

Staff Memorandum 2025–12
Victims’ Rights, Serious and Violent Felonies, and Related Matters

At its October 2025 meeting, the Committee on Revision of the Penal Code will consider the serious and violent felony classifications in the Penal Code and how these laws intersect with victims’ rights and services.

Table of Contents

Introduction..... 1

Development of the Serious and Violent Felony Lists and Victims’ Rights..... 2

 Violent felonies.....2

 Serious felonies..... 3

 Transformation under the Three Strikes Law.....5

 Proposition 21 (2000): The Gang Violence and Juvenile Crime Prevention Act 7

 Proposition 9 (2008): Marsy’s Law, The Victims’ Bill of Rights Act of 2008..... 7

 Recent legislative efforts to expand serious and violent felonies.....8

 Expansiveness of serious and violent offenses..... 9

 Other consequences of a serious or violent felony conviction.....11

Victim Services Established in the Penal Code.....12

 Child Advocacy Centers and Family Justice Centers..... 12

 Ongoing funding challenges for victim services..... 12

 Protective orders in criminal proceedings.....14

Staff Recommendations..... 15

 • Modify the serious and violent lists.....15

 • Require counties to establish and use Child Advocacy Centers.....16

 • Establish a victim’s right to be heard on protective orders..... 16

Conclusion..... 16

Appendix A: Timeline of Changes to the Serious and Violent Lists..... 17

Appendix B: Statutory Consequences of Serious and Violent Felonies..... 23

Introduction

For decades, California’s Legislature and voters have made significant changes to California’s Penal Code and constitution to protect and help crime victims. These efforts have generally followed two distinct tracks: one path has focused on criminal defendants and expanding punishment for them — most significantly through expanding what offenses are designated as “serious” or “violent” and creating harsher consequences for convictions for these offenses — while the other has created specific rights and services for victims. The punitive track,

which affects far more people because it automatically applies every time an eligible offense is charged, has had an extremely uncertain impact on victims' services or healing. Indeed, surveys of crime victims show that many would prefer support services, information, and recovery assistance over harsher punishments.¹ There is also limited improvement to public safety from harsher punishment.²

California's serious and violent felony laws were first established in the 1970s and 1980s as sentencing enhancements for people with prior serious or violent convictions. This means that merely adding a new offense to the serious or violent list does not increase punishment for that offense unless the person has a prior conviction for a serious or violent felony. Over time, the lists have also grown dramatically: the original "violent" list had 9 categories; it now has 25. The original "serious" list had 26 categories and now has 44. (Appendix A has the complete timeline.) And aside from increasing punishment in future convictions, there are dozens of other life-long consequences resulting from a conviction for a serious or violent offense.

California voters have also approved two ballot initiatives that created a variety of victims' rights in the constitution. But these rights are typically procedural in nature, facilitating a victim's participation in court proceedings. California law also provides for some victim services and compensation, but funding for these programs has rarely been sufficient and many crime victims are underserved by them.

Development of the Serious and Violent Felony Lists and Victims' Rights

Violent felonies

The "violent felony" designation was introduced in 1976 through the Uniform Determinate Sentencing Act, which added section 667.5 to the Penal Code.³ At that time, the classification primarily served as a sentencing enhancement — individuals convicted of a violent felony who had previously served a prison term for a violent felony were required to be sentenced to a consecutive three-year enhancement.⁴ This enhancement also had a 10 year "wash out"

¹ Alliance for Safety and Justice, *Crime Survivors Speak 2024* (September 2024).

² See, e.g., Committee on Revision of the Penal Code, *2020 Annual Report and Recommendations*, 9–10, 67–68; *2021 Annual Report and Recommendations*, 7–9. The Committee also had a meeting in June 2020 on the relationship between long prison sentences and public safety.

³ Penal Code § 667.5(a), as enacted in Stats. 1976, Ch. 1139, Sec. 268. See also, *People v. Jones*, 5 Cal.4th 1142, 1147 (1993).

⁴ *Id.*

period, meaning that the prior violent conviction generally had to be within 10 years of the current one.⁵

The Penal Code provision creating the violent list also stated: “The Legislature finds and declares that those specified crimes merit special consideration when imposing a sentence to display society’s condemnation for such extraordinary crimes of violence against the person.”⁶

The list of violent offenses at the time the law first took effect was much shorter than the list today. It included 9 categories of offenses that were considered “violent”:⁷

- Murder or voluntary manslaughter
- Mayhem
- Rape (as then defined)
- Sodomy by force, violence, duress, menace, or threat of great bodily injury
- Oral copulation by force, violence, duress, menace, or threat of great bodily injury
- Lewd or lascivious act on a child under 14 years of age
- Any felony punishable by death or life imprisonment
- Any felony in which the defendant personally inflicts great bodily injury on any person other than an accomplice,
- Any felony in which the defendant personally uses a firearm.

Shortly after the passage of the Uniform Determinate Sentencing Act, a former California Deputy Attorney General and Chief Counsel to the parole board wrote that the “arbitrariness” of this list presented a “fundamental problem” because some offenses on the violent list “often do not involve actual injury to the victim ... [while the list] excludes many crimes that frequently involve actual injury to the victim.”⁸

Serious felonies

The “serious felony” designation was introduced in 1982 through Proposition 8, also known as the Victims’ Bill of Rights.⁹ The law added Penal Code section 1192.7(c), which created a statutory list of 26 categories of “serious” felonies. At the time of its enactment, the law served primarily as a sentencing enhancement

⁵ Penal Code § 667.5(a). The 10 year period had to be one “in which the defendant remained free of both prison custody and the commission of an offense that results in a felony conviction.”

⁶ See Stats. 1976, c. 1139, § 268.

⁷ Id.

⁸ April K. Cassou and Brian Taugher, *Determinate Sentencing in California: The New Numbers Game*,

⁹ Pacific Law Journal 5, 52–53 (1978).

⁹ Proposition 8 (1982).

— it created the “nickel prior” enhancement, which adds 5 years to a serious felony sentence for each prior serious felony conviction.¹⁰ Unlike the three year enhancement related to violent felonies, there was no “wash out” period that precluded use of older convictions.

The original list of serious felonies adopted through Proposition 8 included:¹¹

- Residential burglary
- Robbery
- Kidnapping
- Attempted murder
- Arson
- Assault with a deadly weapon on a peace officer
- Assault with intent to commit rape or robbery
- Exploding a destructive device
- Lewd acts on a child under 14
- Certain drug offenses involving minors
- Any felony in which the defendant personally used a firearm or caused great bodily injury
- Attempt to commit any listed offense (other than assault)
- Others, including a range of sex offenses.

The California Supreme Court noted in 1986 that the list of “serious” offenses were “not devised with precision” and that “a defendant’s conduct may place him into the ‘serious felony’ classification under a number of different categories.”¹²

Proposition 8 also sought to limit plea bargaining in cases involving serious felonies and certain other offenses, subject to narrow exceptions.¹³ In practice, however, the ban has had little impact.¹⁴

In addition to the nickel prior and plea bargaining restrictions, Prop. 8 also enacted Article I, Section 28 of the California Constitution, which established a

¹⁰ Penal Code § 667(a).

¹¹ Proposition 8 (1982); § 7; Penal Code § 1192.7(c).

¹² *People v. Equarte*, 42 Cal.3d 456, 465 (1986). The Court has also explained that Prop 8’s serious list was derived from a list of offenses that required a mandatory minimum jail term for people who subsequently possessed a gun. See *People v. Jackson*, 37 Cal.3d 826, 831–832 (1985) (describing Penal Code § 12021.1(b)). Prop’s 8 list also included references to two repealed offenses. *Id.* at 832. Penal Code § 1192.8, added to the Penal Code in 1989, additionally clarifies that traffic offenses that result in the infliction of great bodily injury or where a deadly weapon was used are serious felonies.

¹³ Penal Code § 1192.7(a)(2). The prohibition on plea bargaining was later expanded to any offense where the defendant personally used a firearm. AB 566 (McClintock 1989).

¹⁴ See Committee on Revision of the Penal Code, *Staff Memorandum 2023-07 Prosecutorial Discretion, Plea Bargaining, and Related Matters*, 11 (September 26, 2023).

set of constitutional rights for crime victims, including a right to restitution, pretrial release restrictions that prohibited release on own recognizance for people charged with serious felonies, and a right to notice of and appearance at any sentencing or parole hearings.¹⁵

The argument in support of Prop 8 in the ballot pamphlet told voters the initiative would “ensure swift and certain justice for criminals and establish unequivocal rights for victims of crime.”¹⁶ It emphasized that “the rights of victims of crime should be respected no less vigorously than the rights of criminal defendants.”¹⁷

Transformation under the Three Strikes Law

In 1994, the legal significance of the serious and violent felony classifications changed significantly with the enactment of the Three Strikes Law.¹⁸ Passed both by the Legislature and by voter initiative, the law was a response to several high-profile violent crimes committed by individuals with prior criminal convictions.¹⁹ Supporters claimed the initiative would keep “career criminals, who rape women, molest innocent children, and commit murder, behind bars where they belong” and emphasized that the law would “save lives and taxpayer dollars.”²⁰ The proponents of the initiative also said that “this time, it was victims first!”²¹

Before Three Strikes, the primary impact of a serious or violent felony conviction was a three or five year enhancement. After Three Strikes, these classifications triggered an entirely new sentencing structure for people with prior convictions by establishing a tiered sentencing scheme that provided:

- **“Second strike”**: Any felony — even a non-serious or nonviolent one — committed after a prior serious or violent felony conviction would result in doubling the sentence for the new offense.²²
- **“Third strike”**: A person with two or more prior serious or violent felony convictions faced a mandatory sentence of 25 years to life, even if the new

¹⁵ Cal. Const. art. I, § 28 (1982).

¹⁶ See Voter Information Guide for 1982, Primary (1982).

¹⁷ Id.

¹⁸ Proposition 184 (1994); Penal Code § 1170.12.

¹⁹ See Voter Information Guide for 1994, General Election (1994). See also AB 971 (1994); *California Elections: Proposition 184: ‘Three Strikes’: A Steamroller Driven By One Man’s Pain*, Dan Morain (October 17, 1994).

²⁰ See Voter Information Guide for 1994, General Election (1994), *Argument in Favor of Proposition 184*, 36 (capitalization removed from second quotation)

²¹ Id. at 37.

²² Penal Code § 1170.12(c)(1).

offense was not a serious or violent felony.²³ (A subsequent voter initiative, Proposition 36, in 2012, amended the law, as explained below.)

- **Consecutive sentencing:** Courts would be required to impose consecutive sentences when a person is convicted of multiple serious or violent felonies in the same case, rather than allowing them to be served concurrently.²⁴
- **Limits on credit-earning:** The total amount of credits convicted people could earn in prison was limited to one-fifth of the total term of imprisonment.²⁵ (A subsequent voter initiative, Proposition 57 in 2016, allowed CDCR to provide greater credit earning.)²⁶

There is no “wash out” period for prior strikes, which means that very old convictions can be used to increase punishment under the law.²⁷ Additionally, juvenile adjudications can be treated as prior strikes in adult court, even though these adjudications are not “convictions” for most other purposes in California law.²⁸

In 2011, the Legislature enacted AB 109 (Public Safety Realignment), which significantly altered felony sentencing by creating a new class of non-serious, non-violent, non-sex-offense felonies that, while still punishable by a term of imprisonment, must now be served in a county jail rather than state prison.²⁹ The law, however, excludes individuals with prior strike convictions from serving their sentences in county jail.³⁰ As a result, a person with a prior strike who is convicted of a jail-eligible felony must still serve that term in state prison.

In 2012, growing concerns about the harshness of the law — particularly in cases where the third offense was nonviolent or minor — led voters to approve Proposition 36.³¹ Under the law, a third strike sentence of 25 years to life now

²³ Penal Code § 1170.12(c)(2).

²⁴ Penal Code § 1170.12(a)(6)–(8).

²⁵ Penal Code § 1170.12(a)(5).

²⁶ Proposition 57 (2016).

²⁷ See Penal Code § 1170.12(a)(3).

²⁸ Welfare and Institutions Code § 203. For example, a juvenile adjudication for driving under the influence does not count as an adult DUI prior. *People v. Bernard*, 204 Cal.App.3d Supp. 16, 18 (1988). Similarly, a juvenile adjudication for a “serious” felony cannot be used to impose a 5-year “nickel” enhancement. *People v. West*, 154 Cal. App.3d 100, 107–108 (1984). But the Three Strikes law and the California Supreme Court authorize the use of juvenile adjudications as prior strikes in adult court. Penal Code §§ 667(d)(3), 1170.12(b)(3); *People v. Nguyen*, 46 Cal.4th 1007, 1015–1022 (2009).

²⁹ Penal Code § 1170(h).

³⁰ Penal Code § 1170(h)(3).

³¹ Proposition 36 (2012); Penal Code § 1170.126.

only applies when the new felony is serious or violent, or when the prosecution proves specific aggravating factors, such as the use of a firearm.³²

Proposition 21 (2000): The Gang Violence and Juvenile Crime Prevention Act

In the years following the passage of the Three Strikes Law, proponents of tougher sentencing laws continued to link efforts to increase punishments with the cause of supporting crime victims. Proposition 21, the Gang Violence and Juvenile Crime Prevention Act of 2000, took this approach.³³

The campaign in favor of Proposition 21 featured the story of Maggie Elvey, whose husband, Ross, was murdered by a 15-year-old and an accomplice.³⁴ Supporters emphasized that under the existing law, Ross's killer would be released at age 25, free of a criminal record, while Maggie would live the rest of her life in fear.³⁵ In the official Voter Information Guide, proponents argued that this "dangerously lenient" juvenile justice system endangered victims like Maggie and their families.³⁶

Although framed as a juvenile justice measure, one of Proposition 21's most significant impacts was the broad expansion of the offenses listed as serious or violent felonies, including making all robberies violent offenses where previously only more aggravated robberies of a home were considered violent. While the law was marketed as a reform to safeguard victims and families, Proposition 21 did not create new services, rights, or support for victims themselves.³⁷ Instead, it expanded the reach of punitive sentencing provisions for adults, while increasing the likelihood that young people would be tried as adults and receive long prison terms.³⁸

Proposition 9 (2008): Marsy's Law, The Victims' Bill of Rights Act of 2008

Proposition 9, commonly known as Marsy's Law and approved by voters in 2008, was framed as a transformative effort to correct what proponents described as a system that elevated the rights of "rapists, murderers, child molesters, and dangerous criminals" over those of innocent victims.³⁹ Supporters invoked the story of Marsy Nichols, a 21-year-old student at UC Santa Barbara, murdered by her boyfriend.⁴⁰ Days after Marsy's killing, her mother, Marcella, encountered

³² Penal Code §§ 667(e)(2)(C), 1170.12(c)(2)(C).

³³ See Voter Information Guide for 2000, Primary (1994), *Argument in Favor of Proposition 21*.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Voter Information Guide for 2000, Primary (1994), 119–131.

³⁸ *Id.*

³⁹ Proposition 9 (2008). See also Voter Information Guide for 2008, General Election (2008).

⁴⁰ Voter Information Guide for 2008, General Election (2008), *Argument in Favor of Proposition 9*.

the accused at a grocery store, not knowing he had been released on bail.⁴¹ Campaign advocates emphasized that “no pain is worse than losing a child or a loved one to murder ... except when the pain is magnified by a system that puts criminals’ rights ahead of the rights of innocent victims.” The measure, they argued, would “level the playing field, guaranteeing crime victims the right to justice and due process.”⁴²

Proposition 9 created constitutional and statutory rights that included:⁴³

- The right to be treated with fairness, respect, and dignity, and free from intimidation, harassment, and abuse.
- The right to be heard at any public proceeding involving bail, plea, sentencing, post-conviction release, or parole.
- The right to a speedy trial and prompt conclusion of the case.

Despite these guarantees, research and experience suggest that these rights are often not meaningfully realized in practice. Many victims remain unaware of the rights available to them.⁴⁴ The fast-paced nature of criminal courts frequently leaves victims with no real opportunity to exercise their right to be heard.⁴⁵ Victims seeking to enforce their rights have limited remedies. While courts have recognized that Marsy’s Law should be construed broadly to protect victims’ rights,⁴⁶ they have made clear that victims are not parties to criminal proceedings and lack standing to appeal sentencing or release decisions.⁴⁷ Although victims can seek writs of mandate to compel restitution orders,⁴⁸ courts have not extended this remedy to other rights, leaving enforcement uncertain and uneven.

Recent legislative efforts to expand serious and violent felonies

More recent legislative efforts to amend the serious or violent felony list have continued the pattern of using victims’ rights framing to expand the list of serious and violent felonies. For example, in 2022, SB 1042 would have added human trafficking to both the serious and violent felony lists.⁴⁹ The author of the

⁴¹ Id.

⁴² Id.

⁴³ Cal. Const. art. I, § 28(b) (as amended by Prop 9, 2008).

⁴⁴ Heather Warnken, *Real Justice: Victims’ Rights Delivered Report and Recommendations*, The Chief Justice Earl Warren Institute on Law and Social Policy, 11 (July 2012).

⁴⁵ Id.

⁴⁶ *People v. Lombardo*, 54 Cal.App.5th 553, 562–563 (2020).

⁴⁷ See *Dix v. Superior Court*, 53 Cal.3d 442 (1991).

⁴⁸ *People v. Plains All American Pipeline, L.P.*, 101 Cal.App.5th 872 (2024).

⁴⁹ SB 1042 (Grove — 2021–22 Regular Session).

bill emphasized the trauma suffered by victims, presenting the bill as a measure to strengthen prosecution for survivors.⁵⁰ However, the bill itself, which was ultimately unsuccessful, would not have created any new rights or services for trafficking survivors.

A year later, the Legislature passed SB 14, which added sex trafficking of a minor to the serious felony list.⁵¹ The bill was promoted as an effort to protect children and strengthen legal protections for survivors.⁵² However, the changes made by the law were limited to reclassification of the offense as a strike, and the law provided no additional services, remedies, or enforceable rights to victims themselves.

Most recently, SB 268 was enacted in 2024 to add rape of an unconscious or intoxicated person to the violent felony list.⁵³ While the author of the bill hailed its passage a victory for survivors of sexual assault, as with the earlier proposals, the law's statutory provisions are limited to reclassification within the Penal Code, and no new forms of support, assistance, or participation rights were created for crime victims.⁵⁴

In contrast, this year's AB 379 made penalties for solicitation of a minor more severe, but also created the "Survivor Support Fund," which collects fine revenue to provide grants to community-based organizations that provide direct services and outreach to victims of sex trafficking and exploitation.⁵⁵

Expansiveness of serious and violent offenses

The current list of serious and violent offenses do not always align with the crimes that cause the most harm to victims — some offenses that are comparatively less serious are included while others that involve significant harm are omitted.

For example, although robbery can in many cases involve substantial violence or the use of a weapon, all robberies are designated as serious and violent felonies. This includes so-called *Estes* robberies, where courts have upheld convictions based on conduct as minimal as a slight push of a cashier while taking money from an open register, stepping between and lightly pushing a store manager during a disputed purchases, verbal threats while shoplifting low-value items, or

⁵⁰ California State Senate, Office of Senator Shannon Grove, *SB 1042 Human Trafficking – Serious and Violent Felony*, (2022).

⁵¹ SB 14 (Grove — 2023-2024 Regular Session).

⁵² California State Senate, Office of Senator Shannon Grove, *SB 14 Human Trafficking*, (2023).

⁵³ SB 268 (Alvarado-Gil — 2023-2024 Regular Session).

⁵⁴ California State Senate, Office of Senator Marie Alvarado-Gil, *Republican Senator Alvarado-Gil's landmark SB 268 signed into law, a victory for Victims' Rights* (2024).

⁵⁵ AB 379 (Schultz), § 5.

even a juvenile displaying his waistband as if armed while an accomplice stole a single bag of chips.⁵⁶

Similarly, the wobbler offense of criminal threats — an offense that involves no physical contact or injury and only requires that a victim be placed in “sustained fear” — is always classified as a serious offense when it is a felony, even though the same conduct can be charged as a misdemeanor at the prosecutor’s discretion.⁵⁷ Courts have interpreted the offense broadly, allowing convictions based on threats that are ambiguous, conditional, or nonspecific, so long as the surrounding circumstances demonstrate the required intent and effect.⁵⁸ For example, in one case, the court upheld a conviction where a defendant, who was a student acting erratically and speaking gibberish, told a classmate he “needed to end” two of his peers.⁵⁹ Courts have held that the “sustained fear” requirement can be met even when the fear lasts less than a minute, reasoning that when a person believes they are about to die, even a minute is far longer than “momentary, fleeting, or transitory.”⁶⁰

Similarly, any “grand theft involving a firearm” is a serious offense. Courts have held that this provision applies to “any grand theft where a firearm is part of the crime — whether as a weapon to effect the crime or as the object of the crime.”⁶¹ But any theft where a defendant actually uses a gun would also be a robbery, which means the only real effect of this provision is to make any theft of a gun a serious felony.

Despite the wide range of conduct covered by these offenses, their classification as serious and violent felonies means that they have the same impact as murder, rape, or mayhem in triggering second-strike sentence doubling or a potential third-strike sentence of 25 years to life, among other consequences.

⁵⁶ *People v. Estes*, 147 Cal.App.3d 24 (1983). See also *People v. Garcia*, 45 Cal.App.4th 1242 (1996) (robbery conviction upheld where defendant gave the cashier a slight push to move her aside before taking money from the open register); *People v. Cortez*, 2023 WL 3402935 (robbery conviction sustained even though defendant did not take the merchandise herself, believed her companion had paid after seeing money placed on the counter, and the only force was stepping between and lightly pushing the store manager); *People v. Guevara*, 2021 WL 5997248 (robbery conviction upheld where items worth only \$40–50 were taken and the only force was threats causing the store employee to step aside); *In re G.G.*, 2025 WL 914127 (robbery conviction of a juvenile sustained where three youths stole a single bag of chips, G.G. was not the one who took the chips, and no physical force was used, only the display of a waistband as if armed, though no gun was found).

⁵⁷ Penal Code §§ 422, 1192.7(c)(38). See also, *People v. Solis*, 90 Cal.App.4th 1002, 1024 (2001).

⁵⁸ See, e.g., *People v. Butler*, 85 Cal.App.4th 745 (2000).

⁵⁹ *People v. Choi*, 59 Cal.App.5th 753 (2021).

⁶⁰ *People v. Fierro*, 180 Cal.App.4th 1342, 1349 (2010).

⁶¹ *People v. Rodola*, 66 Cal.App. 4th 1505, 1508 (1998). See also *People v. Anderson*, 2010 WL 5142196, *5 (“Grand theft of a firearm is a serious felony and a strike offense under California law.”).

California law also treats attempted crimes inconsistently across the two lists. While attempted murder is the only attempt crime designated as a violent felony, the serious felony list includes “any attempt to commit a crime listed in this subdivision other than assault.”⁶² This means that offenses such as attempted *Estes* robbery or attempted criminal threats are classified as serious felonies, even though the conduct they involve may be far less harmful than other crimes on the list.

While the classification of these offenses as strikes in all cases may be overinclusive, the list is also underinclusive — other offenses that appear equally or more harmful to victims remain outside of the serious and violent felony framework. For example, Penal Code section 140, which criminalizes violent retaliation or threats of retaliation against victims or witnesses, is not a strike offense even though Penal Code section 136.1, which punishes intimidation of victims or witnesses, is both a serious and violent felony.⁶³ Likewise, while “rape” qualifies as a serious felony, not all forms of rape are included in the violent felony list, which applies to rape accomplished by force or threat, rape in concert, and rape of an intoxicated person, but excludes conduct such as rape of an unconscious person.⁶⁴ Other serious harms, such as sexual penetration of an unconscious or intoxicated person, or abduction of a minor for purposes of prostitution, are also omitted from the lists.⁶⁵

Other consequences of a serious or violent felony conviction

Convictions for serious or violent felonies carry extensive consequences outside of criminal sentencing. A judge must find “unusual circumstances” to set a person’s cash bail below the county bail schedule when they are charged with a serious or violent offense.⁶⁶ A serious or violent conviction also excludes people from automatic criminal record expungement, restricts access to professional licenses and employment, and can influence outcomes in family and dependency court — including denial of reunification services or termination of parental rights.⁶⁷ These consequences extend the impact of a conviction long after someone’s sentence is over.

A more comprehensive list of statutes that attach legal consequences to a serious or violent felony conviction is provided in Appendix B.

⁶² Penal Code §§ 667.5(c)(12), 1192.7(c)(39).

⁶³ See Penal Code §§ 136.1, 140, 667.5(c)(20), 1192.7(c)(37).

⁶⁴ See Penal Code §§ 261, 667.5(c)(3), (18), (24), 1192.7(c)(3).

⁶⁵ See Penal Code §§ 267, 289, 667.5(c), 1192.7(c).

⁶⁶ Penal Code § 1275(c). But see *In re Humphrey*, 11 Cal.5th 134, 154 (2021) (if setting cash bail, court must always make individualized determination of reasonably affordable bail).

⁶⁷ Penal Code §§ 1203.425(b)(2) (limits on record sealing). See also Business & Professions Code § 480, Education Code 44830.1(a), Vehicle Code § 13370(a)(5) (professional licensing restrictions); Welfare & Institutions Code §§ 361.5(b)(12) (denial of reunification services).

Victim Services Established in the Penal Code

In addition to the constitutional rights created through ballot initiatives, California law establishes or provides financial support to a large network of programs designed to provide direct services to victims and witnesses of crime. These include Family Justice Centers, Rape Crisis Centers, Trauma Recovery Centers, and a host of community-based organizations.⁶⁸ The statutory framework establishing these services reflects the recognition that victims have many needs that extend beyond the criminal legal process, and that comprehensive, trauma-informed services are necessary to respond to their needs.

In addition to these service networks, California also operates the California Victim Compensation Board (CalVCB), which reimburses victims for certain expenses when they have suffered physical injury.⁶⁹ Covered costs include medical treatment, counseling, and funeral expenses, but access to the funds can be complicated by strict eligibility criteria.⁷⁰

Child Advocacy Centers and Family Justice Centers

Child Advocacy Centers (CACs) deliver trauma-informed, multidisciplinary services to victims of crime by coordinating services across multiple agencies to reduce retraumatization and improve outcomes.⁷¹ A hallmark of CACs is the use of soft interview rooms — child-focused spaces designed to be safe, neutral, and comfortable — where forensic interviews are conducted in a trauma-informed manner.⁷² While counties are authorized to establish CACs there is no statutory mandate requiring law enforcement or other stakeholders to use them. In practice, this can mean that even where soft interview rooms exist for child victims, some agencies bypass these facilities and conduct interviews in less appropriate environments.

Ongoing funding challenges for victim services

California's network of victim services programs is facing significant strain due to steep declines in federal funding under the Victims of Crime Act (VOCA).⁷³ VOCA dollars — collected from federal criminal fines and penalties rather than

⁶⁸ Penal Code §§ 13750–13752 (Family Justice Centers); Penal Code §§ 13837, 13838 (Rape Crisis Centers); Gov. Code § 13963.1 (Trauma Recovery Centers).

⁶⁹ Or emotional injury accompanied by the threat of physical injury. Gov. Code § 13955(f).

⁷⁰ Gov. Code § 13957.

⁷¹ See Penal Code §§ 11166.4.

⁷² Penal Code §§ 1116.4(b)(4), (8).

⁷³ See Hannah Orbach-Mandel, *Supporting Survivors: The Need for Stable Funding for Victim Services*, California Budget & Policy Center (April 2025).

taxpayer revenue — are the primary funding source for many crisis interventions, counseling, shelter, advocacy, and other essential victim services.⁷⁴ Deposits into the federal Crime Victims Fund have fallen sharply in recent years, largely due to declining federal white-collar crime prosecutions and settlements.⁷⁵ This has resulted in a nearly 80% reduction in California's VOCA allocation since 2018.⁷⁶

States' ability to rely on these funds has been further complicated by the federal government's withholding of VOCA funds and conditioning their release on state cooperation with federal immigration enforcement.⁷⁷ California, along with other states, has sued in federal court, arguing that it unlawfully ties unrelated immigration mandates to victim-assistance funding and jeopardizes public safety.⁷⁸

The reduced and uncertain funding has forced victim service providers to reduce staff, close programs, and eliminate or scale back critical services such as emergency shelter, housing assistance, counseling, and crisis hotlines.⁷⁹ Providers report that the effects of these cuts are particularly severe in rural areas and for culturally specific providers that serve marginalized populations, including immigrant and LGBTQ+ survivors.⁸⁰

In 2024, the Legislature responded with a one-time backfill of \$100 million to offset the loss of federal funds.⁸¹ This year, the 2025-26 budget includes an additional \$100 million one-time backfill.⁸² However, these backfills fall short of the amount of federal dollars lost, and no ongoing state funding has been established, leaving service providers with continued fiscal uncertainty and the need to engage in annual budget advocacy for survival.

⁷⁴ Id. See also, United States Department of Justice, Office for Victims of Crime, *Crime Victims Fund*.

⁷⁵ Hannah Orbach-Mandel, *Supporting Survivors*.

⁷⁶ Id.

⁷⁷ See California Department of Justice, Office of the Attorney General, *Attorney General Bonta Sues U.S. DOJ Over Unlawful Immigration Enforcement Conditions on Grant Funding for Victims of Crime* (August 18, 2025).

⁷⁸ Id.

⁷⁹ See Diana Becton, *Looming Budget Cuts Threaten Critical Victim Services Across California*, The Sacramento Bee (April 11, 2025).

⁸⁰ See California Partnership to End Domestic Violence and Valor US, *What Cuts to the Victims of Crime Act Would Mean for Sexual Assault and Domestic Violence Survivors in California*.

⁸¹ See California Department of Finance, *2024 Enactment Budget Summary — Criminal Justice and Judicial Branch*, 77.

⁸² See California Department of Finance, *2025 Enactment Budget Summary — Criminal Justice and Judicial Branch*, 64.

Protective orders in criminal proceedings

In addition to services and support programs, California law provides procedural protections for victims during criminal proceedings, most notably through the use of criminal protective orders.

When criminal charges are filed, the Penal Code authorizes courts to issue Criminal Protective Orders restricting a defendant's contact with victims or witnesses.⁸³ Criminal Protective Orders often follow Emergency Protective Orders, which may be issued ex parte at law enforcement's request before a criminal case is filed, but last for only a short period of time.⁸⁴ In 2023, the most recent year for which data is available, courts issued over 95,000 criminal protective orders.⁸⁵

Criminal Protective Orders can be issued at the request of victims or witnesses themselves, at the request of the prosecutor, or upon the court's own motion.⁸⁶ They are valid during the pendency of the criminal case and expire once the case is resolved by dismissal, acquittal, or sentencing, unless the court issues a protective order as part of the defendant's sentence.⁸⁷ In those cases, the protective orders can last for up to 10 years.

While courts have broad authority to issue protective orders, there is no statutory requirement that victims be consulted before such orders are issued. While Marsy's Law gives victims the right "to be heard, upon request, at any

⁸³ See Penal Code §§ 136.2, 236.1(j), 273.5(j), 368(l), 646.9(k), 1203.097. The standard for issuing a CPO is a "good cause belief" that harm to, intimidation of, or dissuasion of a victim or witness has occurred or is reasonably likely to occur. In these cases, courts may issue full no-contact orders, other communication restrictions, and in some limited circumstances, direct a law enforcement agency to provide protection to victims or witnesses.

⁸⁴ These orders require a showing of an immediate and present danger of harm and are limited to domestic violence, child abuse or abduction, elder abuse, or stalking allegations.

⁸⁵ California Department of Justice, Office of Gun Violence Prevention, *Pathways to Safety: California's Nine Court Protection Orders to Prevent Gun Violence*, 73 (June 2024).

⁸⁶ In addition, a law passed by the Legislature in 2014 explicitly provides that a minor who was not a victim of domestic violence but who was physically present at the time of the incident is deemed a "witness" and "to have suffered harm," allowing courts to include such children in protective orders. AB 1850 (Waldron — 2013-2014 Regular Session).

⁸⁷ *Babalola v. Superior Court*, 192 Cal.App.4th 948, 951 (2011). Statutory authority for these post-conviction orders is limited to cases involving domestic violence or sex offenses. Penal Code § 132.6(i). As clarified by the Court of Appeal in *People v. Pena*, 113 Cal.App.5th 640 (2025), following a 2018 legislative amendment, these post-conviction orders may only protect victims of the specific crime for which the defendant was convicted, and not other alleged victims in counts that resulted in dismissal, acquittal, or mistrial. Sentencing courts may also issue long-term protective orders for percipient witnesses to domestic violence or sex offense, but only upon clear and convincing evidence that the witness has been harassed by the defendant. Penal Code § 136.2(i)(2).

proceeding” involving release, plea, sentencing, or post-conviction matters, courts have not squarely applied this guarantee to criminal protective-order proceedings.⁸⁸ And even if victims are present at a hearing on a protective order and express a preference, the law does not guide how courts should consider their wishes in deciding whether to impose, deny, or tailor a protective order.

Staff Recommendations

The Committee may wish to consider the following proposals to address the issues raised in this memorandum.

- **Modify the serious and violent lists.**

While the Committee has previously recommended eliminating the Three Strikes Law altogether,⁸⁹ so long as California continues to apply the serious and violent classifications, the state should ensure that the lists are consistent in identifying conduct that is appropriate for the lists, which find their most impactful use in the Three Strikes law.

Subtractions

- Robbery should not be a serious or violent felony when the offense involves only the use of fear or minimal force, unless it was committed against a particularly vulnerable victim, such as an elderly person or a child. Prosecutors should be required to specifically plead and prove that the robbery is of a type that should be classified as a strike. Any robbery that used a weapon or resulted in great bodily injury would still count as a violent felony.
- Remove “criminal threats” from the serious felony list. This would still allow people convicted of the offense to be sentenced to prison terms up to 3 three years.
- Remove “grand theft involving a firearm” from the serious offense list. Any theft where the defendant uses a gun would still be considered robbery and a strike offense.

Additions

- Add Penal Code § 140 (retaliation or threats of retaliation against victims or witnesses) to the serious list.
- Sexual crimes punishing nonconsensual acts where the victim is unconscious, lacks capacity to consent, or is intoxicated, or where

⁸⁸ Cal. Const. art. I, § 28(8).

⁸⁹ Committee on Revision of the Penal Code, *2021 Annual Report and Recommendations*, 40 (December 2021).

consent is obtained by impersonation or by threats should all be treated as serious and violent offenses.

- Add abduction of a minor for purposes of prostitution under Penal Code § 267 to the serious list.
- **Require counties to establish and use Child Advocacy Centers.**
Each county should be required to establish or participate in a CAC and ensure that forensic interviews of children under age 18 in cases involving child abuse, sexual abuse, exploitation, or maltreatment are conducted at the CAC or a comparable child-focused setting. A narrow good-cause exception should apply when CAC use is not feasible, such as when exigent circumstances or staffing limitations prevent timely access.
- **Establish a victim's right to be heard on protective orders.**
Victims should have a right to be heard regarding the issuance or modification of criminal protective orders, including post-conviction orders, but courts should apply clear guidelines to ensure requests for modification are voluntary and not the result of coercion. Judges should consider factors such as the victim's safety, evidence of coercion or pressure, and input from the prosecution before granting a modification.

Conclusion

California's serious and violent felony lists have been expanded in a piecemeal fashion for decades. These changes have done little to meaningfully expand victims' rights and services. The Committee should recommend law changes that restore proportionality to the serious and violent lists and provide sustainable support for victims.

Respectfully submitted,

Thomas M. Nosewicz
Legal Director

Rick Owen
Senior Staff Counsel

Appendix A: Timeline of Changes to the Serious and Violent Lists⁹⁰

Year	Violent	Serious
1976	<p>Created by the Uniform Determinate Sentencing Act, Penal Code § 667.5(c):</p> <ul style="list-style-type: none"> • Murder or voluntary manslaughter • Mayhem • Rape (as then defined) • Sodomy by force, violence, duress, menace, or threat of great bodily injury • Oral copulation by force, violence, duress, menace, or threat of great bodily injury • Lewd or lascivious act on a child under 14 years of age • Any felony punishable by death or life imprisonment • Any felony in which the defendant personally inflicts great bodily injury on any person other than an accomplice, • Any felony in which the defendant personally uses a firearm. <p>Stats. 1976, c. 1139, § 268.</p>	
1982		<p>Created by Proposition 8, Penal Code § 1192.7(c):</p> <ul style="list-style-type: none"> • Murder or voluntary manslaughter • Mayhem • Rape • Sodomy by force, violence, duress, menace, or threat of great bodily harm • Oral copulation by force, violence, duress, menace, or threat of great bodily harm • Lewd acts on a child under the age

⁹⁰ The initial research for the material in these appendices was conducted by Gregory Mabra and Ryan Partovi, externs from UC Law SF.

Year	Violent	Serious
		<p>of 14 years</p> <ul style="list-style-type: none"> • Any felony punishable by death or imprisonment in the state prison for life • Any other felony in which the defendant inflicts great bodily injury on any person, other than an accomplice • Any felony in which the defendant uses a firearm • Attempted murder • Assault with intent to commit rape or robbery • Assault with a deadly weapon or instrument on a peace officer • Assault by a life prisoner on a noninmate • Assault with a deadly weapon by an inmate • Arson • Exploding a destructive device or any explosive with intent to injure • Exploding a destructive device or any explosive causing great bodily injury • Exploding a destructive device or any explosive with intent to murder • Burglary of a residence • Robbery • Kidnapping • Taking of a hostage by an inmate of a state prison • Attempt to commit a felony punishable by death or imprisonment in the state prison for life • Any felony in which the defendant personally used a dangerous or deadly weapon • Selling, furnishing, administering or providing heroin, cocaine, or phencyclidine (PCP) to a minor • Any attempt to commit a crime listed in this subdivision other than an assault <p>Prop. 8, § 7, approved June 8, 1982.</p>

Year	Violent	Serious
1986		<p>Added sexual penetration by force.</p> <p>Expanded:</p> <ul style="list-style-type: none"> • definitions of sex offenses • burglary to include all first-degree offenses <p>Stat. 1986, c. 1299, § 11; Stats. 1986, c. 489, §1.</p>
1987	<p>Added robbery of an inhabited dwelling, but only when the defendant personally used a deadly or dangerous weapon.</p> <p>Stats. 1987, c. 611, § 1.</p>	
1988	<p>Added:</p> <ul style="list-style-type: none"> • Arson • Sexual penetration by force • Use of a firearm from a motor vehicle causing great bodily injury during a felony (as a prior enhancement offense). <p>Stats. 1988, c. 70, § 1; Stats. 1988, c. 89, § 1.5.</p>	<p>Added:</p> <ul style="list-style-type: none"> • Sexual penetration by force or fear; • Bank robbery <p>Expanded selling drugs to a minor to include methamphetamine.</p> <p>Stats. 1988, c. 89, § 2; Stats. 1988, c. 432, § 2; Stats. 1989, c. 1043, § 2.</p>
1989	<p>Added attempted murder.</p> <p>Stats. 1989, c. 1012, § 1</p>	<p>Added “grand theft involving a firearm.”</p> <p>Expanded plea bargaining restrictions to include any felony involving personal use of a firearm.</p> <p>Stats. 1989, c. 1044, § 2.</p>
1990	<p>Added use of explosives or destructive devices with the intent to commit murder.</p> <p>Stats. 1990, c. 18, § 1</p>	
1991	<p>Added:</p> <ul style="list-style-type: none"> • Kidnapping 	

Year	Violent	Serious
	<ul style="list-style-type: none"> continuous sexual abuse of a child <p>Expanded robbery.</p> <p>Stats. 1991, c. 451, § 1.</p>	
1993	<p>Added carjacking where the defendant personally used a deadly or dangerous weapon.</p> <p>Expanded:</p> <ul style="list-style-type: none"> robbery to include inhabited floating homes kidnapping offenses <p>Stats. 1993, c. 162, § 3; Stats. 1993, c. 298, § 2; Stats 1993, c. 610, § 10; Stats. 1993, c. 611, § 11.</p>	<p>Added:</p> <ul style="list-style-type: none"> Carjacking Conspiracy to commit drug offenses involving minors when the defendant was substantially involved in the planning, direction, or financing <p>Stats. 1993, c. 588, § 1; Stats. 1993, c. 610, § 16.</p>
1994	<p>Added “spousal rape.”</p> <p>Stats. 1994, c. 1188, § 6.</p>	
1997	<p>Added:</p> <ul style="list-style-type: none"> rape in concert robbery of an inhabited structure in concert with two or more persons <p>Stats. 1997, c. 504, § 2.</p>	
1998		<p>Added:</p> <ul style="list-style-type: none"> Continuous sexual abuse of a child Throwing acid or flammable substances Assault with a deadly weapon on a firefighter Rape or sexual penetration in concert; Use of a firearm in the commission of listed felonies (PC 12022.53) <p>Stats. 1998, c. 754, § 1; Stats. 1998, c. 936, § 13.</p>

Year	Violent	Serious
1999		<p>Added false imprisonment.</p> <p>Stats. 1999, c. 298, § 1.</p>
2000	<p>Added:</p> <ul style="list-style-type: none"> • Assault with intent to commit mayhem, rape, sodomy, or oral copulation; • First-degree burglary with a person present; • Gang-related extortion and threats to victims/witnesses • Threats to victims or witnesses • Offenses with “10-20-life” firearm enhancement <p>Expanded:</p> <ul style="list-style-type: none"> • Robbery now includes all robberies. • Carjacking no longer required weapon use • All kidnapping (not limited to specified sections) • Arson <p>Prop. 21, § 15, approved March 7, 2000.</p>	<p>Added:</p> <ul style="list-style-type: none"> • Gang crimes • Assault with intent to commit mayhem, rape, sodomy, or oral copulation • Throwing acid or flammable substances • Assault with a deadly weapon or firearm on a peace officer or firefighter • Assault with a deadly weapon on a public transit employee, custodial officer, or school employee • Discharge of a firearm at an inhabited dwelling • Commission of rape or penetration by a foreign object in concert • Continuous sexual abuse of a child • Shooting from a vehicle • Intimidation of victims or witnesses • Criminal threats • Offenses with “10-20-life” firearm enhancement <p>Inadvertently removed false imprisonment.</p> <p>Prop. 21, § 17, approved March 7, 2000.</p>
2002	<p>Added offenses involving weapons of mass destruction.</p> <p>Stats. 2002, c. 606, §§ 2 & 3.</p>	
2006	<p>Added sex offenses committed against a child who is under 14 years old and more than 10 years younger than the defendant, or committed in concert.</p> <p>Stats, 2996, c. 337, § 30; Prop. 83, § 9, approved Nov. 7, 2006.</p>	
2023		<p>Added human trafficking of a minor, except where the defendant was also a victim of</p>

Appendix B: Statutory Consequences of Serious and Violent Felonies

Staff has made every effort to ensure the completeness of this list but is eager for corrections. Please send any additions or other changes to staff at the contact info on the Committee's website.

A consequence was generally included on this list if it referred specifically to the serious and violent offense lists in Penal Code §§ 1192.7(c) and 667.5(c). Other non-serious or nonviolent convictions may also trigger some of these consequences.

Category	Statute	Consequence	Serious	Violent
Three Strikes Law	Penal Code 667(c)(6), (7), (8)	Consecutive sentencing is required for new felony convictions when the person has a prior serious or violent felony conviction.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 667(e)(1)	Requires doubling of the determinate term or minimum term for an indeterminate sentence when the person has a prior serious or violent conviction.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 667(e)(2)(A)	Allows indeterminate life sentence for a new felony conviction when the person has a prior serious or violent conviction.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 667(d)(3)	Juvenile adjudications can count as prior serious or violent convictions.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 667(f)(1), (2)	Prosecutors are required to charge prior strikes, and can only but can move to dismiss them in furtherance of justice.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 667(g)	Dismissal of prior strikes shall not be used in plea bargaining. Prosecutors are required to shall plead and prove all known priors, and not enter into an agreement to strike them.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other Punishment & Sentencing	Penal Code 667(a)(1)	"Nickel prior" — 5-year sentence enhancement applied to current serious offense if person has prior serious conviction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
Other Punishment & Sentencing	Penal Code 667(c)(2)	Probation shall not be granted on a new felony conviction if the person has a prior serious or violent conviction.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 667(c)(4)	A person convicted of a felony who has a prior serious or violent conviction must serve their sentence in prison.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 667(c)(5)	Limits credit-earning for people sentenced to prison who have a prior serious or violent conviction.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 667.5(a)	A three-year enhancement is added to a sentence for a violent offense for each separate prior prison term for a violent offense, subject to a 10-year washout period.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 186.22(b)(1)A (B), (C)	The felony gang enhancement, which applies when a person is convicted of a felony to promote a criminal gang, adds an additional 5-year sentence for a serious offense and 10 years for a violent offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 1170(h)(3)	People who have a prior conviction for serious or violent offense (or offense requiring registration under Penal Code § 290) must serve any incarceration sentence for a felony in state prison, even if the offense provides for a local jail sentence.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 1170.82(b)	Selling drugs to a person with a prior violent conviction is a circumstance in aggravation for sentencing.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
Other Punishment & Sentencing	Penal Code 1170.84	Engaging in the tying, binding, or confining of any victim is a circumstance in aggravation for sentencing for anyone convicted of a serious offense.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Penal Code 1203(k)	A person on probation for a felony who is convicted of a new serious or violent offense is not eligible for probation or suspension of imposition of sentence.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 1174.4(a)(2)	A person may be ineligible for certain alternative sentencing programs if convicted of a violent offense.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 1203.085(b)	A person convicted of a violent or serious offense while on parole shall not be granted probation.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Welf. & Inst. Code 1732.5	No person 18 or older who committed a serious offense shall be committed to the Youth Authority.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Welf. & Inst. Code 602.3(a)	A juvenile court is required to commit any minor adjudicated to be a ward of the court for the personal use of a firearm in the commission of a violent offense, to placement in a juvenile hall, ranch, camp, or with the Department of the Youth Authority.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 1203.44(b)A (1)(B)-(C)	A person convicted of a serious or violent offense is not eligible for a voluntary secured residential substance use treatment pilot program known as "Hope California" in Sacramento and Yolo Counties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
Other Punishment & Sentencing	Penal Code 1000.7(b)(5)	A person with a prior or current serious or violent conviction is ineligible to participate in a deferred entry pilot program in juvenile hall.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parole & Community Supervision	Penal Code 3000.08(a)A (1-2)	A person released from prison on or after July 1, 2013, for a serious or violent offense is subject to parole supervision by CDCR.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 3505(a)A (2-3)	An incarcerated or supervised person who has committed a violent or serious offense is not eligible for non-revocable parole.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 3001(a)(1-3)	After release from prison on a violent offense, must serve a minimum of two years on parole, while a serious offense requires one year.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 3060.9(e)(3)	When a person violates parole, CDCR can place them in special rehabilitation programs instead of returning them to prison, but if the basis of the violation is a new serious or violent offense, the person is not eligible for programs.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 2449.5(d)(1)	For determinately sentenced nonviolent offenders, a prior violent conviction within 15 years is considered an aggravating factor when determining parole suitability.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 2535(b)(1)	A person on parole for a violent offense receives a parole adjustment review during the 25th month of continuous parole, instead of the 13th month.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
Parole & Community Supervision	15 CCR 2535(d)(3)	A person on parole who committed a serious offense and engages in any criminal conduct while on parole is considered good cause to be retained on parole.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	15 CCR 3078.9	A woman incarcerated with a current or prior conviction for a violent offense is not eligible for the Community Participant Mother Program unless there are unusual or mitigating circumstances, or the convictions were for robbery or burglary.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 3079.1(a-b)	An incarcerated person serving a current term for a serious or violent offense is ineligible for Postrelease Community Supervision.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 3760(b)(1–2)	A person released from state prison after serving a term for a serious or violent offense is subject to parole supervision by CDCR and the court in the county where the supervised person is supervised or the county in which the alleged parole violation occurred.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 3504	A person on parole convicted of a violent offense is subject to “high control” and is not automatically assigned to the minimum supervision category after 180 days of satisfactory parole.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 3521.1(c)A (1-2)	A person with a past or current violent or current serious offense may be considered for the Parole Service Center Program only on a case-by-case basis.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
Parole & Community Supervision	15 CCR 3521.2(d)(1-2)	A person with a past or current violent or serious offense may be considered for the Residential Multi-Service Center Program only on a case-by-case basis.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 3610(f)(3)	A parole agent must refer a violent offender to a Parole Outpatient Clinic for mental health services if a mental disorder contributed to the offense.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 3720(b)(1)	A supervised person who committed a violent offense and is on a three-year probation period will have a case review during the 24th month of continuous parole.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CDCR Placements and Credits	Penal Code 1170.05(d)A (1-2)	A person with a current conviction for a serious or violent offense is ineligible to participate in the alternative custody program.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 6228	A defendant with a prior serious or violent conviction is ineligible for placement in a restitution center.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 3417(b)(1)(C)	A person convicted of a serious or violent offense is not eligible for CDCR community treatment programs for mothers, except in unusual circumstances considered on a case-by-case basis if the violent offense was for robbery or burglary.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 3371.1(g)A (1-2)	If an incarcerated person has multiple convictions, and one is a violent offense, then all convictions and enhancements are considered violent for Good Conduct Credit.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
CDCR Placements and Credits	Penal Code 2933.1(a)	A person committed to CDCR for a violent offense cannot accrue more than 15% of work time credit.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 3043(c)(2)	An incarcerated person serving a term for a violent offense cannot have credit awarded to advance their release date to less than 60 days.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 3328	A person who committed a violent offense can be eligible for a one-time credit restoration application only if local law enforcement is notified of their release in not less than the 45-day time frame otherwise required by law.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 3375.2(b)A (28)	Administrative or irregular placement conditions known as administrative determinants, which may be imposed to override the placement of an incarcerated person at a facility according to their placement codes, include among others, incarcerated person has a current or prior conviction for a violent offense, a sustained administrative determination regarding allegations of violent acts, or a probation or Post-Release Community Supervision violation involving a violent offense.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 3043.2(b)(2)	An incarcerated person who is serving a term for a violent offense earns: (A) one day of credit for every four days of incarceration (20%), beginning May 1, 2017; and then (B) one day of credit for every two days of incarceration (33.3%), beginning May 1, 2021; (C) one day of credit for every day of incarceration (50%) for Work Group F.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
CDCR Placements and Credits	15 CCR 3327(c)(2)	A person who has been convicted of a violent offense is not eligible for credit restoration in prison after serving a disciplinary-free period.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Program & Benefits Denial	2 CCR 649.4	A person convicted of a violent offense is denied assistance from the CalVCB if the assistance is for monetary loss sustained after the conviction and before being discharged from supervision.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Welf. & Inst. Code 12305.87(b)A (1)	A person convicted of a serious or violent offense is not eligible to provide or receive payment from In-Home Supportive Services for 10 years.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Welf. & Inst. Code 16501(k)(1)A (D)(E)	In counties that provide child welfare services to alleged victims of abuse, neglect, or exploitation, the county welfare director can allow employment of a person convicted of a felony if they find substantial and convincing evidence to support a reasonable belief that the employee is of good character to justify frequent and routine contact with children. However, an exemption shall not be granted for individuals who have been convicted of a violent offense. The county welfare director shall suspend such a person from any duties involving frequent contact with children, unless the person has received a certificate of rehabilitation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Welf. & Inst. Code 13303(b)(3)A (A)(i)	Funds for legal services for non citizens cannot be used for a person who has a serious or violent conviction.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
Program & Benefits Denial	Penal Code 26202(a)(6)	A person is disqualified from receiving a gun license if they were arrested for a serious or violent offense that was dismissed through a plea or with a waiver pursuant to <i>People v. Harvey</i> (1979) 25 Cal.3d 754.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Gov't Code 13956(c)(1)	A person convicted of a violent offense cannot be granted victim compensation until after release from a correctional facility. A person may apply for compensation at any time, but the award may not be considered until the applicant is released from probation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	15 CCR 3077(b)(2)	An incarcerated person is not eligible to participate in an SB-618 program if they have been convicted of a violent offense.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Professional & Occupational Licenses	Bus. & Prof. Code 26057(b)(4)A (A), (B)	The Department of Cannabis Control can deny or revoke a state license to sell marijuana if the candidate has been convicted of an offense that is substantially related to the qualifications or duties of the license. In determining which offenses are substantially related, the department shall consider whether the person has been convicted of a violent or serious offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	4 CCR 15017(b)(1-2)	Violent and serious convictions can be grounds to deny, suspend, or revoke a cannabis license.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Educ. Code 44237(e)(1)	A private elementary or high school may not employ anyone convicted of a violent or serious offense unless they obtain a certificate of rehabilitation or a pardon.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
Professional & Occupational Licenses	Educ. Code 44830.1(a)	A person who is convicted of a violent or serious offense may not be hired by a school district for positions that require certification qualifications. A school cannot retain the employment of a person who is already certified if they are convicted of such an offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Educ. Code 44346.1(a)	A person convicted of a violent or serious offense will be denied teaching credentials, unless the person has obtained a certificate of rehabilitation or a pardon, in which case, the commission may, but is not required to, grant a credential.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Health & Saf. Code 1568.061(d)	Violent conviction results in forfeiture of license to operate a residential care facility for the chronically ill.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Health & Saf. Code 1569.17(f)(1)A (A)	Case-by-case exemptions from license disqualification for employment in a residential care facility for the elderly unavailable for people convicted of a violent offense.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Health & Saf. Code 1569.19(d)	Violent conviction results in forfeiture of license to operate a residential care facility for the elderly.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Health & Saf. Code 1596.858(d)	Violent conviction results in forfeiture of license to operate a child day care facility.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
Professional & Occupational Licenses	Health & Saf. Code 1596.871(f)A (1)(A)	Case-by-case exemptions by the director of a child day care facility from disqualification for a license or special permit unavailable for people convicted of a violent offense.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Bus. & Prof. Code 480(a)(1)(A)	A state professional licensing board covering, among industries, real estate and alcoholic beverages, may deny an applicant a license if they have been convicted of a crime within seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession. The seven-year limitation does not apply to serious felonies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Bus. & Prof. Code 2232.5(a)(1), (b)(3)	The State Medical Board shall automatically suspend a license following the conviction of a serious offense.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Bus. & Prof. Code 7458(c)(1)	People convicted of a serious offense are banned from accessing app-based driving networks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Veh. Code 13370(a)(5)	People convicted of a serious or violent offense are banned from school bus or other special vehicle driver certificates.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Welf. & Inst. Code 5405(c)(1)	10 year ban and immediate suspension for people convicted of serious or violent felonies on employment or contracting in a state-licensed mental health facility.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
Judicial & Legal Processes	Penal Code 1387.1(a)	Under Penal Code 1387 a second dismissal is ordinarily a bar to future prosecution, but for violent felonies, the prosecution has an additional refiling opportunity if a previous refiling was due to excusable neglect.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 1473.5(a-b)	Allows habeas corpus for violent felonies committed before August 29, 1996 on the basis that expert testimony relating to intimate partner battering and its effects was not presented.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 1275(c)	The court has to find “unusual circumstances” to reduce bail below the county bail schedule for a person charged with a violent or serious offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Welf. & Inst. Code 782(a)(2)(E)	Juvenile court judges can dismiss cases & must “afford great weight” to evidence of mitigating circumstances, including but not limited to satisfactory completion of probation. “Great weight” standard does not apply in cases where an individual has been convicted in criminal court of a serious or violent offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Code of Civ. Proc. 340.3(b)(1)	10 year statute of limitations for bringing damages lawsuit against defendant convicted of most serious offenses. For non-serious cases, it’s 1 year.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex Offender Registration	Penal Code 290(d)(2), (3)	A person convicted of a registrable sex offense will be required to register for a minimum of 20 years if the offense is also classified as a serious or violent offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
Sex Offender Registration	Penal Code 290.008(d)A (1-2)	A juvenile adjudicated as a ward of the court for a registrable sex offense will be required to register for a minimum of 10 years to life if the offense is also classified as a serious or violent offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Disclosure & Public Information	Penal Code 11105.6(d)	Law enforcement may tell a bail agent whether an individual subject to a bench warrant has been convicted of a violent offense.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 14207(a)(1)	DOJ shall maintain publicly accessible information on persons with an arrest warrant for a violent offense.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 13665(b)A (1-2)	Generally, a police department or sheriff's office may not share on social media an individual's name and booking photos when they are arrested for a nonviolent crime. Police can share the booking photo of a person arrested for a violent crime, but the agency must remove the post from its social media page within 14 days.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Penal Code 3058.6(a)	CDCR must notify the local sheriff or chief of police, or both, and the district attorney at least 60 days before the release on parole of a person convicted of a violent offense.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Labor Code 432.7(e)(2)	Arrest records for serious or violent offenses can be disclosed for nonsworn members of a criminal justice agency, but only for those positions for which the specific duties relate to the collection or analysis of evidence or property or apprehension, prosecution, and incarceration.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
Disclosure & Public Information	Welf. & Inst. Code 204.5	A 14-year-old or older minor's name may be disclosed to the public if they become a ward of the court due to a sustained petition for a serious or violent offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Welf. & Inst. Code 827.6	A law enforcement agency may release information about a minor who has an outstanding arrest warrant for a violent offense if the release of this information would assist in the apprehension of the minor or the protection of public safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Welf. & Inst. Code 827.7(b)	A court may authorize a sheriff to disclose information about a minor who a court has found to have committed a violent offense if disclosure is imperative for the protection of the public.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Welf. & Inst. Code 5328(a)(20)A (A)	Allows specified facilities such as psychiatric hospitals to disclose to law enforcement a person's presence in a facility when the officer has an arrest warrant for a serious or violent offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Health & Saf. Code 11361.5(a)	Record expungement laws created by Prop 64 (The Adult Use of Marijuana Act) that require destruction of records of people arrested or convicted of marijuana sales offenses while under the age of 18 do not apply to persons whose arrest was for a serious or violent offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Victims	Penal Code 1202.4(f)(3)A (J)	For convictions for violent felonies, restitution can include expenses to install or increase the victim's residential security.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
Victims	Penal Code 1335(b)	When a person is charged with a serious offense, a witness may be examined conditionally (remotely) if there is evidence that their life is in danger.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Penal Code 5065.5(a)(1)	When a person incarcerated in CDCR enters into a contract to sell the story of a crime which was a specified serious offense, CDCR and the victim must be notified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools	Educ. Code 33193(a)(2); 33195.3(a)A (2)	When a private or heritage school contracts with an entity for construction or repair and the employees will have more than limited contact with the pupils, the school must ensure the safety of the pupils by either placing a physical barrier at the worksite, or ensuring continuous monitoring of all the employees by a person who has not been convicted of a serious or violent offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Educ. Code 48929	A student may be moved to another school by the district if they are convicted of a violent offense and is enrolled in the same school as the victim.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Educ. Code 45122.1(a)	A school district shall not employ a person who has been convicted of a serious or violent offense unless that person has obtained a certificate of rehabilitation.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Educ. Code 45125.2(a)	Mandatory monitoring of contractors working on schools must be done by an employee who has not been convicted of a serious or violent offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Statute	Consequence	Serious	Violent
Family	Family Code 6306(b)(1)	A court must consider a conviction for a violent or serious offense when determining whether to issue a domestic violence protective order or custody and visitation orders.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Welf. & Inst. Code 213.5(k)(2)	Before ruling on a restraining order protecting a dependent child of the juvenile court, the court will consider whether the potentially-restrained person has a conviction for a serious or violent offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Welf. & Inst. Code 361.5(b)(12)	Reunification services for the parents of dependent children are not required to be provided to a parent who has been convicted of a violent offense.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Immigration	Govt. Code 7282.5(a)(1)	Excluded from “California Values Act”: Law enforcement may cooperate with immigration authorities under certain circumstances, including by providing information about the person’s release date and transferring them to immigration custody, if the individual was convicted of a serious or violent offense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>