

Prop. 47 Excludable Offenses

EXCLUDABLE OFFENSES (non-exclusive list):

<u>Charges</u>	<u>Definitions</u>
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. 192(c)(3)	Vehicular Manslaughter While Intoxicated (<i>now P.C. 191.5(b)</i>) [P.C. 192(c)(3) was renumbered to P.C. 191.5(b) effective 1/1/2007. P.C. 668.5 provides that an offense specified as a prior felony conviction by reference to a specific code section shall include any prior felony conviction under any predecessor statute of that specified offense that includes all of the elements of that specified offense. Since P.C. 191.5 is specified in Prop 36, its predecessor statute also qualifies.]
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	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	Enticing or Procuring a Female for Prostitution or Illicit Purposes

P.C. 266c	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	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	Sodomy
P.C. 288	Lewd or Lascivious Act on a Minor or Dependent Person
P.C. 288a	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 Prop. 47 disqualifier</i>)
P.C. 288.3	Contacting or Communicating With a Minor or Person Believed to be a Minor for Purposes of Engaging in Lewd Behavior
P.C. 288.4	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	Sexual Penetration
P.C. 311.1	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)	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	Sexual Exploitation of a Child
P.C. 311.4	Using or Permitting a Minor to Pose or Model for Obscene Matter
P.C. 311.10	Advertising for Sales or Distribution Obscene Matter Depicting a Person Under Age 18
P.C. 311.11	Possession of Child Pornography
P.C. 314.1 &	Indecent Exposure

P.C. 314.2	
P.C. 368(d)	Elder or Dependent Adult Fraud by a Non-Caretaker (<i>applies only to P.C. 666 offenses</i>)
P.C. 368(e)	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 (formerly P.C. 647a)	Annoying or Molesting a Child Under Age 18 or Engaging in Such Conduct With an 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	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 ot P.C. 667.61 (One-Strike Sex Offender) (<i>a life crime</i>)
P.C. 667.7	Any Crime Punishable Pursuant to P.C. 667.7 (Habitual Sex Offender)(<i>a life crime</i>)
P.C. 667.71	Any Crime Punishable Pursuant to P.C. 667.71 (Habitual Sex Offender)(<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)” [Many acts with respect to weapons of mass destruction (e.g., “using” or “employing”) may involve possession.]
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 Attaches (<i>25 years to life for intentionally discharging a firearm that proximately causes GBI or death</i>)
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. 12310b	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>)
Military & Vets. 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>)