined with tail lights
     + Stop lights must operate with the brake pedal is pressed
   * 4 Turn signals
     + Not required if hand signals are used except for commercial motor vehicles.
   * 1 White backup light
     + Backup lights must operate when the vehicle is moving in reverse
   * Windshield
     + Exception: Motorcycles
   * 2 Rear view Mirrors, 1 of which must be on the left side of the car in view of the driver
     + Exception: Motorcycles only require 1 rear view mirror
   * Horn
     + Horns may only be used when reasonably necessary to insure safe operation. Any other use is a violation of this section
   * %\*Tires as appropriate
     + Tires must be rubber in nature and no metal may contact the road surface.
   * \*Fenders/body panels that are at least as wide as the tire thread
     + Exception: Motorcycles
   * Riders of a motorcycle must wear a helmet
     + Exception: Golf Carts
   * \*Front and rear bumper
     + Exception: Motorcycle
   * %\*Brakes
   * %All cargo and passengers must be secure and located in a location designed for them.
2. All vehicles may not be equipped with any of the following equipment:
   * Flashing lights
     + Exception: Emergency vehicles, construction vehicles, utility vehicles, turn signals, and tow trucks
     + Exception: Volunteer firefighters responding to an emergency can display a flashing blue light.
   * \*Any blue lights or red light visible from the front or side of the vehicle.
     + Exception: Emergency vehicles
     + Exception: Volunteer firefighters responding to an emergency can display a flashing blue light.
   * \*Any markings with match emergency vehicles
     + Exception: Emergency vehicles
   * \*Sirens
     + Exception: Emergency vehicles
   * \* Aftermarket Hydraulic Equipment that changes the height ride of any portion of the car either temporarily or permanently.
     + A vehicle may be equipped with hydraulic equipment as described above, however use of that equipment on a road is a violation of this code.
   * \*Armor
     + Except for an approved armored car.
3. \*No vehicle may expel any liquid (except water) or smoke onto the road surface.

-Violations of Penal Code (8)31 are an infraction with a $194 fine. If the equipment missing is indicated with a \* the vehicle may be impounded at the discretion of the officer. If the equipment missing is indicated with a % the vehicle may be put out of service if it is a commercial motor vehicle

NOTE: Each piece of equipment missing or not authorized is a violation of this code. For example a car missing a headlight and tail light would be charged with 2 counts of this offense.

## **(8)32. Maximum Vehicle Size and Weight**

1. All motor vehicles shall comply with the following size dimensions except as listed in element 2.
   1. A maximum width of 102 inches.
      1. ((A vehicle that fits within 1 lane is presumed to meet this dimension))
   2. A maximum length of 65 feet.
      1. ((Any “standard” combination of truck and trailer is presumed to meet the dimension))
         1. ((Standard means a combination that would normally be seen in the real world such as a semi truck and trailer or a bus))
   3. A maximum weight of 80,000 lbs
      1. ((Any “standard” combination of truck and trailer is presumed to meet this dimension))
      2. ((Standard means a combination that would normally be seen in the real world such as a semi truck and trailer or a bus))

2. The following vehicles are exempt from this section

1. A tow vehicle towing a vehicle that is unable to be safely operated to a location where repairs can be made as long as both vehicles would meet the requirements in element 1 if considered separately.
2. A vehicle for which a permit has been issued by the Commercial Vehicle Enforcement division
   1. The Commercial Vehicle Enforcement division may impose any such requirements to the issuance of a permit pursuant to safety.

- Violations of Penal Code (8)32 are an infraction with a $154 fine and impoundment of the vehicle at the discretion of the officer. If the vehicle is a commercial motor vehicle, the vehicle must be put out of service.

# **Title 9. Control Of Deadly Weapons And Equipment**

## **(9)01. Possession Of An Illegal Weapon**

1. No person may sell, create, or possess any weapon listed below:
   * A blade or improvised blade over three inches in length that can be used as a cutting, slashing or stabbing weapon, whether or not concealed.
     + ((Any wieldable script-wise knife or katana in your inventory is considered long enough to kill someone and qualify as an illegal blade.))
   * A bullet containing any explosive agent
   * A Switchblade
   * A concealed explosive substance
   * Metal knuckles
   * Grenades
   * Short barreled shotgun or rifle
   * Any firearm that is not registered
   * Any firearm in a manner that is against any firearms license restrictions that have been issued
2. Exception: A peace officer may possess or use such a weapon when required to do so under the performance of his/her peace officer duties.

- Violations of Penal Code (9)01 is a misdemeanor with 60 seconds imprisonment and a $1,000 fine.

## **(9)02. Brandishing A Firearm**

1. A person who is pointing, holding, openly carrying or brandishing a firearm, air or gas operated weapon, or object that appears like a firearm without proper toy and prop identification in an attempt to elicit fear or hysteria is guilty under this code.
2. A person holding an object in a manner similar to a firearm who attempts to elicit the same fear or response as brandishing an actual firearm is guilty under this code.

- Violations of Penal Code (9)02 is a misdemeanor with 60 seconds imprisonment and a fine of $1,000.

NOTE: Brandishing explicitly notes that the purpose is to elicit fear or hysteria. A Weapons Discharge violation is irrelevant of the intent to elicit hysteria so the two charges can be stacked if appropriate.

## **(9)03. Weapons Discharge Violation**

1. A person who willfully fires a firearm in a grossly negligent manner which could result in injury or death is guilty under this code.
2. A person who fires at a building, car, aircraft, or camper is guilty under this code.
3. A person committing this offense from a vehicle, whether land, sea, or in air, shall instead be charged with (9)04. Drive-By Shooting.

- Violations of Penal Code (9)03 are a felony with 90 seconds imprisonment.

NOTE: This charge can stack with brandishing a firearm, so you can in fact be charged both. A discharge however is different from brandishing, which requires the perpetrator to be using the brandishing as a way to elicit fear or hysteria.

## **(9)04. Drive-By Shooting**

1. A person who drives a vehicle, whether on land, sea, or in air, and has a passenger who they knowingly and willingly let discharge a firearm from within the vehicle, and the passenger is not an on-duty peace officer is guilty under this code section.
2. A person who discharges a weapon in a vehicle, whether on land, sea, or in air, and is not an on-duty peace officer with proper authorization is guilty under this code section.

- Violations of Penal Code (9)04 is a felony with 90 seconds imprisonment and a $10,000 fine.

## **(9)05. Duty to Inform**

1. A person who fails to immediately inform a peace officer of a firearm or deadly weapon that is concealed on the person or within his or her control is guilty under this code section. Informing a peace officer must occur within the 1st minute of contact with a peace officer, or exceed the expiration of the initial contact, whichever is shorter.
2. A person who fails to allow a peace officer to secure the deadly weapon, or fails to secure the weapon at the discretion of the peace officer during the duration of the contact is guilty under this code section.

- Violations of Penal Code (9)05 are a misdemeanor with 60 seconds imprisonment, a fine of $1,000, and revocation of any weapons permit the holder carries.

# **Title 10. Operation of Commercial Motor Vehicles**

## **(10)00. Applicability**

1. This section applies to the operation of any vehicle that carries goods, property, or people for hire or any vehicle with a maximum gross weight of 26,000 lbs.
   * Such vehicles are referred to as commercial motor vehicles.
2. All commercial vehicles must comply with all sections of Title 8 except where such code conflicts with a code in this Title in which case this Title is controlling
3. Except for (10)03 codes in this title may only be enforced by certified Commercial vehicle inspectors.
4. Commercial vehicles may be stopped at any time by a certified commercial vehicle inspector in order to inspect said vehicle to ensure compliance with this title or title 8.

## **(10)01. Drivers Licenses**

No person may operate a commercial motor vehicle on any road without a commercial drivers license for the type of vehicle being driven.

1. No person shall have in his or her possession or otherwise under his or her control more than one driver’s license.
2. The licensee shall have the valid driver’s license issued to him or her in his or her immediate possession at all times when driving a motor vehicle upon a highway.

- Violations of Penal Code (10)01 are an infraction with a fine of $234. A vehicle that is being driven by someone without a valid driver’s license may be impounded and shall be put out of service until such time that the violation is corrected or a towing company moves the vehicle to private property that the vehicle is authorized to park on.

## **(10)02. Additional Certificate Requirements**

1. A driver that is operating a commercial motor vehicle must have all of the following in his or her possession in addition to any documents required in any other section:
   * A duty log book
     + Except for trips that remain with 1 county.
   * Medical Certificate
   * Accurate Cargo Manifest (for cargo carrying vehicles only)
   * Complete drivers vehicle inspection record

- Violations of Penal Code (10)02 are an infraction with a fine of $234. A commercial motor vehicle shall be put out of service for a violation of this section until such time that the violation is corrected or a towing company moves the vehicle to private property that the vehicle is authorized to park on.

## **(10)03. Commercial Motor Vehicle Point System**

1. A Commercial Motor Vehicle Driver shall earn points in accordance with the table below:

| 1. Penal Code Violation | Points Assigned |
| --- | --- |
| (8)7-19, 21-28, 31 | 1 |
| ( 10)01, 02, and 04 | 1 |

Points expire after 12 days.

A person who receives 3 points shall have his/her license suspended for a period of 12 days.

A person can only earn 1 point per calendar day.

When another section of this code requires a license suspension at the same time that this section requires the same the suspensions shall be added together.

When a driver is issued a license suspension under this or any other section he/she shall be informed of the suspension and the date where the suspension is no longer in effect.

NOTE: A Commercial drivers license is not a separate license from a normal driver's license, as a result a suspension under this section suspends all driving privileges. The type of vehicle that the violation is received in does not matter for the purpose of this section. A person with a suspended license under this code and no other code may surrender his/her commercial driver's license and obtain a standard driver's license. In this case the person will have to meet all requirements (including retesting) after the end of the suspension period in order to obtain the commercial drivers license.

## **(10)04. Duty Day Limits**

1. A driver that is operating a commercial motor vehicle must comply with the following duty day requirements:
   * A driver may be on duty no more than 14 hours per 24 hour period
     + A driver may drive for no more than 11 hours per 14 hour duty period
     + A driver must take a 30 minute break every 8 hours
   * A driver must rest (be off duty) for 10 continuous hours per 24 hour period
2. A driver shall maintain an E-Log which indicates the times at which the driver went on duty, off duty, was driving, and took his or her required breaks.
   * Drives will keep records for 8 days including the current day.

- Violations of Penal Code (10)04 are an infraction with a fine of $234. A commercial motor vehicle shall be put out of service for a violation of this section until such time that the violation is corrected, a legal driver takes possession of the vehicle, or a towing company moves the vehicle to private property that the vehicle is authorized to park on. A vehicle may not be put out of service for a violation that occurred prior to the last 10 hour rest period.

# **Title 11. Operation of Aircraft**

## **(11)00. Applicability**

1. This section applies to the operation of any aircraft to include airplanes or helicopters.
2. Aircraft must comply with all other Titles except those listed below:
   * (8)01 through (8)06
   * (8)09 through (8)20
   * (8)23
   * (8)31

## **(11)01. Pilot Licenses**

1. No person may operate an aircraft without a pilot’s license for the type of aircraft being operated.
2. No person shall have in his or her possession or otherwise under his or her control more than one pilot’s license.
3. The licensee shall have the valid pilot’s license issued to him or her in his or her immediate possession at all times when operating an aircraft.

- Violations of Penal Code (11)01 are an infraction with a fine of $11,000.

## **(11)02. Additional Certificate Requirements**

1. A pilot that is operating an aircraft must have all of the following in his or her possession in addition to any documents required in any other section:
   * A duty log book
   * Medical Certificate
   * Accurate Cargo Manifest (for cargo carrying vehicles only)

- Violations of Penal Code (11)02 are an infraction with a fine of $11,000.

## **(11)03. Duty Day Limits**

1. A driver that is operating an aircraft carrying persons or property for hire must comply with the following duty day requirements:
   * A pilot may be on duty no more than 16 hours per 24 hour period
     + A pilot may drive for no more than 8 hours per 16 hour duty period
   * A pilot must rest (be off duty) for 8 continuous hours per 24 hour period
2. A pilot shall maintain a logbook which indicates the times at which the driver went on duty, off duty, was driving, and took his or her required breaks.
   * Pilots will keep records for 7 days including the current day.

- Violations of Penal Code (11)03 are an infraction with a fine of $11,000 and suspension of his or her pilot’s license for 3 days. An airplane shall be put out of service for a violation of this section until such time that the violation is corrected. An airplane may not be put out of service for a violation that occurred prior to the last 10 hour rest period.

## **(11)04. Equipment**

1. All equipment and lights on an aircraft must be in working order.

- Violations of Penal Code (11)04 are an infraction with a fine of $11,000 and suspension of his or her pilot’s license for 3 days. An airplane shall be put out of service for a violation of this section until such time that the violation is corrected.

## **(11)05. Restricted Flight Areas**

1. Aircraft may not operate in any of the following areas:
   * Over Zancudo Military Base
   * Under 500’ over any building structure or person except when required for takeoff and landing
     + Except for law enforcement and medical life flight operations.
   * In such a manner to interfere with the flight pattern at any airport
2. Aircraft may not land on any location not intended for the operation of aircraft except in an emergency.
   * Exceptions:
     + Law enforcement and life flight helicopters.
     + Helicopters landing on private property with the permission of the owner

- Violations of Penal Code (11)05 are an infraction with a fine of $11,000 and suspension of his or her pilot’s license for 3 days.

## **(11)06. Alcohol Rules**

1. No person may operate an aircraft under the following conditions:
   * Having had alcohol within the last 8 hours
   * With a blood alcohol level over 0.04 percent
   * Under the influence of any drug contrary to safety

- Violations of Penal Code (11)05 are an infraction with a fine of $11,000 and suspension of his or her pilot’s license for 3 days.

NOTE:

This charge is stackable with 8(24) or 8(25) as appropriate.

# **Title 12. Operation of Marine Vessels**

## **(12)00. Applicability**

1. This section applies to the operation of any boat to include jet skis.
2. Jet Skis must comply with all other Titles except those listed below:
   * (8)01 through (8)06
   * (8)09 through (8)20
   * (8)23
   * (8)31
3. Only certified boat inspectors may enforce codes under this title.

## **(12)01. Equipment**

1. All equipment and lights on an aircraft must be in working order.
2. All people on a boat must have and wear a life jacket.
3. All boats must be equipped with fire suppression equipment
   * A sprinkler system or fire extinguisher meets this requirement.

- Violations of Penal Code (12)01 are an infraction with a fine of $275.

## **(12)02. Restricted Boating Areas**

1. Boats may not operate in any of the following areas:
   * Within 500’ of zancudo military base or Los Santos International Airport
   * Any area marked for swimming or marked not for entry by boats.

- Violations of Penal Code (12)02 are an infraction with a fine of $1,070.

## **(12)03. Speed**

1. Boats may not exceed 15 miles an hour within a harbor or marina.

- Violations of Penal Code (12)03 are an infraction with a fine of $384.

# **Title 13. Sentencing Enhancements**

## **(13)00. Exception**

1. Penal code entries, by default, may be modified by Sentencing Enhancements within Title 13. However, should a penal code entry be the exception to a Sentencing Enhancement or contain an exception within its description, then that exception shall be followed instead of the Sentencing Enhancement policy.
2. For example, (1)08. Murder cannot be charged for an attempt as an entire charge, (1)06. Attempted Murder , exists for that purpose.
3. Penalties are, as stated, stackable for each occurrence. Committing assault against someone multiple times is worthy of a charge for each time, as long as they are separate police incidents, occur at different times, occur to different people, or are charged for each prohibited object that is possessed. Charges can also be stacked for each person they are committed against. Unless an exception exists explicitly.
4. Each stacked charge equals the additional punishment time for that charge. A person who commits two counts of assault will be charged twice the amount of time, so long as it does not violate maximum imprisonment policies.

## **(13)01. Attempt**

1. A person who attempts to commit any crime, but fails or is prevented or intercepted in its perpetration, shall be given the same punishment as if the offense was committed.

## **(13)02. Conspiracy**

1. If two or more persons conspire to commit any crime, to falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime, they shall be punished by the same punishment as if the offense was committed.

## **(13)03. Soliciting**

1. A person who solicits for the commission or perpetration of any crime shall be punished by the same punishment as if the offense was committed.

## **(13)04. Weapons Violation**

1. A person who commits a felony while in possession of a firearm shall have their firearms permit revoked.
2. A person who demonstrates illegal or irresponsible usage of their firearm shall be suspect to firearms permit suspension or revocation depending on the penal code entry of the firearms violation. If no description exists, it shall be up to officer discretion.
3. If a person receives two suspensions of their firearms permit they shall have their permit revoked immediately upon the second incident.
4. These violation policies also apply, where appropriate, to licenses and permits issued to facilities and organizations.
5. These policies also apply to any current and future firearms permits created for purposes determined by the agency responsible for firearms regulation.

## **(13)05. Criminal Accomplice Clause**

1. A person who acts as an accomplice, aid, adviser, or other supportive role to another person's attempted or successful criminal acts shall receive HALF the punishment allotted to the person who attempted or successful criminal acts.

## **(13)06. Accessory After the Fact**

1. A person who knowingly and willingly helps another person who had successfully committed a criminal act shall receive HALF the punishment issued to the person who committed the criminal act.
2. Examples include harboring a fugitive, helping destroy or distort evidence, withholding information relating to a crime or assisting the person elude or avoid police custody.

# **Title 14. Legal Procedures**

## **(14)01. Use of Penal Code**

1. Only criminal violations that originate from the San Andreas Penal Code may carry a misdemeanor or felony-level punishment with imprisonment in a county or state penitentiary.
2. All sentences are carried out at the San Andreas State Correctional Facility.
3. Punishments may not be modified in any way except as authorized within the penal code. Is a person is charged and arrested for a crime he/she must serve the full punishment listed.
4. Each bullet number (referred to as an element) in a penal code entry refers to an applicable charge for each entry. Violating any one of the descriptions is a violation of the penal code entry.
   * Each such element ends with the phrase “is guilty under this code section” or similar.
     + Elements that do not have this description provide additional information but cannot be the sole basis for a violation.
5. So long as no exceptions are stated in the penal code entry, charges can be stacked for additional imprisonment.
   * When stacking punishments each listed violation is added together to determine the assigned punishment.
   * No person may be imprisoned for over 600 seconds for the factual circumstances of any one event.
     + For the purpose of this section an event is a time linked sequence of acts that directly relate to each other.
   * Multiple charges of the same penal code can occur in a single event.

## **(14)02. Affirmative Defense**

1. It is the responsibility of the person accused to bring up any and all affirmative defenses no later then the point when asked by an officer to state his or her defense.
2. A person who proves an affirmative defense may not be charged/jailed for the offense(s) that the affirmative defense relates to.
   1. A person must prove that the affirmative defense was the primary reason for the act that resulted in the penal code violation.
   2. It is the responsibility of the accused to prove an affirmative defense.
3. The following affirmative defenses are considered valid:
   1. Self-Defense - Valid for all charges under Title 1 of the penal code except (1)01, (1)10, (1)11, and (1)12.
   2. Necessity - Valid for all charges except (1)07, (1)08, 1(09), and 1(12).
   3. Involuntary Intoxication - Valid for all charges.
   4. Entrapment - Valid for all charges.
   5. Duress - Valid for all charges except (1)07, (1)08, 1(09), and 1(12).
   6. Citizens Arrest - Valid for charges (1)10 and (1)11 when properly conducted under (14)08.
4. ((Persons who roleplay without a sound mind will still, in any case, be arrested and charged for the crime(s) they commit. Technically they’d be delivered to an appropriate institution in-character but are dropped off to the local county or state jail before being sent there. They may and would not be placed with the regular prison population.))

## **(14)03. Police Procedure**

1. When determining if a violation of the penal code has occurred peace officers must comply with the procedures listed in this section. Failure to do so renders all evidence determined after the violation null and void.
2. Evidence must be obtained in a legal manner in order to be used.
3. A peace officer must observe an infraction in order to detain/charge someone for that infraction.
   1. It is not required that the same peace officer observe and detain the person for the infraction.
4. Prior to questioning a person who has been arrested/detained regarding a potential violation he/she must be informed of the following rights:
   1. Right to remain silent
      1. Questioning cannot continue once a person indicates they will be using this right.
   2. Fact that any statements made can be used against you in a court of law
   3. Right to an attorney
   4. Fact that if you cannot afford an attorney, one will be appointed for you.
5. ((Failure to follow these procedures can be ground of out of character action or in character arrest for false imprisonment))

## **(14)04. Police Presence**

1. A peace officer may enter locations that are open to the public.
2. A peace officer may enter any location for which he or she is given permission by the occupant, resident, owner, or agent thereof.
3. A peace officer who is in hot pursuit of a subject is considered to be legally present in all locations during the pursuit.
   * A hot pursuit has ended when a suspect is apprehended or when the location of the suspect is no longer certain. However a short search of the immediate area where the suspect was last located is permissible.

## **(14)05. Search of Persons**

1. A peace officer may search a person when one of the following has occurred:
   1. A terry frisk may be performed when a peace officer has a justifiable suspicion that the person has a weapon.
   2. The peace officer has been given permission by the person or the persons legal guardian to conduct the search.
   3. The peace officer has arrested the person.
   4. The peace officer is conducting an administrative search.
   5. The peace officer has a warrant to search the person.

## **(14)06. Search of Property**

1. A peace officer may search property when one of the following has occurred:
   1. Any location where a peace officer may legally be located under (14)04 may be viewed under the plain view doctrine.
   2. The owner, occupant, or agent thereof has given permission for the search.
   3. The peace officer has a warrant to search the location.
   4. A search of a vehicle if the officer has probable cause to conduct the search.
   5. A search of a vehicle after an arrest of a person who was in the vehicle.
      1. If the person arrested is not the driver or owner only the area of the vehicle immediately accessible to the passenger can be searched.

## **(14)07. Search Warrants**

1. All search warrants must be submitted to the San Andreas Court System for processing.
   1. ((This is done via the CAD))
   2. A search warrant application must include the following:
      1. The area to be searched
      2. The items being searched for
      3. The probable cause that a crime was committed in that location/evidence exists in that location,
      4. The nature of the crime (to the extent known)
2. Prior to issuing a search warrant the following criteria must be met by the person issuing the warrant:
   1. Probable cause exists that the person has evidence of a crime in a specific location
   2. When the warrant is issued it must state the area to be searched and the items to be seized.

## **(14)08. Arrest and Detainment**

1. In order to detain a person one of the following must be true:
   1. The peace officer has reasonable suspicion that a violation of the penal code has occurred.
      1. Either through direct observation or evidence from another person/peace officer.
   2. A subpoena has been issued for the person.
2. The length of detainment shall be the shortest possible considering the following factors:
   1. The strength of the reasonable suspicion.
   2. The time required to conduct an investigation based on reasonable suspicion.
      1. For example the time to search a car based on probable cause to search the car.
   3. The time required to complete/review any documentation required based on the circumstances.
   4. The time required to comply with the subpoena
3. In all cases detainment must be less than 30 minutes except when a subpoena requires longer.
4. In order to arrest a person one of the following must be true:
   1. The peace officer has probable cause that a misdemeanor or felony violation of the penal code has occurred.
   2. An arrest warrant has been issued for the person.
5. Once a person has been arrested they must be informed of the following by a peace officer no later than upon arriving at the booking desk at a police station:
   1. Reason of arrest to include penal code section.
   2. Evidence used to establish “probable cause”
   3. Provide an opportunity to refute this evidence and provide his or her own counter evidence (such as an affirmative defense).
      1. The officer shall consider this evidence before starting incarceration and release the person if the “probable cause” standard is no longer met.
      2. When a person is released under this section transportation must be provided to the location the person was arrested at with no fees assessed to the person.
   4. Length of sentence
   5. Officer identification (name and badge/unit number) of the officer providing the information and who determined that an arrest should be made.
6. As soon as the requirements above are met the peace officer shall start the person's sentence.
   1. For misdemeanors where there is no jail time the person should be released at this point.
   2. In this case the peace officer is not required to provide transportation to the person released.
7. This section does not require the officer who established the cause for arrest to be the officer who arrests the suspect and informs the suspect of the charges.
8. The officer who establishes the reason for arrest required in element 4 shall keep all records regarding the arrest and cause for 72 hours.
9. An officer who arrests and provides the information required in element 5 shall keep all records regarding the charges, time of arrest, and length of sentence for 72 hours.
10. ((Peace officers may not use time in a vehicle/other location as a method to delay the start of a jail sentence. It is expected that peace officers transport suspects to a police station as soon as practicable after the suspects presence is no longer required on scene. In cases where this is not possible an acceptable alternative is to reduce the jail sentence by the amount of excess time in the vehicle/other location.))

## **(14)09. Arrest Warrants**

1. A peace officer who has probable cause but does not have access to the person may apply for an arrest warrant with the San Andreas Court System:
   1. ((This is done via the CAD))
   2. All applications for an arrest warrant must include name, facts of the case to include evidence used to establish probable cause, date/time of the event, and penal code sections violated.
2. Once approved an arrest warrant will remain valid until the suspect is arrested and serves time for the violations listed in the warrant.
3. An arrest warrant may only be issued for a misdemeanor or a felony.

## **(14)10. Citizen Arrest**

1. A private person may arrest another when 1 of the following has occurred:
   * A public offense (misdemeanor or greater) committed or attempted in his presence.
   * When the person arrested has committed a felony, although not in his presence.
   * When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.
   * A citizen’s arrest has occurred when the citizen states he/she is arresting a person.
   * If a peace officer directs a citizen to perform an arrest this section does not apply.
   * A citizen shall inform a peace officer of a citizen's arrest as soon as possible after the arrest.
   * A citizen may use reasonable force when necessary to affect a citizen's arrest.

## **(14)11. Officer Discretion**

1. Law enforcement officers shall have the authority to use their discretion when issuing infractions or select misdemeanors. This discretion entitles the officer to choose to forego an infraction or misdemeanor penalty based on their personal judgement.
2. Officers may choose to issue Officer Discretion and forego charging, not issue a fine or other punishment in lieu of the typical punishment.
3. Officers cannot elect Officer Discretion if the independent victim, property owner, or affected party chooses to press charges against the perpetrator.

## **(14)12. Statute of Limitations**

1. In order for a person to be charged with an offense under this penal code section one of the following must occur within 4 hours of the time law enforcement is made aware of the event:
   1. The suspect is arrested
   2. An application for an arrest warrant is filed.
   3. Law enforcement is actively working on the case as defined in the list below:
      1. A search warrant application has been filed
      2. CIU has assigned a detective to work on the case
      3. Law enforcement must be able to prove that they have actively worked on the case without a break of greater then 48 hours in order to file charges. If there is a gap of over 48 hours at any point in investigating the person may no longer be charged.
2. Law enforcement must be made aware of an event within 24 hours of the event in order to file charges based on the event.
3. A change in circumstances regarding the case due to the actions of persons involved shall reset the statute of limitations.
   1. For example a person who attempts to interfere with an investigation about an event the statute of limitations regarding that event is reset.

((OOC Note: This section can be waived by the civilian involved in the case.))

# **Title 15. Miscellaneous Violations**

## **(15)01. Racketeering**

1. The affiliation or association of an individual with a criminal organization, as prescribed by local or national law enforcement entities, with the evidence of the individual's attempt to commit extortion, bribery, murder, or other criminal activities while affiliated with said criminal organization is guilty under this penal code.
2. An arrest warrant issued per (14)09. must be issued to arrest a person for this offense.

- Violations of Penal Code (15)01 are a felony that is with 480 seconds imprisonment and a fine of $4,000,000.

## **(15)02. Laundering Of Money Instruments**

1. A person who possesses, hides, transfers, receives, or maintains the storage of funds earned through comprehensive criminal activities is guilty under this code.
2. A person who intends to transfer, hide, cycle, or deceive funds collected through comprehensive criminal activities is guilty under this code.
3. A person who maintains an establishment with a purpose to launder funds collected through comprehensive criminal activities is guilty under this code.
4. A arrest warrant issued per (12)14. must be issued to arrest a person for this offense.

- Violations of Penal Code (15)02 are a felony with 120 seconds imprisonment and a fine of $250,000 or twice the money laundered whichever is greater.

## **(15)03. Wiretapping Violation**

1. A person who illegally conducts surveillance or wiretapping in violation of the one-party notification system without a warrant or authorization is guilty under this code.
2. There must be an expectation of privacy during the conversation in order to charge a person under this section.

- Violations of Penal Code (15)03 are a felony with 90 seconds imprisonment and a $2,500 fine.

NOTE: One-party notification means that at least one party being recorded visually or audibly is aware that they are being recorded and consents to it.

## **(15)04. Interference with a Transit System**

1. For the purpose of this section a transit system is any bus, train, subway, light rail, boat, helicopter, or plane operated for the purpose of transporting the general public along a predefined route.
2. A person shall not do any of the following with respect to the property, facilities, or vehicles of a transit system:
   1. Operate, interfere with, enter into, or climb on or in, the property, facilities, or vehicles owned or operated by the transit system without the permission or approval of the transit system.
   2. Interfere with the operator or operation of a transit vehicle, or impede the safe boarding or alighting of passengers.
   3. Extend any portion of the body through a window opening of a transit vehicle in a manner that may cause harm or injury.
   4. Throw an object from a transit vehicle.
   5. Commit an act or engage in a behavior that may, with reasonable foreseeability, cause harm or injury to any person or property.
   6. Violate a notice, prohibition, instruction, or direction on a sign that is intended to provide for the safety and security of transit passengers, or the safe and secure operation of the transit system.
   7. Knowingly give false information to a system employee, or contracted security officer, engaged in the enforcement of a system ordinance or a state law, or otherwise obstruct the issuance of a citation for the violation of a system ordinance or a state law.
   8. Violate any of the conditions established by a transit system ordinance under which a passenger may board a transit vehicle with a bicycle and where that bicycle may be stowed on the transit vehicle.

- Violations of Penal Code (15)04 are an infraction with a $250 fine.

NOTE: This code may be “stacked” with other penal codes violations as appropriate.

# **Title 16. Fish and Game**

## **(16)00. Applicability**

1. This section applies to the hunting, capturing, baiting, or luring of any or all animals except small rodents.
2. Only certified fish and game wardens may enforce codes under this title.

## **(16)01. Prohibition on Hunting**

1. No person may hunt, capture, bait, lure, or attempt to hunt, capture, bait, or lure any of the following animals:

Cat / Chickenhawk / Cormorant / Cow / Dolphin / Hen

Monkey / Seagull / Shark / Stingray / Whale

1. A person who kills or injures an animal listed above for the purpose of self defense or under the direction of a fish and game warden may not be charged under this section.

- Violations of Penal Code (16)01 are a misdemeanor with a $2,070 fine.

## **(16)02. Hunting Permits**

1. No person may hunt, capture, bait, lure, or attempt to hunt, capture, bait, or lure any of the following animals without a permit from the fish and game service:

Boar / Coyote / Crow / Deer / Fish / Mountain Lion / Pigeon / Rabbit

1. The fish and game service may impose limits and requirements that must be met in order to issue a permit.
2. The fish and game service may issue a permit for one type of animal or multiple types of animals.
3. A person who hunts, captures, baits, lures, or attempts to hunt, capture, bait, or lure any of the listed animals is guilty under this penal code.
4. A person must display her or his permit to a fish and game warden upon request.
5. A person who violates any penal code in this title may have his or her permits revoked at the discretion of the fish and game service.

- Violations of Penal Code (16)02 are a misdemeanor with a $870 fine.

## **(16)03. Daily Limits and Possession Limits**

1. No person may kill or attempt to kill an animal in excess of the limits listed below:
   1. Boar - No Limit
   2. Coyote - No Limit
   3. Crow - 24 per day, 48 total in possession
   4. Deer - 1 Per Permit/Tag issued
   5. Fish - 5 per day, 5 total in possession
   6. Mountain Lion - 1 Per Permit/Tag issued
   7. Pigeon - 2 per day, 6 total in possession
   8. Rabbit - 5 per day, 10 total in possession

- Violations of Penal Code (16)03 are a misdemeanor with a $870 fine.

## **(16)04. Daily Limits and Possession Limits - Excessive violations.**

1. Any person who illegally takes or possesses in the field more than three times the daily bag limit, or who illegally possesses more than three times the legal possession limit is guilty under this penal code.

- Violations of Penal Code (16)04 are a misdemeanor with a $40,000 fine and 60 seconds imprisonment.

## **(16)05. Hunting Hours**

1. No person may hunt, capture, bait, lure, or attempt to hunt, capture, bait, or lure any animals between the hours of sunset and sunrise.

- Violations of Penal Code (16)05 are a misdemeanor with a $870 fine.

## **(16)06. Hunting Methods**

1. No person may have a loaded weapon in a motor vehicle.
2. No person may fire a gun within 150 yards of a dwelling.
3. No person may fire a gun on or over a public road or way.
4. No person may fire a gun from a boat, motor vehicle, or airplane.
5. No person may hunt, attempt to hunt, or shoot any animal using a suppressor.

- Violations of Penal Code (16)06 are a misdemeanor with a $870 fine.

## **(16)07. Hunting Under the Influence**

1. No person may hunt, capture, bait, lure, or attempt to hunt, capture, bait, or lure any animals while intoxicated.

- Violations of Penal Code (16)07 are an misdemeanor with a $1,470 fine.

## **(16)08. Poaching**

1. A person who illegally takes, possesses, imports, exports, sells, purchases, barters, trades, or exchanges an animal, or part of any of those animals, for profit or personal gain, is guilty under this penal code.

- Violations of Penal Code (16)08 are a misdemeanor with a $40,000 fine and 60 seconds imprisonment.

## **(16)09. Use of Animals**

1. No person shall at any time capture or destroy any deer and detach or remove from the carcass only the head, hide, antlers, or horns; nor shall any person at any time leave through carelessness or neglect any game mammal or game bird which is in his possession, or any portion of the flesh thereof usually eaten by humans, to go needlessly to waste.

- Violations of Penal Code (16)09 are a misdemeanor with a $670 fine.

# **Title 17. Amendments & Additions**

* At the pleasure of the State Legislature, amendments, additions, and revisions to this penal code may be made at any time with respect to the due process of the legislative process of those authorities.
* The Chief Justice may also review the Penal Code and make proposed changes to ensure its effectiveness and appropriate language for legal interpretation. Major changes should be consulted upon with the State Legislature.
* General policy and procedure changes will be made in Title 14. Code Policy . All other changes shall be made within relevant Titles.
* At least seven days shall be given between the release of an updated Penal Code revision and its implementation.
* All changes to this code shall be dated and acknowledged in Title 17. Amendments & Additions

# **Sentencing Quick Reference Guide**

Purpose

The following tables provide a quick reference to all crimes, punishments, and penal codes. These tables do not provide definitions of crimes.

## **Title 1: Crimes Against the Person**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Criminal Threats | (1)01 | Misdemeanor | 60 seconds |
| Assault | (1)02 | Misdemeanor | 60 seconds & $1,000 |
| Assault with a Deadly Weapon | (1)03 | Felony | 120 seconds & $10,000 |
| Battery | (1)04 | Misdemeanor | 60 seconds & $2,000 |
| Aggravated Battery | (1)05 | Felony | 120 seconds |
| Attempted Murder | (1)06 | Felony | 240 seconds and $10,000 |
| Manslaughter | (1)07 | Felony | 270 seconds |
| Second Degree Murder | (1)08 | Felony | 360 seconds |
| First Degree Murder | (1)09 | Felony | Life Sentence ((delete character)) |
| False Imprisonment | (1)10 | Misdemeanor | 60 seconds and $1,000 |
| Kidnapping | (1)11 | Felony | 210 seconds |
| Torture | (1)12 | Felony | 600 seconds |
| Reckless Endangerment - Misdemeanor | (1)13 | Misdemeanor | 60 seconds and $1,000 |
| Reckless Endangerment - Felony | (1)14 | Felony | 180 seconds |

## **Title 2: Crimes Against Property and Criminal**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Arson | (2)01 | Felony | 210 seconds |
| Trespassing | (2)02 | Misdemeanor | $1,000 |
| Trespassing within a Restricted Facility | (2)03 | Felony | 60 seconds |
| Burglary | (2)04 | Misdemeanor | 60 seconds |
| Possession of Burglary Tools | (2)05 | Misdemeanor | 60 seconds and $1,000 |
| Robbery | (2)06 | Felony | 150 seconds |
| Armed Robbery | (2)07 | Felony | 390 seconds |
| Petty Theft | (2)08 | Misdemeanor | $1,000 |
| Grand Theft | (2)09 | Felony | 90 seconds |
| Grand Theft Auto | (2)10 | Felony | 90 seconds |
| Receiving Stolen Property | (2)11 | Felony | 90 seconds & $10,000 |
| Extortion | (2)12 | Felony | 120 seconds & $10,000 |
| Forgery/Fraud | (2)13 | Felony | 90 seconds |
| Vandalism | (2)14 | Misdemeanor | 90 seconds |

## **Title 3: Crimes Against Public Decency**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Lewd or Dissolute Conduct in Public | (3)01 | Misdemeanor | $1,000 |
| Indecent Exposure | (3)02 | Felony | 60 seconds & $1,000 |
| Prostitution | (3)03 | Misdemeanor | 60 seconds |
| Pandering/Pimping | (3)04 | Felony | 150 seconds & $10,000 |
| Sexual Battery | (3)05 | Felony | 120 seconds & $10,000 |
| Rape | (3)06 | Felony | 210 seconds |
| Stalking | (3)07 | Felony | 120 seconds |

## **Title 4: Crimes Against Public Justice**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Bribery | (4)01 | Felony | 120 seconds and $10,000 or double the bribe (greater) |
| Dissuading a Victim | (4)02 | Felony | 120 seconds & $10,000 |
| False Information to a Government Employee | (4)03 | Misdemeanor | 60 seconds & $1,000 |
| Filing a False Police Report | (4)04 | Misdemeanor | 60 seconds |
| Failure to Identify to a Peace Officer | (4)05 | Misdemeanor | 60 seconds |
| Impersonation of a Government Employee | (4)06 | Misdemeanor | 120 seconds and $1,000 |
| Obstruction of a Government Employee | (4)07 | Misdemeanor | 60 seconds and $1,000 |
| Resisting a Peace Officer | (4)08 | Misdemeanor | 60 seconds and $1,000 |
| Escape from Custody | (4)09 | Misdemeanor | 60 additional seconds |
| Escape | (4)10 | Felony | 90 additional seconds and $10,000 |
| Prisoner Breakout | (4)11 | Felony | 90 seconds and $10,000 |
| Violations of Human Trafficking | (4)12 | Felony | 300 seconds and $500,000 |
| Misuse of a Government Hotline | (4)13 | Misdemeanor | $1,000 |
| Tampering with Evidence | (4)14 | Misdemeanor | $1,000 |
| Introduction of Contraband | (4)15 | Felony | 120 seconds |
| False Arrest | (4)16 | Felony | 120 seconds and $10,000 |
| Perjury | (4)17 | Felony | 120 seconds and $10,000 |
| Impersonation of a Lawyer | (4)18 | Felony | 90 seconds and $10,000 |
| Contempt of Court | (4)19 | Misdemeanor | 60 seconds and $1,000 |

## **Title 5: Crimes Against Public Peace**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Disturbing the Peace | (5)01 | Misdemeanor | $400 |
| Unlawful Assembly | (5)02 | Misdemeanor | 60 seconds |
| Incitement to Riot | (5)03 | Misdemeanor | 60 seconds & $1,000 |

## **Title 6: Crimes Against Public Health and Safety**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Possession of a Controlled Substance | (6)01 | Misdemeanor | 60 seconds and $1,000 |
| Possession of a Controlled Substance with Intent to Sell | (6)02 | Felony | 120 seconds & $20,000 |
| Possession of Drug Paraphernalia | (6)03 | Misdemeanor | 60 seconds & $1,000 |
| Maintaining a Place for the Purpose of Distribution | (6)04 | Felony | 90 seconds & $10,000 |
| Manufacture of a Controlled Substance | (6)05 | Felony | 180 seconds & $50,000 |
| Sale of a Controlled Substance | (6)06 | Felony | 240 seconds and $20,000 |
| Public Intoxication | (6)07 | Misdemeanor | $1,000 |
| Under the Influence of a Controlled Substance | (6)08 | Misdemeanor | 60 seconds |
| Detention of Mentally Disordered Persons | (6)09 | Non Criminal | 60 seconds in hospital |

## **Title 7: Crimes Against State Dependents**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Animal Abuse/Cruelty | (7)01 | Felony | 90 seconds and $20,000 |
| Sale of Alcohol to a Minor | (7)02 | Misdemeanor | $1,000 |
| Minor Alcohol/Cannabis Violation | (7)03 | Misdemeanor | $1,000 |

## **Title 8: Vehicular Offenses**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Driver License Point Violation (4 Points in 12 days) | (8)02 | N/A | License Suspension for 6 days. |
| Vehicle Registration | (8)03 | Infraction | $194 and discretionary impoundment of vehicle |
| Drivers License | (8)04 | Infraction | $234 and discretionary impoundment of vehicle |
| Driving Without a License | (8)05 | Misdemeanor | $1,000 and discretionary impoundment of vehicle |
| Driving With a Suspended or Revoked License - First Offense | (8)06 | Misdemeanor | 60 seconds, $1,000, and mandatory impoundment of vehicle |
| Driving With a Suspended or Revoked License - Second Offense | (8)06 | Misdemeanor | 90 seconds, $1,000, and mandatory seizure of vehicle |
| Accident Reporting Requirements - Property Damage | (8)07 | Misdemeanor | $1,000 and 1 point |
| Accident Reporting Requirements - Injury or Death | (8)08 | Felony | 120 seconds, $10,000, and 1 point |
| Vehicle Insurance | (8)09 | Infraction | $480, 1 point, and in some cases license suspension for 6 days or until insurance obtained |
| Traffic Signals - Responsibility at a Green Signal | (8)10 | Infraction | $234 and 1 point |
| Traffic Signals - Responsibility at a Red Signal | (8)11 | Infraction | $480 and 1 point |
| Driving on the Right Side | (8)12 | Infraction | $234 and 1 point |
| Maintaining Lanes | (8)13 | Infraction | $234 and 1 point |
| Following Distance | (8)14 | Infraction | $234 and 1 point |
| RIght of Way | (8)15 | Infraction | $234 and 1 point |
| Right of Way - Emergency Vehicles | (8)16 | Infraction | $480 and 1 point |
| Turning | (8)17 | Infraction | $234 and 1 point |
| Unreasonably Slow / Stopped | (8)18 | Infraction | $234 and 1 point |
| Speeding 1-15 mph in excess | (8)18 | Infraction | $234 and 1 point |
| Speeding 16-25 mph in excess | (8)18 | Infraction | $360 and 1 point |
| Speeding 25+ mph in excess | (8)18 | Infraction | $480 |
| Criminal Speeding | (8)19 | Infraction | $880 and License Suspension for 1 days and 1 point |
| Stop Signs | (8)20 | Infraction | $234 and 1 point |
| Parking | (8)21 | Infraction | $234 and discretionary impoundment |
| Reckless Driving | (8)22 | Misdemeanor | $1,000 and 1 point |
| Motor Vehicle Contest | (8)23 | Misdemeanor | $394, impoundment of the vehicle, license suspension for 1 day, and 1 point |
| Throwing Objects | (8)24 | Misdemeanor | $1,000 and 1 point |
| Driving Under the Influence (DUI) - First Offense | (8)25 | Misdemeanor | 60 seconds, $1000, license suspension for 10 days, and 1 point |
| Driving Under the Influence (DUI) - Second Offense | (8)25 | Misdemeanor | 60 seconds, $1000, license suspension for 24 days, and 1 point |
| Driving Under the Influence (DUI) - Third Offense | (8)25 | Misdemeanor | 60 seconds, $1000, license suspension for 36 days, and 1 point |
| Enhanced Driving Under the Influence (DUI) | (8)26 | Felony | 120 seconds, 5000, license suspension for 60 days, and 1 point |
| Alcohol Beverages in Motor Vehicles | (8)27 | Infraction | $360, and 1 point |
| Evading a Peace Officer | (8)28 | Misdemeanor | 60 seconds, $1,000, and impounded of the vehicle, and 1 point |
| Felony Evading a Peace Officer | (8)29 | Felony | 90 second, $10,000, and impounded of the vehicle, and 1 point |
| Vehicle Equipment | (8)30 | Infraction | $194 |
| Maximum Vehicle Size and Weight | (8)31 | Infraction | $154, discretionary impoundment, vehicle out of service |

## **Title 9: Control of Deadly Weapons and Equipment**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Possession of an Illegal Weapon | (9)01 | Misdemeanor | 60 seconds and $1,000 |
| Brandishing a Firearm | (9)02 | Misdemeanor | 60 seconds and $1,000 |
| Weapon Discharge Violation | (9)03 | Felony | 90 seconds |
| Drive-By Shooting | (9)04 | Felony | 90 seconds and $10,000 |
| Duty to Inform | (9)05 | Misdemeanor | 60 seconds, $1,000, and revocation of the weapons permit. |

## **Title 10: Operation of Commercial Motor Vehicles**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Drivers Licenses | (10)01 | Infraction | $234, discretionary impoundment, Vehicle Out of Service |
| Additional Certificate Requirements | (10)02 | Infraction | $234, Vehicle Out of Service |
| Duty Day Limits | (10)04 | Infraction | $234, Vehicle Out of Service for same day violation |

## **Title 11: Operation of Aircraft**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Drivers Licenses | (11)01 | Infraction | $11,000 |
| Additional Certificate Requirements | (11)02 | Infraction | $11,000, 3 day license suspension, airplane out of service |
| Duty Day Limits | (11)03 | Infraction | $11,000, 3 day license suspension, airplane out of service |
| Equipment | (11)04 | Infraction | $11,000, 3 day license suspension, airplane out of service |
| Restricted Flight Areas | (11)05 | Infraction | $11,000 and 3 day license suspension |
| Alcohol Rules | (11)06 | Infraction | $11,000 and 3 day license suspension |

## **Title 12: Operation of Marine Vessels**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Equipment | (12)01 | Infraction | $275 |
| Restricted Boating Areas | (12)02 | Infraction | $1,070 |
| Speed | (12)03 | Infraction | $384 |

## **Title 15: Miscellaneous Violations**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Racketeering | (15)01 | Felony | 480 seconds and $4,000,000 |
| Laundering of Money Instruments | (15)02 | Felony | 120 seconds and $250,000 or twice the money laundered |
| Wiretapping Violation | (15)03 | Felony | 90 seconds and $10,000 |
| Interference with a Transit System | (15)04 | Infraction | $250 |

## **Title 16: Fish and Game**

| Code Name | Code Number | Code Type | Punishment |
| --- | --- | --- | --- |
| Prohibition on Hunting | (16)01 | Misdemeanor | $2,070 and revoking of permit at warden discretion. |
| Hunting Permits | (16)02 | Misdemeanor | $870 and revoking of permit at warden discretion. |
| Daily Limits and Possession Limits | (16)03 | Misdemeanor | $870 and revoking of permit at warden discretion. |
| Daily Limits and Possession Limits - Excessive Violations | (16)04 | Misdemeanor | 60 seconds, $40,000, and revoking of permit at warden discretion. |
| Hunting Hours | (16)05 | Misdemeanor | $870 and revoking of permit at warden discretion. |
| Hunting Methods | (16)06 | Misdemeanor | $870 and revoking of permit at warden discretion. |
| Hunting Under the Influence | (16)07 | Misdemeanor | $870 and revoking of permit at warden discretion. |
| Poaching | (16)08 | Misdemeanor | 60 seconds, $40,000, and revoking of permit at warden discretion. |
| Use of Animals | (16)09 | Misdemeanor | $670 and revoking of permit at warden discretion. |