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1192.7. (a) (1) It is the intent of the Legislature that district attorneys prosecute violent sex crimes under statutes that provide sentencing under a "one strike," "three strikes" or habitual sex offender statute instead of engaging in plea bargaining over those offenses.

(2) Plea bargaining in any case in which the indictment or information charges any serious felony, any felony in which it is alleged that a firearm was personally used by the defendant, or any offense of driving while under the influence of alcohol, drugs, narcotics, or any other intoxicating substance, or any combination thereof, is prohibited, unless there is insufficient evidence to prove the people's case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence.

(3) If the indictment or information charges the defendant with a violent sex crime, as listed in subdivision (c) of Section 667.61, that could be prosecuted under Sections 269, 288.7, subdivisions (b) through (i) of Section 667, Section 667.61, or 667.71, plea bargaining is prohibited unless there is insufficient evidence to prove the people's case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence. At the time of presenting the agreement to the court, the district attorney shall state on the record why a sentence under one of those sections was not sought.

(b) As used in this section, "plea bargaining" means any bargaining, negotiation, or discussion between a criminal defendant, or their counsel, and a prosecuting attorney or judge, whereby the defendant agrees to plead guilty or nolo contendere, in exchange for any promises, commitments, concessions, assurances, or consideration by the prosecuting attorney or judge relating to any charge against the defendant or to the sentencing of the defendant.

(c) As used in this section, "serious felony" means any of the following:

- (1) Murder or voluntary manslaughter; (2) mayhem;
- (3) rape; (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or

Bill Sections[19871988 AB2454 Sec. 2. \(Amends\) - Chaptered \(Stats.1988 Ch.89\)](#)[19871988 SB1080 Sec. 2. \(Amends\) - Chaptered \(Stats.1988 Ch.432\)](#)[19891990 AB19 Sec. 2. \(Amends\) - Chaptered \(Stats.1989 Ch.1043\)](#)[19891990 AB19 Sec. 2.5. \(Amends\) - Chaptered \(Stats.1989 Ch.1043\)](#)[19891990 AB19 Sec. 2.3. \(Amends\) - Chaptered \(Stats.1989 Ch.1043\)](#)[19891990 AB19 Sec. 2.1. \(Amends\) - Chaptered \(Stats.1989 Ch.1043\)](#)[19891990 AB566 Sec. 2. \(Amends\) - Chaptered \(Stats.1989 Ch.1044\)](#)[19891990 AB566 Sec. 2.5. \(Amends\) - Chaptered \(Stats.1989 Ch.1044\)](#)[19911992 AB2349 Section 1. \(Amends\) - Chaptered \(Stats.1992 Ch.926\)](#)[19931994 AB327 Section 1. \(Amends\) - Chaptered \(Stats.1993 Ch.588\)](#)[19931994 AB327 Sec. 2. \(Amends\) - Chaptered \(Stats.1993 Ch.588\)](#)[19931994 AB6 Sec. 16. \(Amends\) - Chaptered \(Stats.1993 Ch.610\)](#)[19931994 AB6 Sec. 16.5. \(Amends\) - Chaptered \(Stats.1993 Ch.610\)](#)[19931994 SB60 Sec. 18. \(Amends\) - Chaptered \(Stats.1993 Ch.611\)](#)[19931994 SB60 Sec. 18.5. \(Amends\) - Chaptered \(Stats.1993 Ch.611\)](#)[19971998 AB105 Sec. 13. \(Amends\) - Chaptered \(Stats.1998 Ch.936\)](#)[19971998 AB105 Sec. 13.5. \(Amends\) - Chaptered \(Stats.1998 Ch.936\)](#)[19971998 AB357 Section 1. \(Amends\) - Chaptered \(Stats.1998 Ch.754\)](#)[19971998 AB357 Sec. 1.5. \(Amends\) - Chaptered \(Stats.1998 Ch.754\)](#)[19992000 AB381 Section 1. \(Amends\) - Chaptered \(Stats.1999 Ch.298\)](#)[20012002 AB1838 Sec. 3. \(Amends\) - Chaptered \(Stats.2002 Ch.606\)](#)[20052006 SB1128 Sec. 37. \(Amends\) - Chaptered \(Stats.2006 Ch.337\)](#)[20092010 SB1115 Sec. 73. \(Amends\) - Chaptered \(Stats.2010 Ch.178\)](#)[20232024 SB14 Sec. 4. \(Amends\) - Chaptered \(Stats.2023 Ch.230\)](#)

another person; (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) lewd or lascivious act on a child under 14 years of age; (7) any felony punishable by death or imprisonment in the state prison for life; (8) any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm; (9) attempted murder; (10) assault with intent to commit rape or robbery; (11) assault with a deadly weapon or instrument on a peace officer; (12) assault by a life prisoner on a noninmate; (13) assault with a deadly weapon by an inmate; (14) arson; (15) exploding a destructive device or any explosive with intent to injure; (16) exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem; (17) exploding a destructive device or any explosive with intent to murder; (18) any burglary of the first degree; (19) robbery or bank robbery; (20) kidnapping; (21) holding of a hostage by a person confined in a state prison; (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life; (23) any felony in which the defendant personally used a dangerous or deadly weapon; (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code; (25) any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person; (26) grand theft involving a firearm; (27) carjacking; (28) any felony offense, which would also constitute a felony violation of Section 186.22; (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220; (30) throwing acid or flammable substances, in violation of Section 244; (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245; (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5; (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246; (34) commission of rape or sexual penetration in concert with another person, in violation of Section 264.1; (35) continuous sexual abuse of a child, in violation of

Section 288.5; (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100; (37) intimidation of victims or witnesses, in violation of Section 136.1; (38) criminal threats, in violation of Section 422; (39) any attempt to commit a crime listed in this subdivision other than an assault; (40) any violation of Section 12022.53; (41) a violation of subdivision (b) or (c) of Section 11418; (42) human trafficking of a minor, in violation of subdivision (c) of Section 236.1, except, with respect to a violation of paragraph (1) of subdivision (c) of Section 236.1, where the person who committed the offense was a victim of human trafficking, as described in subdivision (b) or (c) of Section 236.1, at the time of the offense; and (43) any conspiracy to commit an offense described in this subdivision.

(d) As used in this section, "bank robbery" means to take or attempt to take, by force or violence, or by intimidation from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association.

As used in this subdivision, the following terms have the following meanings:

(1) "Bank" means any member of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operating under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

(2) "Savings and loan association" means any federal savings and loan association and any "insured institution" as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.

(3) "Credit union" means any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union administration.

(e) The provisions of this section shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors. *(Amended by Stats. 2023, Ch. 230, Sec. 4. (SB 14) Effective January 1, 2024. Note: This section was added on June 8, 1982, by initiative Prop. 8, and amended on March 7, 2000, by initiative Prop. 21.)*