



San Diego County Sheriff

Training Bulletin

William D. Gore, Sheriff

NOVEMBER 2014



Proposition 47

On November 4, 2014, the voters of California passed Proposition 47, a law that reduces certain felonies to misdemeanors.

Reporting Procedures:

At this time there are no changes to Sheriff's reporting procedures for misdemeanors or felonies. Please refer to Sheriff's Department Policy and Procedures Manual as well as the Patrol Procedures manual for further information.

Effective November 5, 2014, the following crimes are now misdemeanors:

- 1. Drug cases:** Simple possession – personal use - of **all** drugs will be a misdemeanor. HS11350, HS11357 and HS11377. No limitation on amount possessed. These are misdemeanor crimes **unless**:
 - 290(c)PC registrant, or
 - Prior conviction for Super Strike*
- 2. Theft or Receiving stolen property worth less than \$950**
PC487, PC666-484, PC496, PC473, & PC476. All these crimes are now misdemeanors **unless**:
 - 290(c)PC registrant, or
 - Prior conviction for Super Strike*

As for commercial burglary related to the theft- there is a new crime of PC459.5-Shoplift Burglary -if theft was for **less than** \$950 then the burglary is a misdemeanor. But if the theft occurs after hours or the amount is over \$950 then it is still a felony (see below.)

PC 459.5 Shoplift Burglary

- Entering commercial establishment with intent to commit larceny
- During regular business hours
- Amount of intended item to be stolen is **under** \$950

Misdemeanor unless:

- 290 Registrant
- Prior Conviction for Super Strike*

Suspects cannot be charged with petty theft **and** shoplifting.

Still PC459 (felony) if:

- Amount stolen or intended to be stolen is **greater than** \$950
- Non-retail establishment
 - Dentist Office
 - Bank
- After Business Hours
 - Example: Forced entry into a closed business
- Vehicle Burglary

Per PC490.2 all thefts are now a petty theft unless:

- Value is over \$950
- PC290 registrant
- Or, Prior Conviction for Super Strike*

This applies to:

- Grand Theft Person – PC 487(c)
- Automobiles – PC 487(d)(1)
- Firearms – PC 487(d)(2)
- Avocados/Fruit
- Animals – PC 487a
- Theft of an access card – PC 484e

PC 473

- Check, bond, bank bill, note, cashier's check, money order or traveler's check under \$950
- **Cannot** add total of all checks, bills, or money orders to meet \$950 threshold
- Not a misdemeanor if also convicted of ID theft per PC 530.5
- Always a misdemeanor unless value is **greater than** \$950, Prior Super Strike* conviction or 290 registration

PC 476a

- Check fraud under \$950 for total amount of bad checks
- **Can add** total of all checks to meet \$950 threshold
- Always a misdemeanor unless value is **greater than** \$950, Prior Super Strike* conviction or 290 registration
- Can charge as a felony if **Three (3) Priors**

The following charges can be a felony if **greater than \$950 WITH** a PC 290 Registrant **or** has a prior conviction for Super Strike*

- PC 470(d)
- PC 475(a)
- PC 475(b)
- PC 476

The following charges can **only** be a felony if suspect is a PC 290 Registrant **or** has a prior conviction for Super Strike*

- PC 484e(a)
- PC 484e(b)
- PC 484e(d)

Note: These new misdemeanors may impact

1. Your ability to arrest for certain crimes not committed in your presence,
2. Your ability to book a suspect into jail for the misdemeanor, and
3. Your ability to get a search warrant to recover evidence of the crime.

Undoubtedly this will be an evolving area for law enforcement for the next few months. To aid in your patrolling efforts the jails have amended their booking criteria to accept certain additional misdemeanors to those already in place. See Jail Booking Criteria for details.

*Super Strike priors are listed below. When conducting a records check of individuals or pulling a rap sheet to confirm convictions, look for the following Super Strike offenses.

Inclusionary Priors
PC 290(c)/PC 667(e) (2) (C) (iv)/PC 666

THIS LIST IS NOT EXHAUSTIVE

The Proposition 47 list of specified prior convictions includes any serious and/or violent felony offense punishable by life imprisonment or death. Many are listed below.

P.C. 37	Treason (<i>a life crime</i>)
P.C. 128	Perjury Causing the Execution of an Innocent Person (<i>a life crime</i>)
P.C. 182	Conspiracy to Commit a Crime Punishable by Life or Death, or Conspiracy to Commit Any Offense Specified in P.C. 290(c)
P.C. 187	Murder (<i>and attempted murder—see P.C. 664–187, below</i>)
P.C. 191.5(a)	Gross Vehicular Manslaughter While Intoxicated
P.C. 191.5(b)	Vehicular Manslaughter While Intoxicated (<i>formerly P.C. 192(c) (3)</i>)
P.C. 205	Aggravated Mayhem (<i>a life crime</i>)
P.C. 206	Torture (<i>a life crime</i>)
P.C. 207	Kidnapping (<i>if the intent is to commit P.C. 261, 262, 264.1, 286, 288, 288a, or 289</i>)

P.C. 209(a)	Kidnapping for Ransom or Extortion (<i>a life crime</i>)
P.C. 209(b)	Kidnapping to Commit Robbery or a Sex Crime (<i>a life crime</i>)
P.C. 209.5	Kidnapping in the Commission of Carjacking (<i>a life crime</i>)
P.C. 217.1(b)	Attempted Murder of a Gov't Official (<i>a life crime</i>)
P.C. 218	Acting With Intent to Derail or Wreck a Train (<i>a life crime</i>)
P.C. 219	Derailing or Wrecking a Train (<i>a life crime</i>)
P.C. 220	Assault With Intent to Commit a Sex Crime (<i>but not mayhem</i>)
P.C. 236.1(b)	Human Trafficking With the Intent to Effect a Specified Violation (e.g., pimping, pandering, obscene matter)
P.C. 236.1(c)	Human Trafficking Involving Inducing a Minor to Commit a Commercial Sex Act
P.C. 243.4 (F/M)	Sexual Battery
	P.C. 245(d) (3) Assault on a Peace Officer or Firefighter
P.C. 261(a) (1), (2), (3), (4) & (6)	Rape (<i>except submitting under false belief (a) (5) or threatening to use the authority of a public official (a) (7)</i>)
P.C. 262	Spousal Rape (<i>if by force, violence, duress, menace, or threat to retaliate</i>)
P.C. 264.1	Rape or Sexual Penetration in Concert
P.C. 266 (F/M)	Enticing or Procuring a Female for Prostitution or Illicit Purposes
P.C. 266c (F/M)	Inducing a Sex Act by a False Representation Creating Fear
P.C. 266h(b)	Pimping Involving a Victim/Prostitute Who is a Minor
P.C. 266i(b)	Pandering Involving a Victim/Prostitute Who is a Minor
P.C. 266j	Providing or Transporting a Child Under Age 16 for a Lewd Act
P.C. 267	Abducting a Minor for Purposes of Prostitution
P.C. 269	Aggravated Sexual Assault of a Child (<i>a life crime</i>)
P.C. 272 (M)	Contributing to the Delinquency of a Minor if Lewd or Lascivious Conduct is Involved
P.C. 273ab	Assault on a Child Under Age 8 That Results in Death (<i>a life crime</i>)
P.C. 285	Incest
P.C. 286 (F/M)	Sodomy
P.C. 288 (F/M)	Lewd or Lascivious Act on a Minor or Dependent Person
P.C. 288a (F/M)	Oral Copulation
P.C. 288.2	Distributing or Exhibiting Harmful Matter to a Minor for the Purpose of Seduction (<i>only a felony violation of P.C. 288.2 is a Prop. 47 disqualifier</i>)
P.C. 288.3	Contacting or Communicating With a Minor with the Intent to Commit a Specified Offense
P.C. 288.4 (F/M)	Arranging a Meeting with a Minor or Person Believed to be a Minor for Purposes of Engaging in Lewd Behavior
P.C. 288.5	Continuous Sexual Abuse of a Child
P.C. 288.7	Sex Act With a Child Age 10 or Younger (<i>a life crime</i>)
P.C. 289 (F/M)	Sexual Penetration
P.C. 311.1 (F/M)	Sending, Bringing, or Possessing Obscene Matter Depicting a Person Under Age 18, With the Intent to Distribute or Exhibit
P.C. 311.2(b)	Sending, Bringing, or Possessing Obscene Matter Depicting a Person Under Age 18, With the Intent to Distribute or Exhibit, for Commercial Consideration
P.C. 311.2(c) (F/M)	Sending, Bringing, or Possessing Obscene Matter Depicting a Person Under Age 18, With the Intent to Distribute or Exhibit to a Person Age 18 or Older
P.C. 311.2(d)	Sending, Bringing, or Possessing Obscene Matter Depicting a Person Under Age 18, With the Intent to Distribute or Exhibit to a Person Under Age 18
P.C. 311.3 (F/M)	Sexual Exploitation of a Child
P.C. 311.4 (F/M)	Using or Permitting a Minor to Pose or Model for Obscene Matter
P.C. 311.10 (F/M)	Advertising for Sale or Distribution Obscene Matter Depicting a Person Under Age 18

P.C. 311.11 (F/M)	Possession of Child Pornography
P.C. 314.1 (F/M)	
& P.C. 314.2 (M)	Indecent Exposure
P.C. 368(d) (F/M)	Elder or Dependent Adult Fraud by a Non-Caretaker (<i>applies only to P.C. 666 offenses</i>)
P.C. 368(e) (F/M)	Elder or Dependent Adult Fraud by a Caretaker (<i>applies only to P.C. 666 offenses</i>)
P.C. 451.5	Aggravated Arson (<i>a life crime</i>)
P.C. 647.6 (F/M)	Annoying or Molesting a Child Under Age 18 or Engaging in Such Conduct With an
(formerly P.C. 647a)	Adult Who is Believed to Be a Minor
P.C. 653f(b)	Solicitation to Commit Murder
P.C. 653f(c)	Solicitation to Commit a Specified Sex Crime
P.C. 664 (F/M)	Attempt to Commit Any Offense Specified in P.C. 290(c)
P.C. 664–187	Attempted Murder, With or Without Premeditation
P.C. 667.61	Any Sex Crime Punishable Pursuant to P.C. 667.61 (<i>a life crime</i>)
P.C. 667.7	Any Crime Punishable Pursuant to P.C. 667.7 (<i>a life crime</i>)
P.C. 667.71	Any Crime Punishable Pursuant to P.C. 667.71 (<i>a life crime</i>)
P.C. 4500	Assault By a Life Prisoner on a Non-inmate (<i>a life crime</i>)
P.C. 11418	Possession of a Weapon of Mass Destruction “as defined in Section 11418(a)(1)”
P.C. 11418(b)(1)	Using or Employing a Weapon of Mass Destruction in a Form That May Cause Widespread, Disabling Illness or Injury in Humans (<i>a life crime</i>)
P.C. 11418(b)(2)	Using or Employing a Weapon of Mass Destruction in a Form That May Cause Widespread GBI or Death, and Actually Causing the Death of a Human (<i>a life crime</i>)
P.C. 12022.53(d)	Any Felony to Which a P.C. 12022.53(d) Firearm Use Enhancement
P.C. 18745	Exploding a Destructive Device with the Intent to Commit Murder [Formerly P.C. 12308] (<i>a life crime</i>)
P.C. 18755(a)	Exploding a Destructive Device or Explosive Causing Death [Formerly P.C. 12310(a)] (<i>a life crime</i>)
P.C. 18755(b)	Exploding a Destructive Device or Explosive Causing GBI or Mayhem [Formerly P.C. 12310(b)] (<i>a life crime</i>)
P.C. 12308	Exploding a Destructive Device with the Intent to Commit Murder [Now P.C. 18745] (<i>a life crime</i>)
P.C. 12310(a)	Exploding a Destructive Device or Explosive Causing Death [Now P.C. 18755(a)] (<i>a life crime</i>)
P.C. 12310(b)	Exploding a Destructive Device or Explosive Causing Death or Mayhem [Now P.C. 18755(b)] (<i>a life crime</i>)
Military & Vets.	
1670/1672(a)	Sabotage: Hindering or Delaying Preparation for Defense or War, and Causing Death or GBI (<i>a life crime</i>)
1671/1672(a)	Sabotage: Making or Omitting to Note Defects in Things Intended to be Used for Defense or War, and Causing Death or GBI (<i>a life crime</i>)

This Training Bulletin was written by the In Service Training Unit. If you have any information or expertise in a specific area and would like to write a training bulletin, please contact Corporal Michael Cruz at the L.E. In-Service Training Unit via e-mail at michael.cruz@sdsheriff.org or call 858-505-6509.