

## RULES COMMITTEE ACTION REQUEST FORM

**Rules Committee Meeting Date:** 11/16/2022

**Rules Committee action requested** [Choose from drop down menu below]:

**Submit to JC (without circulating for comment)**

**Title of proposal:** Civil Practice and Procedure: Enforcement of Judgment Form Revisions

*Proposed rules, forms, or standards (include amend/revise/adopt/approve):*

Revise form EJ-190 and form EJ-195

*Committee or other entity submitting the proposal:*

Civil and Small Claims Advisory Committee

*Staff contact (name, phone and e-mail):* Kendall W. Hannon, (415) 865-7653, [kendall.hannon@jud.ca.gov](mailto:kendall.hannon@jud.ca.gov)

*Identify project(s) on the committee's annual agenda that is the basis for this item:*

Annual agenda approved by Rules Committee on (date): November 1, 2022

Project description from annual agenda: Rules and Forms: Implementation of SB 1200

**Out of Cycle:** *If requesting September 1 effective date or out of cycle, explain why:*

The proposed revisions to EJ-190 and EJ-195 have not been circulated for public comment. Because the forms will not conform with the law as of January 1, 2023 if not revised, the committee is recommending the forms be approved prior to public comment, and be circulated as part of the spring cycle.

**Additional Information for Rules Committee:** (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

**Additional Information for JC Staff** (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.).

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 22-199*

For business meeting on: December 2, 2022

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**Title**

Civil Practice and Procedure: Enforcement of Judgment Form Revisions

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2023

**Rules, Forms, Standards, or Statutes Affected**

Revise forms EJ-190 and EJ-195

**Date of Report**

November 9, 2022

**Recommended by**

Civil and Small Claims Advisory Committee  
Hon. Tamara Wood, Chair

**Contact**

Kendall W. Hannon, 415-865-7653  
[kendall.hannon@jud.ca.gov](mailto:kendall.hannon@jud.ca.gov)

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### Executive Summary

The Civil and Small Claims Advisory Committee recommends changes to two forms related to renewals of judgments, effective January 1, 2023, to implement statutory changes in Senate Bill 1200 (Stats. 2022, ch. 883). In relevant part, this bill provides that a judgment creditor may only renew the period of enforceability of a money judgment one time, for 5 years—rather than multiple times, for 10 years each—where the judgment is on a claim against a natural person (1) related to medical expenses if the principal amount of the money judgment remaining unsatisfied is under \$200,000, or (2) related to personal debt if the principal amount of the money judgment remaining unsatisfied is under \$50,000. The proposed revisions address these statutory changes. Because the council forms will not conform with the law as of January 1 if not revised, the committee is recommending that the forms be approved by that date, prior to public comment, and be circulated later.

### Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the following forms, effective January 1, 2023:

- *Application for and Renewal of Judgment* (form EJ-190)

- *Notice of Renewal of Judgment* (form EJ-195)

The recommended forms are attached at pages 6–8, with the revisions highlighted.

### **Relevant Previous Council Action**

The council approved form EJ-190 and adopted form EJ-195 in 1983. The notice of renewal (form EJ-195) replaced a statutory form that had been in Code of Civil Procedure section 693.040 until that time. Since that time, both forms have been revised twice, but with only minor non-substantive changes.

### **Analysis/Rationale**

Under current law, a judgment creditor may extend the period of enforceability of any money judgment for 10 years by filing an application to renew the judgment in the court that entered the judgment.<sup>1</sup> There is currently no limit to the number of times a judgment creditor may renew a judgment. The filing of the application itself renews the judgment.<sup>2</sup> A judgment debtor may move to modify or vacate the renewal by filing a motion within 30 days after they were served with the notice of renewal of judgment.<sup>3</sup> In addition, judgment creditors are entitled to bring an action on a judgment, provided it is brought within 10 years.<sup>4</sup>

SB 1200 (see Link A) modifies these provisions. First, the new law limits the ability of a judgment creditor to renew a judgment to only five years, and only a single time, for a money judgment against a natural person that involves a claim related to: (1) medical expenses, if the principal amount of the judgment remaining unsatisfied is under \$200,000, or (2) personal debt if the principal amount of the judgment remaining unsatisfied is under \$50,000.<sup>5</sup> Second, it extends the time a judgment debtor has to file a motion to modify or vacate any renewal to 60 days.<sup>6</sup> Third, judgment creditors are not permitted to bring an action on a judgment involving these medical expense or personal debt claims.<sup>7</sup>

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<sup>1</sup> Code Civ. Proc., § 683.120.

<sup>2</sup> Code Civ. Proc., § 683.120(b).

<sup>3</sup> Code Civ. Proc., § 683.170(b).

<sup>4</sup> Code Civ. Proc., § 683.050.

<sup>5</sup> Code Civ. Proc., § 683.120(c). (“New,” as used hereafter in citations, refers to the law as enacted by SB 1200, to go into effect January 1, 2023.)

<sup>6</sup> New Code Civ. Proc., § 683.170(b).

<sup>7</sup> New Code Civ. Proc., § 683.050(b).

This proposal would reflect the first two of those statutory changes in order to make the council forms relating to renewal of judgments conform with the law as of January 1, 2023.<sup>8</sup> The recommended revisions are as follows.

***Application for and Renewal of Judgment (form EJ-190)***

A new subitem has been added to the information required in the application/renewal form for renewal of money judgments. Subitem 5j requires the judgment creditor to indicate whether the money judgment to be renewed involves either a claim for personal debt with a principal amount remaining unsatisfied of under \$50,000 or medical expenses with a principal amount remaining unsatisfied of under \$200,000, or some other claim (which would not be subject to the same limitations for renewals). A warning also been added below this new item advising the judgment creditor that if the judgment involves personal debt or medical expense claims against a natural person, the judgment may only be renewed once for five years after the unsatisfied principal amount falls below the statutory threshold.

Because the very act of filing this form renews the judgment,<sup>9</sup> and because such renewals are, as of January 1, 2023, limited for certain categories of money judgments, the committee concluded that revising this form by that date is vital. For that reason, the committee is recommending that it be approved by the council now with a January 1 effective date, and circulated for public comment post-adoption.<sup>10</sup>

***Notice of Renewal of Judgment (form EJ-195)***

This is a mandatory form to be issued by the clerk upon the filing of the application. Currently, item 1 on this form advises the judgment debtor that the renewal of judgment “extends the period of enforceability of the judgment until 10 years from the date the application for renewal was filed.” Beginning January 1, 2023, however, renewals of certain monetary judgments will be limited to 5 years. Because the length of the renewal will depend on the judgment’s underlying claims, and because issuance of this form is currently a ministerial action by the clerk (and so not subject to any review or action by a judicial officer), item 1 has been revised to remove the reference to the length of the renewal.<sup>11</sup> Instead, the item now simply advises the judgment debtor that the renewal extends the period of enforceability of the judgment. A citation to the

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<sup>8</sup> The third change described above is not reflected in Judicial Council forms, so is not addressed further in this proposal. In addition, SB 1200 changed the amount of interest that may be charged on the judgments described above (from 10 percent to 5 percent), and the committee will be proposing revisions to other council forms to reflect those changes in the near future. The information regarding the new interest rates will be added to the online California Courts Self-Help Center as of January 1.

<sup>9</sup> Code Civ. Proc., § 683.120(b) and new (c).

<sup>10</sup> Additional form revisions are being developed to implement other statutory changes enacted in SB 1200, and these forms can be circulated for comment with those.

<sup>11</sup> The committee notes that the statute does not require that the notice contain information about the time period of the renewal, only about the time period for moving against the renewal (which is provided in item 3). Code Civ. Proc., § 683.160.

relevant Code of Civil Procedure sections where the debtor can obtain additional information has been added.

Item 3 has also been revised to reflect that, under the new law, all judgment debtors will have 60 (rather than 30) days to file a motion to vacate or modify the renewal.

The committee recommends that this form also be approved by the council effective January 1, 2023, so that it can go into effect January 1. Because this form is issued by the clerk of the court, and because it is a mandatory form, without prompt revision clerks may have to issue forms that are not in compliance with the law.

The attorney/party and court information at the top of both forms has been updated to comply with Judicial Council current format for forms.

### **Policy implications**

While the new legislation has numerous policy implications, they are inherent in the statute and not related to the proposed forms. The recommendations here simply implement the legislative changes.

While approving the forms without prior public comment does not comply with the council's current policies of encouraging comment by stakeholders prior to acting, the need for the forms to be in compliance with the law by January 1, as discussed above, mandates such action in this instance. Post-approval circulation will allow such input, and the forms may be further revised if appropriate.

### **Comments**

The proposal has not yet been circulated for public comment. The Governor signed SB 1200 on September 30, 2022, and its provisions go into effect on January 1, 2023. As discussed above, the committee believes that it is important for these two forms to accurately reflect the law on that date. Accordingly, the committee proposes to circulate this proposal for public comment post-approval, when other revisions proposed under SB 1200 are circulated.

### **Alternatives considered**

The advisory committee did not consider the possibility of not revising the forms because the current forms will not be in compliance with the new legislation.

The committee did consider proposing revision of the forms as part of the normal Judicial Council forms cycle so that they could be circulated before approval, as part of a single proposal addressing all form revisions needed to reflect the changes in SB 1200.<sup>12</sup> However, as discussed above, given the significant changes to the renewal of judgment provisions, and the fact that the renewal of judgment form is essentially self-executing, the committee believes prompt revision

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<sup>12</sup>As noted above, in addition to the renewal of judgment changes discussed herein, SB 1200 also changed the interest rate applicable to certain money judgments, which the committee envisions may require revision to a number of forms.

is appropriate. This will allow the renewal of judgment forms to be consistent with the law when SB 1200 takes effect on January 1, 2023.

In considering the notice form (form EJ-195), the committee considered an alternative revision to item 1, which would contain subitems for the clerk to indicate whether the renewal of judgment extended the period of enforceability for 10 years or 5 years. That alternative would also add an instruction to the clerk explaining when the 5-year renewal term should be checked. The committee, however, was concerned that these changes would require clerks to operate outside of their ministerial role, and concluded that eliminating the time of enforceability from the form altogether was preferable. The committee also considered the possibility of revising the notice form so that it is not signed by the clerk, but instead by the judgment creditor (who is required by statute to serve the notice<sup>13</sup>). The committee concluded that such a change to the form should not be recommended without first obtaining public comment, and so is not recommending it to the council at this time. The committee may ask for specific comments on such a revision when the form is circulated for comment and, if appropriate, recommend further revisions to the form in the future.

### **Fiscal and Operational Impacts**

The new law, as reflected in the recommended form revisions, will have an impact on court administration to the extent that clerks, judicial officers, and court legal services and self-help offices will need to be trained on the new statutory requirements and how the new forms reflect those changes. New training materials and internal procedures will need to be developed.

### **Attachments and Links**

1. Forms EJ-190 and EJ-195, at pages 6–8
2. Link A: Senate Bill 1200,  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB1200](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB1200)

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<sup>13</sup> Code Civ. Proc., § 683.160(a).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number):  
After recording, return to:  
  
TEL NO.:  
E-MAIL ADDRESS:  
 ATTORNEY FOR  JUDGMENT CREDITOR  ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF  
STREET ADDRESS:  
MAILING ADDRESS:  
CITY AND ZIP CODE:  
BRANCH NAME:

**DRAFT**  
  
**11/9/2022**  
  
**NOT APPROVED BY JUDICIAL COUNCIL**  
  
*FOR RECORDER'S USE ONLY*

PLAINTIFF:  
DEFENDANT:

CASE NUMBER:

**APPLICATION FOR AND RENEWAL OF JUDGMENT**

*FOR COURT USE ONLY*

- Judgment creditor
- Assignee of record

applies for renewal of the judgment as follows:

1. Applicant (name and address):
  
  
2. Judgment debtor (name and last known address):
  
  
3. Original judgment
  - a. Case number (specify):
  - b. Entered on (date):
  - c. Recorded:
    - (1) Date:
    - (2) County:
    - (3) Instrument No.:
4.  Judgment previously renewed (specify each case number and date):
  
  
5.  Renewal of money judgment
  - a. Total judgment . . . . . \$
  - b. Costs after judgment . . . . . \$
  - c. Subtotal (add a and b) . . . . . \$ \_\_\_\_\_
  - d. Credits after judgment . . . . . \$
  - e. Subtotal (subtract d from c) . . . . . \$ \_\_\_\_\_
  - f. Interest after judgment . . . . . \$
  - g. Fee for filing renewal application . . . . . \$
  - h. **Total renewed judgment (add e, f, and g)** \$ \_\_\_\_\_
  - i.  The amounts called for in items a–h are different for each debtor.  
These amounts are stated for each debtor on Attachment 5.

SHORT TITLE:	CASE NUMBER:
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5. j. The money judgment (*check all that apply*)

- (1)  has a principal amount remaining unsatisfied of under \$50,000 and is for a claim related to personal debt.
- (2)  has a principal amount remaining unsatisfied of under \$200,000 and is for a claim related to medical expenses.
- (3)  relates to any other claims, including claims for personal debt or medical expenses that do not otherwise fit within items (1) or (2).

Note: From the point when the unsatisfied principal amount is below \$50,000 for personal debt claims or \$200,000 for medical expense claims, a judgment against a natural person may only be renewed once, for five years from the date an application is filed. (Code Civ. Proc., §§ 683.110–683.120.)

6.  Renewal of judgment for  possession.  
 sale.

a.  If judgment was not previously renewed, terms of judgment as entered:

b.  If judgment was previously renewed, terms of judgment as last renewed:

c.  Terms of judgment remaining unsatisfied:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)



ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE:                      ZIP CODE: TELEPHONE NO.:                      FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR ( <i>name</i> ):	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;"><b>DRAFT</b></p> <p style="text-align: center;"><b>10/21/2022</b></p> <p style="text-align: center;"><b>NOT APPROVED BY JUDICIAL COUNCIL</b></p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
<b>NOTICE OF RENEWAL OF JUDGMENT</b>	CASE NUMBER:

TO JUDGMENT DEBTOR (*name*):

1. **This renewal extends** the period of enforceability of the judgment (See *Code Civ. Proc.*, § 683.110 et seq.).
2. **If you object** to this renewal, you may make a motion to vacate or modify the renewal with this court.
3. You must make this motion within **60 days** after service of this notice on you.
4. A copy of the *Application for and Renewal of Judgment* is attached (*Cal. Rules of Court*, rule 3.1900).

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

[SEAL]

See *Code of Civil Procedure* section 683.160 for information on method of service

## RULES COMMITTEE ACTION REQUEST FORM

**Rules Committee Meeting Date:** 11/16/2022

**Rules Committee action requested** [Choose from drop down menu below]:  
**Recommend JC approval (has circulated for comment)**

**Title of proposal:** Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621

*Proposed rules, forms, or standards (include amend/revise/adopt/approve):*

Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO

*Committee or other entity submitting the proposal:*

Civil and Small Claims Advisory Committee

*Staff contact (name, phone and e-mail):* James Barolo, 415-865-8928, james.barolo@jud.ca.gov

*Identify project(s) on the committee's annual agenda that is the basis for this item:*

Annual agenda approved by Rules Committee on (date): November 2, 2021; amended November 16, 2021, March 21, 2022 and April 6, 2022

Project description from annual agenda: Revise forms as appropriate. The items regarding interpreters on the information sheets for the civil protective orders (forms CH-100 and EA-100) is no longer correct and should be revised to conform to Government Code section 68561. At the same time, the forms will be updated to replace the old names of cross-referenced forms with the current names.

**Out of Cycle:** *If requesting September 1 effective date or out of cycle, explain why:*

**Additional Information for Rules Committee:** (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

This proposal was originally part of the spring cycle, but was further revised and recirculated in light of the enactment of AB 1621, which prohibits restrained individuals from possessing certain firearm parts. The January 1, 2023 effective date has been retained.

**Additional Information for JC Staff** (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.).

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 22-194*

For business meeting on: December 2, 2022

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**Title**

Protective Orders: Civil Protective Order  
Forms Implementing Assembly Bill 1621

**Rules, Forms, Standards, or Statutes Affected**

Revise forms CH-100, CH-100-INFO,  
CH-109, CH-110, CH-120, CH-120-INFO,  
CH-130, CH-200, CH-800, CH-800-INFO,  
SV-100, SV-100-INFO, SV-109, SV-110,  
SV-120, SV-120-INFO, SV-130, SV-200,  
SV-800, SV-800-INFO, WV-100,  
WV-100-INFO, WV-109, WV-110,  
WV-120, WV-120-INFO, WV-130,  
WV-200, WV-800, WV-800-INFO

**Recommended by**

Civil and Small Claims Advisory Committee  
Hon. Tamara L. Wood, Chair

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2023

**Date of Report**

November 2, 2022

**Contact**

James Barolo, 415-865-8928  
[james.barolo@jud.ca.gov](mailto:james.barolo@jud.ca.gov)

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### Executive Summary

The Civil and Small Claims Advisory Committee recommends revisions of 30 Judicial Council civil restraining order forms to implement statutory changes in Assembly Bill 1621. The new law addresses “ghost guns,” prohibiting persons restrained under civil restraining orders from possessing firearm parts (in addition to already prohibited firearms). The proposal incorporates these new statutory provisions into the council’s civil restraining order forms and includes updated language concerning interpreters, disability accommodation, and priority of enforcement on the proposed forms.

## Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the following forms, effective January 1, 2023:

Civil Harassment (CH) forms:

- *Request for Civil Harassment Restraining Orders* (form CH-100);
- *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO);
- *Notice of Court Hearing* (form CH-109);
- *Temporary Restraining Order* (form CH-110);
- *Response to Request for Civil Harassment Restraining Orders* (form CH-120);
- *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO);
- *Civil Harassment Restraining Order After Hearing* (form CH-130);
- *Proof of Personal Service* (form CH-200);
- *Proof of Firearms Turned In, Sold, or Stored* (CH-800), retitled *Receipt for Firearms and Firearm Parts*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form CH-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

School Violence (SV) forms:

- *Petition for Private Postsecondary School Violence Restraining Orders* (form SV-100);
- *How Do I Get an Order to Prohibit Private Postsecondary School Violence?* (form SV-100-INFO);
- *Notice of Court Hearing* (form SV-109);
- *Temporary Restraining Order* (form SV-110);
- *Response to Petition for Private Postsecondary School Violence Restraining Orders* (form SV-120);
- *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?* (form SV-120-INFO);
- *Private Postsecondary School Violence Restraining Order After Hearing* (form SV-130);
- *Proof of Personal Service* (form SV-200);
- *Proof of Firearms Turned In, Sold, or Stored* (SV-800), retitled *Receipt for Firearms and Firearm Parts*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form SV-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

Workplace Violence (WV) forms:

- *Petition for Workplace Violence Restraining Orders* (form WV-100);
- *How Do I Get an Order to Prohibit Workplace Violence?* (form WV-100-INFO);
- *Notice of Court Hearing* (form WV-109);
- *Temporary Restraining Order* (form WV-110);
- *Response to Petition for Workplace Violence Restraining Orders* (form WV-120);

- *How Can I Respond to a Petition for Workplace Violence Restraining Orders?* (form WV-120-INFO);
- *Workplace Violence Restraining Order After Hearing* (form WV-130);
- *Proof of Personal Service* (form WV-200);
- *Proof of Firearms Turned In, Sold, or Stored* (form WV-800), retitled *Receipt for Firearms and Firearm Parts*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form WV-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

The proposed revised forms are attached at pages 10–116.

### **Relevant Previous Council Action**

Under the Code of Civil Procedure, the Judicial Council must provide forms and instructions for use in civil harassment, private postsecondary school violence, and workplace violence protective order matters. The forms have been revised when changes to the law required revisions and in response to suggestions from the public, judicial officers, and court professionals. The last substantive change to such forms came earlier this year when the council revised civil harassment forms to implement legislation permitting courts to allow an alternative method of service for civil harassment restraining order petitions.

In September 2022, the Judicial Council revised domestic violence and gun violence restraining order forms effective, January 1, 2023, to implement the firearm provisions of Assembly Bill 1621 (Stats. 2022, ch. 76),<sup>1</sup> the provisions of which are being addressed here in the civil restraining order forms.

### **Analysis/Rationale**

Effective June 30, 2022, for the purposes of civil restraining orders, AB 1621 adds a definition of “firearm” that includes “a completed frame, or receiver, or a firearm precursor part.” (Pen. Code, § 16520.) The term “firearm precursor part” is defined in Penal Code section 16531(a) to include any item that “may readily be . . . converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm.” The statutory amendment is intended to include “ghost guns” (unserialized and untraceable firearms and firearm parts that can be bought online and assembled at home) in the items that restrained people cannot possess and must surrender.<sup>2</sup> This means that a restrained person may not have these parts or homemade firearms for the duration of the order.

While making the revisions implementing AB 1621, the committee recommends revising existing civil restraining order information sheets and orders to update information about

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<sup>1</sup> AB 1621 is available at [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB1621](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1621).

<sup>2</sup> See, e.g., Assem. Com. On Public Safety, Rep. on Assem. Bill No. 1621 (2021–2022 Reg. Sess.) as amended Mar. 24, 2022, pp. 5–7.

interpreters, disability and court accommodations, and the priority of enforcement among protective orders.

## **Revisions to implement AB 1621**

### ***Petitions, responses, and corresponding information sheets***

The civil harassment, private postsecondary school violence, and workplace violence petitions and responses (forms CH-100, CH-120, SV-100, SV-120, WV-100, and WV-120) all contain questions about whether the person to be restrained owns or possesses any firearms. This proposal revises that question on each form to also refer to “firearm parts” and explains that the firearms and firearm parts include “firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).”

The information sheets relating to those forms (forms CH-100-INFO, CH-120-INFO, SV-100-INFO, SV-120-INFO, WV-100-INFO, and WV-120-INFO) include similar additions explaining that the restraining order can prevent the person subject to the restraining order from having firearms (guns), firearm parts, and ammunition, with the same reference to “firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).” In addition, the information sheets include two new links. The first directs the reader to a dedicated Self-Help Guide to the California Courts webpage that provides additional information about the prohibited items a person restrained under most California restraining orders is not allowed to have. The second links to information about the specific restraining order process and provides step-by-step instructions on obtaining such an order.

### ***Orders***

This proposal also revises the temporary restraining orders (forms CH-110, SV-110, and WV-110) and the orders after hearing (forms CH-130, SV-130, and WV-130) to separately list and define the prohibited items, including firearm parts with a similar plain-language explanation of the term as is included in the petition and response.<sup>3</sup> Where possible, other sections of the forms refer to the new list of defined prohibited items rather than enumerating all the prohibited items each time.<sup>4</sup>

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<sup>3</sup> When this proposal was circulated for comment in September and October of 2022, the order forms and other forms included information about relinquishing all prohibited items, as is required for gun violence restraining orders. The committee realized, however, that although a person restrained under a civil restraining order is prohibited from *possessing* or *obtaining* firearms (now including firearm parts) and ammunition, the restrained person is only required to *relinquish* firearms and firearm parts (not ammunition). (Code Civ. Proc., §§ 527.6(u), 527.8(s) & 527.85(s).) The committee no longer recommends adding ammunition to the items that must be *relinquished*.

<sup>4</sup> In response to a comment received on the proposal, the order forms also contain revisions to the item identifying and describing the restrained person (item 2 or 3 on the CH forms and item 3 on the SV and WV forms) to indicate which fields are *required* for the order to be entered into the California Law Enforcement Telecommunications System.

### ***Notice of court hearing***

The hearing notices (forms CH-109, SV-109, and WV-109) contain a warning to the restraining order respondents that if the court issues a restraining order, respondents will be required to turn in their firearms. This proposal expands those warnings to include firearm parts.

### ***Forms regarding relinquishment of prohibited items***

Because most of the civil protective orders require the restrained person to relinquish their firearms and to file a proof with the court verifying that they have done so, the council has adopted forms to facilitate this process. Following circulation for comment and user testing for such forms in the gun violence and domestic violence form series, advisory committees recommended new titles and significant reformatting, which was approved by the council at its September meeting for the DV and GVRO forms. This proposal includes similar revisions to forms CH-800, SV-800, and WV-800 proposed to be retitled as *Receipt for Firearms and Firearm Parts*, and forms CH-800-INFO, SV-800-INFO, and WV-800-INFO, proposed to be retitled as *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

Such parallel revisions also include adding a check box to forms CH-800, SV-800, and WV-800 to be used by law enforcement and gun dealers to indicate that a separate form listing the items is attached. Space in which to note whether each listed item has been “Sold,” has been “Stored,” or is “To be destroyed” have also been added to those forms. In addition, forms CH-800-INFO, SV-800-INFO, and WV-800-INFO now explains that firearms may not be given to a friend or family member and clarifies that both law enforcement and a licensed gun dealer may charge a fee to store firearms.

### ***Proofs of service***

The optional proofs of service (forms CH-200, SV-200, and WV-200) include the proof of firearm relinquishment (forms CH-800, SV-800, and WV-800) as one of the forms that can be checked off as having been served. Accordingly, the committee recommends revising the proofs of service to reflect the updated titles of the respective 800-numbered forms.<sup>5</sup>

### ***Other revisions<sup>6</sup>***

#### ***Interpreter and disability accommodation***

The committee also recommends updating the language about interpreters and disability accommodations on forms CH-100-INFO, CH-120-INFO, SV-100-INFO, SV-120-INFO, WV-100-INFO, and WV-120-INFO.

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<sup>5</sup> To correct inadvertent omissions, forms SV-200 and WV-200 have also been updated to add corresponding forms for proof of service by mail (SV-250 and WV-250) to the list of forms that can be checked off as having been served.

<sup>6</sup> In addition to the revisions described elsewhere, the committee is recommending that any items that collect identifying information about the restrained party or otherwise refer to “sex” be revised to refer instead to “gender” and provide a “nonbinary” option.

The proposed revisions regarding interpreters remove two incorrect statements: that anyone over age 18 and not involved in the case may serve as an interpreter and that parties may have to pay a fee for a court interpreter. The committee instead recommends that the information regarding interpreters on those forms include a reference to forms where litigants may request an interpreter and a link to the Self-Help Guide to the California Courts, a website that provides more information about interpreters and has been translated into several languages

The committee also recommends broadening the language about disability and correcting the name of the *Disability Accommodation Request* (form MC-410) on the forms. The committee proposes that the language on the information sheets about the petitions and responses include reference to a “disability” generally, as opposed to just hearing disabilities and that the forms reference the information sheet about requesting court accommodations.

The committee is recommending to the council similar changes in information sheets for elder or dependent adult abuse restraining orders in a separate proposal.

#### ***Order forms—priority of enforcement***

Finally, this proposal recommends updating the description of priorities of enforcement set out at the end of each of the order forms (forms CH-110, CH-130, SV-110, SV-130, WV-110, and WV-130), in the Instructions to Law Enforcement section. These revisions are needed to reflect current law and to provide greater clarity. The primary change that the committee recommends is additional language in the section regarding criminal protective orders, which notes that Penal Code section 136.2(e)(2) prioritizes enforcement of criminal protective orders in pending cases for domestic violence offenses, specified sex offenses, and offenses requiring sex offender registration. In addition, in response to comments received on a parallel proposal revising domestic violence restraining order forms, the committee recommends the following modifications to the forms to clarify and simplify the priority-of-enforcement language:

- Spell out “Emergency Protective Order” instead of using “EPO.”
- Include an example of where to find a no-contact order.
- Use “Criminal Protective Order” instead of “Criminal Order.”
- Change the title of the last item to “Civil Restraining Orders” and provide examples of such orders.
- Modify the language throughout the section to better explain that all nonconflicting order terms must be enforced.
- Explain that the priority of enforcement is applicable only when “more than one restraining order has been issued *protecting the protected person from the restrained person.*” (The italicized language had not been included on the forms previously.)

Identical language is also being recommended by this advisory committee and the Criminal Law Advisory Committee on forms for criminal and elder and dependent adult abuse protective orders in separate proposals.



## **Policy implications**

The revised forms in this proposal reflect new and amended statutes that prohibit restrained individuals from possessing or obtaining firearm parts. Accordingly, the key policy implications of the council's actions are ensuring that council forms reflect the law correctly and are not misleading to parties. The proposed forms should assist courts and parties in navigating new and existing statutory provisions related to civil restraining orders.

## **Comments**

The forms in this proposal circulated for public comment twice. Twelve of the forms first circulated between April 6 and May 13, 2022, as part of the regular 2022 spring comment cycle. This circulation included the revisions described above other than those related to firearms. After the Legislature enacted AB 1621, the committee recommended further revisions to those forms and some other forms to implement the new law. Those proposed revisions were circulated for public comment between September 23 and October 11, 2022.

During the first comment period, comments related to the forms in this proposal were received from the California Partnership to End Domestic Violence, the Family Violence Appellate Project, the Giffords Law Center to Prevent Gun Violence, the Orange County Bar Association, and the Superior Courts of San Bernardino County and San Diego County. During the second comment period, comments were received from the Superior Court of San Diego County, the Bureau of Firearms of the California Department of Justice (BOF), and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee.

Most of the commenters indicated support of the proposal or that the proposal appropriately addressed its stated purpose. All of the commenters offered suggestions, many of which were accepted by the committee. The significant suggestions are discussed below. The charts with all the all the comments and the committee's responses are attached at pages 117–136.<sup>7</sup>

### ***The term “gun”***

BOF suggested that the term “guns” not be used on the form as a plain-language parenthetical explanation of firearms because some guns, such as stun guns or BB guns, do not meet the definition of “firearm” within Penal Code section 16520. The committee believes that using the term “guns” in parentheses after the word “firearms” strikes an appropriate balance between using plain-language terminology and reflecting the statutory language. Because “guns” is in parentheses following the statutory term “firearm,” the committee believes there is little chance form users would understand the term to include items such as stun guns or BB guns.<sup>8</sup>

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<sup>7</sup> The chart from the first circulation is identified as SPR22-22; the chart from the second circulation is identified as SP22-09.

<sup>8</sup> Members of the Civil and Small Claims Advisory Committee, the Family and Juvenile Law Advisory Committee, and the Criminal Law Advisory Committee considered the comments relating to firearms and AB 1621 together through the Joint Protective Order Working Group. During the joint meeting, members of each relevant advisory

### ***Describing firearm parts***

BOF also suggested that the forms echo the statutory language with regard to firearm parts. Specifically, BOF recommended “receivers/frames, firearm precursor parts (as defined in Penal Code section 16531),” as a replacement for the proposed language of “firearm parts,” with a parenthetical explanation of such parts. The committee considered BOF’s suggestion and several other options and recommends referring to the prohibited items as “any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).” Though “firearm parts” is not statutorily defined, the committee believes that it is a helpful plain-language term that will allow restrained persons to understand the prohibition against possessing frames, receivers, and firearm precursor parts. “[A]ny item that may be used as or easily turned into a receiver or frame” is meant to capture the new definition of a “firearm precursor part” under AB 1621.

### **Alternatives considered**

Because AB 1621 restricts restrained persons from possessing or obtaining firearm parts, which is not provided for on the council’s current mandatory civil restraining order forms, the committee determined that taking no action would be inappropriate.

In addition to the alternative language discussed in the Comments section, the committee considered other language to describe firearm parts. Specifically, the committee considered “any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531,” which has already been approved for use on domestic violence and gun violence restraining orders by the Judicial Council. In light of comments received, however, the committee unanimously determined that including language to cover AB 1621’s amended definition of “firearm precursor part” in Penal Code section 16531 was appropriate.

### **Fiscal and Operational Impacts**

Most of the impacts arising from this new law—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the statute, not the forms proposal. The committee anticipates that this proposal will result in some costs incurred by courts to incorporate revised forms into their paper or electronic processes and to train court staff. However, the revised forms are intended to assist litigants in understanding the firearm-related items that a restrained person may not properly possess or obtain.

### **Attachments and Links**

1. Forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO,

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committee offered their viewpoints and expertise, and the group unanimously agreed to the recommended language included in this proposal—language that is also being recommended by the Criminal Law Advisory Committee for criminal protective orders.

WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, and WV-800-INFO, at pages 10–116

2. Chart of comments SPR22-22 (April 6 to May 13, 2022 circulation), at pages 117–126
3. Chart of comments SP22-09 (September 23 to October 11, 2022 circulation), at pages 127–136
4. Link A: Assem. Bill 1621,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1621](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1621)

DRAFT

Clerk stamps date here when form is filed.

Read *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

**DRAFT**  
**10/31/2022**  
**Not approved by  
the Judicial Council**

**1 Person Seeking Protection**

a. Your Full Name: \_\_\_\_\_ Age: \_\_\_\_\_

Your Lawyer (if you have one for this case)  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**2 Person From Whom Protection Is Sought**

Full Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address (if known): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**3 Additional Protected Persons**

a. Are you asking for protection for any other family or household members?  Yes  No *If yes, list them:*

Full Name	Gender	Age	Lives with you?	How are they related to you?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are more persons. Attach a sheet of paper and write "Attachment 3a—Additional Protected Persons" for a title. You may use form MC-025, Attachment.

b. Why do these people need protection? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 3b—Why Others Need Protection" for a title.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This is not a Court Order.**



**4 Relationship of Parties**

How do you know the person in (2)? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 4—Relationship of Parties" for a title.

**5 Venue**

Why are you filing in this county? (Check all that apply):

- a.  The person in (2) lives in this county.
- b.  I was harassed by the person in (2) in this county.
- c.  Other (specify): \_\_\_\_\_

**6 Other Court Cases**

a. Have you or any of the persons named in (3) been involved in another court case with the person in (2)?

Yes  No (If yes, check each kind of case and indicate where and when each was filed.)

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(2)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(3)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(4)	<input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(5)	<input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(9)	<input type="checkbox"/> Small Claims	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are there now any protective or restraining orders in effect relating to you or any of the persons in (3) and the person in (2)?  No  Yes (If yes, attach a copy if you have one.)

**7 Description of Harassment**

Harassment means violence or threats of violence against you, or a course of conduct that seriously alarmed, annoyed, or harassed you and caused you substantial emotional distress. A course of conduct is more than one act.

a. Tell the court about the last time the person in (2) harassed you.

(1) When did it happen? (provide date or estimated date): \_\_\_\_\_

(2) Who else was there? \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**This is not a Court Order.**



7 a. (3) How did the person in 2 harass you? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.

Horizontal lines for writing the answer to question 7a(3).

(4) Did the person in 2 use or threaten to use a gun or any other weapon?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.

Horizontal lines for writing the answer to question 7a(4).

(5) Were you harmed or injured because of the harassment?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.

Horizontal lines for writing the answer to question 7a(5).

(6) Did the police come? Yes No

If yes, did they give you or the person in 2 an Emergency Protective Order? Yes No

If yes, the order protects (check all that apply):

Me The person in 2 The persons in 3.

(Attach a copy of the order if you have one.)

b. Has the person in 2 harassed you at other times?

Yes No (If yes, describe prior incidents and provide dates of harassment below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

Horizontal lines for writing the answer to question 7b.

This is not a Court Order.



**Check the orders you want.**

**8**  **Personal Conduct Orders**

I ask the court to order the person in **(2)** **not** to do any of the following things to me or to any person to be protected listed in **(3)**:

- a.  Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b.  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
- c.  Other (*specify*):  
 *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8c—Other Personal Conduct Orders," for a title.*

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*The person in **(2)** will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.*

**9**  **Stay-Away Orders**

a. I ask the court to order the person in **(2)** to stay at least \_\_\_\_\_ yards away from (*check all that apply*):

- (1)  Me.
- (2)  The other persons listed in **(3)**.
- (3)  My home.
- (4)  My job or workplace.
- (5)  My school.
- (6)  My children’s school.
- (7)  My children’s place of child care.
- (8)  My vehicle.
- (9)  Other (*specify*):

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b. If the court orders the person in **(2)** to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job?  Yes  No (*If no, explain below*):

*Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 9b—Stay-Away Orders," for a title.*

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**10** **Firearms (Guns), Firearm Parts, and Ammunition**

Does the person in **(2)** own or possess any firearms (guns), firearm parts, or ammunition? This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).  Yes  No  I don’t know

*If the judge grants a protective order, the person in **(2)** will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The person in **(2)** will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns) and firearm parts within their immediate possession or control.*

**This is not a Court Order.**



**11**  **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the person in **(2)** to last until the hearing. I am presenting form CH-110, *Temporary Restraining Order*, for the court’s signature together with this *Request*.

Has the person in **(2)** been told that you were going to go to court to seek a TRO against him or her?

Yes  No *(If you answered no, explain why below):*

*Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write “Attachment 11—Temporary Restraining Order” for a title.*

**12**  **Request to Give Less Than Five Days' Notice of Hearing**

*You must have your papers personally served on the person in **(2)** at least five days before the hearing, unless the court orders a shorter time for service. (Form CH-200-INFO explains What Is “Proof of Personal Service”? Form CH-200, Proof of Personal Service, may be used to show the court that the papers have been served.)*

If you want there to be fewer than five days between service and the hearing, explain why below:

*Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write “Attachment 12—Request to Give Less Than Five Days’ Notice” for a title.*

**13**  **No Fee for Filing or Service**

- a.  There should be no filing fee because the person in **(2)** has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence.
- b.  The sheriff or marshal should serve (notify) the person in **(2)** about the orders for free because my request for orders is based on unlawful violence, a credible threat of violence, or stalking.
- c.  There should be no filing fee and the sheriff or marshal should serve the person in **(2)** for free because I am entitled to a fee waiver. *(You must complete and file form FW-001, Application for Waiver of Court Fees and Costs .)*

**14**  **Lawyer's Fees and Costs**

I ask the court to order payment of my  lawyer’s fees  Court costs.

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

*Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write “Attachment 14—Lawyer’s Fees and Costs” for a title.*

**This is not a Court Order.**





**15**  **Possession and Protection of Animals**

I ask the court to order the following:

- a.  That I be given the sole possession, care, and control of the animals listed below, which I own, possess, lease, keep, or hold, or which reside in my household.  
*(Identify animals by, e.g., type, breed, name, color, sex.)*

\_\_\_\_\_

\_\_\_\_\_

I request sole possession of the animals because *(specify good cause for granting order)*:

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 15a—Possession of Animals" for a title.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- b.  That the person in **(2)** must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**16**  **Additional Orders Requested**

I ask the court to make the following additional orders *(specify)*:

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 16—Additional Orders Requested," for a title.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**17** Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*

\_\_\_\_\_  
*Lawyer's signature*

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

\_\_\_\_\_  
*Sign your name*

**This is not a Court Order.**

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

### What is a civil harassment restraining order?

It is a court order that helps protect people from harassment.

### Can I get a civil harassment restraining order?

You can ask for one if you are worried about your safety because someone:

- Is harassing you
- Is stalking you
- Has committed acts of violence against you, or
- Has threatened you with violence

### How will the order help me?

The court can order a person to:

- Not harass or threaten you
- Not contact or go near you, *and*
- Not have any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items a restrained person cannot have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

You can also ask for protection for people who live with you and family members.

In a civil harassment case, the court cannot:

- Order a person to move out of your residence
- Order a person to pay child support to you
- Make orders for custody and visitation

If you need these orders, you should proceed under the Domestic Violence Protection Act. File form [DV-100](#).

The court also cannot:

- Order a person to pay money that he or she owes you
- Order someone to move out of rental property that you own
- Order someone to stop creating a nuisance that doesn't involve harassment

If you need these remedies, you must file a civil action.

### How much does it cost?

That depends on the type of harassment. If the restrained person has used or threatened to use violence against you or has stalked you, you do not have to pay a filing fee; otherwise, you must pay the fee.

If you cannot afford to pay the filing fee, ask the clerk how to apply for a fee waiver. Form FW-001 is available for this purpose.

If the order is based on prior acts of violence, a credible threat of violence, or stalking, you are entitled to free service of the order by a sheriff or marshal. Also, if you are eligible for a fee waiver, you can ask the sheriff or marshal to serve the order for free. If you are not eligible for free service, you may pay the sheriff or marshal to serve the order.

### What forms do I need to get the order?

You must fill out all of form [CH-100, Request for Civil Harassment Restraining Orders](#), and form [CLETS-001, Confidential CLETS Information](#). If you need attachments, you may use form [MC-025](#). You must also fill out items 1 and 2 on form [CH-109, Notice of Court Hearing](#), and items 1, 2, and 3 on form [CH-110, Temporary Restraining Order \(CLETS-TCH\)](#).

### Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). You also may be able to find them at your local courthouse or county law library.

### What do I need to do to get the order?

You must go to the superior court in the county where the harassment took place or the person to be restrained lives. At the court, ask where you should file your request for a civil harassment restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.)

At the court, give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.



**How soon can I get the order?**

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. Ask whether you should wait or come back later to get the signed *Notice of Court Hearing* and *Temporary Restraining Order*.

**How long does the order last?**

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to five years.

**How will the person to be restrained know about the order?**

Someone age 18 or older—**not you** or anyone else to be protected by the order—must “serve” (give) the person to be restrained a copy of the order. The server must then fill out form [CH-200, Proof of Personal Service](#), and give it to you to file with the court. For help with service, ask the court clerk for form [CH-200-INFO, What Is “Proof of Personal Service?”](#)

**What if the restrained person does not obey the order?**

Call the police. The restrained person can be arrested and charged with a crime.

**Do I have to go to court?**

Yes. Go to court on the date the clerk gives you.

**Do I need to bring a witness to the court hearing?**

Witnesses are not required, but it helps to have more proof of the harassment than just your word. You can bring:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form [MC-030, Declaration](#), for this.)

**Do I need a lawyer?**

Having a lawyer is always a good idea, but it is not required and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

**Will I see the restrained person at the court hearing?**

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

**Can I bring someone with me to court?**

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

CH-109 Notice of Court Hearing		<small>Clerk stamps date here when form is filed.</small>
<b>1 Person Seeking Protection</b> a. Your Full Name: _____  Your Lawyer (if you have one for this case): Name: _____ State Bar No.: _____ Firm Name: _____  b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.): Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____ E-Mail Address: _____		Fill in court name and street address: Superior Court of California, County of _____  Court fills in case number when form is filed. Case Number: _____
<b>2 Person From Whom Protection Is Sought</b> Full Name: _____  <p style="text-align: center;"><small>The court will complete the rest of this form.</small></p> <b>3 Notice of Hearing</b> A court hearing is scheduled on the request for restraining orders against the person in ②:  Name and address of court if different from above: Hearing Date: _____ Date: _____ Time: _____ Dept.: _____ Room: _____		
<b>4 Temporary Restraining Orders</b> (Any orders granted are on Form CH-110, served with this notice.) a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100, Request for Civil Harassment Restraining Orders, are (check only one box below): (1) <input type="checkbox"/> All GRANTED until the court hearing. (2) <input type="checkbox"/> All DENIED until the court hearing. (Specify reasons for denial in b, below.) (3) <input type="checkbox"/> Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)		



**What if I have a disability?**

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).

**Information about the process is also available online.**

See <https://selfhelp.courts.ca.gov/CH-restraining-order>.

**For help in your area, contact:**

*[Local information may be inserted.]*

**What if I don't speak English?**

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

**Can I agree with the restrained person to cancel the order?**

No. Once the order is issued, only the judge can change or cancel it. You or the restrained person would have to file a request with the court to cancel the order.

**DRAFT**

**10/31/2022**

**Not approved by  
the Judicial Council**

*Clerk stamps date here when form is filed.*

**DRAFT**

**10/31/2022**

**Not approved by  
the Judicial Council**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

**1 Person Seeking Protection**

a. Your Full Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)*

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**2 Person From Whom Protection Is Sought**

Full Name: \_\_\_\_\_

*The court will complete the rest of this form.*

**3 Notice of Hearing**

**A court hearing is scheduled on the request for restraining orders against the person in 2:**

<div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> <b>Hearing Date</b> </div>	→ Date: _____	Time: _____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	
	_____	_____	

**4 Temporary Restraining Orders** *(Any orders granted are on form CH-110, served with this notice.)*

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form CH-100, *Request for Civil Harassment Restraining Orders*, are *(check only one box below)*:

(1)  All **GRANTED** until the court hearing.

(2)  All **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*

(3)  Partly **GRANTED** and partly **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*



b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form CH-100, *Request for Civil Harassment Restraining Orders*, are:

(1)  The facts as stated in form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in ① and caused substantial emotional distress.

(2)  Other (specify):  As stated on Attachment 4b.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**⑤ Confidential Information Regarding Minor**

a.  A *Request to Keep Minor’s Information Confidential* (form CH-160) was made and **GRANTED**. (See form CH-165, Order on Request to Keep Minor's Information Confidential, served with this form.)

b. **If the request was granted, the information described in item ⑦ on the order (form CH-165) must be kept CONFIDENTIAL. The disclosure or misuse of the information is punishable as a sanction, with a fine of up to \$1,000 or other court penalties.**

**⑥ Service of Documents for the Person in ①**

At least  five  \_\_\_\_\_ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court’s file-stamped copy of this form CH-109 to the person in ② along with a copy of all the forms indicated below:

- a. CH-100, *Request for Civil Harassment Restraining Orders* (file-stamped)
- b.  CH-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- d. CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- e. CH-250, *Proof of Service by Mail* (blank form)
- f.  CH-170, *Notice of Order Protecting Information of Minor* and CH-165, *Order on Request to Keep Minor’s Information Confidential* (file-stamped) **IF GRANTED**
- g.  Other (specify): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*



**To the Person in ① :**

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form CH-200, *Proof of Personal Service*, may be used.
- For information about service, read form CH-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Use form CH-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.

**To the Person in ② :**

- If you want to respond to the request for orders in writing, file form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ①.
- The person who mailed the form must fill out a proof of service form. Form CH-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any **firearms (guns) and firearm parts** that you own or possess. **This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).**



**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for **Disability Accommodation Request** (form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

**—Clerk’s Certificate—**

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

*Clerk’s Certificate*  
[seal]

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

**DRAFT**  
**10/31/2022**  
**Not approved by  
the Judicial Council**

**① Protected Person**

a. Your Full Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.):

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**② Restrained Person**

(Give all the information you know. Information with a star (\*) is required to add this order to the California police database. If age is unknown, give an estimate.)

\*Full Name: \_\_\_\_\_ \*Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\*Race: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

\*Gender:  M  F  Nonbinary Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Relationship to Protected Person: \_\_\_\_\_

**③ Additional Protected Persons**

In addition to the person named in ①, the following family or household members of that person are protected by the temporary orders indicated below:

<u>Full Name</u>	<u>Gender</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Protected Person</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

**④ Expiration Date**

The court will complete the rest of this form.

This Order expires at the end of the hearing scheduled for the date and time below:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

**This is a Court Order.**





**To the Person in 2 :**

The court has granted the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

**5 Personal Conduct Orders**

Not Requested     Denied Until the Hearing     Granted as Follows:

- a. You must **not** do the following things to the person named in ①
  - and to the other protected persons listed in ③:
    - (1)  Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
    - (2)  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
    - (3)  Take any action to obtain the person’s address or location. If this item (3) is not checked, the court has found good cause not to make this order.
    - (4)  Other (*specify*):
      - Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in ①.

**6 Stay-Away Order**

Not Requested     Denied Until the Hearing     Granted as Follows:

- a. You must stay at least \_\_\_\_\_ yards away from (*check all that apply*):
  - (1)  The person in ①
  - (2)  Each person in ③
  - (3)  The home of the person in ①
  - (4)  The job or workplace of the person in ①
  - (5)  The school of the person in ①
  - (6)  The school of the children of the person in ①
  - (7)  The place of child care of the children of the person in ①
  - (8)  The vehicle of the person in ①
  - (9)  Other (*specify*):
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

**7 No Firearms (Guns), Firearm Parts, or Ammunition**

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b on the next page.

**This is a Court Order.**



**b. Prohibited items are:**

- (1) Firearms (guns);
- (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
- (3) Ammunition.

**c. You must:**

- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- (2) File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form CH-800) for the receipt.)

- d.**  The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

**8 Possession and Protection of Animals**

- Not Requested     Denied Until the Hearing     Granted as Follows (*specify*):

- a.  The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.  
(Identify animals by, e.g., type, breed, name, color, sex.)
- \_\_\_\_\_
- \_\_\_\_\_

- b.  The person in ② must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**9 Other Orders**

- Not Requested     Denied Until the Hearing     Granted as Follows (*specify*):
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- Additional orders are attached at the end of this Order on Attachment 9.

**To the Person in ① :**

**10 Mandatory Entry of Order Into CARPOS Through CLETS**

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a.  The clerk will enter this Order and its proof-of-service form into CARPOS.
- b.  The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.

**This is a Court Order.**



- c.  By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

\_\_\_\_\_

- Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

**⑪ No Fee to Serve (Notify) Restrained Person**       **Ordered**       **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

- a.  The Order is based on unlawful violence, a credible threat of violence, or stalking.  
 b.  The person in ① is entitled to a fee waiver.

**⑫** Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**Warnings and Notices to the Restrained Person in ②**

**You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 7b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item ⑦ above. The court will require you to prove that you did so.

**Notice Regarding Nonappearance at Hearing and Service of Order**

If you have been personally served with this Temporary Restraining Order and form CH-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ②.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

**After You Have Been Served With a Restraining Order**

- Obey all the orders.
- Read form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in ①.

**This is a Court Order.**



- You must have form CH-120 served by mail on the person in ① or that person’s attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250, *Proof of Service by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk’s office at the court shown on page 1 of this form or at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

## Instructions for Law Enforcement

### Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

### Start Date and End Date of Orders

This order *starts* on the date next to the judge’s signature on page 4. The order *ends* on the expiration date in item ④ on page 1.

### Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

### Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person “served” (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

**This is a Court Order.**



**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

**Conflicting Orders—Priorities for Enforcement**

**If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority** (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. **Emergency Protective Order (EPO)**: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order**: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 5a(2) is an example of a no-contact order.
3. **Criminal Protective Order (CPO)**: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders**: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

*(Clerk will fill out this part.)*

*Clerk's Certificate*  
[seal]

**—Clerk's Certificate—**

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

*Clerk stamps date here when form is filed.*

**DRAFT**  
**10/31/2022**  
**Not approved by the Judicial Council**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form CH-109 item ③ here:  
**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
**If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.**

**Use this form to respond to the Request (form CH-100)**

- Read *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person in ① or his or her lawyer by mail with a copy of this form and any attached pages. (*Use form CH-250, Proof of Service by Mail.*)

**① Person Seeking Protection**

Full name of person seeking protection (*see form CH-100, item ①*):

**② Person From Whom Protection Is Sought**

- a. Your Name: \_\_\_\_\_  
Your Lawyer (*if you have one for this case*)  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_
- b. Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.*)  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**③  Personal Conduct Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (*Specify why you disagree in item ⑪ on page 3.*)
- c.  I agree to the following orders (*Specify below or in item ⑪ on page 3.*)  
\_\_\_\_\_  
\_\_\_\_\_

**④  Stay-Away Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (*Specify why you disagree in item ⑪ on page 3.*)
- c.  I agree to the following orders (*specify below or in item ⑪ on page 3*):  
\_\_\_\_\_  
\_\_\_\_\_

**⑤  Additional Protected Persons**

- a.  I agree that the persons listed in item ③ of form CH-100 may be protected by the order requested.
- b.  I do not agree that the persons listed in item ③ of form CH-100 may be protected by the order requested.



**6 Firearms (Guns), Firearm Parts, and Ammunition**

If you were served with form CH-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (See item 7 of form CH-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) or firearm parts in your immediate possession or control within 24 hours of being served with form CH-110. You must file a receipt with the court. You may use *Receipt for Firearms and Firearm Parts* (form CH-800) for the receipt.

- a.  I do not own or control any firearms (guns), firearm parts, or ammunition.
- b.  I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. *(Explain):*  
 Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 6b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

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- c.  I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer.  
 A copy of the receipt  is attached.  has already been filed with the court.

**7 Possession and Protection of Animals**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. *(Specify why you disagree in item 11 on page 3.)*
- c.  I agree to the following orders *(specify below or in item 11 on page 3):*

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**8 Other Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. *(Specify why you disagree in item 11 on page 3.)*
- c.  I agree to the following orders *(specify below or in item 11 on page 3):*

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**9 Denial**

I did not do anything described in item 7 of form CH-100. *(Skip to 11.)*



**10**  **Justification or Excuse**

If I did some or all of the things that the person in **1** has accused me of, my actions were justified or excused for the following reasons (*explain*):

*Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10—Justification or Excuse" as a title. You may use form MC-025, Attachment.*

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**11**  **Reasons I Do Not Agree to the Orders Requested**

*Explain your answers to each order requested that you do not agree with.*

*Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 11—Reasons I Disagree" as a title. You may use form MC-025, Attachment.*

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**12**  **No Fee for Filing**

- a.  I request that I not be required to pay the filing fee because the person in **1** claims in form CH-100 item **13** to be entitled to free filing.
- b.  I request that I not be required to pay the filing fee because I am eligible for a fee waiver. *(Form FW-001, Request to Waive Court Fees, must be filed separately.)*

**13**  **Lawyer's Fees and Costs**

- a.  I ask the court to order payment of my  Lawyer's fees  Court costs.

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

- Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 13—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.
- b.  I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

**14** Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*

▶ \_\_\_\_\_  
*Lawyer's signature*

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Sign your name*

## What is a civil harassment restraining order?

It is a court order that prohibits you from doing certain things and going to certain places.

## What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person’s home and workplace
- Not have any firearms (guns), firearm parts, or ammunition as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). For more information about the items you would not be allowed to have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

## Who can ask for a civil harassment restraining order?

A person who is worried about safety because he or she has been or is being:

- Stalked
- Harassed
- Assaulted, including sexually, *or*
- Threatened with violence

## I've been served with a request for civil harassment restraining orders. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

## What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form [CH-120, Response to Request for Civil Harassment Restraining Orders](#), before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#). You can get the forms from legal publishers or from the California Courts website at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). Forms may also be at your local courthouse or county law library.

## What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

## Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form CH-120 to the person who asked for the order (or that person’s lawyer). (This is called “service by mail.”)

The person who serves the form by mail must fill out form [CH-250, Proof of Service by Mail](#). Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

## Should I go to the court hearing?

Yes. You should go to court on the date listed on form CH-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

**CH-109 Notice of Court Hearing** Clerk stamps date here when form is filed.

**1 Person Seeking Protection**

a. Your Full Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Fill in court name and street address:  
 Superior Court of California, County of \_\_\_\_\_

Court fills in case number when form is filed.  
 Case Number: \_\_\_\_\_

**2 Person From Whom Protection Is Sought**  
 Full Name: \_\_\_\_\_

The court will complete the rest of this form.

**3 Notice of Hearing**  
 A court hearing is scheduled on the request for restraining orders against the person in (2):

Hearing Date: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

Name and address of court if different from above:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**4 Temporary Restraining Orders** (Any orders granted are on Form CH 110, served with this notice.)  
 a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100, Request for Civil Harassment Restraining Orders, are (check only one box below):  
 (1)  All GRANTED until the court hearing.  
 (2)  All DENIED until the court hearing. (Specify reasons for denial in b, below.)  
 (3)  Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

Judicial Council of California, www.courts.ca.gov  
 Revised July 1, 2014, Mandatory Form  
 Code of Civil Procedure, § 527.6  
 Approved by DOJ **Notice of Court Hearing (Civil Harassment Prevention)** CH-109, Page 1 of 2



**How long does the order last?**

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to five years.

**Do I need a lawyer?**

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

**Will I see the person who asked for the order at the court hearing?**

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can.

**Can I bring a witness to the court hearing?**

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form [MC-030](#) for this.

**Information about the process is also available online.**

See <https://selfhelp.courts.ca.gov/CH-restraining-order>.

**For help in your area, contact:**

*[Local information may be inserted.]*

**What if I don't speak English?**

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

**What if I have a gun?**

If a restraining order is issued, you cannot own, possess, or have a **firearm (gun), firearm parts, or ammunition** while the order is in effect. If you have a **firearm (gun) or firearm parts** in your immediate possession or control, you must sell it to or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

**Can I agree with the protected person to cancel the order?**

No. Once the order is issued, only the judge can change or cancel it. You or the protected person would have to file a request with the court to cancel the order.

**What if I have a disability?**

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).

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the Judicial Council**

Clerk stamps date here when form is filed.

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10/31/2022

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Person in 1 must complete items 1, 2, and 3 only.

1 Protected Person

a. Your Full Name:
Your Lawyer (if you have one for this case)
Name: State Bar No.:
Firm Name:
b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)
Address:
City: State: Zip:
Telephone: Fax:
Email Address:

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Restrained Person

(Give all the information you know. Information with a star (\*) is required to add this order to the California police database. If age is unknown, give an estimate.)

\*Full Name: \*Age: Date of Birth:
\*Race: Height: Weight: Hair Color: Eye Color:
\*Gender: M F Nonbinary Home Address:
City: State: Zip:
Relationship to Protected Person:

3 Additional Protected Persons

In addition to the person named in 1, the following family or household members of that person are protected by the orders indicated below:

Table with columns: Full Name, Gender, Age, Lives with you?, How are they related to you?
Rows for listing family or household members.

Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

4 Expiration Date

This Order, except for any award of lawyer's fees, expires at

Time: a.m. p.m. midnight on (date):

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.



**5 Hearing**

- a. There was a hearing on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
*(Name of judicial officer)*: \_\_\_\_\_ made the orders at the hearing.
- b. These people were at the hearing:
  - (1)  The person in ①. (3)  The lawyer for the person in ① *(name)*: \_\_\_\_\_
  - (2)  The person in ②. (4)  The lawyer for the person in ② *(name)*: \_\_\_\_\_
  - Additional persons present are listed at the end of this Order on Attachment 5.
- c.  The hearing is continued. The parties must return to court on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_.

**To the Person in ②:**

**The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.**

**6  Personal Conduct Orders**

- a. You must **not** do the following things to the person named in ①
  - and to the other protected persons listed in ③:
    - (1)  Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
    - (2)  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
    - (3)  Take any action to obtain the person’s address or location. If this item (3) is not checked, the court has found good cause not to make this order.
    - (4)  Other *(specify)*: \_\_\_\_\_  
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

**7  Stay-Away Orders**

- a. You **must** stay at least \_\_\_\_\_ yards away from *(check all that apply)*:
  - (1)  The person in ① .
  - (2)  Each person in ③.
  - (3)  The home of the person in ① .
  - (4)  The job or workplace of the person in ①.
  - (5)  The school of the person in ① .
  - (6)  The school of the children of the person in ①.
  - (7)  The place of child care of the children of the person in ① .
  - (8)  The vehicle of the person in ①.
  - (9)  Other *(specify)*: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

**This is a Court Order.**



**8 No Firearms (Guns), Firearm Parts, or Ammunition**

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.
- b. **Prohibited items are:**
  - (1) Firearms (guns);
  - (2) Firearm parts, meaning receivers and frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
  - (3) Ammunition.
- c. If you have not already done so, you must:
  - Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your custody or control or that you possess or own.
  - File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form CH-800) for the receipt.)
- d.  The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
- e.  The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in ② is not required to relinquish this firearm (*specify make, model, and serial number of firearm(s)*): \_\_\_\_\_

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in ② may be subject to federal prosecution for possessing or controlling a firearm.

**9  Lawyer's Fees and Costs**

The person in \_\_\_ must pay to the person in \_\_\_ the following amounts for

<input type="checkbox"/> lawyer's fees	<input type="checkbox"/> costs:			
<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>	
_____	\$ _____	_____	\$ _____	
_____	\$ _____	_____	\$ _____	

Additional items and amounts are attached at the end of this Order on Attachment 9.

**10  Possession and Protection of Animals**

- a.  The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.  
(*Identify animals by, e.g., type, breed, name, color, sex.*)  
\_\_\_\_\_  
\_\_\_\_\_
- b.  The person in ② must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**This is a Court Order.**



**11**  **Other Orders** (*specify*):

\_\_\_\_\_

\_\_\_\_\_

Additional orders are attached at the end of this Order on Attachment 11.

**To the Person in ①:**

**12** **Mandatory Entry of Order Into CARPOS Through CLETS**

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a.  The clerk will enter this Order and its proof-of-service form into CARPOS.
- b.  The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c.  By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

\_\_\_\_\_

\_\_\_\_\_

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

**13** **Service of Order on Restrained Person**

- a.  The person in ② personally attended the hearing. No other proof of service is needed.
- b.  The person in ② did not attend the hearing.
  - (1)  Proof of service of form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in ② must be served with this Order. Service may be by mail.
  - (2)  The judge's orders in this form are different from the temporary restraining orders in form CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

**14**  **No Fee to Serve (Notify) Restrained Person**

The sheriff or marshal will serve this Order without charge because:

- a.  The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b.  The person in ① is entitled to a fee waiver.

**15** Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**This is a Court Order.**



**Warning and Notice to the Restrained Person in ②:****You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

Unless item 8e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item ⑧ above. The court will require you to prove that you did so.

**Instructions for Law Enforcement****Enforcing the Restraining Order**

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

**Start Date and End Date of Orders**

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item ④ on page 1.

**Arrest Required If Order Is Violated**

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

**Notice/Proof of Service**

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

**This is a Court Order.**



**Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(2) is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

Clerk's Certificate  
[seal]

(Clerk will fill out this part.)  
—Clerk's Certificate—

I certify that this *Civil Harassment Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.

**DRAFT****10/31/2022****Not approved by  
the Judicial Council**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:****1 Person Seeking Protection**

Name: \_\_\_\_\_

**2 Person From Whom Protection Is Sought**

Name: \_\_\_\_\_

**3 Notice to Server**

The server must:

- Be 18 years of age or older.
- Not be listed in items ① or ③ of form CH-100.
- Give a copy of all documents checked in ④ to the person in ②. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in ①.

**PROOF OF PERSONAL SERVICE****4** I gave the person in ② a copy of the forms checked below:

- a.  CH-109, *Notice of Court Hearing*
- b.  CH-110, *Temporary Restraining Order*
- c.  CH-100, *Request for Civil Harassment Restraining Orders*
- d.  CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- e.  CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- f.  CH-130, *Civil Harassment Restraining Order After Hearing*
- g.  CH-250, *Proof of Service by Mail* (blank form)
- h.  CH-800, *Receipt for Firearms and Firearm Parts* (blank form)
- i.  Other (*specify*): \_\_\_\_\_

**5** I personally gave copies of the documents checked above to the person in ②:

- a. On (*date*): \_\_\_\_\_ b. At (*time*): \_\_\_\_\_  a.m.  p.m.
- c. At this address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**6 Server's Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

*(If you are a registered process server):*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

Type or print server's name

Server to sign here

Clerk stamps date here when form is filed.

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10/31/2022
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Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner

Name: \_\_\_\_\_

2 Restrained Person

a. Your Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

3 To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns) and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item 4 or 5. For more information on how to properly turn in your items, read form CH-800-INFO, How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?

4 To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in 2.)

Name of Law Enforcement Agency: \_\_\_\_\_

Name of Law Enforcement Agent: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Items Surrendered

a. Firearms and firearm parts transferred on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ [ ] a.m. [ ] p.m.

b. List of items (List all the items surrendered by the person in 2. You may attach a separate form from your agency (e.g., a property report), use item 6, or both. Check below if you have attached a separate form):

[ ] Separate form is attached. (If it does not include all surrendered items, list additional items in item 6.)

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Signature of law enforcement agent: \_\_\_\_\_



**5 To Licensed Gun Dealer**

*(Complete the section below. Keep a copy and give the original to the person in ②.)*

Name of Licensed Gun Dealer: \_\_\_\_\_  
 License number: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Items Stored or Sold**

- a. Firearms and firearm parts transferred on:  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.
- b. List of items *(List all the items surrendered by the person in ②. You may attach a separate form (e.g., Department of Justice’s Report of Firearms Acquisition) or you may use item ⑥. Check below if you have attached a separate form):*  
 Separate form is attached. *(If it does not include all surrendered items, list additional items in item ⑥.)*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

▶ Signature of licensed gun dealer: \_\_\_\_\_

**6  List of Items Surrendered**

	Firearms and firearm parts	Serial Number, if there is one	Sold	Stored	To be destroyed
	Make	Model			
(1)	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write “CH-800, item 6” at the top, and attach it to this form.

**7 To the Restrained Person:**

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

No

Yes (If yes, check one of the boxes below):

a.  I filed a Receipt for Firearms and Firearm Parts (form CH-800) or other proof for those items with the court on (date): \_\_\_\_\_

b.  I am filing the proof for those firearms (guns) and firearm parts along with this proof.

c.  I have not yet filed the proof for the other firearms (guns) and firearm parts.  
(Explain why not):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Your signature**

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*



\_\_\_\_\_  
*Sign your name*

**Your Next Steps**

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

**Note that failure to file a receipt with the court is a violation of the court's order.**

**What items do I need to turn in, sell, or store?**

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). These may also be called “ghost guns.”

You also may not have or possess ammunition.

**How do I properly turn in, sell, or store the prohibited items?**

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, call ahead for more information.

**When do I have to turn in, sell, or store the prohibited items?**

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

**Who can I turn in, sell, or store the prohibited items with?**

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

**Where can I sell the prohibited items?**

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

**Do I have to pay a fee to store prohibited items?**

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

**How do I turn in the prohibited items to law enforcement?**

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

**Do not** bring firearms to court.

**If I turn in the prohibited items to law enforcement, how long will they keep them?**

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

**After I turn in the prohibited items to law enforcement, can I change my mind?**

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

**Do I have to prove that I have turned in, sold, or stored the prohibited items?**

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms and Firearm Parts \(form CH-800\)](#) for this purpose.

**Additional Questions?**

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

**Information about prohibited items and how to obey these orders is also available online.**

See <https://selfhelp.courts.ca.gov/respond-to-CH-restraining-order/obey-firearms-orders>.

**For help in your area, contact:**

*[Local information may be inserted.]*

Clerk stamps date here when form is filed.

Read *How do I Get a Private Postsecondary School Violence Restraining Order?* (form SV-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

**DRAFT**  
**10/31/2022**  
**Not approved by  
the Judicial Council**

**1 Petitioner (Educational Institution Officer or Employee)**

a. Name: \_\_\_\_\_ is  
 the chief administrative officer  
 an officer or employee designated by the chief administrative officer to maintain order on the campus or facility of  
(name of private postsecondary educational institution):  
\_\_\_\_\_

and is filing this petition on behalf of the student in **2**.

b. Lawyer for Petitioner (if any for this case)

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_

c. Petitioner's Address (If the petitioner has a lawyer, give the lawyer's information.)

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**  
\_\_\_\_\_

Court fills in case number when form is filed.

**Case Number:**  
\_\_\_\_\_

**2 Student in Need of Protection**

Full Name: \_\_\_\_\_  
Gender:  M  F  Nonbinary Age: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_ Age: \_\_\_\_\_  
Address (if known): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**4 Additional Protected Persons**

a. Are you asking for protection for any family or household members or any other students at the campus or facility who are similarly in need of protection?  Yes  No (If yes, list them):

<u>Full Name</u>	<u>Gender</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relationship to Student</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed in Attachment 4a.

**This is not a Court Order.**



4 b. Why do these people need protection? (*Explain*):  Response is stated in Attachment 4b.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5 **Relationship of Student and Respondent**

a. How does the student know the respondent? (*Describe*):  Response is stated in Attachment 5a.

\_\_\_\_\_

\_\_\_\_\_

b. Respondent  is  is not a current student of petitioner's institution. (*Explain any decision to retain, expel, or otherwise discipline the respondent*):  Response is stated in Attachment 5b.

\_\_\_\_\_

\_\_\_\_\_

6 **Venue**

Why are you filing in this county? (*Check all that apply*):

a.  The respondent lives in this county.

b.  The respondent has caused physical or emotional injury to the student in this county.

c.  Other (*specify*): \_\_\_\_\_

7 **Other Court Cases**

a. Has the student or any of the persons named in 4 been involved in another court case with the respondent?  
 No  Yes (*If yes, check each kind of case and indicate where and when each was filed*):

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Postsecondary School Violence	_____	_____	_____
(2)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(3)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(4)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5)	<input type="checkbox"/> Paternity, Parentage, Child Support	_____	_____	_____
(6)	<input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(7)	<input type="checkbox"/> Eviction	_____	_____	_____
(8)	<input type="checkbox"/> Guardianship	_____	_____	_____
(9)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(10)	<input type="checkbox"/> Small Claims	_____	_____	_____
(11)	<input type="checkbox"/> Criminal	_____	_____	_____
(12)	<input type="checkbox"/> Other ( <i>specify</i> ): _____	_____	_____	_____

b. Are any restraining orders or criminal protective orders now in effect relating to the student or any of the persons in 4 and the respondent?  No  Yes (*If yes, attach a copy if you have one.*)

**This is not a Court Order.**







- 8 f. For any of the incidents described above, did the police come?  Yes  No  I don't know  
 If yes, did the student or the respondent receive an Emergency Protective Order?  
 Yes  No  I don't know  
 If yes, the order protects (*check all that apply*):  
 the student.  the respondent.  one or more of the persons in 4.  
 (*Attach a copy of the order if you have one.*)

**Check the orders you want.**

**9 Personal Conduct Orders**

I ask the court to order the respondent **not** to do any of the following things to the student or to any person to be protected listed in 4:

- a.  Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b.  Make threats of violence against the person.
- c.  Follow or stalk the person during school hours or to or from the school campus or facility.
- d.  Contact the person, either directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
- e.  Enter the person's school campus or facility.
- f.  Other (*specify*):  
 As stated in Attachment 9f.

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*The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.*

**10  Stay-Away Order**

a. I ask the court to order the respondent to stay at least \_\_\_\_\_ yards away from (*check all that apply*):

- (1)  The student.
- (2)  The other persons listed in 4.
- (3)  The school.
- (4)  The student's home.
- (5)  The student's job or workplace.
- (6)  The school of the student's children.
- (7)  The place of child care of the student's children.
- (8)  The student's vehicle.
- (9)  Other (*specify*):

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**This is not a Court Order.**



- 10 b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job?  Yes  No *(If no, explain):*  
 Response is stated on Attachment 10b.

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11 **Firearm (Guns), Firearm Parts, and Ammunition**

Does the respondent own or possess any firearms (guns), firearm parts, or ammunition? This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).  Yes  No  I don't know

*If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns) and firearm parts within their immediate possession or control.*

12  **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the Respondent to last until the hearing. I am presenting form SV-110, *Temporary Restraining Order*, for the court's signature together with this Petition.

Has the Respondent been told that you were going to go to court to seek a TRO against him or her?

Yes  No *(If you answered no, explain why below):*

Reasons are stated in Attachment 12.

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13  **Request for Less Than Five Days' Notice of Hearing**

*You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form SV-200-INFO explains what is proof of personal service. Form SV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)*

If you want there to be fewer than five days between service and the hearing, explain why:

Reasons are stated in Attachment 13.

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**This is not a Court Order.**



14  **No Fee for Filing**

I ask that there be no filing fee because the respondent has threatened violence against the student, or stalked the student, or acted or spoken in a manner that has placed the student in reasonable fear of violence.

15  **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the others for free because this request for orders is based on a credible threat of violence or stalking.

16  **Court Costs**

I ask the court to order the respondent to pay my court costs.

17  **Additional Orders Requested**

I ask the court to make the following additional orders (*specify*):

Additional orders requested are stated in Attachment 17.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18 Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*

▶ \_\_\_\_\_  
*Lawyer's signature*

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Name of petitioner*

▶ \_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Title*

I consent to the filing of the Petition.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Name of student*

▶ \_\_\_\_\_  
*Signature*

**This is not a Court Order.**

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

## What is a private postsecondary school violence protection order?

Under California law (Code Civ. Proc., § 527.85), courts can make orders to protect a student from being subjected to credible threats of violence that could be carried out on the school campus or facility. The procedure is only available with regard to students at private postsecondary institutions.

The court can order a person not to:

- Harass or threaten the student;
- Contact or go near the student; and
- Have any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). For more information about the items a restrained person cannot have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

These orders will be enforced by law enforcement agencies.

## Who can get this school violence protection order?

The chief administrative officer of a private postsecondary educational institution, or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility, may request court orders prohibiting credible threats of violence against a student. These orders must be requested by an officer of the institution that the student attends or is applying to.

- A “chief administrative officer” is the principal, president, or highest-ranking official of the private postsecondary educational institution.
- A “postsecondary educational institution” is a private institution of vocational, professional, or postsecondary education.

The statute differs from other California laws that allow victims of unlawful violence or credible threats of violence to ask the court for these orders **themselves**. If anyone other than a school officer wishes to apply to the court for an order prohibiting harassment, see [Can a Civil Harassment Restraining Order Help Me \(form CH-100-INFO\)?](#).

## Who can be protected under this law?

Under this statute, the school officer can obtain a court order on behalf of a student that lasts up to three years. The order can also protect family or household members of the student and other students at the campus or facility who are similarly situated.

- A “student” is an adult currently enrolled in or applying for admission to a private postsecondary educational institution.
- The “respondent” is the person against whom the school official is requesting the protective order.

A school official may seek protection under this law if:

1. The student has suffered a credible threat of violence from any individual;
2. The credible threat of violence, while made off of the campus or facility, can reasonably be construed to be carried out or have been carried out at the school campus or facility;
3. The respondent’s conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
4. The respondent is not engaged in constitutionally protected activity.

## What forms must be used to get the order?

A school official may seek protection under this law if:

1. *Petition for Private Postsecondary School Violence Restraining Orders (Petition) (form SV-100)*. This form tells the judge the facts of the case and what orders the petitioner and student want the court to make.
2. *Confidential CLETS Information (form CLETS-001)*. This form will provide law enforcement agencies with the information needed to enforce any orders that are granted.
3. Notice of Court Hearing ([form SV-109](#)). This form tells the parties when the hearing on the petition will be held.
4. Temporary Restraining Order (TRO) ([form SV-110](#)). A TRO can be issued to provide protection to the student until the hearing is held. It can be issued by the judge either with or without notice to the respondent.



5. *Private Postsecondary School Violence Restraining Order After Hearing (Order)* ([form SV-130](#)). This form is signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.

These forms are all **mandatory**—that is, they must be used in the school violence prevention proceeding.

6. *Proof of Personal Service* ([form SV-200](#)). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

### Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). You also may be able to find them at your local courthouse or county law library.

### Do I need a lawyer?

The school official may be represented by a lawyer, but one is not required by law. Because the school official's lawyer will generally be representing the interests of the student, the student usually does not need his or her own lawyer. Whether or not the school official has a lawyer, the respondent may have one.

### What steps are needed to get the court orders?

1. Fill in the **Petition** ([form SV-100](#)) completely and fill in items 1–3 of the *Notice of Court Hearing* ([form SV-109](#)). If you are seeking a **TRO**, also fill out form [SV-110](#).
2. If you are seeking orders based on information from your student and others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** ([form SV-100](#)). You may use form [MC-031, Attached Declaration](#).
3. Fill in *Confidential CLETS Information* ([form CLETS-001](#)) with as much information as you know. If the judge grants the order, the information on this form will be entered into a statewide protective-order database that will be available to law enforcement agencies if the order needs to be enforced.

4. If you are applying for a **TRO**, fill out form [SV-110](#) completely. The petition and declarations must give the details of the credible threats of violence and the problems they have caused your student.

To obtain a **TRO**, you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
  - b. You or your attorney certifies one of the following to the court under oath:
    - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;
    - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them; or
    - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.
5. Take your original completed forms and copies to the clerk's office at the court. You will need at least three copies: one for you, one for the student, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the **TRO**. A protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* ([form SV-109](#)).
  6. If you are seeking a TRO ([form SV-110](#)), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a TRO is granted while you are still at the court, take the signed original back to the clerk to be filed.



7. If a **TRO** has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the TRO to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.

**If the court issues a TRO, it will last until the hearing date.**

8. If the student does not speak English, when you file your papers, ask the clerk if a court interpreter will be available for the hearing. You can also use form [INT-300, Request for Interpreter \(Civil\)](#) or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

9. Have the respondent personally served with copies of the **Petition** (form [SV-100](#)), the *Notice of Court Hearing* (form [SV-109](#)), the **TRO** (form [SV-110](#)) (if issued), a blank **Response** (form [SV-120](#)), and a blank *Proof of Service of Response by Mail* (form [SV-250](#)). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you, the student, or anyone to be protected by the order. For help with service, ask the court clerk for form [SV-200-INFO, What Is "Proof of Personal Service"?](#)

**Service is essential. It tells the respondent about the order and the hearing. Without it, there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally served immediately after the orders are signed by the judge, unless the court specifies a different time for service.**

10. After the respondent has been personally served, the person who served the respondent must complete and sign the original *Proof of Personal Service* (form [SV-200](#)). Take the signed original and copies back to the court clerk. The clerk will file the original and return "file-stamped" copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

11. Go to court on the date shown at item 4 on the *Notice of Court Hearing* (form [SV-109](#)). You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person's word.

You can bring to the hearing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form [MC-\(30, Declaration\)](#).)

The respondent has the right to attend the hearing, but he or she does not have the right to speak to the student or to any other person seeking protection. If anyone is afraid, tell the court officer.

**SV-109 Notice of Court Hearing**

Clerk stamps date here when form is filed.

1 Petitioner (Educational Institution Officer or Employee)

a. Name: \_\_\_\_\_  
 Lawyer for Petitioner (if any for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_

b. Address (If you have a lawyer, give your lawyer's information.):  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

2 Student in Need of Protection  
 Full Name: \_\_\_\_\_

3 Respondent (Person From Whom Protection Is Sought)  
 Full Name: \_\_\_\_\_

The court will complete the rest of this form.

4 Notice of Hearing  
 A court hearing is scheduled on the request for restraining orders against the respondent:  
 Name and address of court if different from above:  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

5 Temporary Restraining Orders (Any orders granted are on Form SV-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form SV-100, Request for Private Postsecondary School Violence Restraining Orders, are (check only one box below):

(1)  All GRANTED until the court hearing.

(2)  All DENIED until the court hearing. (Specify reasons for denial in b, below.)

(3)  Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

Judicial Council of California, www.courts.ca.gov  
 Revised January 1, 2012, Mandatory Form  
 Code of Civil Procedure, § 527.95  
 Approved by DOJ

Notice of Court Hearing  
 (Private Postsecondary School Violence Prevention)

SV-109, Page 1 of 3



12. If the judge signs the **Order** ([form SV-130](#)), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.
13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File form [SV-260, \*Proof of Service of Order After Hearing by Mail\*](#). If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* ([form SV-200](#)) with the court. Give a file-stamped copy of the **Order** and proof of service to your student and to each other protected person. Keep at least one copy for yourself.
14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.
15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.

**What if I have a disability?**

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, \*Disability Accommodation Request\*](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, \*How to Request a Disability Accommodation for Court\*](#).

**Information about the process is also available online.**

See <https://selfhelp.courts.ca.gov/SV-restraining-order>.

**For help in your area, contact:**

*[Local information may be inserted.]*

**DRAFT**

**10/31/2022**

**Not approved by  
the Judicial Council**



*Clerk stamps date here when form is filed.*

**DRAFT**

**10/31/2022**

**Not approved by  
the Judicial Council**

**1 Petitioner (Educational Institution Officer or Employee)**

a. Name: \_\_\_\_\_

Lawyer for Petitioner *(if any for this case)*:

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Address *(If you have a lawyer, give your lawyer's information.)*:

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of**

**2 Student in Need of Protection**

Full Name: \_\_\_\_\_

*Fill in case number:*

**Case Number:**

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_

*The court will complete the rest of this form.*

**4 Notice of Hearing**

**A court hearing is scheduled on the request for restraining orders against the respondent:**

<div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> <b>Hearing Date</b> </div>	→ Date: _____	Time: _____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	
	_____	_____	

**5 Temporary Restraining Orders** *(Any orders granted are on form SV-110, served with this notice.)*

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form SV-100, *Request for Private Postsecondary School Violence Restraining Orders*, are *(check only one box below)*:

- (1)  All **GRANTED** until the court hearing.
- (2)  All **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*
- (3)  Partly **GRANTED** and partly **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*



b. Reasons that Temporary Restraining Orders as requested in form SV-100, *Petition for Private Postsecondary School Violence Restraining Orders*, for personal conduct or stay-away are denied are:

- (1)  The facts as stated in form SV-100 do not sufficiently show reasonable proof that the student has suffered a credible threat of violence made off the school campus or facility by the respondent, and that great or irreparable harm would result to the student if a temporary restraining order is not issued.
- (2)  Other (*specify*):  As stated on Attachment 5b.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**6 Service of Documents by the Petitioner**

At least  five  \_\_\_\_\_ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this form SV-109, *Notice of Court Hearing*, to the respondent along with a copy of all the forms indicated below:

- a. SV-100, *Petition for Private Postsecondary School Violence Restraining Orders (file-stamped)*
- b.  SV-110, *Temporary Restraining Order (file-stamped) IF GRANTED*
- c. SV-120, *Response to Petition for Private Postsecondary School Violence Restraining Orders (blank form)*
- d. SV-120-INFO, *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?*
- e. SV-250, *Proof of Service of Response by Mail (blank form)*
- f.  Other (*specify*): \_\_\_\_\_

Date: \_\_\_\_\_  
\_\_\_\_\_ *Judicial Officer*

**To the Petitioner:**

- The court cannot make the restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your request and any temporary orders. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form SV-200, *Proof of Personal Service*, may be used.
- For information about service, read form SV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the respondent in time, you may ask for more time to serve the documents. Use form SV-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.



**To the Respondent:**

- If you want to respond to the request for orders in writing, file form SV-120, *Response to Request for Private Postsecondary School Violence Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the petitioner.
- The person who mailed the form must fill out a proof of service form. Form SV-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to three years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns) and firearm parts that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).**

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

*Clerk's Certificate*  
[seal]

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

Clerk stamps date here when form is filed.

DRAFT
10/31/2022
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Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

a. Name:
Lawyer for Petitioner (if any, for this case):
Name: State Bar No.:
Firm Name:
b. Your Address (If you have a lawyer, give your lawyer's information.):
Address:
City: State: Zip:
Telephone: Fax:
Email Address:

2 Student (Protected Person)

Full Name:

3 Respondent (Restrained Person)

(Give all the information you know. Information with a star (\*) is required to add this order to the California police database. If age is unknown, give an estimate.)

\*Full Name: \*Age: Date of Birth:
\*Race: Height: Weight: Hair Color: Eye Color:
\*Gender: M F Nonbinary Home Address:
City: State: Zip:
Relationship to Protected Person:

4 Additional Protected Persons

In addition to the student, the following family or household members or other students are protected by the temporary orders indicated below:

Table with columns: Full Name, Gender, Age, Household Member?, Relation to Student. Includes Yes/No checkboxes for household member status.

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: Time: a.m. p.m.

This is a Court Order.



**To the Person in 2:**

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up to one year, pay a fine of up to \$1,000, or both.

**6 Personal Conduct Orders**

Not Requested     Denied Until the Hearing     Granted as Follows:

a. You are ordered **not** do the following things to the student

and to the other protected persons listed in 4:

- (1)  Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2)  Commit acts of violence or make threats of violence against the person.
- (3)  Follow or stalk the person during school hours or to or from the school.
- (4)  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by email, by fax, or by other electronic means.
- (5)  Enter the person's school.
- (6)  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7)  Other (*specify*):  
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(7).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the petitioner.

**7 Stay-Away Order**

Not Requested     Denied Until the Hearing     Granted as Follows:

a. You must stay at least \_\_\_\_\_ yards away from (*check all that apply*):

- (1)  The student
- (2)  Each other protected person listed in 4
- (3)  The school
- (4)  The student's home
- (5)  The student's job or workplace
- (6)  The student's children's school
- (7)  The student's children's place of child care
- (8)  The student's vehicle
- (9)  Other (*specify*):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. This stay-away order does not prevent you from going to or from your home or place of employment.

**This is a Court Order.**



**8 No Firearms (Guns), Firearm Parts, or Ammunition**

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b.
- b. **Prohibited items are:**
  - (1) Firearms (guns);
  - (2) Firearm parts, meaning receivers, frames, or any item that may be used as easily turned into a receiver or frame (see Penal Code section 16531); and
  - (3) Ammunition.
- c. You must:
  - (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order.
  - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form SV-800) for the receipt.)
- d.  The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

**9 Other Orders**

- Not Requested     Denied Until the Hearing     Granted as Follows (*specify*):

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Additional orders are attached at the end of this Order on Attachment 9.

**To the Person in 1:**

**10 Mandatory Entry of Order Into CARPOS Through CLETS**

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a.  The clerk will enter this Order and its proof-of-service form into CARPOS.
- b.  The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c.  By the close of business on the date that this Order is made, the petitioner or the petitioner’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (*City, State, Zip*)

---



---

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

**This is a Court Order.**



**11 No Fee to Serve (Notify) Restrained Person**       **Ordered**       **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

- a.  The Order is based on a credible threat of violence or stalking.
- b.  The petitioner is entitled to a fee waiver.

**12** Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**Warnings and Notices to the Restrained Person in 3**

**You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item 8 above. The court will require you to prove that you did so.

**Notice Regarding Nonappearance at Hearing and Service of Order**

If you have been personally served with this Temporary Restraining Order and form SV-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item 3.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

**This is a Court Order.**



### After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this Order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- Read form WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*, to learn how to respond to this Order.
- If you want to respond, fill out form WV-120, *Response to Petition for Workplace Violence Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have form WV-120 served on the petitioner or the petitioner's attorney by mail. You cannot do this yourself. The person who does the service should complete and sign form WV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

### Instructions for Law Enforcement

#### Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

#### Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item 5 on page 1.

#### If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

**This is a Court Order.**





**Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(4) is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate*  
[seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Response to Petition for Private Postsecondary School Violence Restraining Orders

Clerk stamps date here when form is filed.

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Use this form to respond to the Petition (form SV-100)

- Read How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders? (form SV-120-INFO) to protect your rights.
Fill out this form and take it to the court clerk.
Have someone age 18 or older—not you—serve the petitioner or the petitioner’s lawyer by mail with a copy of this form and any attached pages. (Use form SV-250, Proof of Service of Response by Mail.)

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

Name:

2 Student Seeking Protection

Full Name:

3 Respondent (Person From Whom Protection Is Sought)

a. Your Name:

Your Lawyer (if you have one for this case)

Name: State Bar No.:

Firm Name:

b. Your Address (You may give a mailing address if you want to keep your street address private; skip this if you have a lawyer.)

Address:

City: State: Zip:

Telephone: Fax:

Email Address:

The court will consider your response at the hearing. Write your hearing date, time, and place from form SV-109, item 4 here:

Hearing Date

Date: Time:

Dept.: Room:

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to three years.

4 Personal Conduct Orders

- I agree to the orders requested.
I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.)
I agree to the following orders (specify below or in item 11 on page 3):

5 Stay-Away Orders

- I agree to the orders requested.
I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.)
I agree to the following orders (specify below or in item 11 on page 3):



6  **Additional Protected Persons**

- a.  I agree that the persons listed in item 4 of the Petition may be protected by the order requested.
- b.  I do not agree that the persons listed in item 4 of the Petition may be protected by the order requested.

7 **Firearms (Guns), Firearm Parts, and Ammunition**

If you were served with form SV-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (See item 8 of form SV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) or firearm parts in your immediate possession or control within 24 hours of being served with form SV-110. You must file a receipt with the court. You may use *Receipt for Firearms and Firearm Parts* (form SV-800) for the receipt.

- a.  I do not own or control any firearms (guns), firearm parts, or ammunition.
- b.  I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (Explain):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- c.  I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer.  
A copy of the receipt  is attached.  has already been filed with the court.

8  **Other Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.)
- c.  I agree to the following orders (specify below or in item 11 on page 3):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9  **Denial**

I did not do anything described in item 8 of form SV-100. (Skip to 11.)





**12**  **No Fee for Filing**

- a.  I ask the court to waive the filing fee because the petitioner claims in form SV-100 item **14** to be entitled to free filing.
- b.  I request that I not be required to pay the filing fee because I am eligible for a fee waiver. *(Form FW-001, Request to Waive Court Fees, must be filed separately.)*

**13**  **Costs**

- a.  I ask the court to order the petitioner to pay my court costs. The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

- Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 13—Costs" for a title. You may use form MC-025, Attachment.*
- b.  I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

**14** Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_ ▶ \_\_\_\_\_  
*Lawyer's name (if any)* *Lawyer's signature*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_ ▶ \_\_\_\_\_  
*Type or print your name* *Sign your name*

## What is a private postsecondary school violence restraining order?

It is a court order that prohibits you from doing certain things and going certain places.

## What does the order do?

The court can order you to:

- Not contact the student who is protected by the order
- Stay away from the student and the student’s home, school, and other places
- Not have any firearms (guns), firearm parts, or ammunition as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items you would not be allowed to have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

## Who can ask for a private postsecondary school violence restraining order?

A school official at a private postsecondary school can ask for an order on behalf of an adult student who is worried about his or her safety because he or she has suffered a credible threat of violence that could be carried out on the school campus or facility.

## I've been served with a petition for private postsecondary school violence restraining orders. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

## What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out [form SV-120, Response to Petition for Private Postsecondary School Violence Restraining Orders](#), before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#). You can get the forms from legal publishers or from the California Courts website at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). You also may be able to find them at your local courthouse or county law library.

## What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

## Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form SV-120 to the person named in item ① of the petition form SV-110 (or that person’s lawyer). (This is called “service by mail.”)

The person who serves the form by mail for you must fill out form [SV-250, Proof of Service of Response by Mail](#). Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

## Should I go to the court hearing?

Yes. You should go to court on the date listed on form SV-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

**SV-109** Notice of Court Hearing

Clerk stamps date here when form is filed.

① **Petitioner (Educational Institution Officer or Employee)**

a. Name: \_\_\_\_\_  
Lawyer for Petitioner (if any for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_

b. Address (If you have a lawyer, give your lawyer's information.):  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

② **Student in Need of Protection**  
 Full Name: \_\_\_\_\_

③ **Respondent (Person From Whom Protection Is Sought)**  
 Full Name: \_\_\_\_\_

The court will complete the rest of this form.

④ **Notice of Hearing**  
 A court hearing is scheduled on the request for restraining orders against the respondent:

Hearing Date	Date: _____	Time: _____	Name and address of court if different from above: Dept.: _____ Room: _____
--------------	-------------	-------------	--

⑤ **Temporary Restraining Orders** (Any orders granted are on Form SV-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form SV-100, Request for Private Postsecondary School Violence Restraining Orders, are (check only one box below):

(1)  All GRANTED until the court hearing.

(2)  All DENIED until the court hearing. (Specify reasons for denial in b, below.)

(3)  Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)



**How long does the order last?**

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to three years.

**Do I need a lawyer?**

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

**Will I see the student at the court hearing?**

Yes. Assume that the student will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can.

**Can I bring a witness to the court hearing?**

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form [MC-030](#) for this.

**Information about the process is also available online.**

See <https://selfhelp.courts.ca.gov/SV-restraining-order>.

**For help in your area, contact:**

*[Local information may be inserted.]*

**DRAFT**

**10/31/2022**

**Not approved by  
the Judicial Council**

**What if I don't speak English?**

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

**What if I have a gun?**

If a restraining order is issued, you cannot own, possess, or have a **firearm (gun), firearm parts, or ammunition** while the order is in effect. If you have a **firearm (gun) or firearm parts** in your immediate possession or control, you must sell it to or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

**Can I agree with the protected person to cancel the order?**

No. Once the order is issued, only the judge can change or cancel it. You or the school official would have to file a request with the court to cancel the order.

**What if I have a disability?**

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).

Private Postsecondary School Violence Restraining Order After Hearing

Clerk stamps date here when form is filed.

DRAFT

10/31/2022

Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

a. Name: Lawyer for Petitioner (if any, for this case) Name: State Bar No.: Firm Name:

b. Your Address (If you have a lawyer, give your lawyer's information.) Address: City: State: Zip: Telephone: Fax: Email Address:

2 Student (Protected Person)

Full Name:

3 Respondent (Restrained Person)

(Give all the information you know. Information with a star (\*) is required to add this order to the California police database. If age is unknown, give an estimate.)

\*Full Name: \*Age: Date of Birth: \*Race: Height: Weight: Hair Color: Eye Color: \*Gender: M F Nonbinary Home Address: City: State: Zip: Relationship to Protected Person:

4 Additional Protected Persons

In addition to the student, the following family or household members or other students are protected by the temporary orders indicated below:

Table with columns: Full Name, Gender, Age, Household Member?, Relation to student. Includes Yes/No checkboxes for Household Member.

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order, except for any award of lawyer's fees, expires at

Date: Time: a.m. p.m.

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.





**6 Hearing**

- a. There was a hearing on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
*(Name of judicial officer)*: \_\_\_\_\_ made the orders at the hearing.
- b. These people were at the hearing:
  - (1)  The petitioner/school representative *(name)*: \_\_\_\_\_
  - (2)  The lawyer for the petitioner/school *(name)*: \_\_\_\_\_
  - (3)  The student      (4)  The lawyer for the student *(name)*: \_\_\_\_\_
  - (5)  The respondent      (6)  The lawyer for the respondent *(name)*: \_\_\_\_\_
  - Additional persons present are listed at the end of this Order on Attachment 6b.
- c.  The hearing is continued. The parties must return to court on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_.

**To the Respondent:**

**The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.**

**7 Personal Conduct Orders**

- a. You are ordered **not** do the following things to the student
  - and to the other protected persons listed in **4**:
  - (1)  Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
  - (2)  Commit acts of violence or make threats of violence against the person.
  - (3)  Follow or stalk the person during school hours or to or from the school.
  - (4)  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
  - (5)  Enter the person's school.
  - (6)  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
  - (7)  Other *(specify)*:  
 Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**This is a Court Order.**



**8 Stay-Away Orders**

- a. You **must** stay at least \_\_\_\_\_ yards away from (*check all that apply*):
- (1)  The student.
  - (2)  Each other protected person listed in **4**.
  - (3)  The school.
  - (4)  The student's home.
  - (5)  The student's job or workplace.
  - (6)  The student's children's school.
  - (7)  The student's children's place of child care.
  - (8)  The student's vehicle.
  - (9)  Other (*specify*): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

**9 No Firearms (Guns), Firearm Parts, or Ammunition**

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get **any prohibited items listed below in b.**
- b. **Prohibited items are:**
- (1) **Firearms (guns);**
  - (2) **Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and**
  - (3) **Ammunition.**
- c. If you have not already done so, you must:
- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any **firearms (guns) and firearm parts** in your custody or control or that you possess or own.
  - File a receipt with the court within 48 hours of receiving this Order that proves that your **firearm (guns) and firearm parts** have been turned in, sold, or stored. (You may use **Receipt for Firearms and Firearm Parts** (form SV-800) for the receipt.)
- d.  The court has received information that you own or possess a **firearm (gun), firearm parts, or ammunition.**
- e.  The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in **3** is not required to relinquish this firearm (*specify make, model, and serial number of firearm(s)*): \_\_\_\_\_

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in **3** may be subject to federal prosecution for possessing or controlling a firearm.

**This is a Court Order.**



**10**  **Costs**

You must pay the following amounts for costs to the petitioner:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional amounts are attached at the end of this Order on Attachment 10.

**11**  **Other Orders** (*specify*):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional orders are attached at the end of this Order on Attachment 11.

**To the Person in 1:**

**12** **Mandatory Entry of Order Into CARPOS Through CLETS**

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a.  The clerk will enter this Order and its proof-of-service form into CARPOS.
- b.  The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c.  By the close of business on the date that this Order is made, the petitioner or the petitioner’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

\_\_\_\_\_

\_\_\_\_\_

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

**13** **Service of Order on Respondent**

- a.  The respondent personally attended the hearing. No other proof of service is needed.
- b.  The respondent did not attend the hearing.
  - (1)  Proof of service of form SV-110, *Temporary Restraining Order*, was presented to the court. The judge’s orders in this form are the same as in form SV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail.
  - (2)  The judge’s orders in this form are different from the temporary restraining orders in form SV-110. Someone—but not the petitioner or anyone protected by this order—must personally serve a copy of this Order on the respondent.

**This is a Court Order.**



**14 No Fee to Serve (Notify) Restrained Person**

The sheriff or marshal will serve this Order without charge because the Order is based on a credible threat of violence or stalking.

**15** Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**Warning and Notice to the Respondent:****You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

Unless item 9e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 9b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item 9 above. The court will require you to prove that you did so.

**Instructions for Law Enforcement****Enforcing the Restraining Order**

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

**Start Date and End Date of Orders**

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item 5 on page 1.

**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

**This is a Court Order.**

**Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 7a(4) is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

*Clerk's Certificate*  
[seal]

*(Clerk will fill out this part.)*  
**—Clerk's Certificate—**

I certify that this *Private Postsecondary School Violence Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.

**1 Petitioner (Educational Institution Officer or Employee)**

Name: \_\_\_\_\_

**2 Student in Need of Protection**

Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Name: \_\_\_\_\_

**4 Notice to Server**

The server must:

- Be 18 years of age or older.
- Not be listed in items ①, ②, or ④ of Form SV-100.
- Give a copy of all documents checked in ⑤ below to the respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the petitioner.

**DRAFT**

**10/31/2022**

**Not approved by  
the Judicial Council**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**PROOF OF PERSONAL SERVICE**

**5** I gave the respondent a copy of the forms checked below:

- a.  SV-109, *Notice of Court Hearing*
- b.  SV-110, *Temporary Restraining Order*
- c.  SV-100, *Petition for Private Postsecondary School Violence Restraining Orders*
- d.  SV-120, *Response to Petition for Private Postsecondary School Violence Restraining Orders* (blank form)
- e.  SV-120-INFO, *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?*
- f.  SV-130, *Private Postsecondary School Violence Restraining Order After Hearing*
- g.  SV-250, *Proof of Service by Mail* (blank form)
- h.  SV-800, *Receipt for Firearms and Firearm Parts* (blank form)
- i.  Other (specify): \_\_\_\_\_

**6** I personally gave copies of the documents checked above to the respondent

- a. On (date): \_\_\_\_\_ b. At (time): \_\_\_\_\_  a.m.  p.m.
- c. At this address: \_\_\_\_\_
- City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**7 Server's Information**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

*(If you are a registered process server):*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_

*Type or print server's name*



\_\_\_\_\_

*Server to sign here*

Clerk stamps date here when form is filed.

**DRAFT**  
**10/31/2022**  
**Not approved by the Judicial Council**

**1 Petitioner (Educational Institution Officer or Employee)**

Name: \_\_\_\_\_

**2 Student in Need of Protection**

Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Your Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.):

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**4 To the Respondent:**

If a judge has ordered you to turn in, sell, or store your firearms (guns) and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item 5 or 6. For more information on how to properly turn in your items, read form SV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

**5 To Law Enforcement**

(Complete the section below. Keep a copy and give the original to the person in 3.)

Name of Law Enforcement Agency: \_\_\_\_\_

Name of Law Enforcement Agent: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Items Surrendered**

a. Firearms and firearm parts transferred on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

b. List of items (List all the items surrendered by the person in 3. You may attach a separate form from your agency (e.g., a property report), use item 7, or both. Check below if you have attached a separate form):

Separate form is attached. (If it does not include all surrendered items, list additional items in item 7.)

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Signature of law enforcement agent: \_\_\_\_\_



6

**To Licensed Gun Dealer**

*(Complete the section below. Keep a copy and give the original to the person in ③.)*

Name of Licensed Gun Dealer: \_\_\_\_\_

License number: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Items Stored or Sold**

a. Firearms and firearm parts transferred on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

b. List of items *(List all the items surrendered by the person in ③. You may attach a separate form (e.g., Department of Justice’s Report of Firearms Acquisition) or you may use item ⑦. Check below if you have attached a separate form):*

Separate form is attached. *(If it does not include all surrendered items, list additional items in item ⑦.)*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

▶ Signature of licensed gun dealer: \_\_\_\_\_

7

**List of Items Surrendered**

Firearms and firearm parts	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write “SV-800, item 7” at the top, and attach it to this form.



**7 To the Restrained Person:**

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

No

Yes (If yes, check one of the boxes below:)

a.  I filed a Receipt for Firearms and Firearm Parts (form SV-800) or other proof for those items with the court on (date): \_\_\_\_\_

b.  I am filing the proof for those firearms (guns) or firearm parts along with this proof.

c.  I have not yet filed the proof for the other firearms (guns) or firearm parts.  
(Explain why not):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Your signature**

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*



\_\_\_\_\_  
*Sign your name*

**Your Next Steps**

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

**Note that failure to file a receipt with the court is a violation of the court's order.**

**What items do I need to turn in, sell, or store?**

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). These may also be called “ghost guns.”

You also may not have or possess ammunition.

**How do I properly turn in, sell, or store the prohibited items?**

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, call ahead for more information.

**When do I have to turn in, sell, or store the prohibited items?**

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

**Who can I turn in, sell, or store the prohibited items with?**

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

**Where can I sell the prohibited items?**

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

**Do I have to pay a fee to store prohibited items?**

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

**How do I turn in the prohibited items to law enforcement?**

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

**If I turn in the prohibited items to law enforcement, how long will they keep them?**

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

**After I turn in the prohibited items to law enforcement, can I change my mind?**

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

**Do I have to prove that I have turned in, sold, or stored the prohibited items?**

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms and Firearm Parts \(form SV-800\)](#) for this purpose.

**Additional Questions?**

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

**Information about prohibited items and how to obey these orders is also available online.**

See <https://selfhelp.courts.ca.gov/respond-to-SV-restraining-order/obey-firearms-orders>.

**For help in your area, contact:**

[Local information may be inserted.]

Clerk stamps date here when form is filed.

Read *How Do I Get an Order to Prohibit Workplace Violence* (form WV-100-INFO) before completing this form. **NOTE: Petitioner must be an employer with standing to bring this action under Code of Civil Procedure section 527.8.** Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

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**10/31/2022**  
**Not approved by  
the Judicial Council**

**1 Petitioner (Employer)**

a. Name: \_\_\_\_\_

is a  corporation  sole proprietorship

(specify): \_\_\_\_\_

and is filing this suit on behalf of the employee identified in item 2.

b. Lawyer for Petitioner (if any for this case)

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Petitioner's Address (If the petitioner has a lawyer, give the lawyer's information.)

c. Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**2 Employee in Need of Protection**

Full Name: \_\_\_\_\_

Gender:  M  F  Nonbinary Age: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**4 Additional Protected Persons**

a. Are you asking for protection for any family or household members of the employee or for any other employees at the employee's workplace or at other workplaces of the petitioner?

Yes  No (If yes, list them):

Full Name	Gender	Age	Household Member?	Relationship to Employee
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed in Attachment 4a.

**This is not a Court Order.**



4 b. Why do these people need protection? (Explain):  
 Response is stated in Attachment 4b.

\_\_\_\_\_  
\_\_\_\_\_

5 Relationship of Employee and Respondent

a. How does the employee know the respondent? (Describe):  Response is stated in Attachment 5a.

\_\_\_\_\_  
\_\_\_\_\_

b. Respondent  is  is not a current employee of petitioner. (Explain any decision to retain, terminate, or otherwise discipline the respondent):  Response is stated in Attachment 5b.

\_\_\_\_\_  
\_\_\_\_\_

6 Venue

Why are you filing in this county? (Check all that apply):

- a.  The respondent lives in this county.
- b.  The respondent has caused physical or emotional injury to the petitioner’s employee in this county.
- c.  Other (specify): \_\_\_\_\_

7 Other Court Cases

a. Has the employee or any of the persons named in 4 been involved in another court case with the respondent?

No  Yes If yes, check each kind of case and indicate where and when each was filed:

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(2)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(3)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(4)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5)	<input type="checkbox"/> Paternity, Parentage, Child Support	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Small Claims	_____	_____	_____
(9)	<input type="checkbox"/> Postsecondary School Violence	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are any restraining orders or criminal protective orders now in effect relating to the employee or any of the persons in 4 and the respondent?  No  Yes (If yes, attach a copy if you have one.)

**This is not a Court Order.**





8 f. For any of the incidents described above, did the police come?  Yes  No  I don't know

If yes, did the employee or the respondent receive an Emergency Protective Order?

Yes  No  I don't know

If yes, the order protects (check all that apply):

the employee  the respondent  one or more of the persons in 4.

(Attach a copy of the order if you have one.)

Check the orders you want

9  Personal Conduct Orders

I ask the court to order the respondent not to do any of the following things to the employee or to any person to be protected listed in 4:

- a.  Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
b.  Commit acts of unlawful violence on or make threats of violence to the person.
c.  Follow or stalk the person during work hours or to or from the place of work.
d.  Contact the person, either directly or indirectly, by any means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
e.  Enter the person's workplace.
f.  Other (specify):
 As stated in Attachment 9f.

Four horizontal lines for specifying other details for item f.

The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

10  Stay-Away Orders

a. I ask the court to order the respondent to stay at least \_\_\_\_\_ yards away from (check all that apply):

- (1)  The employee. (8)  The employee's vehicle.
(2)  The other persons listed in 4. (9)  Other (specify):
(3)  The employee's workplace.
(4)  The employee's home.
(5)  The employee's school.
(6)  The school of the employee's children.
(7)  The place of child care of the employee's children.

Three horizontal lines for specifying other details for item 9f and item 10(9).

This is not a Court Order.



- 10 b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job?  Yes  No (If no, explain):
- Response is stated on Attachment 10b.

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11 **Firearm (Guns), Firearm Parts, and Ammunition**

Does the respondent own or possess any firearms (guns), firearm parts, or ammunition? This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

- Yes  No  I don't know

*If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns) and firearm parts within his or her immediate possession or control.*

12  **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the Respondent to last until the hearing. I am presenting form WV-110, *Temporary Restraining Order*, for the court's signature together with this Petition.

Has the Respondent been told that you were going to go to court to seek a TRO against him or her?

- Yes  No (If you answered no, explain why below):

- Reasons are stated in Attachment 12.

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13  **Request for Less Than Five Days' Notice of Hearing**

*You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form WV-200-INFO explains what is proof of personal service. Form WV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)*

If you want there to be fewer than five days between service and the hearing, explain why:

- Reasons are stated in Attachment 13.

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**This is not a Court Order.**



14  **No Fee for Filing**

I ask that there be no filing fee because the respondent has threatened violence against the employee, or stalked the employee, or acted or spoken in a manner that has placed the employee in reasonable fear of violence.

15  **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the others for free because this request for orders is based on a credible threat of violence or stalking.

16  **Court Costs**

I ask the court to order the respondent to pay my court costs.

17  **Additional Orders Requested**

I ask the court to make the following additional orders (*specify*):

Additional orders requested are stated in Attachment 17.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18 Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*

▶ \_\_\_\_\_  
*Lawyer's signature*

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Name of petitioner*

▶ \_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Title*

**This is not a Court Order.**



These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

## What is a workplace violence protective order?

Under California law (Code Civ. Proc., § 527.8), courts can make orders to protect an employee from suffering unlawful violence or credible threats of violence at the workplace.

The court can order a person not to:

- Harass or threaten the employee;
- Contact or go near the employee; and
- Have any firearms (guns), firearm parts or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).  
For more information about the items a restrained person cannot have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

These orders will be enforced by law enforcement agencies.

## Who can get a workplace violence protective order?

**Employers** can obtain court orders prohibiting unlawful violence or credible threats of violence against their employees. To get an order under this law, the petitioner **must** be an employer. An employer is defined as:

- Every person engaged in any business or enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, irrespective of whether such person is the owner of the business or is operating on a concessionaire or other basis. (Lab. Code, § 350(a).)
- A federal, state, or local public agency; a city, county, district, or public corporation. (Code Civ. Proc., § 527.8(b)(3).)

Before completing the forms needed to obtain court orders under this statute, make certain you meet the definition of “employer” as defined above.

The statute differs from other California laws that allow victims of unlawful violence or credible threats of violence to ask the court for these orders **themselves**. If anyone other than the employer wishes to apply to the court for an order prohibiting harassment, see [Can a Civil Harassment Restraining Order Help Me? \(form CH-100-INFO\)](#).

## Who can an employer protect under this law?

Under this statute, an employer can obtain a court order that lasts up to three years on behalf of an employee. The order can also protect certain family or household members of the employee and other employees at the employee’s workplace or at other workplaces of the employer.

California law defines “employees” as:

- Every person, including aliens and minors, rendering actual service in any business for an employer, whether gratuitously or for wages or pay; whether the wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation; and whether the service is rendered on a commission, concessionaire, or other basis. (Lab. Code, § 350(b).)
- Members of boards of directors and public officers.
- Volunteers or independent contractors who perform services for the employer at the employer’s work site.

The “respondent” is the person against whom the employer is requesting the protective order.

An employer may seek protection under this law if:

1. An employee has suffered unlawful violence or a credible threat of violence from any individual;
2. The unlawful violence was carried out in the workplace, or the threat of violence can reasonably be construed to be carried out in the workplace;
3. The respondent’s conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
4. The respondent is not engaged in constitutionally protected activity.

## What forms must be used to get the order?

1. [Petition for Orders Workplace Violence Restraining Orders \(Petition\) \(form WV-100\)](#). This form tells the judge the facts of the petitioner’s case and what orders the petitioner and employee want the court to make.
2. [Confidential CLETS Information \(form CLETS-001\)](#). This form will provide law enforcement agencies with the information needed to enforce any orders that are granted.
3. [Notice of Court Hearing \(form WV-109\)](#). This form tells the parties when the hearing on the petition will be held.
4. [Temporary Restraining Order \(TRO\) \(form WV-110\)](#). A TRO can be issued to provide protection to the employee until the hearing is held. It can be issued by the judge either with or without notice to the respondent.
5. [Workplace Violence Restraining Order After Hearing \(Order\) \(form WV-130\)](#). This is the form signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.  
  
These forms are all **mandatory**—that is, they must be used in the workplace violence prevention proceeding.
6. [Proof of Personal Service \(form WV-200\)](#). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

## Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). You also may be able to find them at your local courthouse or county law library.

## Do I need a lawyer?

The employer may be represented by a lawyer, but one is not required by law unless the employer is a corporation. Because the employer’s lawyer will generally be representing the interests of the employee, the employee usually does not need his or her own lawyer. Whether or not the employer has a lawyer, the respondent may have one.

## What steps are needed to get the court orders?

1. Fill in the **Petition (form WV-100)** completely and fill in items 1–3 of the *Notice of Court Hearing* (form [WV-109](#)). If you are seeking a **TRO**, also fill out form [WV-110](#).
2. If you are seeking orders based on information from your employee and others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (form WV-100). You may use form [MC-031, Attached Declaration](#).
3. Fill in [Confidential CLETS Information \(form CLETS-001\)](#) with as much information as you know. If the judge grants the order, the information on this form will be entered into a statewide protective-order database that will be available to law enforcement agencies if the order needs to be enforced.
4. If you are applying for a **TRO**, fill out form [WV-110](#) completely. The petition and the declarations must give the details of the recent acts of violence or credible threats of violence and the problems they have caused your employee.

To obtain a **TRO**, you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
- b. You or your attorney certifies one of the following to the court under oath:
  - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent’s attorney when and where the request for a TRO would be made;
  - (2) That you in good faith attempted but were unable to inform the respondent and the respondent’s attorney, specifying the efforts made to contact them; or
  - (3) That for reasons specified, you should not be required to inform the respondent or the respondent’s attorney.



5. Take your original completed forms and copies to the clerk's office at the court. You will need at least three copies: one for you, one for the employee, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the **TRO**. A protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (form WV-109).
6. If you are seeking a **TRO** (form [WV-110](#)), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a **TRO** is granted while you are still at the court, take the signed original back to the clerk to be filed.
7. If a **TRO** has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.
 

**If the court issues a TRO, it will last until the hearing date.**
8. If the employee does not speak English, when you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.
9. Have the respondent personally **served** with copies of the **Petition** (form WV-100), the *Notice of Court Hearing* (form WV-109), the **TRO** (form WV-110) (if issued), a blank **Response** (form [WV-120](#)), and a blank [Proof of Service of Response by Mail \(form WV-250\)](#). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you, the employee, or anyone to be protected by the order. For help with service, ask the court clerk for form [WV-200-INFO, What Is "Proof of Personal Service"?](#)

**Service is essential. It tells the respondent about the order and the hearing. Without it, there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally served immediately after the orders are signed by the judge, unless the court specifies a different time for service.**
10. After the respondent has been personally **served**, the person who served the respondent must complete and sign the original [Proof of Personal Service \(form WV-200\)](#). Take the signed original and copies back to the court clerk. The clerk will file the original and return "file-stamped" copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

**DRAFT**

**10/31/2022**

**Not approved by  
the Judicial Council**



# WV-100-INFO How Do I Get an Order to Prohibit Workplace Violence?

11. Go to court on the date shown at item 4 on the *Notice of Court Hearing* (form WV-109). You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person's word.

You can bring to the hearing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form [MC-030, Declaration.](#))

The respondent has the right to attend the hearing, but he or she does not have the right to speak to the employee or to any other person seeking protection. If anyone is afraid, tell the court officer.

12. If the judge signs the **Order** (form WV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File form [WV-260, Proof of Service of Order After Hearing by Mail.](#) If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally served with a copy of the **Order**. File the completed [Proof of Personal Service \(form WV-200\)](#) with the court. Give a file-stamped copy of the **Order** and proof of service to your employee and to each other protected person. Keep at least one copy for yourself.

14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.

**WV-109 Notice of Court Hearing** Clerk stamps date here when form is filed.

1 **Petitioner (Employer)**  
a. Name: \_\_\_\_\_  
Lawyer for Petitioner (if any for this case):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
b. Address (if you have a lawyer, give your lawyer's information.):  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

2 **Employee in Need of Protection**  
Full Name: \_\_\_\_\_

3 **Respondent (Person From Whom Protection Is Sought)**  
Full Name: \_\_\_\_\_

The court will complete the rest of this form.

4 **Notice of Hearing**  
A court hearing is scheduled on the request for restraining orders against the respondent:  
Hearing Date: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_ Name and address of court if different from above:  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

5 **Temporary Restraining Orders** (Any orders granted are on Form WV-110, served with this notice.)  
a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form WV-100, Request for Workplace Violence Restraining Orders, are (check only one box below):  
(1)  All GRANTED until the court hearing.  
(2)  All DENIED until the court hearing. (Specify reasons for denial in b, below.)  
(3)  Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

Judicial Council of California, www.courts.ca.gov  
Revised January 1, 2012, Mandatory Form  
Code of Civil Procedure, § 527.8  
Approved by DOJ

**Notice of Court Hearing**  
(Workplace Violence Prevention)

WV-109, Page 1 of 3

15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.

## What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, How to Request a Disability Accommodation for Court.](#)

**Information about the process is also available online.**

See <https://selfhelp.courts.ca.gov/WV-restraining-order>.

**For help in your area, contact:**

[Local information may be inserted.]

*Clerk stamps date here when form is filed.*

**DRAFT**

**10/31/2022**

**Not approved by  
the Judicial Council**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fill in case number:*

**Case Number:**

**1 Petitioner (Employer)**

a. Name:

\_\_\_\_\_  
Lawyer for Petitioner *(if any for this case):*

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Address *(If you have a lawyer, give your lawyer's information.):*

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**2 Employee in Need of Protection**

Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_

*The court will complete the rest of this form.*

**4 Notice of Hearing**

**A court hearing is scheduled on the request for restraining orders against the respondent:**

<b>Hearing Date</b>	→ Date: _____	Time: _____	_____
	Dept.: _____	Room: _____	_____
	_____	_____	_____
	_____	_____	_____

Name and address of court if different from above:

**5 Temporary Restraining Orders** *(Any orders granted are on form WV-110, served with this notice.)*

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form WV-100, *Request for Workplace Violence Restraining Orders*, are *(check only one box below)*:

(1)  All **GRANTED** until the court hearing.

(2)  All **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*

(3)  Partly **GRANTED** and partly **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*



b. Reasons that Temporary Restraining Orders as requested in form WV-100, *Petition for Workplace Violence Restraining Orders*, for personal conduct or stay-away are denied are:

- (1)  The facts as stated in form WV-100 do not sufficiently show reasonable proof that the employee has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm to the employee would result if a temporary restraining order is not issued.
- (2)  Other (*specify*):  As stated on Attachment 5b.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**6 Service of Documents by the Petitioner**

At least  five  \_\_\_\_\_ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this form WV-109, *Notice of Court Hearing*, to the respondent along with a copy of all the forms indicated below:

- a. WV-100, *Petition for Workplace Violence Restraining Orders* (file-stamped)
- b.  WV-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. WV-120, *Response to Petition for Workplace Violence Restraining Orders* (blank form)
- d. WV-120-INFO, *How Can I Respond to a Petition for Workplace Violence Restraining Orders?*
- e. WV-250, *Proof of Service of Response by Mail* (blank form)
- f.  Other (*specify*): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**To the Petitioner:**

- The court cannot make the restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your request and any temporary orders. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form WV-200, *Proof of Personal Service*, may be used.
- For information about service, read form WV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the respondent in time, you may ask for more time to serve the documents. Use form WV-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.



**To the Respondent:**

- If you want to respond to the request for orders in writing, file form WV-120, *Response to Request for Workplace Violence Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the petitioner.
- The person who mailed the form must fill out a proof of service form. Form WV-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to three years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any **firearms (guns) and firearm parts that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame** (see Penal Code section 16531).

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for **Disability Accommodation Request** (form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

*Clerk's Certificate*  
[seal]

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

Clerk stamps date here when form is filed.

**DRAFT**  
  
**10/31/2022**  
  
**Not approved by  
the Judicial Council**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**1 Petitioner (Employer)**

a. Name: \_\_\_\_\_  
Lawyer for Petitioner (if any, for this case):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
b. Your Address (If you have a lawyer, give your lawyer's information.):  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**2 Employee (Protected Person)**

Full Name: \_\_\_\_\_

**3 Respondent (Restrained Person)**

*(Give all the information you know. Information with a star (\*) is required to add this order to the California police database. If age is unknown, give an estimate.)*

\*Full Name: \_\_\_\_\_ \*Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
\*Race: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_  
\*Gender:  M  F  Nonbinary Home Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Relationship to Protected Person: \_\_\_\_\_

**4 Additional Protected Persons**

In addition to the employee, the following family or household members or other employees are protected by the temporary orders indicated below:

Full Name	Gender	Age	Household Member?	Relation to Employee
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed at the end of this Order on Attachment 4.

**5 Expiration Date**

*This Order expires at the end of the hearing scheduled for the date and time below:*

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

**This is a Court Order.**



**To the Respondent:**

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up to one year, pay a fine of up to \$1,000, or both.

**6 Personal Conduct Orders**

Not Requested     Denied Until the Hearing     Granted as Follows:

a. You are ordered **not** do the following things to the employee

and to the other protected persons listed in **4**:

- (1)  Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2)  Commit acts of violence or make threats of violence against the person.
- (3)  Follow or stalk the person during work hours or to or from the place of work.
- (4)  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by email, by fax, or by other electronic means.
- (5)  Enter the workplace of the person.
- (6)  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7)  Other (*specify*):  
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(7).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the petitioner.

**7 Stay-Away Order**

Not Requested     Denied Until the Hearing     Granted as Follows:

a. You **must** stay at least \_\_\_\_\_ yards away from (*check all that apply*):

- (1)  The employee
- (2)  Each other protected person listed in **4**
- (3)  The employee's workplace
- (4)  The employee's home
- (5)  The employee's school
- (6)  The employee's children's school
- (7)  The employee's children's place of child care
- (8)  The employee's vehicle
- (9)  Other (*specify*):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. This stay-away order does not prevent you from going to or from your home or place of employment.

**This is a Court Order.**



**8 No Firearms (Guns), Firearm Parts, or Ammunition**

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b.
- b. **Prohibited items are:**
  - (1) Firearms (guns);
  - (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
  - (3) Ammunition.
- c. You must:
  - (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order.
  - (2) File a receipt with the court within 48 hours of receiving this Order that proves that all your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form WV-800) for the receipt.)
- d.  The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

**9 Other Orders**

- Not Requested     Denied Until the Hearing     Granted as Follows (*specify*):

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- Additional orders are attached at the end of this Order on Attachment 9.

**To the Petitioner:**

**10 Mandatory Entry of Order Into CARPOS Through CLETS**

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a.  The clerk will enter this Order and its proof-of-service form into CARPOS.
- b.  The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c.  By the close of business on the date that this Order is made, the employer or the employer’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

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- Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

**This is a Court Order.**



**11 No Fee to Serve (Notify) Restrained Person**       **Ordered**       **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

- a.  The Order is based on a credible threat of violence or stalking.
- b.  The petitioner is entitled to a fee waiver.

**12** Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**Warnings and Notices to the Restrained Person in 3**

**You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item 8 above. The court will require you to prove that you did so.

**Notice Regarding Nonappearance at Hearing and Service of Order**

If you have been personally served with this Temporary Restraining Order and form WV-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item 3.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

**This is a Court Order.**



### After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this Order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- Read form WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*, to learn how to respond to this Order.
- If you want to respond, fill out form WV-120, *Response to Petition for Workplace Violence Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have form WV-120 served on the petitioner or the petitioner's attorney by mail. You cannot do this yourself. The person who does the service should complete and sign form WV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

## Instructions for Law Enforcement

### Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

### Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item 5 on page 1.

### If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

**This is a Court Order.**



**Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(4) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate*  
[seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

*Clerk stamps date here when form is filed.*

**DRAFT**

**10/31/2022**

**Not approved by the Judicial Council**

**Use this form to respond to the *Petition* (form WV-100)**

- Read *How Can I Respond to a Petition for Workplace Violence Restraining Orders?* (form WV-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the petitioner or the petitioner’s lawyer by mail with a copy of this form and any attached pages. (*Use form WV-250, Proof of Service of Response by Mail.*)

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fill in case number:*

**Case Number:**

**1 Petitioner (Employer)**

Name: \_\_\_\_\_

**2 Employee Seeking Protection**

Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

a. Your Name: \_\_\_\_\_

Your Lawyer (*if you have one for this case*)

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Your Address (*You may give a mailing address if you want to keep your street address private; skip this if you have a lawyer.*)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

The court will consider your response at the hearing. Write your hearing date, time, and place from form WV-109, item **4** here:

**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**If you were served with a Temporary Restraining Order, you must obey it until the hearing.** At the hearing, the court may make orders against you that last for up to three years.

**4  Personal Conduct Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (*Specify why you disagree in item 11 on page 3.*)
- c.  I agree to the following orders (*specify below or in item 11 on page 3*):

\_\_\_\_\_  
\_\_\_\_\_

**5  Stay-Away Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (*Specify why you disagree in item 11 on page 3.*)
- c.  I agree to the following orders (*specify below or in item 11 on page 3*):

\_\_\_\_\_  
\_\_\_\_\_



6  **Additional Protected Persons**

- a.  I agree that the persons listed in item 4 of the Petition may be protected by the order requested.
- b.  I do not agree that the persons listed in item 4 of the Petition may be protected by the order requested.

7 **Firearms (Guns), Firearm Parts, and Ammunition**

If you were served with form WV-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (See item 8 of form WV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control within 24 hours of being served with form WV-110. You must file a receipt with the court. You may use *Receipt for Firearms and Firearm Parts* (form WV-800) for the receipt.

- a.  I do not own or control any firearms (guns), firearm parts, or ammunition.
- b.  I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (*Explain*):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- c.  I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer.  
A copy of the receipt  is attached.  has already been filed with the court.

8  **Other Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (*Specify why you disagree in item 11 on page 3.*)
- c.  I agree to the following orders (*specify below or in item 11 on page 3*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9  **Denial**

I did not do anything described in item 8 of form SV-100. (*Skip to 11.*)









## What is a workplace violence restraining order?

It is a court order that prohibits you from doing certain things and going certain places.

## What does the order do?

The court can order you to:

- Not contact the employee who is protected by the order
- Stay away from the employee and the employee’s home, workplace, and other places
- Not have any firearms (guns), firearm parts, or ammunition as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). For more information about the items you would not be allowed to have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

## Who can ask for a workplace violence restraining order?

An employer can ask for an order on behalf of an employee who has suffered violence or a credible threat of violence at the workplace.

## I've been served with a petition for private workplace violence restraining orders.

### What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

## What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form [WV-120, Response to Petition for Workplace Violence Restraining Orders](#), before your hearing date and file it with the court. If you need to include attachments, you can use form MC-025. You can get the forms from legal publishers or from the California Courts website at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). You also may be able to find them at your local courthouse or county law library.

## What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

## Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form WV-120 to the person named in item ① of the petition form WV-110 (or that person’s lawyer). (This is called “service by mail.”)

The person who serves the form by mail for you must fill out form [WV-250, Proof of Service of Response by Mail](#). Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

## Should I go to the court hearing?

Yes. You should go to court on the date listed on form WV-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

**WV-109 Notice of Court Hearing** Clerk stamps date here when form is filed.

① **Petitioner (Employer)**

a. Name: \_\_\_\_\_  
 Lawyer for Petitioner (if any for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_

b. Address (If you have a lawyer, give your lawyer's information.):  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

② **Employee in Need of Protection**  
 Full Name: \_\_\_\_\_

③ **Respondent (Person From Whom Protection Is Sought)**  
 Full Name: \_\_\_\_\_

*The court will complete the rest of this form.*

④ **Notice of Hearing**  
 A court hearing is scheduled on the request for restraining orders against the respondent:  
 Name and address of court if different from above:  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

⑤ **Temporary Restraining Orders** (Any orders granted are on Form WV-110, served with this notice.)  
 a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form WV-100, Request for Workplace Violence Restraining Orders, are (check only one box below):  
 (1)  All GRANTED until the court hearing.  
 (2)  All DENIED until the court hearing. (Specify reasons for denial in b, below.)  
 (3)  Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)



**How long does the order last?**

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to three years.

**Do I need a lawyer?**

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

**Will I see the employee at the court hearing?**

Yes. Assume that the employee will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can.

**Can I bring a witness to the court hearing?**

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form [MC-030](#) for this.

**Information about the process is also  
available online.**

See <https://selfhelp.courts.ca.gov/WV-restraining-order>.

**For help in your area, contact:**

*[Local information may be inserted.]*

**What if I don't speak English?**

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

**What if I have a gun?**

If a restraining order is issued, you cannot own, possess, or have a firearm (gun), firearm parts, or ammunition while the order is in effect. If you have a firearm (gun) or firearm parts in your immediate possession or control, you must sell it to or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

**Can I agree with the protected person to  
cancel the order?**

No. Once the order is issued, only the judge can change or cancel it. You or the employer would have to file a request with the court to cancel the order.

**What if I have a disability?**

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).

**DRAFT**

**10/31/2022**

**Not approved by  
the Judicial Council**

Clerk stamps date here when form is filed.

DRAFT

10/31/2022

Not approved by the Judicial Council

1 Petitioner (Employer)

a. Name:
Lawyer for Petitioner (if any, for this case)
Name: State Bar No.:
Firm Name:
b. Your Address (If you have a lawyer, give your lawyer's information.)
Address:
City: State: Zip:
Telephone: Fax:
Email Address:

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Employee (Protected Person)

Full Name:

3 Respondent (Restrained Person)

(Give all the information you know. Information with a star (\*) is required to add this order to the California police database. If age is unknown, give an estimate.)

\*Full Name: \*Age: Date of Birth:
\*Race: Height: Weight: Hair Color: Eye Color:
\*Gender: M F Nonbinary Home Address:
City: State: Zip:
Relationship to Protected Person:

4 Additional Protected Persons

In addition to the employee, the following family or household members or other employees are protected by the temporary orders indicated below:

Table with 5 columns: Full Name, Gender, Age, Household Member?, Relation to employee. Includes Yes/No checkboxes for household member status.

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order, except for any award of lawyer's fees, expires at

Date: Time: a.m. p.m.

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.



**6 Hearing**

- a. There was a hearing on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
*(Name of judicial officer)*: \_\_\_\_\_ made the orders at the hearing.
- b. These people were at the hearing:
  - (1)  The petitioner/employer *(name)*: \_\_\_\_\_
  - (2)  The lawyer for the petitioner/employer *(name)*: \_\_\_\_\_
  - (3)  The employee      (4)  The lawyer for the employee *(name)*: \_\_\_\_\_
  - (5)  The respondent      (6)  The lawyer for the respondent *(name)*: \_\_\_\_\_
  - Additional persons present are listed at the end of this Order on Attachment 6b.
- c.  The hearing is continued. The parties must return to court on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_.

**To the Respondent:**

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

**7 Personal Conduct Orders**

- a. You are ordered **not** do the following things to the employee
  - and to the other protected persons listed in **4**:
  - (1)  Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
  - (2)  Commit acts of violence or make threats of violence against the person.
  - (3)  Follow or stalk the person during work hours or to or from the place of work.
  - (4)  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
  - (5)  Enter the person's workplace.
  - (6)  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
  - (7)  Other *(specify)*:  
 Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**This is a Court Order.**



**8 Stay-Away Orders**

- a. You **must** stay at least \_\_\_\_\_ yards away from *(check all that apply)*:
- (1)  The employee.
  - (2)  Each other protected person listed in **4**.
  - (3)  The employee’s workplace.
  - (4)  The employee’s home.
  - (5)  The employee’s school.
  - (6)  The employee’s children’s school.
  - (7)  The employee’s children’s place of child care.
  - (8)  The employee’s vehicle.
  - (9)  Other *(specify)*: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

**9 No Firearms (Guns), Firearm Parts, or Ammunition**

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get **any prohibited items listed below in b.**
- b. **Prohibited items are:**
- (1) Firearms (guns);
  - (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
  - (3) Ammunition.
- c. If you have not already done so, you must:
- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any **firearms (guns) and firearm parts** in your custody or control or that you possess or own.
  - File a receipt with the court within 48 hours of receiving this Order that proves that your **firearms (guns) and firearm parts** have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form WV-800) for the receipt.)
- d.  The court has received information that you own or possess a **firearm (gun), firearm parts, or ammunition.**
- e.  The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in **3** is not required to relinquish this firearm *(specify make, model, and serial number of firearm(s))*: \_\_\_\_\_

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in **3** may be subject to federal prosecution for possessing or controlling a firearm.

**This is a Court Order.**



**10**  **Costs**

You must pay the following amounts for costs to the petitioner:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional amounts are attached at the end of this Order on Attachment 10.

**11**  **Other Orders** (*specify*):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Additional orders are attached at the end of this Order on Attachment 11.

**To the Person in 1:**

**12** **Mandatory Entry of Order Into CARPOS Through CLETS**

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a.  The clerk will enter this Order and its proof-of-service form into CARPOS.
- b.  The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c.  By the close of business on the date that this Order is made, the petitioner or the petitioner’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

\_\_\_\_\_  
 \_\_\_\_\_

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

**13** **Service of Order on Respondent**

- a.  The respondent personally attended the hearing. No other proof of service is needed.
- b.  The respondent did not attend the hearing.
  - (1)  Proof of service of form WV-110, *Temporary Restraining Order*, was presented to the court. The judge’s orders in this form are the same as in form WV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail.
  - (2)  The judge’s orders in this form are different from the temporary restraining orders in form WV-110. Someone—but not the petitioner or anyone protected by this order—must personally serve a copy of this Order on the respondent.

**This is a Court Order.**



**14 No Fee to Serve (Notify) Restrained Person**

The sheriff or marshal will serve this Order without charge because the Order is based on a credible threat of violence or stalking.

**15** Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**Warning and Notice to the Respondent:**
**You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

Unless item 9e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 9b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item 9 above. The court will require you to prove that you did so.

**Instructions for Law Enforcement**
**Enforcing the Restraining Order**

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

**Start Date and End Date of Orders**

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item 5 on page 1.

**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

**This is a Court Order.**




**Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 7a(4) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

*Clerk's Certificate*  
[seal]

(Clerk will fill out this part.)  
**—Clerk's Certificate—**

I certify that this *Workplace Violence Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.

**DRAFT**  
  
**10/31/2022**  
  
**Not approved by  
the Judicial Council**

- ① **Petitioner (Employer)**  
Name: \_\_\_\_\_
- ② **Employee in Need of Protection**  
Name: \_\_\_\_\_
- ③ **Respondent (Person From Whom Protection Is Sought)**  
Name: \_\_\_\_\_

- ④ **Notice to Server**  
The server must:
  - Be 18 years of age or older.
  - Not be listed in items ①, ②, or ④ of form WV-100.
  - Give a copy of all documents checked in ⑤ below to the respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the petitioner.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**PROOF OF PERSONAL SERVICE**

- ⑤ I gave the respondent a copy of the forms checked below:
  - a.  WV-109, *Notice of Court Hearing*
  - b.  WV-110, *Temporary Restraining Order*
  - c.  WV-100, *Petition for Workplace Violence Restraining Orders*
  - d.  WV-120, *Response to Petition for Workplace Violence Restraining Orders* (blank form)
  - e.  WV-120-INFO, *How Can I Respond to a Petition for Workplace Violence Restraining Orders?*
  - f.  WV-130, *Workplace Violence Restraining Order After Hearing*
  - g.  WV-250, *Proof of Service by Mail* (blank form)
  - h.  WV-800, *Receipt for Firearms and Firearm Parts* (blank form)
  - i.  Other (specify): \_\_\_\_\_

- ⑥ I personally gave copies of the documents checked above to the respondent
  - a. On (date): \_\_\_\_\_ b. At (time): \_\_\_\_\_  a.m.  p.m.
  - c. At this address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

- ⑦ **Server's Information**  
Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

*(If you are a registered process server):*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print server's name*

▶ \_\_\_\_\_  
*Server to sign here*

*Clerk stamps date here when form is filed.*

**DRAFT**

**10/31/2022**

**Not approved by  
the Judicial Council**

**1 Petitioner (Employer)**  
Name: \_\_\_\_\_

**2 Employee in Need of Protection**  
Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**  
Your Name: \_\_\_\_\_  
Your Lawyer (if you have one for this case):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.):  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

**4 To the Respondent:**  
If a judge has ordered you to **turn in, sell, or store** your firearms (guns) and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item **5** or **6**. For more information on how to properly turn in your items, read form SV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

**5 To Law Enforcement**  
*(Complete the section below. Keep a copy and give the original to the person in 3.)*

Name of Law Enforcement Agency: \_\_\_\_\_  
Name of Law Enforcement Agent: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Items Surrendered**

a. Firearms and firearm parts transferred on:  
Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

b. List of items (List all the items surrendered by the person in 3. You may attach a separate form from your agency (e.g., a property report), use item 7, or both. Check below if you have attached a separate form):  
 Separate form is attached. (If it does not include all surrendered items, list additional items in item 7.)

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

**Signature of law enforcement agent:** \_\_\_\_\_



6

**To Licensed Gun Dealer**

*(Complete the section below. Keep a copy and give the original to the person in 3.)*

Name of Licensed Gun Dealer: \_\_\_\_\_

License number: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Items Stored or Sold**

a. Firearms and firearm parts transferred on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

b. List of items *(List all the items surrendered by the person in 3). You may attach a separate form (e.g., Department of Justice’s Report of Firearms Acquisition) or you may use item 7. Check below if you have attached a separate form):*

Separate form is attached. *(If it does not include all surrendered items, list additional items in item 7.)*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

▶ Signature of licensed gun dealer: \_\_\_\_\_

7

**List of Items Surrendered**

Firearms and firearm parts	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write “WV-800, item 7” at the top, and attach it to this form.

**7 To the Restrained Person:**

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

No

Yes (If yes, check one of the boxes below):

a.  I filed a Receipt for Firearms and Firearm Parts (form WV-800) or other proof for those items with the court on (date): \_\_\_\_\_

b.  I am filing the proof for those firearms (guns) or firearm parts along with this proof.

c.  I have not yet filed the proof for the other firearms (guns) or firearm parts.  
(Explain why not):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Your signature**

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*



\_\_\_\_\_  
*Sign your name*

**Your Next Steps**

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

**Note that failure to file a receipt with the court is a violation of the court's order.**

**What items do I need to turn in, sell, or store?**

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). There may also be called “ghost guns.”

You also may not have or possess ammunition.

**How do I properly turn in, sell, or store the prohibited items?**

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts call ahead for more information.

**When do I have to turn in, sell, or store the prohibited items?**

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

**Who can I turn in, sell, or store the prohibited items with?**

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

**Where can I sell the prohibited items?**

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

**Do I have to pay a fee to store prohibited items?**

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

**How do I turn in the prohibited items to law enforcement?**

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

**If I turn in the prohibited items to law enforcement, how long will they keep them?**

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

**After I turn in the prohibited items to law enforcement, can I change my mind?**

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

**Do I have to prove that I have turned in, sold, or stored the prohibited items?**

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms and Firearm Parts \(form WV-800\)](#) for this purpose.

**Additional Questions?**

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

**Information about prohibited items and how to obey these orders is also available online.**

See <https://selfhelp.courts.ca.gov/respond-to-WV-restraining-order/obey-firearms-orders>.

**For help in your area, contact:**

[Local information may be inserted.]

**SPR22-22**

**Protective Orders: Updating Civil Protective Order Forms** (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

All comments are verbatim unless indicated by an asterisk (\*)

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>DRAFT Committee Response</b>
1.	California Partnership to End Domestic Violence by Christine Smith Public Policy Coordinator Sacramento	AM	Does the proposal appropriately address the stated purpose? Our recommendation is that the CH-100-INFO also include the “What if I don’t speak English?” question and answer in the five languages listed in Civil Code 1632, specifically Spanish, Chinese, Vietnamese, Korean and Tagalog. We also recommend that the question “What if I have a disability” and answers be provided in a larger font to assist those with visual impairment.  We also align with the comments submitted by Giffords Law Center.	The committee declines these suggestions. First, the information is currently available in multiple languages in two places: 1) on translations of the INFO sheets in Spanish, Chinese, Vietnamese, and Korean; and 2) on the web in these four languages, plus Arabic, Farsi, Punjabi, Russian, and Tagalog. Second, the committee appreciates the font suggestion but would want to consider such a change in the context of all forms with this information in order to provide consistency across forms and form sets and thus the suggestion is beyond the scope of this proposal.
2.	Family Violence Appellate Project by Cory Hernandez Staff Attorney Oakland	NI	On behalf of Family Violence Appellate Project (FVAP), I write to offer comments on ITC SPR22-22. FVAP is a legal service support center and the only nonprofit organization in California dedicated to representing domestic violence survivors in civil appeals for free. FVAP is devoted to ensuring domestic violence survivors can live in healthy safe environments, free from abuse. This includes a commitment to improving how survivors—and all litigants—are treated in civil court. We generally appreciate changing sex to gender on the forms. Part of the idea for these changes was to make the civil restraining order forms similar to DVRO forms, which have been recently updated. For instance, asterisks/stars should be placed on page 1 next to information about the protected and	In light of this comment, an instructional parenthetical and asterisks/stars have been included with the information about the restrained party that is required to enter the order into CARPOS.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-22**

**Protective Orders: Updating Civil Protective Order Forms** (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

All comments are verbatim unless indicated by an asterisk (\*)

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>DRAFT Committee Response</b>
			restrained parties that is needed to implement the order into CLETS/CARPOS.	
3.	Giffords Law Center to Prevent Gun Violence by Julia Weber Implementation Director San Francisco	AM	<p>On behalf of Giffords Law Center to Prevent Gun Violence, we appreciate the opportunity to comment on these important proposals. Thank you to Judicial Council staff and committee members for your work to make these proposals as responsive as possible.</p> <p>We recommend use of consistent language across all civil restraining orders and that avoids unnecessary duplication. For example, the heading on #7, pg. 9 for the Temporary Order should be changed to: No Firearms (Guns) and Ammunition. Pg. 11 should similarly indicate that the person cannot have firearms (guns) not “or” because “other firearms” is confusing.</p> <p>This shows up on the INFO forms and throughout the packet.</p> <p>Each time the firearm exemption under FC 6389(f) or CCP 527.9 is mentioned (such as in #8 on pg. 18), language that includes the requisite findings should be included, such as, “A mandatory psychological evaluation of the defendant, a peace officer who as a condition of employment and whose personal safety depends on the ability to carry a firearm, was conducted on _____ [insert checkbox]. The court finds that the officer does not pose a threat of harm. [insert check box]</p>	<p>The committee appreciates the information provided.</p> <p>In light of this comment and others received, the forms now use “firearms (gun)” in lieu of “guns or other firearms.”</p> <p>In light of this comment and others received, the information sheets now also use “firearms (gun)” in lieu of “guns or other firearms.”</p> <p>The committee declines the suggestion at this time as it is beyond the scop of the proposal. The committee will consider this suggestion at a later date as time and resources permit.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.



**SPR22-22**

**Protective Orders: Updating Civil Protective Order Forms** (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

All comments are verbatim unless indicated by an asterisk (\*)

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>DRAFT Committee Response</b>
			<p>Defendant must enter into counseling or other remedial treatment program to deal with any propensity for domestic violence. Pg. 20 warning heading should be changed to ...firearms (guns) and ammunition.</p>	
			<p>These requests for changes should be reviewed for all forms in this proposal and related civil restraining order forms so that the language is consistent where the laws are the same with changes only where the law may be different.</p>	<p>The committee notes that proposed revisions and modifications were made consistently across all forms in this proposal.</p>
4.	Orange County Bar Association by Daniel S. Robinson President	A	<p>The proposal appropriately addresses the stated purpose.</p>	<p>The committee appreciates the information provided.</p>
5.	Superior Court of San Bernardino County	NI	<p><b>Summary:</b> The Civil and Small Claims Advisory Committee recommends revising several Judicial Council civil protective order forms to update the information they contain relating to interpreters, disability accommodations, and priority of enforcement.</p> <p><b>Request for Specific Comments in addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:</b></p> <ul style="list-style-type: none"> <li>• Does the proposal appropriately address the stated purpose? Yes</li> </ul> <p><b>The advisory committee [or other proponent] also seeks comments from courts on the following cost and implementation matters:</b></p>	<p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-22**

**Protective Orders: Updating Civil Protective Order Forms** (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>Would the proposal provide cost savings? If so, please quantify. None</p> <p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Notification to staff, update packets.</p> <p>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes</p> <p>How well would this proposal work in courts of different sizes? Size shouldn't impact.</p>	
6.	Superior Court of San Diego County by Mike Roddy Executive Officer	AM	<p>Does the proposal appropriately address the stated purpose? <b>Yes.</b></p> <p>Would the proposal provide cost savings? If so, please quantify. <b>No.</b></p> <p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? <b>Updating local packets.</b></p>	The committee appreciates the information provided.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-22**

**Protective Orders: Updating Civil Protective Order Forms** (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?  <b>Yes, if the final versions of the forms are provided to the court by that time. This will ensure that the court is able to update local packets and obtain printed stock.</b>                      How well would this proposal work in courts of different sizes?  <b>It appears that the proposal would work for courts of all sizes.</b></p> <hr/> <p><b>OTHER COMMENTS:</b>  <b>CH-110: Item 7 No Guns or Other Firearms and Ammunition:</b> 7b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.</p> <hr/> <p>7c: Propose that “ammunition” be added.</p> <hr/> <p><b>Warnings and Notices to Restrained Person in 2 (Page 4): Possession of Guns or Firearms:</b>                      Propose changing to “Possession of Guns or</p>	<p></p> <hr/> <p>The committee declines this suggestion as Code of Civil Procedure, section 527.6(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.</p> <hr/> <p>In light of this comment, the committee recommends including “ammunition” in this item (now item 7d) and revising corresponding items on the petition (item 10) and response (item 6) to include reference to whether the respondent possesses ammunition.</p> <hr/> <p>In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-22**

**Protective Orders: Updating Civil Protective Order Forms** (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p><b>Other Firearms and Ammunition</b>” to be consistent with item 7.</p>	
			<p><b>CH-120-INFO: What if I have a gun?:</b> Propose that “ammunition” be added to the second sentence. As written, it does not appear that the restrained party has to sell/store or file receipt with the court.</p>	<p>The committee declines this suggestion as Code of Civil Procedure, section 527.6(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.</p>
			<p><b>CH-130:</b>  <b>Item 8 No Guns or Other Firearms and Ammunition:</b>            8b: Propose that items that are currently bullets be made (1) and (2) respectively to be consistent with the other restraining order forms (e.g. EA-130, SV-130, WV-130). Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.</p>	<p>The committee declines this suggestion as Code of Civil Procedure, section 527.6(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.</p>
			<p>8c: Propose that “ammunition” be added.</p>	<p>In light of this comment, the committee recommends including “ammunition” in this item (now item 8d) and revising corresponding items on the petition (item 10) and response (item 6) to include reference to whether the respondent possesses ammunition.</p>
			<p><b>Warnings and Notices to Restrained Person in 2 (Page 5):</b>  <b>You Cannot Have Guns or Firearms:</b> Propose changing to “You Cannot Have Guns or <b>Other</b></p>	<p>In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-22**

**Protective Orders: Updating Civil Protective Order Forms** (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			Firearms <b>and Ammunition</b> ” to be consistent with item 8. Propose adding “ammunition” to the second sentence.	
			<p><b>SV-110: Item 8 No Guns or Other Firearms and Ammunition:</b> 8b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.</p>	The committee declines this suggestion as Code of Civil Procedure, section 527.85(s)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			8c: Propose that “ammunition” be added.	In light of this comment, the committee recommends including “ammunition” in this item (now item 8d) and revising corresponding items on the petition (item 11) and response (item 7) to include reference to whether the respondent possesses ammunition.
			<p><b>Warnings and Notices to Restrained Person in 2 (Page 4): Possession of Guns or Firearms:</b> Propose changing to “Possession of Guns or <b>Other Firearms and Ammunition</b>” to be consistent with item 8.</p>	In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”
			<b>SV-120-INFO: What if I have a gun?:</b> Propose that “ammunition” be added to the second sentence. As written, it does not appear that the restrained party has to sell/store or file receipt with the court.	The committee declines this suggestion as Code of Civil Procedure, section 527.85(s)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-22**

**Protective Orders: Updating Civil Protective Order Forms** (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p><b>SV-130:</b>  <b>Item 9 No Guns or Other Firearms and Ammunition:</b>                      9b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.</p>	<p>The committee declines this suggestion as Code of Civil Procedure, section 527.85(s)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.</p>
			<p>9c: Propose that “ammunition” be added.</p>	<p>In light of this comment, the committee recommends including “ammunition” in this item (now item 9d) and revising corresponding items on the petition (item 11) and response (item 7) to include reference to whether the respondent possesses ammunition.</p>
			<p><b>Warnings and Notices to Restrained Person in 2 (Page 5): You Cannot Have Guns or Firearms:</b> Propose changing to “You Cannot Have Guns or <b>Other Firearms and Ammunition</b>” to be consistent with item 9. Propose adding “ammunition” to the second sentence.</p>	<p>In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”</p>
			<p><b>WV-110:</b>  <b>Item 8 No Guns or Other Firearms and Ammunition:</b>                      8b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the</p>	<p>The committee declines this suggestion as Code of Civil Procedure, section 527.8(s)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-22**

**Protective Orders: Updating Civil Protective Order Forms** (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.	
			8c: Propose that “ammunition” be added.	In light of this comment, the committee recommends including “ammunition” in this item (now item 8d) and revising corresponding items on the petition (item 11) and response (item 7) to include reference to whether the respondent possesses ammunition.
			<b>Warnings and Notices to Restrained Person in 2 (Page 4): Possession of Guns or Firearms:</b> Propose changing to “Possession of Guns or Other Firearms and Ammunition” to be consistent with item 8.	In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”
			<b>WV-120-INFO: What if I have a gun?:</b> Propose that “ammunition” be added to the second sentence. As written, it does not appear that the restrained party has to sell/store or file receipt with the court.	The committee declines this suggestion as Code of Civil Procedure, section 527.8(s)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			<b>WV-130: Item 9 No Guns or Other Firearms and Ammunition:</b> 9b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.	The committee declines this suggestion as Code of Civil Procedure, section 527.8(s)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			9c: Propose that “ammunition” be added.	In light of this comment, the committee recommends including “ammunition” in this item

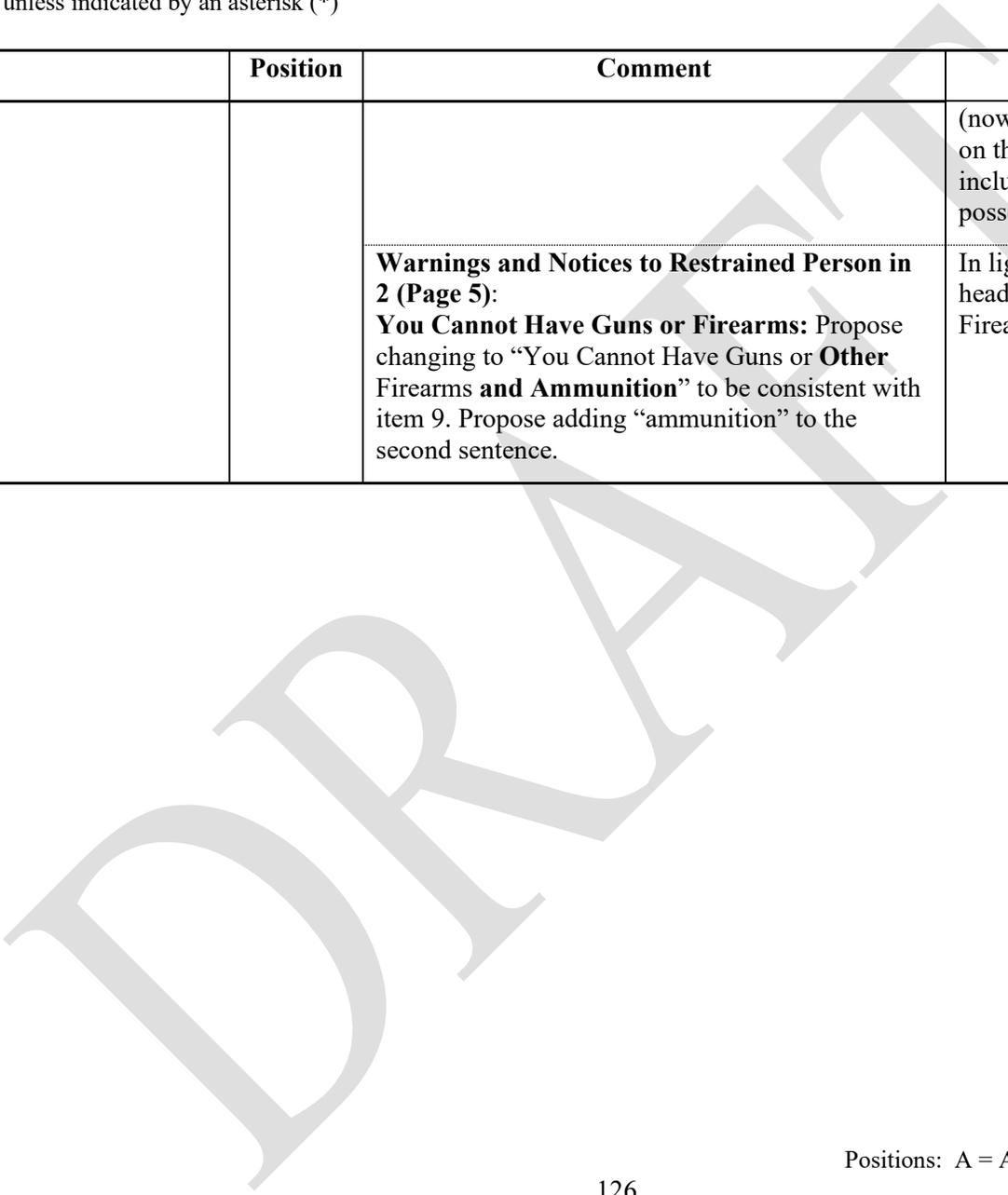
Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-22**

**Protective Orders: Updating Civil Protective Order Forms** (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p><b>Warnings and Notices to Restrained Person in 2 (Page 5):</b>  <b>You Cannot Have Guns or Firearms:</b> Propose changing to “You Cannot Have Guns or <b>Other Firearms and Ammunition</b>” to be consistent with item 9. Propose adding “ammunition” to the second sentence.</p>	<p>(now item 9d) and revising corresponding items on the petition (item 11) and response (item 7) to include reference to whether the respondent possesses ammunition.</p> <p>In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”</p>



Positions: A = Agree; AM = Agree if modified; N = Do not agree.



SP22-09

**Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621** (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
1.	California Department of Justice, Division of Law Enforcement, Bureau of Firearms by Charlie Sarosy Deputy Attorney General	AM	<p>The Bureau of Firearms (BOF), within the Division of Law Enforcement in the California Department of Justice, respectfully submits this public comment regarding the revisions made to 30 Judicial Council civil restraining orders forms pursuant to Assembly Bill 1621 (Stats. 2022, ch. 76) (AB 1621). The Invitation to Comment specifically requested comments on what language for a “plain-language definition for firearm parts is preferable.” BOF submits this public comment to address this request.</p> <p>For the sake of brevity, this comment will not speak to each of the 30 forms within Item SP22-09. It is also unnecessary because each form makes the same, or a similar, revision that this comment seeks to address. Specifically, each revised form describes three categories of prohibited items resulting from a restraining order: (1) “firearms (guns)”;</p> <p>(2) “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)”;</p> <p>and (3) “ammunition.”</p> <p>For the reasons described below, the following revisions are recommended for all 30 forms: (1) that the phrase “Firearms (Guns), Firearm Parts, and Ammunition” be revised to “Firearms, Receivers/Frames, Firearm Precursor Parts, and Ammunition”;</p> <p>and (2) that the phrase “firearms</p>	<p>The committee appreciates the information provided.</p> <p>The committee declines this recommendation as the proposed language is not plain language and may not be understandable by a significant portion of court users</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SP22-09

**Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621** (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
			<p>(guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition” be revised to “firearms, receivers/frames, firearm precursor parts (as defined in Penal Code section 16531), or ammunition.”</p> <p>As to the first category, “firearms (guns),” the use of “guns” in a parenthetical to presumably attempt to describe a “firearm” in plain language is unnecessary and potentially confusing. The term “firearm” has a statutory definition that does not use the word “gun” or otherwise refer to a “gun.” Under Penal Code section 16520, subdivision (a), “firearm” is defined as “a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.” Not all guns meet this definition of a firearm. Thus, equating a firearm with a gun, and vice versa, is incorrect.</p> <p>For example, there are separate statutory definitions for a blowgun (Pen. Code, § 16270), stun gun (Pen. Code, § 17230), and an imitation firearm such as a BB device, spot marker gun, or airsoft gun (Pen. Code, § 16700). These separately defined guns are subject to different statutory restrictions and punishments from those that apply to firearms. (Compare Pen. Code, Part 6, Title 3 [“Weapons and Devices Other than Firearms”])</p>	<p>The committee disagrees. The term “gun” is only included as a parenthetical plain-language explanation of the statutory term “firearm.” Because “guns” follows the statutory term, “firearm,” the committee believes there is little chance form users would understand the term to include items such as stun guns or BB guns.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SP22-09

**Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621** (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p>with Pen. Code, Part 6, Title 4 [“Firearms”].) The Background section in the Invitation to Comment described the need for the revision to be a result of AB 1621, which “prohibits individuals restrained under most civil protective orders” from possessing firearms, with a citation to Penal Code section 16520, subdivision (b)(24), (26). However, as just described, “guns” are not included within the definition of firearm in Penal Code section 16520 and the term “guns” can include items that are defined under other statutes. Therefore, equating “firearms” with “guns” will possibly confuse the court and the restrained person as to which items are prohibited pursuant to the restraining order. Moreover, the three Judicial Council criminal law forms revised in Item SP22-12 do not use the phrase “firearms (guns),” so inconsistency exists across these civil law and criminal law forms.</p> <p>Accordingly, it is recommended that the parenthetical use of “guns” be stricken and the phrase “firearms (guns)” simply read as “firearms.”</p> <p>There are also some inaccuracies with regards to the second category previously described, “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531).” First, the term “firearm parts” is not a</p>	<p>The committee declines this suggestion for the reasons stated above.</p> <p>The committee recommends the use of “firearm parts” as a plain language term to refer to frames, receivers, and firearm precursor parts. The committee believes that a significant portion of court users would better understand what items are</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SP22-09

**Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621** (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
			<p>term used by the BOF, or other law enforcement agencies, to collectively refer to receivers, frames, and unfinished receivers or frames. In addition to being an unfamiliar term, “firearm parts” also lacks any statutory definition. Thus, using this term in 30 court forms will create a new term that lacks a statutory basis and one that is not used by the agencies tasked with enforcing the restraining orders.</p> <p>Second, connecting “unfinished receiver or frame” with Penal Code section 16531 is inaccurate because AB 1621 eliminated these terms from section 16531. Before AB 1621, section 16531 defined a “firearm precursor part” as “a component of a firearm that is necessary to build or assemble a firearm and is described in either of the following categories: (1) An unfinished receiver . . . (2) An unfinished handgun frame.” (Former Pen. Code, § 16531, subd. (a).) But AB 1621 amended section 16531 and replaced the previously-described definition of a firearm precursor part with the following: “any forging, casting, printing, extrusion, machined body or similar article [1] that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or [2] that is marketed or sold to the public to become or be used as the frame or receiver of a functional</p>	<p>prohibited through the use of the term “firearm parts.”</p> <p>The committee agrees, in part, and will replace “unfinished receiver or frame” with “any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).”</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SP22-09

**Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621** (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p>firearm once completed, assembled or converted.” (Pen. Code, § 16531, subd. (a).) The terms “unfinished receiver” and “unfinished frame” no longer appear in Penal Code section 16531 because of AB 1621. Indeed, this fact is acknowledged at page 4, footnote 6 in Item SP22-09’s Invitation to Comment. Thus, continuing to use those terms and tying them to section 16531 contradicts the current wording of the statute. Moreover, the BOF does not use “unfinished receiver or frame” in its Firearm Precursor Part Identification Guidebook, available here, <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Foag.ca.gov%2Fsystem%2Ffiles%2Fmedia%2Fbof-reg-rev-fpp-id-guidebook.pdf&amp;data=05%7C01%7CKhayla.Salangsang%40jud.ca.gov%7C27b9b48f4a0640f1637808daabe07332%7C10cfa08a5b174e8fa245139062e839dc%7C0%7C0%7C638011277727651444%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1hWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&amp;sdata=uEvOIR36jf%2FBMdW5v4quZIrP0dDKxwyeL5nKe%2B5nJH8%3D&amp;reserved=0">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Foag.ca.gov%2Fsystem%2Ffiles%2Fmedia%2Fbof-reg-rev-fpp-id-guidebook.pdf&amp;data=05%7C01%7CKhayla.Salangsang%40jud.ca.gov%7C27b9b48f4a0640f1637808daabe07332%7C10cfa08a5b174e8fa245139062e839dc%7C0%7C0%7C638011277727651444%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1hWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&amp;sdata=uEvOIR36jf%2FBMdW5v4quZIrP0dDKxwyeL5nKe%2B5nJH8%3D&amp;reserved=0</a>, or in the related regulations. (See also Cal. Code Regs., tit. 11, § 4303.)</p> <p>Accordingly, it is recommended that “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)”</p>	<p>The committee declines this recommendation for the reasons stated above.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SP22-09

**Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621** (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
			<p>be replaced with: “receivers/frames, firearm precursor parts (as defined in Penal Code section 16531).”</p> <p>This recommended iteration is clearer because the terms “receiver” and “frame” are defined under California regulations (Cal. Code Regs., tit. 11, § 4303(a)(3), (6)), and federal regulations (Definition of “Frame or Receiver” and Identification of Firearms, 87 Fed. Reg. 24652, 24739, codified at 27 C.F.R. pts. 447, 478 and 479). Although “firearm precursor part” might be a relatively new term, the reference to the specific Penal Code section will assist with understanding its meaning. A plain language description of a “firearm precursor part” would likely be too cumbersome because of the two categories of such an item, i.e., a readily convertible item or a marketed/sold item. (Pen. Code, § 16531, subd. (a).)</p> <p>This recommended iteration is also more consistent with the wording in Penal Code section 16520, subdivision (b), which is the basis for including this language in these court forms. That language states: “As used in the following provisions, ‘firearm’ includes the frame or receiver of the weapon: weapon, including both a completed frame or receiver, or a firearm precursor part.” (Pen. Code, § 16520, subd. (b).)</p>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SP22-09

**Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621** (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
			<p>Using this recommended iteration would ensure that law enforcement agencies remove the correct items from restrained and prohibited persons, which would avoid the need for duplicative law enforcement efforts resulting from prohibited persons maintaining possession of items they should not have. Moreover, this iteration would avoid the possibility of an unknown term, “firearm parts,” being used in the California Restraining and Protective Order System (CARPOS), which collects the information in these forms and orders so that law enforcement agencies can enforce these orders and be aware of the restrained person, should they come across them in the field.</p> <p>Although there is a separate statutory definition for a “federally regulated firearm precursor part” under Penal Code section 16519, it is unnecessary to mention that term because such an item is considered a firearm pursuant to federal law, and thus would fall within the meaning of a “firearm.”</p>	<p>The committee agrees that “federally regulated firearm precursor part” does not need to be mentioned.</p>
2.	Superior Court of San Diego County by Mike Roddy Executive Officer	A	<p>Does the proposal appropriately address the stated purpose? <b>Yes.</b></p> <p>Which parenthetical plain-language definition for firearm parts is preferable:</p>	<p>The committee appreciates the information provided.</p> <p>In light of this and other comments the committee has modified the description of prohibited items to refer to: “any firearms (guns), firearm parts, and ammunition. This includes firearm receivers and</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SP22-09

**Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621** (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
			<ul style="list-style-type: none"> <li>• “any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531”</li> <li>• “any item that may be used as or easily turned into a firearm frame or receiver (see Pen. Code, § 16531)”</li> <li>• Some other language?</li> </ul> <p><b>The first option, which is consistent with the language adopted on the recently revised domestic violence forms.</b></p> <p>Would the proposal provide cost savings? If so, please quantify. <b>No.</b></p> <p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? <b>Revisions to internal procedures, local packets, and training for staff.</b></p> <p>Would one month from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p>	<p>frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).” The committee anticipates that it and other advisory committees that are part of the Joint Protective Order Working Group will recommend the use of consistent language describing prohibited items across protective order forms as other forms are revised.</p> <p>The committee appreciates the information provided about court implementation matters.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.



SP22-09

**Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621** (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p><b>Yes, provided the final versions of the forms are provided to the court at that time. This will ensure the court is able to train staff, modify local packets, and obtain printed stock.</b></p> <p>How well would this proposal work in courts of difference sizes?  <b>It appears that the proposal would work for courts of all sizes.</b></p>	
3.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee	A	<p>Please check all of the following <i>significant</i> fiscal and/or operational impacts that this proposal may or will create for the trial courts. For each fiscal or operational impact, please provide an explanatory comment below. Insofar as you are able, please quantify the fiscal or operational impact by dollar amount, staff resources, etc.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 1. Significant fiscal impact.</li> <li><input checked="" type="checkbox"/> 2. Impact on existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.)?</li> <li><input type="checkbox"/> 3. Trial court labor or employment related issues and/or concerns.</li> <li><input checked="" type="checkbox"/> 4. Requires development of local rules and/or forms.</li> <li><input type="checkbox"/> 5. Results in additional training, which requires the commitment of staff time and court resources.</li> </ul>	The committee appreciates the information provided about court implementation matters.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SP22-09

**Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621** (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p> <input type="checkbox"/> 6. Increases court staff workload.  <input type="checkbox"/> 7. Changes the responsibilities of the presiding judge and/or supervising judge.  <input type="checkbox"/> 8. Impact on court security.  <input type="checkbox"/> 9. Impact on local or statewide justice partners.  <input type="checkbox"/> 10. Proposed date for implementation is not feasible or is problematic.  <input type="checkbox"/> 11. Other major fiscal or operational impacts.                 </p> <p>Currently there is not a check box to include civil, elder or criminal protective orders with Firearm Relinquishment Orders on the CCPOR. Protective orders Firearm Relinquishment Orders information must be written into the text free form box which has limited characters. It would be extremely helpful to have CCPOR updated to include check boxes for the protective orders with Firearm Relinquishment Orders.</p>	<p>CCPOR refers to the California Courts Protective Order Registry, a statewide system administered by the Judicial Council for storing restraining and protective orders that is accessible to judicial officers to reduce the issuance of conflicting orders. The registry also has a gateway for entering orders into the Department of Justice's California Restraining and Protective Order System (CARPOS). The comment is, however, beyond the scope of the proposal and has been passed along to staff that administers CCPOR.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

## RULES COMMITTEE ACTION REQUEST FORM

**Rules Committee Meeting Date:** 11/16/2022

**Rules Committee action requested** [Choose from drop down menu below]:  
**Recommend JC approval (has circulated for comment)**

**Title of proposal:** Protective Orders: Elder Abuse Form Updates to Implement Legislation

*Proposed rules, forms, or standards (include amend/revise/adopt/approve):*

Revise forms EA-100, EA-100-INFO, EA 109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, and EA-800-INFO

*Committee or other entity submitting the proposal:*

Civil and Small Claims Advisory Committee

*Staff contact (name, phone and e-mail):* James Barolo, 415-865-8928, james.barolo@jud.ca.gov

*Identify project(s) on the committee's annual agenda that is the basis for this item:*

Annual agenda approved by Rules Committee on (date): November 2, 2021; amended November 16, 2021, March 21, 2022 and April 6, 2022

Project description from annual agenda: Develop form recommendations as appropriate. AB 1243 establishes new procedures and orders relating to applications for protective orders for elders and dependent adults who have suffered abuse, authorizing orders enjoining a party from isolating an elder. The new law also allows for protective orders to include a finding that specific debts were incurred as a result of elder abuse. The current forms relating to such petitions must be revised to conform to the new law and requirements, and additional forms may be required.

**Out of Cycle:** *If requesting September 1 effective date or out of cycle, explain why:*

**Additional Information for Rules Committee:** (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

This proposal was originally part of the spring cycle, but was further revised and recirculated in light of the enactment of AB 1621, which prohibits restrained individuals from possessing certain firearm parts. The January 1, 2023 effective date has been retained.

**Additional Information for JC Staff** (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.)

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.



# JUDICIAL COUNCIL OF CALIFORNIA

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 22-195*

For business meeting on December 2, 2022

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**Title**

Protective Orders: Elder Abuse Form  
Updates to Implement Legislation

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2023

**Rules, Forms, Standards, or Statutes Affected**

Revise forms EA-100, EA-100-INFO,  
EA-109, EA-110, EA-120, EA-120-INFO,  
EA-130, EA-800, and EA-800-INFO

**Date of Report**

November 2, 2022

**Recommended by**

Civil and Small Claims Advisory Committee  
Hon. Tamara L. Wood, Chair

**Contact**

James Barolo, 415-865-8928  
[james.barolo@jud.ca.gov](mailto:james.barolo@jud.ca.gov)

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### Executive Summary

The Civil and Small Claims Advisory Committee recommends revisions of nine forms to implement statutory changes in Assembly Bill 1243 and Assembly Bill 1621. AB 1243 allows courts to issue findings related to specific debts incurred as the result of financial abuse of an elder or dependent adult. AB 1621 prohibits persons restrained under elder or dependent adult abuse restraining orders from possessing firearm parts (in addition to already prohibited firearms). The proposal incorporates these new statutory provisions into the council's elder abuse forms and includes updated language concerning interpreters, disability accommodation, and priority of enforcement on the proposed forms.

### Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the following forms, effective January 1, 2023:

- *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100);
- *Can a Restraining Order to Prevent Elder or Dependent Abuse Help Me?* (form EA-100-INFO)

- *Notice of Court Hearing* (form EA-109);
- *Temporary Restraining Order* (form EA-110);
- *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120);
- *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (form EA-120-INFO);
- *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130);
- *Proof of Firearms Turned In, Sold, or Stored* (form EA-800), retitled *Receipt for Firearms and Firearm Parts*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form EA-800), retitled *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

The proposed revised forms are attached at pages 9–46.

### **Relevant Previous Council Action**

Under the Welfare and Institutions Code, the Judicial Council must provide forms and instructions for use in elder abuse protective order matters. The forms in this series have been revised previously when changes to the law required revisions and in response to suggestions from the public, judicial officers, and court professionals. Most recently, in September 2022, the Judicial Council adopted, approved, and revised 12 forms, effective January 1, 2023, to implement other statutory changes in Assembly Bill 1243 (Stats. 2021, ch. 273),<sup>1</sup> which created a new cause of action whereby a restraining order can be issued allowing contact between an elder or dependent adult and an individual who meets certain statutory requirements. Because that new cause of action does not implicate firearms, those forms are not included in this proposal.

Also in September 2022, the Judicial Council revised domestic violence and gun violence restraining order forms, effective January 1, 2023, to implement the firearm provisions of Assembly Bill 1621 (Stats. 2022, ch. 76),<sup>2</sup> the provisions of which are being addressed here in the elder abuse forms.

### **Analysis/Rationale**

The Legislature recently enacted two bills that significantly amended the statutory provisions governing elder or dependent adult abuse restraining orders.

As relevant to this proposal, AB 1243 allows courts, after notice and a hearing, to issue findings that specific debts were incurred as the result of financial abuse of an elder or dependent adult. (See Welf. & Inst. Code, § 15657.03(b)(5)(D).) Although the findings do not entitle the

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<sup>1</sup> AB 1243 is available at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1243](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1243).

<sup>2</sup> AB 1621 is available at [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB1621](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1621).

petitioner to any remedies other than the findings, such findings may prove useful in other litigation related to the debts.

In addition, effective June 30, 2022, for the purposes of elder or dependent adult abuse restraining orders (among others), AB 1621 adds a definition of “firearm” that includes “a completed frame or receiver, or a firearm precursor part.” (Pen. Code, § 16520.) The term “firearm precursor part” is defined in Penal Code section 16531(a) to include any item that “may readily be . . . converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm.” The statutory amendment is intended to include “ghost guns” (unserialized and untraceable firearms that can be bought in pieces online and assembled at home) in the items that restrained people cannot possess and must surrender.<sup>3</sup> This means that a restrained person may not have these parts or homemade firearms for the duration of the order.

While making the revisions implementing AB 1243 and AB 1621, the committee recommends revising existing elder abuse information sheets and orders at the same time to update information about interpreters, disability and court accommodations, and the priority of enforcement among protective orders.

### **Revisions to implement AB 1243**

To implement the provisions of AB 1243 related to the new debt findings that a court can issue in elder or dependent adult abuse restraining orders, the committee recommends the following revisions:

- Add new item 18 to *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100), where petitioner may list the specific debts that were incurred from financial abuse and describe the circumstances that led to the debts.
- Include information in *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-100-INFO) about the potential new findings and why they may be helpful.
- Add new item 9 to *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120), allowing respondent to agree or not agree with the requested findings and explain why.
- Add new item 13 to *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130), allowing the court to include relevant findings in an elder or dependent adult restraining order.

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<sup>3</sup> See, e.g., Assem. Com. On Public Safety, Rep. on Assem. Bill No. 1621 (2021–2022 Reg. Sess.) as amended Mar. 24, 2022, pp. 5–7.

## **Revisions to implement AB 1621**

### ***Petition, response, and corresponding information sheets***

Both the restraining order petition (form EA-100) and response (form EA-120) contain questions about whether the person to be restrained owns or possesses any firearms. This proposal revises that question on each form to also refer to “firearm parts” and explains that the firearms and firearm parts include “firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).”

Those forms’ information sheets (forms EA-100-INFO and EA-120-INFO) include similar additions explaining that the restraining order can prevent the person subject to the restraining order from having firearms (guns), firearm parts, and ammunition, with the same reference to “firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).” In addition, the information sheets include two new links. The first directs the reader to a dedicated Self-Help Guide to the California Courts webpage that provides additional information about the prohibited items a person restrained under most California restraining orders is not allowed to have. The second links to information about the elder or dependent adult restraining order process and provides step-by-step instructions on obtaining such an order.

### ***Orders***

This proposal also revises the elder or dependent adult temporary restraining order (form EA-110) and order after hearing (form EA-130) to separately list and define the prohibited items, including firearm parts with a similar plain-language explanation of the term as is included in the petition and response.<sup>4</sup> Where possible, other sections of the forms refer to the new list of defined prohibited items rather than enumerating all the prohibited items each time.<sup>5</sup>

### ***Notice of court hearing***

The notice of hearing form (form EA-109) contains a warning to respondents that if the court issues a restraining order, respondents will be required to turn in their firearms. This proposal expands that warning to include firearm parts.

### ***Forms regarding relinquishment of prohibited items***

Because most of the civil protective orders require the restrained person to relinquish their firearms and to file a proof with the court verifying that they have done so, the council has

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<sup>4</sup> When this proposal was circulated for comment in September and October of 2022, the proposed order forms, and other proposed forms, included information about relinquishing all prohibited items, as is required for gun violence restraining orders. The committee realized, however, that although a person restrained under an elder or dependent adult abuse restraining order is prohibited from *possessing* or *obtaining* firearms (now including firearm parts) and ammunition, the restrained person is required to *relinquish* only firearms and firearm parts (not ammunition). (Welf. & Inst. Code, § 15657.03(u).) The committee no longer recommends adding ammunition to the items that must be *relinquished*.

<sup>5</sup> In response to a comment received on the proposal, the proposed order forms also contain revisions to item 2, the item identifying and describing the restrained person, to indicate which fields are *required* for the order to be entered into the California Law Enforcement Telecommunications System.

adopted forms to facilitate this process. Following circulation for comment and user testing for such forms in the gun violence and domestic violence form series, advisory committees recommended new titles and significant reformatting, which the council approved in September for forms in those series. This proposal includes similar revisions to form EA-800, proposed to be retitled as *Receipt for Firearms and Firearm Parts*,<sup>6</sup> and form EA-800-INFO, proposed to be retitled as *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

Such parallel revisions also include adding a check box to form EA-800 to be used by law enforcement and gun dealers to indicate that a separate form listing the items is attached. Spaces in which to note whether each listed item has been “Sold,” has been “Stored,” or is “To be destroyed” have also been added to form EA-800. In addition, form EA-800-INFO now explains that firearms may not be given to a friend or family member and clarifies that both law enforcement and a licensed gun dealer may charge a fee to store firearms.

### **Other revisions<sup>7</sup>**

#### ***Interpreter and disability accommodation***

The committee also recommends updating the language about interpreters and disability accommodations on forms EA-100-INFO and EA-120-INFO.

The proposed revisions regarding interpreters remove two incorrect statements: that anyone over age 18 and not involved in the case may serve as an interpreter and that parties may have to pay a fee for a court interpreter. The committee instead recommends that the information regarding interpreters on those forms include a reference to forms where litigants may request an interpreter and a link to the Self-Help Guide to the California Courts, a website that provides more information about interpreters and has been translated into several languages.

The committee also recommends broadening the language about disability and correcting the name of the *Disability Accommodation Request* (form MC-410) on the forms. The committee proposes that the language on forms EA-100-INFO and EA-120-INFO include reference to “a disability,” as opposed to just hearing disabilities, and that the forms reference the information sheet about requesting court accommodations.

The committee is recommending to the council similar changes in information sheets for civil harassment, school violence, and workplace violence restraining orders in a separate proposal.

#### ***Order forms—priority of enforcement***

Finally, this proposal recommends updating the description of priorities of enforcement set out at the end of each of the order forms (forms EA-110 and EA-130), in the Instructions to Law

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<sup>6</sup> Form EA-800 is listed on *Proof of Personal Service* (form EA-200) as one of the forms that may have been served. Should this proposal be approved, the title of the form will be revised on form EA-200 as well.

<sup>7</sup> In addition to the revisions described elsewhere, the committee is recommending that any items that collect identifying information about the restrained party or otherwise refer to “sex” be revised to refer instead to “gender” and provide a “nonbinary” option.



Enforcement section. These revisions are needed to reflect current law and to provide greater clarity. The primary change that the committee recommends is additional language in the section regarding criminal protective orders, which notes that Penal Code section 136.2(e)(2) prioritizes enforcement of criminal protective orders in pending cases for domestic violence offenses, specified sex offenses, and offenses requiring sex offender registration. In addition, in response to comments received on a parallel proposal revising domestic violence restraining order forms, the committee recommends the following modifications to the forms to clarify and simplify the priority-of-enforcement language:

- Spell out “Emergency Protective Order” instead of using “EPO.”
- Include an example of where to find a no-contact order.
- Use “Criminal Protective Order” instead of “Criminal Order.”
- Change the title of the last item to “Civil Restraining Orders” and provide examples of such orders.
- Modify the language throughout the section to better explain that all nonconflicting order terms must be enforced.
- Explain that the priority of enforcement is applicable only when “more than one restraining order has been issued *protecting the protected person from the restrained person.*” (The italicized language had not been included on the forms previously.)

Identical language is also being recommended by this advisory committee and the Criminal Law Advisory Committee on forms for civil harassment, criminal, private postsecondary school violence, and workplace violence protective orders in separate proposals.

### **Policy implications**

The revised forms in this proposal reflect new and amended statutes that authorize additional findings when certain circumstances are present in elder or dependent adult abuse restraining orders and prohibit restrained individuals from possessing or obtaining firearm parts.

Accordingly, the key policy implications of the council’s actions are ensuring that council forms reflect the law correctly and are not misleading to parties. The proposed forms should assist courts and parties in navigating new and existing statutory provisions related to restraining orders for elders or dependent adults.

### **Comments**

Most of the forms in this proposal circulated for public comment twice. Six of the forms first circulated between April 6 and May 13, 2022, as part of the regular 2022 spring comment cycle, with other elder or dependent adult abuse restraining order forms that the Judicial Council approved in September. After the Legislature enacted AB 1621, the committee recommended further revisions relating to firearms to several of those forms and some others to implement the new law. Those proposed revisions were circulated for public comment between September 23 and October 11, 2022.

During the first comment period, comments related to the forms in this proposal were received by the Superior Courts of Orange County and San Diego County. During the second comment

period, comments were received by the Bureau of Firearms (BOF) of the California Department of Justice, the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, and the Superior Court of San Diego County. Most of the commenters indicated support of the proposal or that the proposal appropriately addressed its stated purpose. All commenters offered suggestions, many of which were accepted by the committee. The significant suggestions are discussed below. The charts with all the comments and the committee’s responses are attached at pages 47–66.<sup>8</sup>

### ***The term “gun”***

BOF suggested that the term “guns” not be used on the form as a plain-language parenthetical explanation of firearms because some guns, such as stun guns or BB guns, do not meet the definition of “firearm” within Penal Code section 16520. The committee believes that using the term “guns” in parentheses after the word “firearms” strikes an appropriate balance between using plain-language terminology and reflecting the statutory language. Because “guns” is in parentheses following the statutory term “firearm,” the committee believes there is little chance that form users would understand the term to include items such as stun guns or BB guns.<sup>9</sup>

### ***Describing firearm parts***

BOF also suggested that the forms echo the statutory language with regard to firearm parts. Specifically, BOF recommended “receivers/frames, firearm precursor parts (as defined in Penal Code section 16531),” as a replacement for the proposed language of “firearm parts,” with a parenthetical explanation of such parts. The committee considered BOF’s suggestion and several other options and recommends referring to the prohibited items as “any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).” Though “firearm parts” is not statutorily defined, the committee believes that it is a helpful plain-language term that will allow restrained persons to understand the prohibition against possessing frames, receivers, and firearm precursor parts. “[A]ny item that may be used as or easily turned into a receiver or frame” is meant to capture the new definition of a “firearm precursor part” under AB 1621.

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<sup>8</sup> The comment chart from the first circulation is identified as SPR22-21; the comment chart from the second circulation is identified as SP22-10. Any comments from the first circulation that pertain to elder abuse restraining order forms not in this proposal were addressed in the report that went to the council in September: Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact* (Aug. 12, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11204348&GUID=4894916A-9337-4922-8F52-726F8020AFEA>.

<sup>9</sup> Members of the Civil and Small Claims Advisory Committee, the Family and Juvenile Law Advisory Committee, and the Criminal Law Advisory Committee considered the comments relating to firearms and AB 1621 together through the Joint Protective Order Working Group. During the joint meeting, members of each relevant advisory committee offered their viewpoints and expertise, and the group unanimously agreed to the recommended language included in this proposal—language that is also being recommended by the Criminal Law Advisory Committee for criminal protective orders.

### **Alternatives considered**

Because AB 1243 provides for judicial findings regarding the debts of elder or dependent adults who are victims of financial abuse and AB 1621 restricts restrained persons from possessing or obtaining firearm parts, neither of which is provided for on the council's current mandatory elder abuse forms, the committee determined that taking no action would be inappropriate.

In addition to the alternative language discussed in the Comments section, the committee considered other language to describe firearm parts. Specifically, the committee considered “any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531.” This language has already been approved for use on domestic violence and gun violence restraining orders by the Judicial Council, and so the committee considered using the same language so that the forms would be consistent. In light of comments received, however, the committee unanimously determined that including language to cover AB 1621's amended definition of “firearm precursor part” in Penal Code section 16531 was appropriate. The committee expects to recommend that this same language be incorporated on the gun violence forms the next time revisions to those forms are required, and as time and resources allow.

### **Fiscal and Operational Impacts**

Most of the impacts arising from this new law—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the statute, not the forms proposal. The committee anticipates that this proposal will result in some costs incurred by courts to incorporate revised forms into their paper or electronic processes and to train court staff. However, many of the revised forms are intended to assist courts in dealing with the impact of the legislation by making it easier for clerks and judicial officers to process requests for judicial findings related to specific debts. The revised forms are also intended to assist litigants in understanding the firearm-related items that a restrained person may not properly possess or obtain.

### **Attachments and Links**

1. Forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, and EA-800-INFO, at pages 9–46
2. Chart of comments SPR22-21 (April 6 to May 13, 2022, circulation), at pages 47–57
3. Chart of comments SP22-10 (September 23 to October 11, 2022, circulation), at pages 58–66
4. Link A: Assem. Bill 1243,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1243](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1243)
5. Link B: Assem. Bill 1621,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1621](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1621)

Clerk stamps date here when form is filed.

**DRAFT****10/31/2022****Not approved by  
the Judicial Council**

Read *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

**1 Elder or Dependent Adult in Need of Protection**

Full Name: \_\_\_\_\_

Gender:  M  F  Nonbinary Age: \_\_\_\_\_**2 Person From Whom Protection Is Sought**

Full Name: \_\_\_\_\_

Address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

**3 Person Requesting Order**

Who is asking the court for protection? (Check a, b, or c):

a.  The elder or dependent adult named in ①.b.  Name: \_\_\_\_\_conservator of the  person  estate  person and estate  
of the person named in ①, appointed by (name of court): \_\_\_\_\_

Case No.: \_\_\_\_\_

c.  Other (name) \_\_\_\_\_

(Show this person's legal authority to make this request on an attached sheet of paper. Write "Attachment 3c—Information About Person Requesting Protective Order" for a title. You may use form MC-025, Attachment.)

Court fills in case number when form is filed.

Case Number: \_\_\_\_\_

**4 Contact Information**

Contact information for the person asking the court for protection

a. Your Lawyer (if you have one for this case)

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. The person in ① does not have to give telephone, fax, or email.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**This is not a Court Order.**

**5 Description of Protected Person**

The person named in ① (check a or b):

- a.  Is age 65 or older and a resident of California.
- b.  Is a resident of California and an adult under age 65. This person has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights. (Briefly describe limitations on the attached sheet of paper or form MC-025. Write "Attachment 5b—Description of Protected Person" for a title.)

**6 Additional Protected Persons**

a. Are you asking for protection for any other family or household members or for the conservator of the elder or dependent adult listed in ①?  Yes  No (If yes, list them):

<u>Full Name</u>	<u>Gender</u>	<u>Age</u>	<u>Relation to person in ①?</u>	<u>Lives with person in ①?</u>
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Check here if there are more persons. Attach a sheet of paper and write "Attachment 6a—Additional Protected Persons" for a title. You may use form MC-025, Attachment.

b. Why do these people need protection? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 6b—Why Others Need Protection" for a title.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7 Relationship of Parties**

How does the person in ① know the person in ②? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7—Relationship of Parties" for a title.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**This is not a Court Order.**



8 Description of Abuse

a. Abuse means either:

- (1) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or
(2) The withholding by a caretaker of goods or services that are necessary to avoid physical harm or mental suffering.

b. Tell the court about the last time the person in (2) abused the person in (1).

(1) When did it happen? (Provide date or estimated date):

(2) Who else was there?

(3) Describe what happened below.

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8b(3)—Describe Abuse" for a title.

(4) Was the abuse solely financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse?

Yes, only financial abuse. No, the abuse included other forms of abuse described above.

(5) Did the person in (2) use or threaten to use a gun or any other weapon?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8b(5)—Use of Weapons" for a title.

(6) Was the person in (1) harmed or injured as a result of the acts of abuse described above?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8b(6)—Harm or Injury" for a title.

(7) Did the police come? Yes No

If yes, did they give the person in (1) or the person in (2) an Emergency Protective Order? Yes No

If yes, the order protects (check all that apply):

the person in (1) the person in (2) the persons in (6).

(Attach a copy of the order if you have one.)

This is not a Court Order.



- 8 c. Is the person in 2 a care custodian who deprived the person in 1 of (kept from the person, did not allow the person to have or receive, or did not provide the person with) goods or services that the person needed to avoid physical harm or mental suffering?  Yes  No  
 (If yes, describe below what the person was deprived of and how that affected the person):  
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8c—Deprivation by Care Custodian" for a title.

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- d. Has the person in 2 abused the person in 1 at other times?  
 Yes  No (If yes, describe prior incidents and provide dates below):  
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8d—Previous Abuse" for a title.

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9 **Venue**

Why are you filing in this county? (Check all that apply):

- a.  The person in 2 lives in this county.  
 b.  The person in 1 was abused by the person in 2 in this county.  
 c.  Other (specify): \_\_\_\_\_

10 **Other Court Cases**

- a. Has the person in 1 or any of the persons named in 6 been involved in another court case with the person in 2?  No  Yes (If yes, specify the kind of each case and indicate where and when each was filed):

	Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1)	<input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(2)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(3)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(4)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5)	<input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(9)	<input type="checkbox"/> Small Claims	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> Other (specify): _____	_____	_____	_____

- b. Are there now any protective or restraining orders in effect relating to the person in 1 or any of the persons named in 6 and the person in 2?  No  Yes (If yes, attach a copy if you have one.)

**This is not a Court Order.**



**Check the orders you want.**

**11  Personal Conduct Orders**

I ask the court to order the person in **2** **not** to do any of the following things to the person in **1** or to any person to be protected listed in **6**:

- a.  Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.
- b.  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
- c.  Other (*specify*):
  - Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 11c—Other Personal Conduct Orders" for a title.*

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*The person in **2** will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.*

**12  Stay-Away Orders**

a. I ask the court to order the person in **2** to stay at least \_\_\_\_\_ yards away from (*check all that apply*):

- (1)  The elder or dependent adult in **1**.
- (2)  The persons in **6**.
- (3)  The home of the elder or dependent adult.
- (4)  The job or workplace of the elder or dependent adult.
- (5)  The vehicle of the elder or dependent adult.
- (6)  Other (*specify*): \_\_\_\_\_

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b. If the court orders the person in **2** to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job?  Yes  No (*If no, explain below*):

*Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 12b—Stay-Away Orders" for a title.*

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**This is not a Court Order.**





**13**  **Move-Out Order**

I ask the court to order the person in **(2)** to move out from and not return to the residence at *(address)*:

The person in **(1)** will suffer physical or emotional harm if the person in **(2)** does not leave the residence. The person in **(2)** is not named in the title or lease of the residence, either alone or with others beside the person in **(1)**.

I ask for this move-out order right away to last until the hearing, because:

- a. The person in **(2)** assaulted or threatened the person in **(1)** ; and
- b. The person in **(1)** has the right to live at the above residence. *(Explain below)*:

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 13b—My Right to Residence" for a title.

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**14**  **Order for Counseling or Anger Management Courses**

**i** This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.

- a. I request the person in item **(2)** be ordered by the court to attend clinical counseling or anger management courses provided by a professional (a counselor, psychologist, psychiatrist, therapist, clinical social worker, or mental or behavioral health professional licensed in the State of California to provide counseling or anger management courses).

- b. Explain why you are requesting an order that the person in item **(2)** attend clinical counseling or anger management courses.

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 14b— Counseling or Anger Management" for a title.

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**15** **Firearms (Guns), Firearm Parts, and Ammunition**

Does the person in **(2)** own or possess any firearms (guns), firearm parts, or ammunition? This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).  Yes  No  I don't know

*Unless the abuse is only financial, if the judge grants a protective order, the person in **(2)** will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The person in **(2)** will also be ordered to turn in to law enforcement, or sell to or store with a gun dealer, any firearms (guns) and firearm parts within their immediate possession or control.*

**This is not a Court Order.**



**16**  **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the person in (2) to last until the hearing. I am presenting form EA-110, *Temporary Restraining Order*, for the court’s signature together with this *Request*.

Has the person in (2) been told that you were going to go to court to seek a TRO against them?

- Yes  No (If you answered no, explain why below):
- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write “Attachment 16—Temporary Restraining Order” for a title.

**17**  **Request to Give Less Than Five Days' Notice of Hearing**

You must have your papers personally served on the person in (2) at least five days before the hearing, unless the court orders a shorter time for service. (Read form EA-200-INFO, What Is “Proof of Personal Service”?, to learn about serving legal papers. Form EA-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be less than five days between service and the hearing, explain why:

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write “Attachment 17—Request to Give Less Than Five Days’ Notice” for a title.

**18**  **Debts Caused by Financial Abuse**

You can ask the judge to decide at the hearing that certain debts or bills you have were caused by the person in (2)’s financial abuse. This may help you defend against the debt if you are sued in another case.

a. If you want the judge to make this special finding, list the debts or bills you have that were caused by the person in (2)’s financial abuse.

- Check here if you want to list additional debts or bills that were caused by financial abuse. You can attach form MC-025 and write “Attachment 18a—Additional Debts” for a title.

	<u>Money Owed To</u>	<u>For</u>	<u>Amount</u>
(1)	_____	_____	\$ _____
(2)	_____	_____	\$ _____
(3)	_____	_____	\$ _____

b. Describe what the person in (2) did to cause the debts and bills that you listed above. Provide as much detail as you can about the person in (2)’s financial abuse.

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write “Attachment 18b—How Debt Was Incurred” for a title.

**This is not a Court Order.**



**19**  **Lawyer's Fees and Costs**

I ask the court to order payment of my  lawyer's fees  court costs.

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write "Attachment 19—Lawyer's Fees and Costs" for a title.

**20**  **Possession and Protection of Animals**

I ask the court to order the following:

- a.  That the person in ① be given the sole possession, care, and control of the animals listed below, which they own, possess, lease, keep, or hold, or which reside in their household.  
*(Identify animals by, e.g., type, breed, name, color, sex.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I request sole possession of the animals because *(specify good cause for granting order):*

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 20a—Possession of Animals" for a title.

\_\_\_\_\_  
\_\_\_\_\_

- b.  That the person in ② must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**21** **No Fee to Serve Orders** *If you want the sheriff or marshal to serve (notify) the person in ② about the orders for free, ask the court clerk what you need to do.*

**This is not a Court Order.**



**22**  **Additional Orders Requested**

I ask the court to make the following additional orders (*specify*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 22—Additional Orders Requested" for a title.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**23** Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*

▶ \_\_\_\_\_  
*Lawyer's signature*

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Signature of person making this request*

**This is not a Court Order.**

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

## What is a restraining order?

It is a court order that helps protect people from being abused.

## Can I get a restraining order?

If you are a person 65 years or older or a dependent adult, you can ask for a restraining order if you have been or are being:

- Physically abused
- Financially abused
- Mentally or emotionally abused
- Neglected
- Abandoned or abducted
- Isolated, *or*
- Deprived by a caregiver of goods or services you needed to avoid harm or suffering

## How will the order help me?

The court can order a person to:

- Not physically abuse, harass, hit, or threaten you
- Not contact or go near you, *and*
- Not have any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items a restrained person cannot have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

You can also ask for protection for people who live with you and family members.

## Who can apply for an elder or dependent adult abuse restraining order?

In addition to the elder or dependent adult, the following persons may apply for a restraining order on behalf of the elder or dependent adult:

- A conservator or trustee of the elder or dependent adult
- An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney
- A person appointed as a guardian ad litem for the elder or dependent adult
- Any other person legally authorized to seek such relief.

## How much does it cost?

There is no fee for filing a request for a restraining order. You do not need to pay a fee for service of the order. A sheriff or marshal will serve the order for free. Or you may arrange for service by a registered process server or a private party and pay any fee that is charged. The court can make the person who loses the case pay all the court fees and the lawyer's fees for the other party.

## What forms do I need to get the order?

You must fill out all of form [EA-100, Request for Elder or Dependent Adult Abuse Restraining Orders](#), and form [CLETS-001, Confidential CLETS Information](#). If you need attachments, you may use form [MC-025, Attachment](#). You must also fill out items 1 and 2 on form [EA-109, Notice of Court Hearing](#), and items 1, 2, and 3 on form [EA-110, Temporary Restraining Order](#).

## Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). You also may be able to find them at your local courthouse or county law library.

## What do I need to do to get the order?

You must go to the superior court in the county where the abuse took place or the person to be restrained lives. At the court, ask where you should file your request for a restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) At the court, give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

## How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. Ask whether you should wait or come back later to get the signed *Notice of Court Hearing and Temporary Restraining Order*.



**How long does the order last?**

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to five years.

**How will the person to be restrained know about the order?**

Someone age 18 or older—**not you** or anyone else to be protected by the order—must “serve” (give) the person to be restrained a copy of the order. The server must then fill out form [EA-200, Proof of Personal Service](#), and give it to you to file with the court. For help with service, ask the court clerk for form [EA-200-INFO, What Is “Proof of Personal Service?”](#)

**What if the restrained person does not obey the order?**

Call the police. The restrained person can be arrested and charged with a crime.

**Do I have to go to court?**

Yes. Go to court on the date the clerk gives you.

**Do I need to bring a witness to the court hearing?**

Witnesses are not required, but it helps to have more proof of the abuse than just your word. You can bring:

- Witnesses
  - Written statements from witnesses made under oath
  - Photos
  - Medical or police reports
  - Damaged property
  - Threatening letters, emails, or telephone messages
- The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form [MC-030](#) for this.)

**Do I need a lawyer?**

Having a lawyer is always a good idea, but it is not required and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

**Will I see the restrained person at the court hearing?**

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

**Can I bring someone with me to court?**

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

**What if I don't speak English?**

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#) or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

**EA-109 Notice of Court Hearing**

*Clerk stamps date here when form is filed.*

**1 Elder or Dependent Adult in Need of Protection**

a. Full Name: \_\_\_\_\_  
 Person requesting protection for the elder or dependent adult, if different (person named in item 3 of Form EA-100):  
 Full Name: \_\_\_\_\_  
 Lawyer for person named above (if any for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 b. Firm Name: \_\_\_\_\_  
 Address for person named above (If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

*Fill in court name and street address:*  
 Superior Court of California, County of \_\_\_\_\_

*Court fills in case number when form is filed*  
 Case Number: \_\_\_\_\_

**2 Person You Want Protection From**  
 Full Name: \_\_\_\_\_  
*The court will complete the rest of this form.*

**3 Notice of Hearing**  
 A court hearing is scheduled on the request for restraining orders against the person in 2: \_\_\_\_\_  
 Name and address of court if different from above: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**4 Temporary Restraining Orders** (Any orders granted are on Form EA-110, served with this notice.)  
 a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form EA-100, Request for Elder or Dependent Adult Abuse Restraining Orders are (check only one box below):  
 (1)  All GRANTED until the court hearing.  
 (2)  All DENIED until the court hearing. (Specify reasons for denial in b, below.)  
 (3)  Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

Judicial Council of California, www.courts.ca.gov  
 New January 1, 2012, Mandatory Form  
 Welfare and Institutions Code, § 10607.03  
 Approved by DOJ

**Notice of Court Hearing**  
 (Elder or Dependent Adult Abuse Prevention)

EA-109, Page 1 of 3



**What if the restrained person's abuse caused me to owe money or debts?**

If the restrained person's financial abuse caused you to have certain debts or bills (such as using your name to open a credit card and make purchases that you didn't agree to), you can ask the judge to make a special decision or finding that the restrained person caused you to have the debts or bills. This special finding may be helpful if you are sued for the debts or bills.

**Information about the process is also available online.**

See <https://selfhelp.courts.ca.gov/EA-restraining-order>.

**For help in your area, contact:**

*[Local information may be inserted.]*

**Can I agree with the restrained person to cancel the order?**

No. Once the order is issued, only the judge can change or cancel it. You or the restrained person would have to file a request with the court to cancel the order.

**What if I have a disability?**

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).

**DRAFT 10/31/2022  
Not approved by the  
Judicial Council**

Clerk stamps date here when form is filed.

**DRAFT**

**10/31/2022**

**NOT APPROVED BY THE  
JUDICIAL COUNCIL**

**1 Elder or Dependent Adult in Need of Protection**

a. Full Name: \_\_\_\_\_

Person requesting protection for the elder or dependent adult, if different (person named in item 3 of form EA-100):

Full Name: \_\_\_\_\_

Lawyer for person named above (if any for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Address for person named above (If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.):

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**2 Person You Want Protection From**

Full Name: \_\_\_\_\_

*The court will complete the rest of this form.*

**3 Notice of Hearing**

**A court hearing is scheduled on the request for restraining orders against the person in 2:**

<b>Hearing Date</b>	→ Date: _____	Time: _____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	
	_____	_____	

**4 Temporary Restraining Orders** (Any orders granted are on form EA-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form EA-100, Request for Elder on Dependent Adult Abuse Restraining Orders are (check only one box below):

- (1)  All **GRANTED** until the court hearing.
- (2)  All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
- (3)  Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)





**4 Temporary Restraining Orders (Continued)**

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*, are:

(1)  The facts as stated in form EA-100 do not sufficiently show reasonable proof of a past act or acts of abuse of the elder or dependent adult by the person in **(2)**.

(2)  Other (*specify*):  As stated on Attachment 4b.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5 Service of Documents by the Person in (1)**

At least  five  \_\_\_\_\_ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this form EA-109, *Notice of Court Hearing*, to the person in **(2)** along with a copy of all the forms indicated below:

- a. EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders* (file-stamped)
- b.  EA-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (blank form)
- d. EA-250, *Proof of Service of Response by Mail* (blank form)
- e. EA-120-INFO, *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*
- f.  Other (*specify*): \_\_\_\_\_

Date: \_\_\_\_\_



\_\_\_\_\_  
*Judicial Officer*

**To the Person in (1) :**

- The court cannot make the restraining orders after the court hearing unless the person in **(2)** has been personally given (served) a copy of your request and any temporary orders. To show that the person in **(2)** has been served, the person who served the forms must fill out a proof of service form. Form EA-200, *Proof of Personal Service*, may be used.
- For information about service, read form EA-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the person in **(2)** in time, you may ask for more time to serve the documents. Use form EA-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.



**To the Person in ② :**

- If you want to respond to the request for orders in writing, file form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ① .
- The person who mailed the form must fill out a proof of service form. Form EA-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to sell or turn in any firearms (guns) and firearm parts that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).**

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

*Clerk's Certificate*  
[seal]

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ② and ③ only.

DRAFT
10/31/2022
Not approved by
the Judicial Council

1 Protected Elder or Dependent Adult

a. Full Name:
Person requesting protection for the elder or dependent adult, if different (person named in item ③ of form EA-100):
Full Name:
Lawyer for person named above (if any, for this case):
Name: State Bar No.:
Firm Name:
b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.):
Address:
City: State: Zip:
Telephone: Fax:
Email Address:

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Restrained Person

(Give all the information you know. Information with a star (\*) is required to add this order to the California police database. If age is unknown, give an estimate.)

\*Full Name: \*Age: Date of Birth:
\*Race: Height: Weight: Hair Color: Eye Color:
\*Gender: M F Nonbinary Home Address:
City: State: Zip:
Relationship to Protected Person:

3 Additional Protected Persons

In addition to the elder or dependent adult named in ①, the following family or household members or conservator of that person are protected by the temporary orders indicated below:

Table with columns: Full Name, Gender, Age, Household Member?, Relation to Protected Person. Includes Yes/No checkboxes.

Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

4 Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: Time: a.m. p.m.

This is a Court Order.



**To the Person in ② :**

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up to one year, pay a fine of up to \$1,000, or both.

**⑤ Personal Conduct Orders**

**Not Requested**     **Denied Until the Hearing**     **Granted as Follows:**

a. You must **not** do the following things to the elder or dependent adult named in ①

and to the other protected persons listed in ③:

- (1)  Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy personal property of, or disturb the peace of the person.
- (2)  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text messages, by fax, or by other electronic means.
- (3)  Take any action to obtain the person's address or location. If this item ③ is not checked, the court has found good cause not to make this order.
- (4)  Other (*specify*):  
 Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in ①.

**⑥ Stay-Away Orders**

**Not Requested**     **Denied Until the Hearing**     **Granted as Follows:**

a. You **must** stay at least \_\_\_\_\_ yards away from (*check all that apply*):

- (1)  The elder or dependent adult in ①                      (5)  The vehicle of the person in ①
- (2)  Each person in ③    (6)  Other (*specify*):  
 \_\_\_\_\_
- (3)  The home of the elder or dependent adult  
 \_\_\_\_\_
- (4)  The job or workplace of the elder or dependent adult  
 \_\_\_\_\_

b. This stay-away order does not prevent you from going to or from your home or place of employment.

**⑦ Move-Out Order**

**Not Requested**     **Denied Until the Hearing**     **Granted as Follows:**

You must immediately move out from and not return to (*address*):

\_\_\_\_\_  
 \_\_\_\_\_

**This is a Court Order.**



**8 No Firearms (Guns), Firearm Parts, or Ammunition**

**Not Issued (financial abuse only)**                       **Granted as Follows:**

**This order must be granted unless only financial abuse is alleged.**

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b below.

b. **Prohibited items are:**

(1) Firearms (guns);

(2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and

(3) Ammunition.

c. You must:

(1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order.

(2) File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use form EA-800, *Receipt for Firearms and Firearm Parts*, for the receipt.)

d.  The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

**9 Financial Abuse**

This case  does **not**  does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

**10 Possession and Protection of Animals**

**Not Requested**     **Denied Until the Hearing**     **Granted as Follows (specify):**

a.  The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.  
(Identify animals by, e.g., type, breed, name, color, sex.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b.  The person in (2) must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**This is a Court Order.**



11 Other Orders

- Not Requested Denied Until the Hearing Granted as Follows (specify):

Four horizontal lines for specifying details.

Additional orders are attached at the end of this Order on Attachment 11.

To the Person in 1:

12 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this Order and its proof of service form into CARPOS.
b. The clerk will transmit this Order and its proof of service form to a law enforcement agency to be entered into CARPOS.
c. By the close of business on the date that this Order is made, the petitioner or the petitioner's lawyer should deliver a copy of the Order and its proof of service form to the law enforcement agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Two horizontal lines for agency and address information.

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

13 No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this Order, he or she will do it for free.

14 Number of pages attached to this Order, if any:

Date:

Judicial Officer

This is a Court Order.



## Warnings and Notices to the Restrained Person in ②

### You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

If the court grants the orders in item ⑧, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item ⑧. The court will require you to prove that you did so.

### Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form EA-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that does not differ from this order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ②.

If this address is not correct or you wish to verify that the temporary restraining order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

### After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form EA-120-INFO, *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response.
- You must have form EA-120 served on the person in ① (the person asking the court for protection of the elder or dependent adult or the elder or dependent adult if no other person is named in that item), or that person's attorney, by mail. You cannot do this yourself. The person who does the mailing should complete and sign form EA-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

## Instructions for Law Enforcement

### Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

**This is a Court Order.**

**Start Date and End Date of Orders**

This order *starts* on the date next to the judge’s signature on page 4. The order *ends* on the expiration date in item ④ on page 1.

**Arrest Required if Order Is Violated**

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

**Notice/Proof of Service**

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person “served” (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

**Conflicting Orders—Priorities for Enforcement**

**If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority** (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 5a(2) is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate*  
[seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**



**Response to Request for Elder or Dependent Adult Abuse Restraining Orders**

Clerk stamps date here when form is filed.

**DRAFT**

**10/31/2022**

**Not approved by the Judicial Council**

**Use this form to respond to the Request (form EA-100)**

- Read *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (form EA-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person requesting protection in (1) by mail with a copy of this form and any attached pages. (Use form EA-250, Proof of Service of Response by Mail.)

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**1 Elder or Dependent Adult Seeking Protection**

Name: \_\_\_\_\_

Name of person asking for the protection, if different (This is the person named in item (3) of the request (form EA-100).)

**2 Person From Whom Protection Is Sought**

a. Your Name: \_\_\_\_\_

Your Lawyer (if you have one for this case)

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form EA-109, item (3), here:

**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**If you were served with a Temporary Restraining Order, you must obey it until the hearing.** At the hearing, the court may make orders against you that last for up to five years.

**3  Personal Conduct Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (Specify why you disagree in item (14) on page 4.)
- c.  I agree to the following orders (specify below or in item (14) on page 4):

\_\_\_\_\_  
\_\_\_\_\_

**4  Stay-Away Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (Specify why you disagree in item (14) on page 4.)
- c.  I agree to the following orders (specify below or in item (14) on page 4):

\_\_\_\_\_  
\_\_\_\_\_



**5**  **Move-Out Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. *(Specify why you disagree in item 14 on page 4.)*
- c.  I agree to the following orders *(specify below or in item 14 on page 4):*
- 
- 

**6**  **Additional Protected Persons**

- a.  I agree that the persons listed in item 6 of form EA-100 may be protected by the order requested.
- b.  I do not agree that the persons listed in item 6 of form EA-100 may be protected by the order requested.

**7**  **Order for Counseling or Anger Management Courses**

**i** This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. *(Specify why you disagree in item 14 on page 4.)*
- c.  I agree to the following orders *(specify below or in item 14 on page 4):*
- 
- 

**8** **Firearms (Guns), Firearm Parts, and Ammunition**

**If you were served with form EA-110, Temporary Restraining Order, you cannot own or possess any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (See item 8 of form EA-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) or firearm parts in your immediate possession or control within 24 hours of being served with form EA-110. You must file a receipt with the court. You may use form EA-800, Receipt for Firearms and Firearm Parts, for the receipt.**

- a.  I do not own or control any firearms (guns), firearm parts, or ammunition.
- b.  I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. *(Explain):*
- Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 8b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.*
- 
- 

- c.  I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer.

A copy of the receipt  is attached.  has already been filed with the court.



**9**  **Debts Caused by Financial Abuse**

- a.  I agree to the findings requested.
- b.  I do not agree to the findings requested. *(Specify why you disagree in item 14 on page 4.)*
- c.  I agree to the following findings *(specify below or in item 14 on page 4):*

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**10**  **Possession and Protection of Animals**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. *(Specify why you disagree in item 14 on page 4.)*
- c.  I agree to the following orders *(specify below or in item 14 on page 4):*

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**11**  **Other Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. *(Specify why you disagree in item 14 on page 4.)*
- c.  I agree to the following orders *(specify below or in item 14 on page 4):*

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**12**  **Denial**

I did not do anything described in item 8 of form EA-100. *(Skip to 14.)*

**13**  **Justification or Excuse**

If I did some or all of the things that the person in 1 has accused me of, my actions were justified or excused for the following reasons *(explain)*:

*Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 13—Justification or Excuse" as a title. You may use form MC-025, Attachment.*

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**What is an elder or dependent adult abuse restraining order?**

It is a court order that prohibits you from doing certain things and going certain places.

**What does the order do?**

The court can order you to:

- Not contact the person who is protected by the order
- Stay away from that person and the person's home and workplace
- Move out of the place where you and that person are living together
- Not have any firearms (guns), firearm parts, or ammunition as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items you would not be allowed to have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

**Who can ask for a restraining order?**

A person who is being:

- Financially abused
- Abandoned or abducted
- Harmed
- Neglected
- Isolated
- Deprived by a caregiver of goods or services necessary to live on

A conservator may seek an order on behalf of an elder or dependent adult.

**I've been served with a request for elder or dependent adult abuse restraining orders.****What do I do now?**

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

**What if I don't obey the order?**

The police can arrest you. You can go to jail and pay a fine.

**What if I don't agree with what the order says?**

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form [EA-120, Response to Request for Elder and Dependent Adult Abuse Restraining Orders](#), before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#). You can get the forms from legal publishers or from the California Courts website at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). You also may be able to find them at your local courthouse or county law library.

**Do I have to serve the other person with a copy of my response?**

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form [EA-120](#) to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out form [EA-250, Proof of Service of Response by Mail](#). Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

**Do I need a lawyer?**

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

**What if I don't speak English?**

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#) or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.



## Should I go to the court hearing?

Yes. You should go to court on the date listed on form [EA-109, Notice of Court Hearing](#). If you do not go to the hearing, the judge can make orders against you without hearing from you.

**EA-109 Notice of Court Hearing**

Clerk stamps date here when form is filed.

**1 Elder or Dependent Adult in Need of Protection**

a. Full Name: \_\_\_\_\_  
 Person requesting protection for the elder or dependent adult, if different (person named in item 2) of form EA-100):  
 Full Name: \_\_\_\_\_  
 Lawyer for person named above (if any for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

b. Firm Name: \_\_\_\_\_  
 Address for person named above (If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Fill in court name and street address:  
 Superior Court of California, County of \_\_\_\_\_  
 Court fills in case number when form is filed.  
 Case Number: \_\_\_\_\_

**2 Person You Want Protection From**  
 Full Name: \_\_\_\_\_  
*The court will complete the rest of this form.*

**3 Notice of Hearing**  
 A court hearing is scheduled on the request for restraining orders against the person in 2):  
 Name and address of court if different from above:  
 Hearing Date: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**4 Temporary Restraining Orders** (Any orders granted are on Form EA-110, served with this notice.)  
 a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form EA-100, Request for Elder or Dependent Adult Abuse Restraining Orders are (check only one box below):  
 (1)  All GRANTED until the court hearing.  
 (2)  All DENIED until the court hearing. (Specify reasons for denial in b, below.)  
 (3)  Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

Judicial Council of California, www.courts.ca.gov  
 Rev. January 1, 2012, M080807/070  
 Welfare and Institutions Code, § 19052.03  
 Approved by DOJ

**Notice of Court Hearing**  
 (Elder or Dependent Adult Abuse Prevention)

EA-109, Page 1 of 3

## How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to five years.

## What if I have a gun?

If a restraining order is issued, unless the order is to prevent financial abuse only, you cannot own, possess, or have a **firearm (gun), firearm parts, or ammunition** while the order is in effect. If you have a **firearm (gun) or firearm parts** in your immediate possession or control, you must sell it to or store it with a licensed gun dealer or turn it in to a law enforcement agency.

## Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the protected person would have to file a request with the court to cancel the order.

## What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).

**Information about the process is also available online.**

See <https://selfhelp.courts.ca.gov/EA-restraining-order>.

## For help in your area, contact:

[Local information may be inserted.]

**DRAFT 10/31/2022**  
**Not approved by the**  
**Judicial Council**

## Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can.

## Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form [MC-030](#) for this.

Clerk stamps date here when form is filed.

**DRAFT**

**10/31/2022**

**Not approved by the Judicial Council**

Person in ① must complete items ①, ②, and ③ only.

**① Elder or Dependent Adult Seeking Protection**

- a. Full Name: \_\_\_\_\_  
 Name of person asking for the protection, if different (This is the person named in item ③ of the request (form EA-100).)  
 Full Name: \_\_\_\_\_  
 Lawyer for person named above (if any for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_
- b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**② Restrained Person**

(Give all the information you know. Information with a star (\*) is required to add this order to the California police database. If age is unknown, give an estimate.)

\*Full Name: \_\_\_\_\_ \*Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 \*Race: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_  
 \*Gender:  M  F  Nonbinary Home Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Relationship to Protected Person: \_\_\_\_\_

**③ Additional Protected Persons**

In addition to the elder or dependent adult named in ①, the following family or household members or conservator of the elder or dependent adult named in ① are protected by the orders indicated below:

Full Name	Gender	Age	Lives with Person in ①?	Relation to Person in ①
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

**④ Expiration Date**

This Order, except for any award of lawyer's fees, expires at

Time: \_\_\_\_\_  a.m.  p.m.  midnight on (date): \_\_\_\_\_

If no expiration date is written here, this Order expires three years from the date of issuance.

**This is a Court Order.**

**5 Hearing**

- a. There was a hearing on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
*(Name of judicial officer)*: \_\_\_\_\_ made the orders at the hearing.
- b. These people were at the hearing:
- (1)  The elder or dependent adult in need of protection
  - (2)  The lawyer for the elder or dependent adult *(name)*: \_\_\_\_\_
  - (3)  The person in ① asking for protection (if not the elder or dependent adult)
  - (4)  The lawyer for the person in ① asking for protection *(name)*: \_\_\_\_\_
  - (5)  The person in ②
  - (6)  The lawyer for the person in ② *(name)*: \_\_\_\_\_
- Additional persons present are listed at the end of this Order on Attachment 5.
- c.  The hearing is continued. The parties must return to court on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_.

**To the Person in ②:**

**The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.**

**6  Personal Conduct Orders**

- a. You must **not** do the following things to the elder or dependent adult named in ①
- and to the other protected persons listed in ③:
- (1)  Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy personal property of, or disturb the peace of the person.
  - (2)  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
  - (3)  Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
  - (4)  Other *(specify)*: \_\_\_\_\_
- Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**7  Stay-Away Orders**

- a. You **must** stay at least \_\_\_\_\_ yards away from *(check all that apply)*:
- (1)  The elder or dependent adult in ①.
  - (2)  Each person in ③.
  - (3)  The home of the elder or dependent adult. \_\_\_\_\_
  - (4)  The job or workplace of the elder or dependent adult. \_\_\_\_\_
  - (5)  The vehicle of the elder or dependent adult.
  - (6)  Other *(specify)*: \_\_\_\_\_
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

**This is a Court Order.**





- 8  **Move-Out Order**  
You must immediately move out from and not return to (*address*):

\_\_\_\_\_

\_\_\_\_\_

and must take only the personal clothing and belongings you need.

9  **Order for Counseling or Anger Management**

- a. The person in item ② is ordered to attend:
- clinical counseling for \_\_\_\_\_ (*specify number*) sessions; or
- an anger management course
- provided by a professional (a counselor, psychologist, psychiatrist, therapist, clinical social worker, or mental or behavioral health professional licensed in the State of California to provide counseling or anger management courses).
- b. The person in item ② must schedule clinical counseling or enroll in an anger management course by (*date*): \_\_\_\_\_, or if no date is listed, within 30 days after this order is made. The person in item ② is ordered to file written proof of scheduling or enrollment with the court.
- c.  Written proof of completion of the ordered number of clinical counseling sessions or written proof of completion of the court-ordered anger management course must be filed with the court by (*date*): \_\_\_\_\_, or the person in item ② must appear for a court date on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

10  **No Firearms (Guns), Firearm Parts, or Ammunition**

**This Order must be granted unless the abuse is financial only.**

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.
- b. **Prohibited items are:**
- (1) Firearms (guns);
  - (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
  - (3) Ammunition.
- c. If you have not already done so, you must:
- Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order.
  - File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use form EA-800, *Receipt for Firearms and Firearm Parts*, for the receipt.)
- d.  The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

**This is a Court Order.**



10 e. [ ] The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in 2 is not required to relinquish this firearm (specify make, model, and serial number of firearm): \_\_\_\_\_

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in 2 may be subject to federal prosecution for possessing or controlling a firearm.

11 Financial Abuse

This case [ ] does not [ ] does involve solely financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

12 Possession and Protection of Animals

a. [ ] The person in 1 is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.

(Identify animals by, e.g., type, breed, name, color, sex.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. [ ] The person in 2 must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

13 Specific Debts

The court finds (decides) that the following debts were incurred as a result of financial abuse of the person in 1 by the person in 2.

Table with 3 columns: Money Owed To, For, Amount. Includes dollar signs and blank lines for entry.

[ ] Additional debts are attached at the end of this Order on Attachment 13.

14 Lawyer's Fees and Costs

You must pay to the person in 1 the following amounts for [ ] lawyer's fees [ ] costs:

Table with 4 columns: Item, Amount, Item, Amount. Includes dollar signs and blank lines for entry.

[ ] Additional amounts are attached at the end of this Order on Attachment 14.

This is a Court Order.



**15**  **Other Orders** (*specify*):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional orders are attached at the end of this Order on Attachment **15**.

**To the Person in ① :**

**16** **Mandatory Entry of Order Into CARPOS Through CLETS**

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a.  The clerk will enter this Order and its proof of service form into CARPOS.
- b.  The clerk will transmit this Order and its proof of service form to a law enforcement agency to be entered into CARPOS.
- c.  By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof of service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

\_\_\_\_\_

\_\_\_\_\_

Additional law enforcement agencies are listed at the end of this Order on Attachment **16**.

**17** **Service of Order on Restrained Person**

- a.  The person in ② personally attended the hearing. No other proof of service is needed.
- b.  The person in ① was at the hearing. The person in ② was not.
  - (1)  Proof of service of form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form EA-110 except for the end date. The person in ② must be served with this Order. Service may be by mail.
  - (2)  Proof of service of form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are different from the orders in form EA-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

**18** **No Fee to Serve (Notify) Restrained Person**

If the sheriff or marshal serves this Order, they will do so for free.

**19** Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**This is a Court Order.**



**Warning and Notice to the Restrained Person in ②:****You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

If the court grants the orders in item ⑩ on page 3 (unless item 10e on page 4 is checked), you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 10b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item ⑩. The court will require you to prove that you did so.

**Instructions for Law Enforcement****Enforcing the Restraining Order**

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

**Start Date and End Date of Order**

This order *starts* on the date next to the judge's signature on page 5. The order *ends* on the expiration date in item ④ on page 1.

**Arrest Required if Order Is Violated**

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

**Notice/Proof of Service**

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

**This is a Court Order.**

**Instructions for Law Enforcement****Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(2) is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

*Clerk's Certificate*  
[seal]

(Clerk will fill out this part.)  
**—Clerk's Certificate—**

I certify that this *Elder or Dependent Adult Abuse Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.

DRAFT
10/31/2022
Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Protected Person

Name: \_\_\_\_\_

2 Restrained Person

a. Your Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

3 To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns) and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item 4 or 5. For more information on how to properly turn in your items, read form EA-800-INFO, How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?

4 To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in 2.)

Name of Law Enforcement Agency: \_\_\_\_\_

Name of Law Enforcement Agent: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Items Surrendered

a. Firearms and firearm parts transferred on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ [ ] a.m. [ ] p.m.

b. List of items (List all the items surrendered by the person in 2. You may attach a separate form from your agency (e.g., a property report), use item 6, or both. Check below if you have attached a separate form):

[ ] Separate form is attached. (If it does not include all surrendered items, list additional items in item 6.)

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Signature of law enforcement agent: \_\_\_\_\_



**5 To Licensed Gun Dealer**

*(Complete the section below. Keep a copy and give the original to the person in 2.)*

Name of Licensed Gun Dealer: \_\_\_\_\_  
 License number: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Items Stored or Sold**

a. Firearms and firearm parts transferred on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

b. List of items *(List all the items surrendered by the person in 2. You may attach a separate form (e.g., Department of Justice’s Report of Firearms Acquisition) or you may use item 6. Check below if you have attached a separate form):*

Separate form is attached. *(If it does not include all surrendered items, list additional items in item 6.)*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

▶ Signature of licensed gun dealer \_\_\_\_\_

**6  List of Items Surrendered**

Firearms and firearm parts	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write “EA-800, item 6” at the top, and attach it to this form.

**7 To the Restrained Person:**

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

No

Yes (If yes, check one of the boxes below):

a.  I filed a Receipt for Firearms and Firearm Parts (form EA-800) or other proof for those items with the court on (date): \_\_\_\_\_

b.  I am filing the proof for those firearms (guns) or firearm parts along with this proof.

c.  I have not yet filed the proof for the other firearms (guns) or firearm parts.  
(Explain why not):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Your signature**

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*



\_\_\_\_\_  
*Sign your name*

**Your Next Steps**

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

**Note that failure to file a receipt with the court is a violation of the court's order.**



**What items do I need to turn in, sell, or store?**

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon; and
- Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). These may also be called “ghost guns.”

You also may not have or possess ammunition.

**How do I properly turn in, sell, or store the prohibited items?**

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, call ahead for more information.

**When do I have to turn in, sell, or store the prohibited items?**

Immediately, if law enforcement asks you for the items.  
Otherwise, within 24 hours.

**Who can I turn in, sell, or store the prohibited items with?**

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

**Where can I sell the prohibited items?**

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

**Do I have to pay a fee to store prohibited items?**

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

**How do I turn in the prohibited items to law enforcement?**

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

**If I turn in the prohibited items to law enforcement, how long will they keep them?**

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

**After I turn in the prohibited items to law enforcement, can I change my mind?**

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

**Do I have to prove that I have turned in, sold, or stored the prohibited items?**

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms and Firearm Parts \(form EA-800\)](#) for this purpose.

**Additional Questions?**

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

**Information about prohibited items and how to obey these orders is also available online.**

See <https://selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders>.

**For help in your area, contact:**

[Local information may be inserted.]

**SPR22-21**

**Protective Orders: Elder Abuse Forms Implementing AB 1243** (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (\*)

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>DRAFT Committee Response</b>
1.	Open Arms And Loving Hands by Nedra Jones Inglewood	AM	*[The comment addresses the details of a specific case and does not address any of the issues in the proposal and is not included in the comment chart.]	No response is required.
2.	Orange County Bar Association by Daniel S. Robinson President	AM	<p>This proposal contains four distinct recommendations for Judicial Council action: (1) the adoption and approval of a new series of forms to implement the legislative amendments in AB 1243 regarding a new cause of action for a restraining order allowing contact with an elder or dependent adult; (2) the revision of elder abuse forms regarding service of documents to accommodate the new series of forms in the first recommendation; (3) the revision of several elder abuse forms to implement the legislative amendments in AB 1243 regarding the new permissible findings that specific debts were incurred by financial abuse; and (4) revisions to existing elder abuse information sheets and orders to update information about interpreters, disability and court accommodations, and the priority of enforcement among protective orders.</p> <p>Generally, the proposed new forms and revisions to existing forms would properly implement the changes required by AB 1243, though we recommend the following modifications:</p> <p>* [Specific comments that address only the new EA-300 series of forms relating to the new claim</p>	<p>The committee appreciates the information provided.</p> <hr/> <p>The committee responded to these comments when making recommendations to the council regarding the new EA-300 series of forms. See</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

## SPR22-21

**Protective Orders: Elder Abuse Forms Implementing AB 1243** (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			for an order allowing contact with an elder or dependent adult have not been included here.]	Judicial Council of Cal., Advisory Com. Rep., <i>Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact</i> (Aug. 12, 2022), <a href="https://jcc.legistar.com/View.ashx?M=F&amp;ID=11204348&amp;GUID=4894916A-9337-4922-8F52-726F8020AFEA">https://jcc.legistar.com/View.ashx?M=F&amp;ID=11204348&amp;GUID=4894916A-9337-4922-8F52-726F8020AFEA</a> .
			Question 1. Does the proposal appropriately address the stated purpose?  Response to Question 1: Yes.	The committee appreciates the information provided.
3.	Superior Court of Los Angeles County by Bryan Borys	A	* [Specific comments that address only the new EA-300 series of forms relating to the new claim for an order allowing contact with an elder or dependent adult have not been included here.]	See response above regarding the committee’s separate recommendations on the new EA-300 form series.
4.	Superior Court of Orange County by Sean E. Lillywhite Training & Analyst Group	NI	* [Specific comments that address only the new EA-300 series of forms relating to the new claim for an order allowing contact with an elder or dependent adult have not been included here.]  EA-120 - #13 is titled “Justification or Excuse.” This wording seems to carry bias in favor of the petitioner. The word “excuse” carries a negative moral implication as seen in the common phrase “Don’t make excuses.” I recommend that the item be changed to “Justification” or “Justification or Explanation.”	See response above regarding the committee’s separate recommendations on the new EA-300 form series.  The committee declines this suggestion because “excuse” is widely used across the form sets, and such a revision is outside the scope of this proposal.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-21**

**Protective Orders: Elder Abuse Forms Implementing AB 1243** (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>EA-200, Page 1 – The first paragraph is confusing and could lead filing parties to conclude that an EA-300 is supposed to be filed with an EA-200. I recommend changing the paragraph as follows:  <i>Many restraining order forms cannot be served by mail. Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person service.” The following types of restraining order forms cannot be served by mail: Request for Elder or Dependent Adult Abuse Restraining Orders (form EA-100), the Notice of Court Hearing (form EA-109), Temporary Restraining Order (form EA-110), Request for Elder or Dependent Adult Restraining Order Allowing Contact (form EA-300) and Notice of Court Hearing to Allow Contact (form EA-309) must be served “in person.” That means that someone must personally “serve” (give) a copy of the forms to the person to be restrained.</i></p> <p><b>Impact</b>  <i>Training Requirement(s):</i> These changes will necessitate approximately 1 hour of training for all probate court clerks and 1 hour of training for all case processing staff. Training will be needed specifically to address the processing of the new EA-300 series of forms in the clerk’s office and in the courtroom. I would expect the training team to utilize a full 40 - 80 hours of time (possibly 2</p>	<p>See response above regarding the committee’s separate recommendations on the new EA-300 form series.</p> <hr/> <p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-21**

**Protective Orders: Elder Abuse Forms Implementing AB 1243** (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>weeks total) to write new procedures, implement new Voyager docket codes, prepare the training materials and resources, conduct the training and any follow-up, etc.</p> <p><i>Affected Third Parties:</i> In addition to courtroom operations and case processing, the judicial officers, self-help, the Domestic Violence Assistance Program and the Protective Order Unit will all be impacted. Coordination will be required with each stakeholder to seamlessly implement the new forms.</p> <p><b>Self-Help</b> – Self-Help provides restraining order packets and information to parties upon request. They will need to be prepared with the new EA-300 series of forms.</p> <p><i>Affected Procedures:</i> Minor revisions will need to be made to the current courtroom and case processing procedures for Elder Abuse, to address the changes to the EA-100 series adding the terms <i>gender</i> and <i>non-binary</i> to the forms and also for the new section addressing any debts incurred as a result of financial abuse. New case processing and courtroom procedures will also need to be created to address the EA-300 series of forms.</p> <p>1. Does the proposal appropriately address the stated purpose?  <b>Response: Yes</b></p>	<p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-21**

**Protective Orders: Elder Abuse Forms Implementing AB 1243** (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>6. Would the proposal provide cost savings? If so, please quantify.  <i>Response: I don't think the proposal will provide cost saving.</i></p> <p>7. What are the implementation requirements for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management system, or modifying case management system.</p> <p><i>Response:</i>  <b>Training Requirement(s):</b> These changes will necessitate approximately 1 hour of training for all probate court clerks and 1 hour of training for all case processing staff. Training will be needed specifically to address the processing of the new EA-300 series of forms in the clerk's office and in the courtroom. I would expect the training team to utilize a full 40 - 80 hours of time (possibly 2 weeks total) to write new procedures, implement new Voyager docket codes, prepare the training materials and resources, conduct the training and any follow-up, etc.</p> <p><i>-Affected Procedures:</i> Minor revisions will need to be made to the current courtroom and case processing procedures for Elder Abuse, to address the changes to the EA-100 series adding the terms <i>gender</i> and <i>non-binary</i> to the forms and also for</p>	<p>The committee appreciates the information provided.</p> <p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-21**

**Protective Orders: Elder Abuse Forms Implementing AB 1243** (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>the new section addressing any debts incurred as a result of financial abuse. New case processing and courtroom procedures will also need to be created to address the EA-300 series of forms.</p> <p>8. Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p><i>Response: Yes</i></p> <p>9. How well would this proposal work in courts of different sizes?</p> <p><i>Response: I think courts of different sizes should be able to implement this proposal with relative ease. The changes to the existing EA-100 forms are very minor and the implementation of the EA-300 series should mirror processes already in place for the EA-100 series.</i></p>	<p>The committee appreciates the information provided.</p>
5.	Superior Court of San Bernardino County	NI	<p>* [Specific comments that address only the new EA-300 series of forms relating to the new claim for an order allowing contact with an elder or dependent adult have not been included here.]</p> <p>Does the proposal appropriately address the stated purpose? Yes</p> <p>Would the proposal provide cost savings? If so, please quantify. No</p>	<p>See response above regarding the committee’s separate recommendations on the new EA-300 form series.</p> <p>The committee appreciates the information provided.</p> <p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-21**

**Protective Orders: Elder Abuse Forms Implementing AB 1243** (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? New procedures, training, update case management system</p> <p>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes</p>	
6.	Superior Court of San Diego County by Mike Roddy Executive Officer	AM	<p>* [Specific comments that address only the new EA-300 series of forms relating to the new claim for an order allowing contact with an elder or dependent adult have not been included here.]</p> <p>Does the proposal appropriately address the stated purpose? <b>Yes.</b></p> <p>Would the proposal provide cost savings? If so, please quantify. <b>No.</b></p> <p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures</p>	<p>See response above regarding the committee’s separate recommendations on the new EA-300 form series.</p> <p>The committee appreciates the information provided.</p> <p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.



**SPR22-21**

**Protective Orders: Elder Abuse Forms Implementing AB 1243** (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>(please describe), changing docket codes in case management systems, or modifying case management systems?  <b>Updating/creating internal procedures, updating/creating new local packets, and training staff.</b>                      Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?  <b>Yes, if the final versions of the forms are provided to the court by that time. This will ensure that the court is able to provide training to staff, modify local packets, obtain printed stock, and create new internal procedures for EA-300.</b>                      How well would this proposal work in courts of different sizes?  <b>It appears that the proposal would work for courts of all sizes.</b></p> <hr/> <p><b>OTHER COMMENTS:</b>  <b>EA-110:</b>  <b>Item 8 No Guns or Other Firearms and Ammunition:</b> 8b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.</p>	<p></p> <hr/> <p>The committee declines this suggestion as Welfare and Institutions Code, section 15657.03(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-21**

**Protective Orders: Elder Abuse Forms Implementing AB 1243** (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			8c: Propose that “ammunition” be added.	In light of this comment, the committee recommends including “ammunition” in this item (now item 8d) and revising corresponding items on the petition (item 15) and response (item 8) to include reference to whether the respondent possesses ammunition.
			<b>Warnings and Notices to Restrained Person in 2 (Page 5):</b> o <b>Possession of Guns or Firearms:</b> Propose changing to “Possession of Guns or <b>Other Firearms and Ammunition</b> ” to be consistent with item 8.	In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”
			<b>EA-120:</b> <b>Item 8 No Guns or Other Firearms and Ammunition:</b> 8c: Propose that “ammunition” be added.	The committee declines this suggestion as Welfare and Institutions Code, section 15657.03(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			<b>EA-120-INFO:</b> <b>What if I have a gun?:</b> Propose that “ammunition” be added to the second sentence. As written, it does not appear that the restrained party has to sell/store or file receipt with the court.	The committee declines this suggestion as Welfare and Institutions Code, section 15657.03(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			<b>EA-130:</b> <b>Item 10 No Guns or Other Firearms and Ammunition:</b> 10b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize	The committee declines this suggestion as Welfare and Institutions Code, section 15657.03(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-21**

**Protective Orders: Elder Abuse Forms Implementing AB 1243** (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>item similar to proposed DV-110 included in SPR22-20.</p> <p>10c: Propose that “ammunition” be added.</p> <p><b>Warnings and Notices to Restrained Person in 2 (Page 6): You Cannot Have Guns or Firearms:</b> Propose changing to “You Cannot Have Guns or <b>Other</b> Firearms and Ammunition” to be consistent with item 10.</p> <p>Propose adding “ammunition” to the [third] sentence.</p>	<p>In light of this comment, the committee recommends including “ammunition” in this item (now item 10d) and revising corresponding items on the petition (item 15) and response (item 8) to include reference to whether the respondent possesses ammunition.</p> <p>In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”</p> <p>The committee declines this suggestion as Welfare and Institutions Code, section 15657.03(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.</p>
7.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee	NI	<p>* [Specific comments that address only the new EA-300 series of forms relating to the new claim for an order allowing contact with an elder or dependent adult have not been included here.]</p> <p><b>JRS Position: Agree with proposed changes if modified.</b></p>	<p>See response above regarding the committee’s separate recommendations on the new EA-300 form series.</p> <p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR22-21**

**Protective Orders: Elder Abuse Forms Implementing AB 1243** (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (\*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>The JRS notes that the proposal is required to conform to a change of law.</p> <p>The JRS also notes the following impact to court operations:</p> <ul style="list-style-type: none"> <li>• Results in additional training, which requires the commitment of staff time and court resources.               <ul style="list-style-type: none"> <li>○ There would be a need for a moderate level of training for all court legal processing staff, family law facilitators and probate/guardianship investigators</li> </ul> </li> <li>• Impact on local or statewide justice partners               <ul style="list-style-type: none"> <li>○ There would be minimal impact on County Counsel offices who provide representation in guardianship cases.</li> </ul> </li> </ul>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SP22-10

**Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1621** (Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
1.	California Department of Justice, Division of Law Enforcement, Bureau of Firearms by Charlie Sarosy Deputy Attorney General	AM	<p>The Bureau of Firearms (BOF), within the Division of Law Enforcement in the California Department of Justice, respectfully submits this public comment regarding the revisions made to nine Judicial Council elder or dependent adult restraining orders forms pursuant to Assembly Bill 1621 (Stats. 2022, ch. 76) (AB 1621). The Invitation to Comment specifically requested comments on what language for a “plain-language definition for firearm parts is preferable.” BOF submits this public comment to address this request.</p> <p>For the sake of brevity, this comment will not speak to each of the nine forms within Item SP22-10. It is also unnecessary because each form makes the same, or a similar, revision that this comment seeks to address. Specifically, each revised form describes three categories of prohibited items resulting from a restraining order: (1) “firearms (guns)”;</p> <p>(2) “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)”;</p> <p>and (3) “ammunition.”</p> <p>For the reasons described below, the following revisions are recommended for all nine forms: (1) that the phrase “Firearms (Guns), Firearm Parts, and Ammunition” be revised to “Firearms, Receivers/Frames, Firearm Precursor Parts, and Ammunition”;</p> <p>and (2) that the phrase “firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal</p>	<p>The committee appreciates the information provided.</p> <p>The committee declines this recommendation as the proposed language is not plain language and may not be understandable by a significant portion of court users</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1621** (Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
			<p>Code section 16531), or ammunition” be revised to “firearms, receivers/frames, firearm precursor parts (as defined in Penal Code section 16531), or ammunition.”</p> <p>As to the first category, “firearms (guns),” the use of “guns” in a parenthetical to presumably attempt to describe a “firearm” in plain language is unnecessary and potentially confusing. The term “firearm” has a statutory definition that does not use the word “gun” or otherwise refer to a “gun.” Under Penal Code section 16520, subdivision (a), “firearm” is defined as “a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.” Not all guns meet this definition of a firearm. Thus, equating a firearm with a gun, and vice versa, is incorrect.</p> <p>For example, there are separate statutory definitions for a blowgun (Pen. Code, § 16270), stun gun (Pen. Code, § 17230), and an imitation firearm such as a BB device, spot marker gun, or airsoft gun (Pen. Code, § 16700). These separately defined guns are subject to different statutory restrictions and punishments from those that apply to firearms. (Compare Pen. Code, Part 6, Title 3 [“Weapons and Devices Other than Firearms”] with Pen. Code, Part 6, Title 4 [“Firearms”].) The Background section in the Invitation to Comment described the need for the revision to be a result of AB 1621, which “prohibits individuals restrained</p>	<p>The committee disagrees. The term “gun” is only included as a parenthetical plain-language explanation of the statutory term “firearm.” Because “guns” follows the statutory term, “firearm,” the committee believes there is little chance form users would understand the term to include items such as stun guns or BB guns.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SP22-10

**Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1621** (Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
			<p>under most elder or dependent adult protective orders” from possessing firearms, with a citation to Penal Code section 16520, subdivision (b)(24), (26). However, as just described, “guns” are not included within the definition of firearm in Penal Code section 16520 and the term “guns” can include items that are defined under other statutes. Therefore, equating “firearms” with “guns” will possibly confuse the court and the restrained person as to which items are prohibited pursuant to the restraining order. Moreover, the three Judicial Council criminal law forms revised in Item SP22-12 do not use the phrase “firearms (guns),” so inconsistency exists across these civil law and criminal law forms.</p> <p>Accordingly, it is recommended that the parenthetical use of “guns” be stricken and the phrase “firearms (guns)” simply read as “firearms.”</p> <p>There are also some inaccuracies with regards to the second category previously described, “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531).” First, the term “firearm parts” is not a term used by the BOF, or other law enforcement agencies, to collectively refer to receivers, frames, and unfinished receivers or frames. In addition to being an unfamiliar term, “firearm parts” also lacks any statutory definition. Thus, using this term in nine court forms will create a new term that lacks a statutory basis and one that is not used by the</p>	<p>The committee declines this suggestion for the reasons stated above.</p> <p>The committee recommends the use of “firearm parts” as a plain language term to refer to frames, receivers, and firearm precursor parts. The committee believes that a significant portion of court users would better understand what items are prohibited through the use of the term “firearm parts.”</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1621** (Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
			<p>agencies tasked with enforcing the restraining orders.</p> <p>Second, connecting “unfinished receiver or frame” with Penal Code section 16531 is inaccurate because AB 1621 eliminated these terms from section 16531. Before AB 1621, section 16531 defined a “firearm precursor part” as “a component of a firearm that is necessary to build or assemble a firearm and is described in either of the following categories: (1) An unfinished receiver . . . (2) An unfinished handgun frame.” (Former Pen. Code, § 16531, subd. (a).) But AB 1621 amended section 16531 and replaced the previously-described definition of a firearm precursor part with the following: “any forging, casting, printing, extrusion, machined body or similar article [1] that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or [2] that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.” (Pen. Code, § 16531, subd. (a).) The terms “unfinished receiver” and “unfinished frame” no longer appear in Penal Code section 16531 because of AB 1621. Indeed, this fact is acknowledged at page 3, footnote 8 in Item SP22-10’s Invitation to Comment. Thus, continuing to use those terms and tying them to section 16531 contradicts the current wording of the statute. Moreover, the BOF does not use “unfinished</p>	<p>The committee agrees, in part, and will replace “unfinished receiver or frame” with “any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).”</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.



SP22-10

**Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1621** (Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
			<p>receiver or frame” in its Firearm Precursor Part Identification Guidebook, available here, <a 208="" 670="" 878"="" 965="" href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Foag.ca.gov%2Fsystem%2Ffiles%2Fmedia%2Fbof-reg-rev-fpp-id-guidebook.pdf&amp;data=05%7C01%7CKhayla.Salangsang%40jud.ca.gov%7C6042ca49f1ef4c8997ee08daabe065dd%7C10cfa08a5b174e8fa245139062e839dc%7C0%7C0%7C638011277536617112%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&amp;data=Oh%2BjZm49I0JKy%2FSRgHWPJb5HDimN%2BPjiz3w96LGJx9w%3D&amp;reserve_d=0, or in the related regulations. (See also Cal. Code Regs., tit. 11, § 4303.)&lt;/a&gt;&lt;/p&gt; &lt;p&gt;Accordingly, it is recommended that “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)” be replaced with: “receivers/frames, firearm precursor parts (as defined in Penal Code section 16531).”&lt;/p&gt; &lt;p&gt;This recommended iteration is clearer because the terms “receiver” and “frame” are defined under California regulations (Cal. Code Regs., tit. 11, § 4303(a)(3), (6)), and federal regulations (Definition of “Frame or Receiver” and Identification of Firearms, 87 Fed. Reg. 24652, 24739, codified at 27 C.F.R. pts. 447, 478 and 479). Although “firearm precursor part” might be a relatively new term, the reference to the specific Penal Code&lt;/p&gt; &lt;/td&gt; &lt;td data-bbox="> <p>The committee declines this recommendation for the reasons stated above.</p> </a></p>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1621** (Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
			<p>section will assist with understanding its meaning. A plain language description of a “firearm precursor part” would likely be too cumbersome because of the two categories of such an item, i.e., a readily convertible item or a marketed/sold item. (Pen. Code, § 16531, subd, (a).)</p> <p>This recommended iteration is also more consistent with the wording in Penal Code section 16520, subdivision (b), which is the basis for including this language in these court forms. That language states: “As used in the following provisions, ‘firearm’ includes the frame or receiver of the weapon: weapon, including both a completed frame or receiver, or a firearm precursor part.” (Pen. Code, § 16520, subd. (b).) Using this recommended iteration would ensure that law enforcement agencies remove the correct items from restrained and prohibited persons, which would avoid the need for duplicative law enforcement efforts resulting from prohibited persons maintaining possession of items they should not have. Moreover, this iteration would avoid the possibility of an unknown term, “firearm parts,” being used in the California Restraining and Protective Order System (CARPOS), which collects the information in these forms and orders so that law enforcement agencies can enforce these orders and be aware of the restrained person, should they come across them in the field.</p>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1621** (Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
			<p>Although there is a separate statutory definition for a “federally regulated firearm precursor part” under Penal Code section 16519, it is unnecessary to mention that term because such an item is considered a firearm pursuant to federal law, and thus would fall within the meaning of a “firearm.”</p>	<p>The committee agrees that “federally regulated firearm precursor part” does not need to be mentioned.</p>
2.	<p>Superior Court of San Diego County by Mike Roddy Executive Officer</p>	A	<p>Does the proposal appropriately address the stated purpose? <b>Yes.</b></p> <p>Which parenthetical plain-language definition for firearm parts is preferable:</p> <ul style="list-style-type: none"> <li>• “any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531”</li> <li>• “any item that may be used as or easily turned into a firearm frame or receiver (see Pen. Code, § 16531)”</li> <li>• Some other language?</li> </ul> <p><b>The first option, which is consistent with the language adopted on the recently revised domestic violence forms.</b></p> <p>Would the proposal provide cost savings? If so, please quantify. <b>No.</b></p> <p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please</p>	<p>The committee appreciates the information provided.</p> <p>In light of this and other comments the committee has modified the description of prohibited items to refer to: “any firearms (guns), firearm parts, and ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).” The committee anticipates that it and other advisory committees that are part of the Joint Protective Order Working Group will recommend the use of consistent language describing prohibited items across protective order forms as other forms are revised.</p> <p>The committee appreciates the information provided about court implementation matters.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1621** (Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
			<p>describe), changing docket codes in case management systems, or modifying case management systems?  <b>Revisions to internal procedures, local packets, and training for staff.</b></p> <p>Would one month from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?  <b>Yes, provided the final versions of the forms are provided to the court at that time. This will ensure the court is able to train staff, modify local packets, and obtain printed stock.</b></p> <p>How well would this proposal work in courts of difference sizes?  <b>It appears that the proposal would work for courts of all sizes.</b></p>	
3.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee	A	<p>Please check all of the following <i>significant</i> fiscal and/or operational impacts that this proposal may or will create for the trial courts. For each fiscal or operational impact, please provide an explanatory comment below. Insofar as you are able, please quantify the fiscal or operational impact by dollar amount, staff resources, etc.</p> <p><input type="checkbox"/> 1. Significant fiscal impact.  <input checked="" type="checkbox"/> 2. Impact on existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.)?</p>	The committee appreciates the information provided about court implementation matters.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1621** (Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Committee Response
			<ul style="list-style-type: none"> <li><input type="checkbox"/> 3. Trial court labor or employment related issues and/or concerns.</li> <li><input checked="" type="checkbox"/> 4. Requires development of local rules and/or forms.</li> <li><input type="checkbox"/> 5. Results in additional training, which requires the commitment of staff time and court resources.</li> <li><input type="checkbox"/> 6. Increases court staff workload.</li> <li><input type="checkbox"/> 7. Changes the responsibilities of the presiding judge and/or supervising judge.</li> <li><input type="checkbox"/> 8. Impact on court security.</li> <li><input type="checkbox"/> 9. Impact on local or statewide justice partners.</li> <li><input type="checkbox"/> 10. Proposed date for implementation is not feasible or is problematic.</li> <li><input type="checkbox"/> 11. Other major fiscal or operational impacts.</li> </ul> <p>Currently there is not a check box to include civil, elder or criminal protective orders with Firearm Relinquishment Orders on the CCPOR. Protective orders Firearm Relinquishment Orders information must be written into the text free form box which has limited characters. It would be extremely helpful to have CCPOR updated to include check boxes for the protective orders with Firearm Relinquishment Orders.</p>	<p>CCPOR refers to the California Courts Protective Order Registry, a statewide system administered by the Judicial Council for storing restraining and protective orders that is accessible to judicial officers to reduce the issuance of conflicting orders. The registry also has a gateway for entering orders into the Department of Justice's California Restraining and Protective Order System (CARPOS). The comment is, however, beyond the scope of the proposal and has been passed along to staff that administers CCPOR.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

## RULES COMMITTEE ACTION REQUEST FORM

**Rules Committee Meeting Date:** 11/16/2022

**Rules Committee action requested** [Choose from drop down menu below]:  
**Recommend JC approval (has circulated for comment)**

**Title of proposal:** Criminal Procedure: Criminal Protective Orders and Firearm Relinquishment Orders

*Proposed rules, forms, or standards (include amend/revise/adopt/approve):*  
 Revise forms CR-160, CR-161, and CR-162

*Committee or other entity submitting the proposal:*  
 Criminal Law Advisory Committee

*Staff contact (name, phone and e-mail): Sarah Fleischer-Ihn, 415-865-7702, sarah.fleischer-ihn@jud.ca.gov*

*Identify project(s) on the committee's annual agenda that is the basis for this item:*

Annual agenda approved by Rules Committee on (date): 11/2/2021, 9/6/22

Project description from annual agenda: Revise mandatory forms - Criminal Protective Order – Domestic Violence (form CR-160), Criminal Protective Order – Other Than Domestic Violence (form CR-161), and Order to Surrender Firearms in Domestic Violence Case (form CR-162): The committee will consider amendments to 1) increase accessibility of the forms, 2) change references to the sex of the restrained person to gender, and consider a nonbinary gender option; 3) add additional identification data fields for protected persons; 4) add additional identification data fields for animals granted to the protected person for care, possession, and control; 5) reflect current law, including the requirement to prioritize enforcement of protective orders in pending cases involving specified sex offenses and offenses requiring sex offender registration (AB 1498 (Stats. 2014, ch. 665)), further defining “coercive control” (SB 1141 (Stats. 2020, ch. 245)), and clarifying firearm storage requirements (Family Code section 6389 and Code of Civil Procedure section 527.9); and 6) incorporate language similar to the civil domestic violence restraining orders to promote consistency.

Revising definition of firearm in multiple forms: Develop a proposal to revise two mandatory protective forms, two firearm relinquishment forms, and two optional plea forms to reflect statutory changes to the definition of firearm in Penal Code section 16520(b), as amended by AB 1621.

**Out of Cycle:** *If requesting September 1 effective date or out of cycle, explain why:*

The committee is requesting a March 1, 2023 effective date to give courts sufficient time for implementation.

**Additional Information for Rules Committee:** (To facilitate Rules Committee’s review of your proposal, please include any relevant information not contained in the attached summary.)

**Additional Information for JC Staff** (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.)

- **Self-Help Website** (check if applicable)
  - This proposal may require changes or additions to self-help web content.



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 22-158*

For business meeting on December 2, 2022

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**Title**

Criminal Procedure: Criminal Protective Orders and Firearm Relinquishment Order

**Rules, Forms, Standards, or Statutes Affected**

Revise forms CR-160, CR-161, and CR-162

**Recommended by**

Criminal Law Advisory Committee  
Hon. Brian. M. Hoffstadt, Chair

**Agenda Item Type**

Action Required

**Effective Date**

March 1, 2023

**Date of Report**

November 8, 2022

**Contact**

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### Executive Summary

The Criminal Law Advisory Committee recommends revisions to two mandatory Judicial Council criminal protective orders to reflect statutory changes to Family Code section 6320 regarding enjoined actions and Penal Code section 15420(b) expanding the definition of a firearm. The committee also recommends revisions to a mandatory Judicial Council order to surrender firearms in a domestic violence criminal case to reflect the statutory changes expanding the definition of a firearm. The revisions to the forms also add a nonbinary gender option, improve consistency with the data fields in the California Restraining and Protective Order System, clarify protective order expiration dates, add additional provisions for protected persons from Penal Code section 136.2, and make changes to the forms' content, format, instructions, and advisements to make them easier to understand and complete.

### Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective March 1, 2023:

1. Revise *Criminal Protective Order—Domestic Violence* (form CR-160) and *Criminal Protective Order—Other Than Domestic Violence* (form CR-161) to reflect statutory changes



regarding enjoined actions and expanding the definition of a firearm, add a nonbinary gender option, improve consistency with the data fields in the California Restraining and Protective Order System (CARPOS), clarify protective order expiration dates, and add additional provisions for protected persons from Penal Code section 136.2; and

2. Revise *Order to Surrender Firearms in Domestic Violence Case* (form CR-162) to reflect statutory changes regarding prohibiting possession of firearm precursor parts, include a nonbinary gender option, improve consistency with the data fields in CARPOS, and clarify protective order expiration dates.

The proposed revised forms are attached at pages 11–18.

### **Relevant Previous Council Action**

Forms CR-160, CR-161, and CR-162 were last substantively revised, effective July 1, 2014, in response to a rule of court that addresses firearm relinquishment hearings and legislation that expanded court authority to issue criminal protective orders, authorized courts to order electronic monitoring in specified circumstances, prescribed a new firearm relinquishment option, and clarified enforcement priorities for no-contact orders in criminal and civil protective orders. The forms were revised more recently to incorporate nonsubstantive technical amendments to reflect renumbered statutes and avoid gendered pronouns.

### **Analysis/Rationale**

This proposal is needed to implement changes to relevant statutes, more accurately reflect statutory requirements, be consistent with other Judicial Council protective and restraining orders, and make the forms more user-friendly.

### **Legislative changes**

*Enjoined actions under Family Code section 6320.* Forms CR-160 and CR-161 each include a section on actions that the defendant is enjoined from based on Family Code section 6320. The committee recommends revising both forms to incorporate changes to Family Code section 6320 by Assembly Bill 157 (Stats. 2013, ch. 260) to enjoin the defendant from impersonating the protected person. The committee also recommends revising form CR-160 to incorporate changes to section 6320 by Senate Bill 1141 (Stats. 2020, ch. 248), which added a new subdivision defining “disturbing the peace of the other party” and “coercive control” in domestic violence situations, and Senate Bill 374 (Stats. 2021, ch. 135), which added “reproductive coercion” as an example of “coercive control.” The committee also recommends adding hitting and annoying by phone or through other electronic means as enjoined activities, consistent with the civil domestic violence protective order forms and Family Code section 6320.

*Expanded definition of a firearm.* Effective June 30, 2022, Assembly Bill 1621 (Stats. 2022, ch. 76) expanded the definition of a firearm as used in Penal Code sections 136.2 and Code of Civil Procedure section 527.9, as well as other code sections, to include completed frames, receivers, or “firearm precursor parts.” (Pen. Code, § 16520(b)(1), (24).) The change is intended

to include “ghost guns” (unserialized and untraceable firearms that can be bought in pieces online and assembled at home) in the list of items that restrained people cannot possess and must surrender. AB 1621 also amended the definition of firearm precursor parts to mean “any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.” (Pen. Code, § 16531(a).) Prior to AB 1621, a firearm precursor part was defined as an unfinished frame or receiver.<sup>1</sup>

AB 1621 superseded a prior bill (Assem. Bill 1057; Stats. 2021, ch. 682), which would have added firearm precursor parts to the definition of firearm under specified Family Code and Penal Code sections. To implement AB 1057 in civil domestic violence restraining orders and gun violence forms, the Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee recommended referring to receivers, frames, and firearm precursor parts as “firearm parts” and further defining firearm parts to include any “receiver, frame, or unfinished receiver or frame, as defined under Penal Code section 16531.” The two committees believed the same changes to the forms needed to implement AB 1057 were appropriate to implement AB 1621 and the Judicial Council approved that language, effective January 1, 2023. The Criminal Law Advisory Committee recommended using the same terminology for consistency and comprehensibility.

In response to comments received, the committee recommends referring to prohibited items generally as any firearms (guns), firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531), or ammunition. The committee developed this recommended language in conjunction with the Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee, working together in the Joint Protective Order Working Group, in an effort to further consistency in the council’s protective order forms. The Civil and Small Claims Advisory Committee is recommending similar language for restraining and protective orders under that committee’s purview in a separate report to the council.

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<sup>1</sup> Former Penal Code section 16531(a):

As used in this part, “firearm precursor part” means a component of a firearm that is necessary to build or assemble a firearm and is described in either of the following categories:

(1) An unfinished receiver, including both a single part receiver and a multiple part receiver, such as a receiver in an AR-10- or AR-15-style firearm. An unfinished receiver includes a receiver tube, a molded or shaped polymer frame or receiver, a metallic casting, a metallic forging, and a receiver flat, such as a Kalashnikov-style weapons system, Kalashnikov-style receiver channel, or a Browning-style receiver side plate.

(2) An unfinished handgun frame.

## Form changes to reflect existing statutory requirements

*Expiration dates.* The orders currently state: “This order expires on (*date*): \_\_\_\_\_. If no date is listed, this order expires three years from date of issuance.” The committee recommends (1) deleting the three-year expiration default on all forms because it appears overbroad as it relates to pretrial orders, which should terminate upon sentence or dismissal (see *People v. Stone* (2004) 123 Cal.App.4th 153, 160 [order must be “limited to the pendency of the criminal proceeding”]); (2) for forms CR-160 and CR-161, distinguishing between expiration dates for pretrial orders and postconviction orders; and (3) including additional language directing courts to use mandatory form *Notice of Termination of Protective Order in Criminal Proceeding* (CR-165) to terminate a pretrial order and a note that postconviction orders for specified offenses may last for up to 10 years.

*Limited scope of specified provisions.* The proposal adds instructive titles (highlighted below) to two existing provisions on forms CR-160 and CR-161 to specify that these provisions only apply when the protective order is issued pretrial under Penal Code section 136.2(a)(1) or to any order issued under section 136.2:

9.  **No dissuading victim or witness (for pretrial orders issued under Penal Code section 136.2(a)(1))**  
The defendant must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing, testifying, or making a report to any law enforcement agency or person.
10. **No obtaining addresses (for orders issued under Penal Code section 136.2)**
  - a. The defendant must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardians unless good cause exists otherwise.
  - b.  The court finds good cause not to make this order.

*Additional protected person provision.* The proposal adds a provision to forms CR-160 and CR-161 for the court to indicate that it finds the victim’s family members have been targeted or harmed by the defendant (for postconviction orders issued under section 136.2(i)(1)).

Under section 136.2(i)(1), a court may issue an order restraining the defendant from any contact with the victim for up to 10 years upon conviction of specified offenses. The subdivision states that “[i]t is the intent of the Legislature in enacting this subdivision that the duration of a restraining order issued by the court be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of a victim and the victim’s immediate family.” Courts have held that the victim’s family members cannot be included in the postconviction protective order under 136.2(i)(1) without evidence they have been targeted or harmed. (See, e.g., *People v. Beckmeyer* (2015) 238 Cal.App.4th 461; *People v. Delarosaranda* (2014) 227 Cal.App.4th 205, 212.)

*Percipient witness protection.* The proposal adds a provision for the court to indicate that it finds that a percipient witness has been harassed by the defendant (for postconviction orders issued under section 136.2(i)(2)). Under section 136.2(i)(2), a court may issue a postconviction restraining order for specified offenses protecting a percipient witness if it can be established by clear and convincing evidence that the witness has been harassed by the defendant.

*Recording of prohibited communications (form CR-161).* Form CR-161 currently states that the protected person may record any prohibited communication made by the defendant. While a court may issue such an order upon the request of a victim of domestic violence who is seeking a domestic violence restraining order (Pen. Code, § 633.6(a)), there appears to be no corresponding statutory authorization for a non-domestic violence criminal protective order. Accordingly, the committee recommends deleting this prohibition from the form.

*Federal punishment reference (form CR-161).* Forms CR-160 and CR-161 currently state that “[u]nder federal law, the issuance of a protective order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.” The committee recommends deleting this statement from form CR-161, as it only applies to domestic violence protective orders (see 18 U.S.C. § 922(g)(8)).

*Elder abuse protective order check box (form CR-161).* The committee received a request for form CR-161 to include a check box indicating if the court is issuing a postconviction protective order under Penal Code section 368(l) in elder abuse cases. This would allow courts to issue the orders in a non-domestic violence elder abuse context; form CR-160, the domestic violence protective order, already includes a check box for orders issued under Penal Code section 368(l).

### **Additional improvements**

*User-friendliness and clear language.* The committee recommends improving the accessibility of the forms by increasing readability, reorganizing and categorizing content, eliminating unnecessary repetition, and simplifying language whenever possible. The revisions would also make the forms more consistent with *Restraining Order After Hearing* (form DV-130), the civil domestic violence protective order, and other Judicial Council protective and restraining orders as appropriate.

*Gender-neutral pronouns.* The council’s Rules Committee has directed advisory committees, in revising all Judicial Council rules and forms, to use gender-neutral pronouns where legally possible and include a nonbinary option for gender-identity questions. Accordingly, the committee recommends changing references to “sex” on the protective orders to “gender” and including a nonbinary gender option.

*Consistency with CARPOS.* The committee recommends several changes to the form fields so that they are consistent with the data fields in CARPOS, and to denote when a field is mandatory in CARPOS.

*Revise warnings and notices.* The Warnings and Notices section of the forms includes some provisions addressed to defendants and others addressed to law enforcement, without differentiating between the two. Some of the warnings and notices are also duplicative of information already contained in the order. The committee recommends incorporating warnings and notices geared toward the defendant into the section of the form containing the order itself. For forms CR-160 and CR-161, the committee recommends creating a new notice section geared

toward law enforcement, discussed below, and for form CR-162, renaming the Warnings and Notices section as “Notices.”

*Instructions for Law Enforcement section.* This new section in forms CR-160 and CR-161 would incorporate three sections currently in the Warnings and Notices section, with revisions to mirror the plain language and other aspects of the civil domestic violence protective order.

The priority of enforcement item instructs law enforcement on how to enforce conflicting restraining orders in effect at the same time. This committee worked with other advisory committees in the Joint Protective Order Working Group on updating this language to ensure that the instructions are consistent across all Judicial Council restraining and protective order forms. The criminal protective order sub-item includes updated language to reflect changes to Penal Code section 136.2(e)(2) by Assembly Bill 1498 (Stats. 2014, ch. 665) and Assembly Bill 1171 (Stats. 2021, ch. 626) on the priority of enforcement of protective orders issued in specified criminal cases.

The committee also recommends adding a new provision to form CR-160 on page 4 regarding enforcement of a domestic violence protective order if the protected person contacts the restrained person:

**2. If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

## **Policy implications**

The criminal protective order forms are mandatory forms used by courts to issue protective orders in criminal cases as authorized by statute. The order to surrender firearms in a domestic violence criminal case is also mandatory. The recommended revisions are designed to implement statutory requirements and update the forms’ content, format, instructions, and advisements to reduce confusion and enhance the information provided.

## **Comments**

The Criminal Law Advisory Committee circulated the proposed forms for public comment two separate times, incorporating revisions based on comments received in the first circulation along with recent legislative changes in the second circulation.<sup>2</sup> Some of the more significant comments are provided below. The committee’s specific responses to each comment are available in the attached comment charts at pages 19–52.

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<sup>2</sup> The proposed changes to the forms are so extensive that they are not highlighted in forms CR-160 and CR-161, because essentially the entire form would have been highlighted. The Department of Justice has been notified of proposed revisions to all three forms, pursuant to Family Code section 6380(i).

***First circulation (SPR22-08)***

A proposal to revise forms CR-160 and CR-161 first circulated for public comment from April 1 to May 13, 2022. Eleven commenters responded to the proposal: superior courts (Los Angeles, Orange, and San Diego Counties), the Department of Justice, advocacy organizations (California Partnership to End Domestic Violence, Family Violence Appellate Project, Giffords Law Center), a bar association (Orange County), the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, and members of the public. Two commenters agreed with the proposal outright and nine agreed if modified. All the comments and the committees' responses are in the attached comment chart labeled SPR22-08; the more significant ones are summarized below.

*Information about protected persons (forms CR-160 and CR-161).* The proposal recommended adding fields in the forms for the race and date of birth of the protected person and any additional protected persons, which are optional fields in CARPOS. The proposal also recommended adding fields about each additional protected person's relationship to the primary protected person and whether they live in the same household, which are also optional fields in CARPOS. The committee sought specific comments on whether the optional information should be included in the forms, given privacy considerations, and whether the date of birth field should be changed to year of birth or age.

Five comments were received on this issue, all stating that any optional information should not be included in the forms in order to preserve the protected person's privacy. The current versions of the forms only ask for the mandatory information (name, gender) and the protected person's age. In light of the comments, the committee recommends retaining only the mandatory information and asking for the protected person's age rather than date of birth. For consistency with the civil domestic violence restraining order (form DV-130), the committee recommends the forms ask for each additional protected person's relationship to the primary protected person.

*Expiration dates.* The forms currently state that if no expiration date is listed on the order, the order expires three years from date of issuance. The committee recommended a revision to clarify that if no expiration date is listed on the order, the order remains in effect until there is a sentence or termination of the protective order. The committee received four comments on this issue.

One commenter suggested revising the expiration date language for clarity to state that if no expiration date is listed, the order remains in effect until there is a further court order. The committee agreed with the revision, and also recommends separating expiration dates for pretrial and postconviction orders. Another commenter noted that the order should be modified to note that specified postconviction orders may be valid for up to 10 years so that it is easier for a judge to set the time period for a postconviction order. The committee agreed with the recommendation.

*Enforcement language.* Based on comments received on the civil domestic violence protective order form proposal (circulated for comments at the same time as the first circulation of these

forms), the committee recommends further modifying the enforcement language for consistency between criminal and civil protective orders and to accurately reflect the statutory requirements of Family Code sections 6383(h)(2) and 6405(b) and Penal Code section 136.2(c) and (e)(2).

### ***Second circulation (SP22-11)***

The proposal circulated for public comment for the second time from September 21 to October 11, 2022. Four commenters responded to the proposal: superior courts (Orange and San Diego Counties), the Bureau of Firearms within the Division of Law Enforcement in the California Department of Justice, and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. The Joint Rules Subcommittee agreed with the proposal, and the other commenters agreed if modified.

*Specifying no third party contact.* Forms CR-160 and CR-161 currently state that the defendant “must have no contact with the protected persons named above through a third party, except an attorney of record.” The revised forms combine two separate no-contact items regarding no direct or indirect contact with protected persons (item 12), aligns with the no-contact language in the civil domestic violence restraining orders, and more clearly mirrors Penal Code section 136.2(a)(1)(D), which orders no communication with a specified witness or a victim, except through an attorney under reasonable restrictions that the court may impose. A commenter recommended keeping the reference to no contact through a third party to provide more clarity to the defendant. Though the revised item refers to no indirect contact, the committee recommends referencing no contact through a third party for further emphasis:

12.  **No-contact order**

Defendant must not contact the protected persons named in items 2 and 3, directly or indirectly, by any means, including by telephone, mail, email or other electronic means, or through a third party. Contact through an attorney under reasonable restrictions set by the court does not violate this order.

*Effective date.* The proposal recommended an effective date of March 1, 2023, to allow courts time to implement changes to their case management systems. One court commented that it prefers an effective date of January 1, 2023, since the forms are mandatory and the new law is already operative, while another court preferred the March 1, 2023 effective date. The committee discussed the suggestion for an earlier effective date, but recommends a March 1, 2023 effective date in order to give courts sufficient implementation time, based on the feedback of judicial administrators on the committee, as the recommended changes are extensive. Further, many courts use triplicate paper for the protective orders, and may need time to order revised forms.

*“Firearm parts.”* Rather than “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531),” the Bureau of Firearms suggested using “receivers/frames, firearm precursor parts (as defined in Penal Code section 16531)” as an appropriate way to describe firearm parts on the forms. The Bureau of Firearms is concerned about using “firearm parts” without the term “precursor” because “firearm parts” is not statutorily defined or used by the bureau or other law enforcement agencies. And while the bureau acknowledges that “firearm precursor part” is a new term, it believes a plain-language description for the term would be “too cumbersome.”

The committee discussed several options and worked on this item with the Joint Protective Order Working Group, and recommends referring to prohibited items generally as “any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531),” with variations depending on the current language of each form. Though “firearm parts” is not statutorily defined, the committee agreed that it was a helpful plain-language term for restrained persons to understand the prohibition against possessing frames, receivers, and firearm precursor parts, which are statutorily defined as “firearms” under Penal Code section 16520. “Any item that may be used as or easily turned into a receiver or frame” is the subcommittee’s plain-language interpretation of the new definition of a firearm precursor part under AB 1621.

*“Guns” as a plain-language synonym for “firearms.”* The civil protective orders use “(guns)” after the term “firearms” to provide a plain-language explanation of firearms. The committee recommended adding “guns” in the criminal protective orders for consistency with the other forms prohibiting firearms. The Bureau of Firearms suggested that the word “gun” not be used on the forms because not all guns meet the statutory definition of firearms, such as blowguns, stun guns, and BB guns. The committee recommends retaining the word “guns” as a plain-language synonym for “firearms.” The term “gun” appears to be more widely used and accessible to individuals with limited English proficiency. Moreover, the likelihood that an individual understands “guns” to include items that a restrained person is *not* prohibited from having seems low.

### **Alternatives considered**

The committee previously delayed revisions to the forms due to a directive from the chairs of the council’s internal committees to limit proposals during the COVID-19 pandemic. Due to the mandatory nature of the forms and because many of the changes reflected or clarified current law, the committee felt it was important to move forward with the proposal during the current cycle.

*No-contact order (forms CR-160 and CR-161).* During the first comment period, the committee circulated an option for the court to issue a limited-contact order under Penal Code section 136.2(a)(1)(G)(i), which states, in relevant part, that a court may order the defendant to have no contact with the intent to annoy, harass, threaten, or commit acts of violence against a victim or witness of violent crime. The committee proposed this as new item 12b:

12.  **No-contact order (check one)**
- a.  Defendant must not contact the protected persons named above, directly or indirectly, by any means, including by telephone, mail, email, or other electronic means. Contact through an attorney under reasonable restrictions set by the court does not violate this order.
  - b.  **For victims or witnesses of violent crime** — Defendant must have no-contact with the intent to annoy, harass, threaten, or commit acts of violence against a protected person. (Pen. Code, § 136.2(a)(1)(G)(i).)

Upon further discussion, the committee decided not to include item 12b at this time in order to conduct further research on limited-contact orders (otherwise known as peaceful contact or no negative contact orders). The committee discussed whether it would be clearer to have a



no-contact option and a limited-contact option in general, rather than have the latter option only apply to victims or witnesses of violent crime. Because this would be a substantive change and also require further research on the court’s authority to order limited contact in cases not involving “violent crime,” the committee decided not to move forward with recommending the limited-contact option at this time. Additionally, the civil protective orders do not include a limited-contact option, so the committee thought that further coordination with other advisory committees on this issue would be appropriate, which would require additional time. The committee may consider a recommendation in this area in the future, as time and resources allow.

*Ammunition prohibition (form CR-161).* During the first comment period, the committee recommended deleting the ammunition prohibition in *Criminal Protective Order—Other Than Domestic Violence* (form CR-161) because there did not appear to be a statutory basis for one in a non-domestic violence context (cf., Fam. Code, § 6389). Upon further review, the committee recommends retaining the ammunition prohibition. Penal Code section 30305(a)(1) states, in relevant part, that “[n]o person prohibited from owning or possessing a firearm under Chapter 2 (commencing with Section 29800) ... shall own, possess, or have under custody or control, any ammunition or reloaded ammunition.” Chapter 2 includes Penal Code sections 29800 (felony prohibition), 29805 (misdemeanor prohibition, including for violations of section 646.9), and 29825, which penalizes possession of a firearm by a person prohibited due to a protective order issued under section 136.2. Because criminal protective orders on form CR-161 are issued under sections 136.2 and 646.9, and persons with protective orders under these statutes are prohibited from having ammunition under section 30305, the committee recommends keeping the ammunition prohibition.

### **Fiscal and Operational Impacts**

Commenting courts noted anticipated costs for implementing newly revised forms, including staff and judicial officer training, updates to paper forms packets, docket code updates to case management systems, and additional staff time to make copies of the forms.

### **Attachments and Links**

1. Forms CR-160, CR-161, and CR-162, at pages 11–18
2. Chart of comments, at pages 19–52

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<b>FOR COURT USE ONLY</b>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> v. DEFENDANT:	
<b>CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE (CLETS-CPO)</b>  <input type="checkbox"/> <b>ORDER PENDING TRIAL (Pen. Code, § 136.2)</b> <input type="checkbox"/> <b>MODIFICATION</b> <input type="checkbox"/> <b>PROBATION CONDITION ORDER (Pen. Code, § 1203.097(a)(2))</b> <b>ORDER UPON CONVICTION:</b> <input type="checkbox"/> <b>PENAL CODE, § 136.2(i)</b> <input type="checkbox"/> <b>PENAL CODE, § 273.5(j)</b> <input type="checkbox"/> <b>PENAL CODE, § 368(l)</b> <input type="checkbox"/> <b>PENAL CODE, § 646.9(k)</b>	CASE NUMBER:

*This order may take precedence over other conflicting orders; see item 4 on page 4.*

1. **Restrained person**  
 \*Name: \_\_\_\_\_ \*Gender:  M  F  Nonbinary \*Race: \_\_\_\_\_  
 \*Date of birth: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_
2. **Protected person**  
 \*Name: \_\_\_\_\_ \*Gender:  M  F  Nonbinary Age: \_\_\_\_\_
3. **Additional protected persons**  

*Name	*Gender	Relationship to person in item 2
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- a.  The court finds that the protected person's family members have been targeted or harmed by the defendant (finding required for postconviction orders issued under Penal Code section 136.2(i)).
- b.  The court finds by clear and convincing evidence that the above named percipient witnesses have been harassed by the defendant (finding required for postconviction orders issued under Penal Code section 136.2(i)(2)).

(For items 1, 2, and 3: Information that has a star (\*) next to it is required to add this order into the California Restraining and Protective Order System. Please provide all known information.)

4. **Expiration date**
  - a. For pretrial orders, this order remains in effect until further court order. To terminate, courts must use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).
  - b. For postconviction orders, this order expires on (date): \_\_\_\_\_ . (Postconviction orders under Penal Code sections 136.2(i), 273.5(j), 368(l), and 646.9(k) may be valid for up to 10 years.)

5. **Hearing**  
 This proceeding was heard on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ in Dept.: \_\_\_\_\_  
 by (judicial officer): \_\_\_\_\_

6. **Personal service**  
 Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.

7. The court finds good cause to grant a protective order. See items 8–17.

**To the defendant**

- If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- Traveling across state or tribal boundaries with the intent to violate the order may be punishable as a federal offense. (18 U.S.C. § 2261(a)(1).)

DEFENDANT:	CASE NUMBER:
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**8. No firearms (guns), firearm parts, or ammunition**

- a. The defendant must not own, possess, buy or try to buy, receive or try to receive, or in any other way get any firearms (guns), firearm parts (meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame; see Penal Code section 16531), or ammunition. Possession of firearms, firearm parts, or ammunition while this order is in effect may subject the defendant to state or federal prosecution and may include jail or prison time and/or a fine.
- b. Within 24 hours of receiving this order the defendant must turn in to local law enforcement, or sell to or store with a licensed gun dealer, any firearms and firearm parts owned by the defendant or within the defendant's immediate possession or control.
- c. Within 48 hours of receiving this order the defendant must file a receipt with the court showing that all firearms and firearm parts have been turned in, sold, or stored.
- d.  The court finds good cause to believe that the defendant has a firearm and firearm parts within their immediate possession or control and sets a review hearing for (*date*): \_\_\_\_\_ (*time*): \_\_\_\_\_ (*dept.*): \_\_\_\_\_ to ascertain whether the defendant has complied with the firearm and firearm parts relinquishment requirements of Code of Civil Procedure section 527.9 (Cal. Rules of Court, rule 4.700).
- e.  Limited exemption: The court has made the necessary findings to grant an exemption under Code of Civil Procedure section 527.9(f). Under California law, the defendant is not required to relinquish this firearm (*specify make, model, and serial number of firearm*): \_\_\_\_\_ but must only have it during scheduled work hours and to and from their place of work. Even if exempt under California law, the defendant may be subject to federal prosecution for possessing or controlling a firearm.

**9.  No dissuading victim or witness (for pretrial orders issued under Penal Code section 136.2(a)(1))**

The defendant must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing, testifying, or making a report to any law enforcement agency or person.

**10. No obtaining addresses (for orders issued under Penal Code section 136.2)**

- a. The defendant must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardians unless good cause exists otherwise.
- b.  The court finds good cause not to make this order.

**11.  Order to not abuse**

Defendant must not harass, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy or damage personal or real property, disturb the peace of, keep under surveillance, annoy by phone or other electronic means (including repeatedly contact), impersonate (on the internet, electronically, or otherwise), or block movements of the protected persons named in items 2 and 3.

- "Disturb the peace of" means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control.
- "Coercive control" means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, activities, money, or access to services; and making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status; and reproductive coercion, meaning controlling someone's reproductive choices, such as using force, threat, or intimidation to pressure someone to be or not be pregnant, and to control or interfere with someone's contraception, birth control, pregnancy, or access to related health information.

**12.  No-contact order**

Defendant must not contact the protected persons named in items 2 and 3, directly or indirectly, by any means, including by telephone, mail, email or other electronic means, or through a third party. Contact through an attorney under reasonable restrictions set by the court does not violate this order.

**13.  Stay-away order**

Defendant must stay at least \_\_\_\_\_ yards away from the protected person and their

- a.  home
- b.  job or workplace
- c.  vehicle
- d.  other protected person in item 3
- e.  other locations:

DEFENDANT:	CASE NUMBER:
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14.  **Exceptions**

Defendant may have peaceful contact with the protected persons named in items 2 and 3, as an exception to the no-contact and stay-away orders in items 12 and 13 of this order, only for the safe exchange of children and court-ordered visitation as stated in

- a.  the family, juvenile, or probate court order in *(case number)*:  
issued on *(date)*:
- b.  any family, juvenile, or probate court order issued *after* the date this order is signed.

The restrained and protected persons should always carry a certified copy of the most recent order issued by the family, juvenile, or probate court.

15.  **Protected animals**

- a. The protected persons named in items 2 and 3 are given the exclusive care, possession, and control of the animals listed below:

Name:	Type of animal:	Breed (optional):	Color (optional):
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- b.  Defendant must not take, transfer, sell, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals listed above.
- c.  Defendant must not come within \_\_\_\_\_ yards of the animals listed above.

16.  **Electronic monitoring**

Defendant must be placed on electronic monitoring for *(specify length of time)*:  
(Not to exceed 1 year from the date of this order. Pen. Code, § 136.2(a)(1)(G)(iv), (i)(3).)

17.  **Recordings**

The protected person in item 2 may record communications made by the person in item 1 that violate this order.

18.  **Other orders**

Executed on *(date)*:

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JUDICIAL OFFICER

**Certificate of Compliance With Violence Against Women Act (VAWA)**

This protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994). This court has jurisdiction over the parties and the subject matter, and the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, and shall be enforced as if it were an order of that jurisdiction.**

DEFENDANT:	CASE NUMBER:
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### Instructions for Law Enforcement

#### 1. Start Date and End Date of Order

This order starts on the date it was issued by a judicial officer.

This order ends as ordered in item 4 on page 1 of this order.

- Orders under Penal Code section 136.2(a) are valid as long as the court has jurisdiction over the case. They are not valid after imposition of a county jail or state prison commitment. (*People v. Stone* (2004) 123 Cal.App.4th 153.)
- Orders issued under Penal Code sections 136.2(i)(1), 273.5(j), 368(l), and 646.9(k) are valid for up to 10 years and may be issued by the court whether the defendant is sentenced to state prison, county jail, or subject to mandatory supervision or if imposition of sentence is suspended and the defendant is placed on probation.
- Orders under Penal Code section 1203.097(a)(2) are probationary orders, and the court has jurisdiction as long as the defendant is on probation.
- To terminate this protective order, courts should use form CR-165, *Notice of Termination of Protective Order in Criminal Proceeding (CLETS-CANCEL)*.

#### 2. If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

#### 3. Enforcing This Order in California

- This order must be enforced in California by any law enforcement agency that has received the order, or is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
- Law enforcement must determine whether the restrained person had notice of the order. If notice cannot be verified, law enforcement must advise the restrained person of the terms of the order and, if the restrained person fails to comply, must enforce it. (Fam. Code, § 6383.)

#### 4. Conflicting Orders— Priority of Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Penal Code section 136.2 and Family Code sections 6383(h)(2), 6405(b)):

- **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
- **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 12 is an example of a no-contact order.
- **Criminal Protective Order (CPO):** If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Family Code sections 6383(h)(2), 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Penal Code section 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
- **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment) then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

### Peace Officer Firearm Prohibition Exemption

If a peace officer's employment and personal safety depend on the ability to carry a firearm, a court may grant an exemption that allows the officer to carry a firearm on or off duty, but only if the court finds, after a mandatory psychological examination of the peace officer, that the officer does not pose a threat of harm. (Code Civ. Proc., § 527.9(f).)

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> v. DEFENDANT:	
<b>CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE</b> <b>(CLETS-CPO) (Pen. Code, §§ 136.2, 136.2(i), 136.2(l) and 646.9(k))</b>  <b>ORDER</b> <input type="checkbox"/> <b>Pen. Code, § 136.2</b> <input type="checkbox"/> <b>MODIFICATION</b> <b>PENDING TRIAL:</b>  <b>ORDER UPON</b> <input type="checkbox"/> <b>Pen. Code, § 136.2(i)</b> <input type="checkbox"/> <b>Pen. Code, § 646.9(k)</b> <b>CONVICTION:</b> <input type="checkbox"/> <b>Pen. Code, § 368(l)</b>	CASE NUMBER:

1. **Restrained person**  
 \*Name: \_\_\_\_\_ \*Gender:  M  F  Nonbinary \*Race: \_\_\_\_\_  
 \*Date of birth: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_
2. **Protected person**  
 \*Name: \_\_\_\_\_ \*Gender:  M  F  Nonbinary Age: \_\_\_\_\_
3. **Additional protected persons**
- |       |         |                                  |
|-------|---------|----------------------------------|
| *Name | *Gender | Relationship to person in item 2 |
|-------|---------|----------------------------------|

- a.  The court finds that the protected person's family members have been targeted or harmed by the defendant (finding required for postconviction orders issued under Penal Code section 136.2(i)).
- b.  The court finds by clear and convincing evidence that the above named percipient witnesses have been harassed by the defendant (finding required for postconviction orders issued under Penal Code section 136.2(i)(2)).

(For items 1, 2, and 3: Information that has a star (\*) next to it is required to add this order into the California Restraining and Protective Order System. Please provide all known information.)

4. **Expiration date**
- a. For pretrial orders, this order remains in effect until further court order. To terminate, courts must use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).
- b. For postconviction orders, this order expires on (date): \_\_\_\_\_ . (Postconviction orders under Penal Code sections 136.2(i) and 646.9(k) may be valid for up to 10 years.)

5. **Hearing**  
 This proceeding was heard on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ in Dept.: \_\_\_\_\_  
 by (judicial officer): \_\_\_\_\_

6. **Personal service**  
 Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.

7. The court finds good cause to grant a protective order. See items 8–15.

**To the defendant**

- If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine.

8. **No firearms (guns), firearm parts, or ammunition**
- a. The defendant must not own, possess, buy or try to buy, receive or try to receive, or in any other way get any firearms (guns), firearm parts (meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame; see Penal Code section 16531), or ammunition. Possession of firearms, firearms parts, or ammunition while this order is in effect may subject the defendant to state or federal prosecution and may include jail or prison time and/or a fine.

DEFENDANT:	CASE NUMBER:
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- 8. b. Within 24 hours of receiving this order the defendant must turn in to local law enforcement, or sell to or store with a licensed gun dealer, any firearms or firearm parts owned by the defendant or within the defendant's immediate possession or control.
- c. Within 48 hours of receiving this order the defendant must file a receipt with the court showing that all firearms and firearm parts have been turned in, sold, or stored.
- d.  The court finds good cause to believe that the defendant has a firearm and firearm parts within their immediate possession or control and sets a review hearing for *(date):* \_\_\_\_\_ *(time):* \_\_\_\_\_ *(dept.):* \_\_\_\_\_ to ascertain whether the defendant has complied with the firearm and firearm parts relinquishment requirements of Code of Civil Procedure section 527.9 (Cal. Rules of Court, rule 4.700).
- e.  Limited exemption: The court has made the necessary findings to grant an exemption under Code of Civil Procedure section 527.9(f). Under California law, the defendant is not required to relinquish this firearm *(specify make, model, and serial number of firearm):* \_\_\_\_\_ but must only have it during scheduled work hours and while traveling to and from their place of work. Even if exempt under California law, the defendant may be subject to federal prosecution for possessing or controlling a firearm.
- 9.  **No dissuading victim or witness (for pretrial orders issued under Penal Code section 136.2(a)(1))**  
The defendant must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing, testifying, or making a report to any law enforcement agency or person.
- 10. **No obtaining addresses (for orders issued under Penal Code section 136.2)**
  - a. The defendant must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardians unless good cause exists otherwise.
  - b.  The court finds good cause not to make this order.
- 11.  **Order to not abuse**  
Defendant must not harass, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy or damage personal or real property, disturb the peace of, keep under surveillance, annoy by phone or other electronic means (including repeatedly contact), impersonate (on the internet, electronically, or otherwise), or block movements of the protected persons named in items 2 and 3.
- 12.  **No-contact order**  
Defendant must not contact the protected persons named in items 2 and 3, directly or indirectly, by any means, including by telephone, mail, email or other electronic means, or through a third party. Contact through an attorney under reasonable restrictions set by the court does not violate this order.
- 13.  **Stay-away order**  
Defendant must stay at least \_\_\_\_\_ yards away from the protected person and their
  - a.  home    b.  job or workplace    c.  vehicle    d.  other protected person in item 3
  - e.  other locations:
- 14.  **Exceptions**  
Defendant may have peaceful contact with the protected persons named in items 2 and 3, as an exception to the no-contact and stay-away orders in items 12 and 13 of this order, only for the safe exchange of children and court-ordered visitation as stated in
  - a.  the family, juvenile, or probate court order in *(case number):* \_\_\_\_\_ issued on *(date):* \_\_\_\_\_
  - b.  any family, juvenile, or probate court order issued *after* the date this order is signed.

The restrained and protected persons should always carry a certified copy of the most recent order issued by the family, juvenile, or probate court.
- 15.  **Electronic monitoring**  
Defendant must be placed on electronic monitoring for *(specify length of time):* \_\_\_\_\_  
(Not to exceed 1 year from the date of this order. Pen. Code, § 136.2(a)(1)(G)(iv), (i)(3).)
- 16.  **Other orders**

Executed on *(date):* \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

DEFENDANT:	CASE NUMBER:
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### Instructions for Law Enforcement

#### 1. Start Date and End Date of Order

This order starts on the date it was issued by a judicial officer.

This order ends as ordered in item 4 on page 1 of this order.

- Orders under Penal Code section 136.2(a) are valid as long as the court has jurisdiction over the case. They are not valid after imposition of a county jail or state prison commitment. (*People v. Stone* (2004) 123 Cal.App.4th 153.)
- Orders issued under Penal Code sections 136.2(i)(1) and 646.9(k) are valid for up to 10 years and may be issued by the court whether the defendant is sentenced to state prison, county jail, or subject to mandatory supervision or if imposition of sentence is suspended and the defendant is placed on probation.
- To terminate this protective order, courts should use form CR-165, *Notice of Termination of Protective Order in Criminal Proceeding (CLETS-CANCEL)*.

#### 2. Enforcing This Order in California

- This order must be enforced in California by any law enforcement agency that has received the order, or is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).

#### 3. Conflicting Orders—Priority of Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Penal Code section 136.2 and Family Code sections 6383(h)(2), 6405(b)):

- **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
- **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 12 is an example of a no-contact order.
- **Criminal Protective Order (CPO):** If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Family Code sections 6383(h)(2), 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Penal Code section 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
- **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment) then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

### Peace Officer Firearm Prohibition Exemption

If a peace officer's employment and personal safety depend on the ability to carry a firearm, a court may grant an exemption that allows the officer to carry a firearm on or off duty, but only if the court finds, after a mandatory psychological examination of the peace officer, that the officer does not pose a threat of harm. (Code Civ. Proc., § 527.9(f).)



<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> v. DEFENDANT:	
<b>ORDER TO SURRENDER FIREARMS IN DOMESTIC VIOLENCE CASE</b> <b>(CLETS-CPO)</b> <b>(Penal Code, § 136.2(a)(1)(G)(ii))</b>	CASE NUMBER:
PERSON TO SURRENDER FIREARMS ( <i>complete name</i> ): <b>Gender:</b> <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> Nonbinary <b>Race:</b> <b>Date of birth:</b> <b>Ht.:</b> <b>Wt.:</b> <b>Hair color:</b> <b>Eye color:</b>	

1. This proceeding was heard on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_ in Dept.: \_\_\_\_\_  
 Room: \_\_\_\_\_ by judicial officer (*name*): \_\_\_\_\_
2. This order expires on (*date*): \_\_\_\_\_. If no date is listed, this order remains in effect until further court order.  
 To terminate, courts must use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).
3.  Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.
4. **GOOD CAUSE APPEARING, THE COURT ORDERS THAT THE ABOVE-NAMED DEFENDANT**
  - a. Must not own, possess, buy or try to buy, receive or try to receive, or in any other way get any firearms, firearm parts (meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame; see Penal Code section 16531), or ammunition. Possession of firearms, firearm parts, or ammunition while this order is in effect may subject the defendant to state or federal prosecution, and may include jail or prison time and/or a fine.
  - b. Within 24 hours of receiving this order the defendant must turn in to local law enforcement, or sell to or store with a licensed gun dealer, any firearms or firearm parts owned by the defendant or within the defendant's immediate possession or control.
  - c. Within 48 hours of receiving this order the defendant must file a receipt with the court showing that all firearms or firearm parts have been turned in, sold, or stored.
  - d.  The court finds good cause to believe that the defendant has a firearm or firearm parts within their immediate possession or control and sets a review hearing for (*date*): \_\_\_\_\_ (*time*): \_\_\_\_\_ (*dept.*): \_\_\_\_\_ to ascertain whether the defendant has complied with the firearm and firearm parts relinquishment requirements of Code Civ. Proc., § 527.9. (Cal. Rules of Court, rule 4.700.)
  - e.  **Limited exemption:** The court has made the necessary findings to grant an exemption under Code Civ. Proc., § 527.9(f). Under California law, the defendant is not required to relinquish this firearm (*specify make, model, and serial number of firearm*): \_\_\_\_\_ but must only have it during scheduled work hours and to and from their place of work. Even if exempt under California law, the defendant may be subject to federal prosecution for possessing or controlling a firearm.

Executed on: \_\_\_\_\_ (DATE) \_\_\_\_\_ (SIGNATURE OF JUDICIAL OFFICER)

**NOTICES**

- This order is effective as of the date it was issued by the judicial officer and expires as ordered in item 2.
- This order is to be used ONLY when the court orders firearms relinquishment but does not make any other protective or restraining orders. Do NOT use in conjunction with other criminal protective orders (form CR-160 or CR-161).
- Specified defendants may request an exemption from the firearm relinquishment requirements stated in item 4 of this order. *The court must check the box under item 4 to order an exemption from the firearm relinquishment requirements.* If the defendant can show that the firearm is necessary as a condition of continued employment, the court may grant an exemption for a particular firearm to be in the defendant's possession only during work hours and while traveling to and from work. If a peace officer's employment and personal safety depend on the ability to carry a firearm, a court may grant an exemption that allows the officer to carry a firearm on or off duty, but only if the court finds, after a mandatory psychological examination of the peace officer, that the officer does not pose a threat of harm. (Code Civ. Proc., § 527.9(f).)

**SPR 22-08**

**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
1.	California Partnership to End Domestic Violence by Christine Smith, Public Policy Coordinator	AM	<p><b>Does the proposal appropriately address the stated purpose?</b></p> <p>Yes, the proposal appropriately addresses the stated purpose. However, we respectfully request the following changes for clarity.</p> <p>See comments on specific provisions below.</p>	
2.	Adrian Contreras San Diego, CA	AM	See comments on specific provisions below.	
3.	California Department of Justice by Elizabeth Troxel, Staff Services Manager II	A	See comments on specific provisions below.	
4.	Family Violence Appellate Project by Cory Hernandez, Staff Attorney		<p>Part of the idea for these changes was to make the CPO forms similar to civil restraining order forms, which have also been recently updated. However, those civil restraining order forms are <i>also</i> being significantly revised right now, so the CPO forms will need to be modified <i>further</i> to reflect these additional changes being currently done.</p> <p>Still, with these current modifications, I do appreciate the additional spacing between items, giving more blank space so the language is much easier to read; with the current form with little to no space between items, I always have to hold those forms up very close to my face or zoom in on electronic copies.</p> <p>I also appreciate the changes to make the form more plain language, since these forms will be</p>	The committee recirculated the proposal to incorporate language on reproductive coercion under SB 374 and revised firearm definitions under AB 1621.

**SPR 22-08**

**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>read by more than just represented defendants, including self- represented defendants, defendants no longer represented, and victims and other protected parties, who most likely will not have their own attorneys or access to legal services...</p> <p>Still, the forms can be more plain language, and the civil restraining order forms should be consulted as examples.</p> <p>Finally, the below comments are mostly focused on form CR-160, the DV CPO form, given FVAP’s focus. However, many or most comments could also apply to form CR-161, and so should be considered for that form when applicable.</p> <p>See comments on specific provisions below.</p>	
5.	Giffords Law Center by Julia Weber, Implementation Director	AM	See comments on specific provisions below	
6.	Marc McBride Santa Ana, CA	AM	Courts and Prosecutors should not be allowed to prohibit remote communications between a defendant and victims without consent of that victim. Telephonic, email, text and written communication (unless the victim or victims want the term) between a defendant and listed victims serves no real purpose other than to make it easier to prove harassment by these methods of communication. In my experience, giving defendants the opportunity to address the harms they caused is a positive thing for both	This comment relates to policy issues addressed by statute that are outside the scope of this proposal.

**SPR 22-08**

**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			parties and doing so through non-harassing remote communications is the best way to accomplish this.	
7.	Orange County Bar Association by Daniel S. Robinson, President	AM	See comments on specific provisions below.	
8.	Superior Court of Los Angeles County by Bryan Borys	A	See comments on specific provisions below.	
9.	Superior Court of Orange County by Iyana Doherty, Courtroom Operations Supervisor	AM	<p>See comments on specific provisions below.</p> <p>If this form is designed to assist law enforcement, we suggest adding lines where information needs to be inserted. We believe the biggest complaint from the protective order unit and law enforcement is that the writing is illegible. I do not say this would be a cure-all for every problem, but it will assist the person filling out the form. Most people cannot clearly write in a straight line.</p> <ul style="list-style-type: none"> <li>• Would the proposal provide cost savings? If so, please quantify.</li> </ul> <p>The Orange County Superior Court currently has NCR forms for both protective orders. This method saves costs because the court does not have to make copies for the parties. Also, since the document is front and back, it saves paper costs. It does not seem possible for the new forms to be produced on carbon copy paper.</p> <ul style="list-style-type: none"> <li>• What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of</li> </ul>	<p>The electronic version of the forms include fillable fields, and the forms are filled out in court by court staff or attorneys. Law enforcement would rely on information contained in CARPOS</p> <p>The committee is aware that many courts use NCR forms for these protective orders, and that a lengthier form will likely prohibit the use of NCR forms moving forward. However, the changes to the forms are recommended to reflect statutory changes and make the order easier for defendants and protected persons to understand. The current forms are very dense and hard to understand.</p>

**SPR 22-08**

**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>			
<b>Committer</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
		<p>training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>An omission of an expiration date could also delay the protective order being entered into CLETS or cause the judicial officer to hold a hearing if the parties are not readily available to address the issue.</p> <p>The first step is to determine who will fill out the multi-page form. In Orange County Superior Court, the district attorney completes either form. The documents will be three to four pages, and it will take the courtroom clerk about three minutes to review. If the order contains all the necessary provisions, it can readily be given to the judge for imposition. If it is not, more time is taken for the district attorney to review needed corrections.</p> <p>Training and reviewing the new form with courtroom staff would be about one hour for each courthouse. Docket codes for our case management system would need to be created for “disturb the peace of” and “coercive control” under the Order to not Abuse term. If the new protective orders are not created on carbon copy paper, the courtroom clerk will have to make several copies for the district attorney and one to be served on the defendant. It would take approximately 5 minutes to make the copies and three minutes to fax them over. Suppose most</p>	<p>Because a three-year expiration default date does not apply to all protective orders issued under forms CR-160 and CR-161, the committee believes it is appropriate to remove the three-year expiration default.</p> <p>The committee acknowledges the additional work that may be required due to the form revisions, but believes that the revisions are necessary to comply with the relevant statutes and to increase accessibility for both restrained and protected persons.</p>

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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>			
<b>Committer</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
		<p>protective orders are being issued at arraignment and the pretrial courtrooms, which handle 100 cases per day. Making copies and faxing the protective order could present a problem with the defendants personally being served. Each court may not have the resources or assistance to get the help they need for making and faxing copies of the protective order. The court’s IT department would be involved in creating the docket codes for our case management system and assisting the protective order unit with its software program. Our IMPACT team who handles creating all criminal procedures and job aids will need to revise them, which can take up to three weeks or more to complete.</p> <ul style="list-style-type: none"> <li>• Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</li> </ul> <p>Three months would be sufficient time for implantation and the impact appears to be same for courts of all sizes.</p>	
10.	Superior Court of San Diego County by Mike Roddy, Executive Officer	<p>AM</p> <p>Does the proposal appropriately address the stated purpose? <b>Yes.</b></p> <p>See comments on specific provisions below.</p> <ul style="list-style-type: none"> <li>• Would the proposal provide cost savings? If so, please quantify.</li> </ul> <p><b>No.</b></p>	No response required.

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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<ul style="list-style-type: none"> <li>• What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? <b>Any packets containing these forms would need to be updated and reprinted.</b></li> <li>• Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? <b>Yes, if the updated forms are provided by that time.</b></li> <li>• How well would this proposal work in courts of different sizes <b>It should work well.</b></li> </ul>	
11.	Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Subcommittee	AM	<p>Recommend separate pre-trial and post-conviction orders. Much of the confusion flowing from these forms is due to this issue. It would increase user friendliness to have separate forms. One form for Order Pending Trial, and one form for Order Upon Conviction. Expiration date for orders prohibiting dissuasion of witnesses, and other pre-trial orders would be clear, and this would trigger the need to make new post-conviction orders when the pre-trial order automatically expires.</p> <ul style="list-style-type: none"> <li>• Does the proposal appropriately address</li> </ul>	This suggestion is outside the scope of this proposal. The committee will consider this suggestion in a future proposal cycle.

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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

<b>List of All Commenters, Overall Positions on the Proposal, and General Comments</b>			
<b>Committer</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
		<p>the stated purpose?</p> <ul style="list-style-type: none"> <li>○ <b>Yes, to a degree.</b></li> </ul> <ul style="list-style-type: none"> <li>• Would the proposal provide cost savings? If so, please quantify.                             <ul style="list-style-type: none"> <li>○ <b>Not aware of cost savings</b></li> </ul> </li> <li>• What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?                             <ul style="list-style-type: none"> <li>○ <b>Training should be easy. Can't speak to updating case management systems but would not foresee an issue.</b></li> </ul> </li> <li>• Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?                             <ul style="list-style-type: none"> <li>○ <b>Three months is sufficient.</b></li> </ul> </li> <li>• How well would this proposal work in courts of different sizes?                             <ul style="list-style-type: none"> <li>○ <b>Would work with all courts.</b></li> </ul> </li> </ul> <p>See comments on specific provisions below.</p>	



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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

<b>Caption and header (form CR-160)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Department of Justice by Elizabeth Troxel, Staff Services Manager II	On page one prior to number 1, “This Order May Take Precedence Over Other Conflicting Orders: See Item 4 on Page 2” should state “See Item 4 on Page 4”.	The committee agrees with this suggestion.
Family Violence Appellate Project by Cory Hernandez, Staff Attorney	First, the caption. After “Criminal Protective Order—Domestic Violence (CLETS-CPO)” why does it have a string citation? Those citations are already in the footer, bottom right of the page. They are likely confusing and do not seem to provide useful information. But the parenthetical one-statute citations next to some checkboxes are helpful to differentiate between specific types of CPOs.	The committee agrees with the suggestion and will delete the string citation.

<b>Caption and header (both forms)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Superior Court of San Diego County by Mike Roddy, Executive Officer	On both forms, <i>header and elsewhere as appropriate</i> , should the references to PC 136.2 be changed to PC 136.2(a) [to distinguish them from orders issued under subd. (i)]? Should the references to PC 136.2(i)(1) be changed to PC 136.2(i) [to accommodate orders under 136.2(i)(2)]?	The committee agrees, in part, with this suggestion and will revise the footer to cite to Penal Code section 136.2(i) instead of 136.2(i)(1). The citation to section 136.2 in both the form and footer will remain to reflect references to orders issued under section 136.2 as stated in Penal Code sections 136.3 and 29825(a).

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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

**Items 1 – 3 [information on restrained person and protected persons] (both forms)**

**Request for specific comment:** The proposed revisions ask for the protected person and additional protected persons’ name and gender, which are mandatory fields in CARPOS, as well as race and date of birth, which are optional fields in CARPOS. Additionally, the additional protected persons provision in the form asks about the person’s relationship to the primary protected person and whether they live in the same household, which are also optional fields in CARPOS. Should the optional information be included in the forms, given privacy considerations and identity theft concerns? Should date of birth be changed to year of birth or age? For example, the civil domestic violence protective order, form DV-130, only lists the protected person’s name and the name, gender, and relationship to the primary protected person of any additional protected persons. Other identifying information such as race and date of birth is in a separate confidential form, Confidential CLETS Information (form CLETS-001), that the restrained person and public cannot access.

Commenter	Comment	Committee Response
<p>California Partnership to End Domestic Violence by Christine Smith, Public Policy Coordinator</p>	<p>PG. 1 of the CR-160, there should be an instruction that all items with an asterisk (*) are mandatory. They should also include lines on Items 1-3 to indicate where people are to write the name, etc.</p> <p>The optional information should be removed, given privacy considerations and identity theft concerns. Only age (or birth year) should be included, not date of birth. This is identifying information and should not be shared.</p>	<p>The form includes an instruction that states that information that has a star (*) next to it is required. The electronic version of the forms includes fillable fields.</p> <p>The committee agrees to remove the optional identifying information for a protected person and replace the field asking for the protected person’s date of birth with age. The committee also recommends removing the optional identifying information for an additional protected person with the exception of the additional protected person’s relationship to the primary protected person, consistent with the civil domestic violence restraining order (item 3, form DV-130).</p>
<p>Superior Court of Los Angeles County by Bryan Borys</p>	<p>If the information about the protected persons is optional in CARPOS, it should not be required on the protective orders for privacy considerations. Date of birth should be changed to age, if included at all. Any other necessary identifying information should be entered on the Confidential CLETS Information form (CLETS-001),</p>	<p>The committee agrees with the comment for the reasons stated above.</p>

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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

**Items 1 – 3 [information on restrained person and protected persons] (both forms)**

**Request for specific comment:** The proposed revisions ask for the protected person and additional protected persons’ name and gender, which are mandatory fields in CARPOS, as well as race and date of birth, which are optional fields in CARPOS. Additionally, the additional protected persons provision in the form asks about the person’s relationship to the primary protected person and whether they live in the same household, which are also optional fields in CARPOS. Should the optional information be included in the forms, given privacy considerations and identity theft concerns? Should date of birth be changed to year of birth or age? For example, the civil domestic violence protective order, form DV-130, only lists the protected person’s name and the name, gender, and relationship to the primary protected person of any additional protected persons. Other identifying information such as race and date of birth is in a separate confidential form, Confidential CLETS Information (form CLETS-001), that the restrained person and public cannot access.

Commenter	Comment	Committee Response
	which cannot be accessed by the restrained person.	
Superior Court of Orange County by Iyana Doherty, Courtroom Operations Supervisor	<p>The optional information should not be included on the form unless it is needed to differentiate between another person with a similar name or relationship that is not protected. Orange County Superior Court’s protective order unit already practices entering the additional information from the CLETS-001 form to the Family Law’s domestic violence protective orders. I am unaware that anyone listed in a protective order become a victim of identity theft.</p> <p>The current CR-160 and CR-161 forms do not include any fields for the restrained person’s address, place of employment, driver’s license number, and vehicles, which would be unnecessary because the main point is to identify the restrained person. We are also unaware if a defendant has ever become a victim of identity theft due to a criminal protective order. It is easier for law enforcement to compare the restrained person’s identification card to the protective order, by using the month, date, and year of birth. If the restrained person does not have any identification, law enforcement can use other means to determine the person's identity.</p>	The committee agrees with the comment for the reasons stated above.

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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

**Items 1 – 3 [information on restrained person and protected persons] (both forms)**

**Request for specific comment:** The proposed revisions ask for the protected person and additional protected persons’ name and gender, which are mandatory fields in CARPOS, as well as race and date of birth, which are optional fields in CARPOS. Additionally, the additional protected persons provision in the form asks about the person’s relationship to the primary protected person and whether they live in the same household, which are also optional fields in CARPOS. Should the optional information be included in the forms, given privacy considerations and identity theft concerns? Should date of birth be changed to year of birth or age? For example, the civil domestic violence protective order, form DV-130, only lists the protected person’s name and the name, gender, and relationship to the primary protected person of any additional protected persons. Other identifying information such as race and date of birth is in a separate confidential form, Confidential CLETS Information (form CLETS-001), that the restrained person and public cannot access.

<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Superior Court of San Diego County by Mike Roddy, Executive Officer</p>	<p>Should the optional information be included in the forms, given privacy considerations and identity theft concerns? <b>No.</b></p> <p>Should date of birth be changed to year of birth or age? <b>Yes.</b></p> <p>For example, the civil domestic violence protective order, form DV-130, only lists the protected person’s name and the name, gender, and relationship to the primary protected person of any additional protected persons. Other identifying information such as race and date of birth is in a separate confidential form, Confidential CLETS Information (form CLETS-001), that the restrained person and public cannot access. <b>It is recommended to follow the same approach.</b></p>	<p>The committee agrees with the comment for the reasons stated above.</p>
<p>TCPJAC/CEAC Joint Rules Subcommittee</p>	<p>Yes. Form should be designed to protect privacy of victims as much as possible</p>	<p>The committee agrees with the comment for the reasons stated above.</p>

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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

<b>Item 4, expiration date (both forms)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
California Partnership to End Domestic Violence by Christine Smith, Public Policy Coordinator	On Item 4, the 3 year assumption should remain. Allowing an order to expire upon entrance of a sentence could prejudice survivors if there is a clerical error or oversight re. termination of the CPO.	The committee recommends deleting the three-year expiration default, as it appears overbroad as it relates to pretrial orders, which by law should terminate upon sentence or dismissal (see <i>People v. Stone</i> (2004) 123 Cal.App.4th 153, 160 [order must be “limited to the pendency of the criminal proceeding”]).
Family Violence Appellate Project by Cory Hernandez, Staff Attorney	<p>The form says: “If no date is listed, this order remains in effect until there is a sentence or termination of the protective order.”</p> <p>This seems tautological. Since “expire” and “terminate” can both basically mean “end,” it sounds like it’s saying, “the order ends when it ends,” which isn’t helpful, particularly to unrepresented persons. If “termination” is supposed to be distinct from “expiration,” in that “termination” refers to the affirmative act of the court and “expiration” refers to the general end of the protective order, then clearer language is needed. Instead, maybe use: “If no date is listed, this order remains in effect until further court order.” This is much clearer, and still says basically the same thing as is drafted since both “a sentence” and “termination of the protective order” can only happen via a court order.</p>	<p>The committee agrees with this suggestion in part, but believes a date should always be entered for post-conviction orders, and so recommends the following language for this item:</p> <p style="padding-left: 40px;">For pretrial orders, this order remains in effect until further court order.</p> <p style="padding-left: 40px;">For post-conviction orders, this order expires on <i>(date)</i>: _____.</p>
Superior Court of Orange County by Iyana Doherty, Courtroom Operations Supervisor	Number 4 on each form raises some concerns. Number 4 is regarding the expiration date of a protective order. The current form displays three years from when the person is served, but the new format says, “If no date is listed, this order remains in effect until there is a sentence or termination of the protective order.” The court’s safety net is if the district attorney did not write a specific date, the expiration date would default to three years. With this statement being deleted, it will give people misinformation. How will anyone looking at a protective through CARPOS or CLETS know that there was a sentence? Currently, CLETS requires an expiration date to be entered. A	<p>The committee recommends deleting the three-year expiration default, as it appears overbroad as it relates to pretrial orders, which should terminate by law upon sentence or dismissal (see <i>People v. Stone</i> (2004) 123 Cal.App.4th 153, 160 [order must be “limited to the pendency of the criminal proceeding”]).</p> <p>If a protective order is issued as a probationary condition under Penal Code section 1203.097, the court has jurisdiction as long as the defendant is on probation, so the court would likely set the expiration date for the</p>

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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

<b>Item 4, expiration date (both forms)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>protective order cannot be submitted without an expiration date. Suppose a defendant is sentenced or pled guilty with a protective order issued for a domestic violence case or non-domestic violence, and the expiration date is not stated. Currently, in that case, the protective order will automatically expire in three years, and with the proposed modifications the defendant will not know if the order is active. Again, suppose a case is in the preliminary stages, and it is years before the defendant pleads guilty or is sentenced. In that case, the district attorney must renew the protective order every three years. By operation of law, a protective order is only in effect for three years unless specified with an expiration date, non-expiring, or permanently.</p>	<p>order in line with the probation term. In other postconviction settings, the court has authority to issue a protective order for up to 10 years, and therefore, a court should note the expiration date on the protective order. If a pretrial protective order terminates because the defendant has been sentenced or the case has been dismissed, the court must terminate the order through <i>Notice of Termination of Protective Order in Criminal Proceeding</i> (form CR-165), which is used to update CLETS. There is no statutory basis for a default expiration date in this context. Accordingly, the committee recommends clarifying this item with the following language:</p> <p style="text-align: center;">For pretrial orders, this order remains in effect until further court order.</p> <p style="text-align: center;">For post-conviction orders, this order expires on <i>(date)</i>: _____.</p>
<p>Superior Court of San Diego County by Mike Roddy, Executive Officer</p>	<p>On both forms, <i>item 4</i>, since this could be an order pending up to sentencing only (PC 136.2(a)), an order as a condition of probation (PC 1203.097(a)(2), 273.5(g)) or an order imposed at sentencing that could last up to 10 years (PC 136.2(i), the following language may be confusing to a layperson: “If no date is listed, this order remains in effect until there is a sentence or termination of the protective order.”</p> <p>Consider something along the lines of: “If no date is listed, this order remains in effect as noted in the <i>Instructions for Law Enforcement</i> below, item 1, or at an earlier time if the protective order is terminated by the court.” And modify the instructions for law enforcement to state: “This order ends as ordered in item 4, <i>or</i>:”? Finally, in the instructions, add a note on how long orders per PC 136.2(i)(2) last.</p>	<p>The committee recommends clarifying this item with the following language:</p> <p style="text-align: center;">For pretrial orders, this order remains in effect until further court order.</p> <p style="text-align: center;">For post-conviction orders, this order expires on</p>

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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

<b>Item 4, expiration date (both forms)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
		(date): _____.
TCPJAC/CEAC Joint Rules Subcommittee	While pre-trial orders expire at time of sentence, post-conviction orders pursuant to PC 136.2(i)(1), 368(l) 273.5(j), and 646.9(k) “may be valid up to 10 years.” As written, the form does not reflect this. Suggest modifying this to make it easier for trial judge to set time for post-conviction order. Again, separating the pre- and post-conviction forms would reduce confusion.	The committee agrees with the comment and will add the following note: Post-conviction orders pursuant to Penal Code sections 136.2(i)(1), 368(l) 273.5(j), and 646.9(k) may be valid up to 10 years.

<b>Item 7, good cause to grant protective order and warnings to defendant (form CR-160)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Family Violence Appellate Project by Cory Hernandez, Staff Attorney	The box admonishing/warning the defendant, at the bottom of the first page, starting with “To the defendant.” What does it mean when it says “or make the protected persons do so?” How can protected persons disobey the order protecting them?	The committee recommends retaining the following language:  Traveling across state or tribal boundaries with the intent to violate the order may be punishable as a federal offense (18 U.S.C. § 2261(a)(1).)

<b>Item 8, no firearms or ammunition (form CR-160)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
California Partnership to End Domestic Violence by Christine Smith, Public Policy Coordinator	On Pg. 2 of the same form, Item 8’s bolded text should include a reference to firearm precursors, i.e. “No firearms, ammunition, or firearm precursors”.	The committee initially declined the suggestion because the firearm precursor part prohibition did not apply to all persons subject to a protective order under form CR-160. However, due to AB 1621, the firearm precursor part prohibition now applies to all persons subject to a protective order under form CR-160, so the committee has added “firearm parts,” a plain language reference to firearm precursor parts, to the title of item 8.
Family Violence Appellate Project by Cory Hernandez, Staff Attorney	Fourth, item 8 regarding prohibitions on firearms and ammunition. The form needs more plain language use,	The committee agrees and will incorporate the firearms prohibition language in the civil domestic violence

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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

<b>Item 8, no firearms or ammunition (form CR-160)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	<p>especially this item. “Get” is more plain language than “obtain,” and “turn into” is more plain language than “surrender.” “Compliance” is not plain language; “obeying” or “following” may be better. The average reading level in California is about the 8th grade.</p> <p>Moreover, in this item 8, why is the exemption in (e) there? Federal law preempts state law. Federal law prohibits this even if California law allows it. This is confusing and potentially subjects unwitting defendants to federal prosecution.</p>	<p>protective order (form DV-130).</p> <p>The exemption in item 8(e) reflects existing state law under Code of Civil Procedure, section 527.9(f). The existence of the exemption relates to policy issues outside the scope of this proposal.</p>



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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

**Item 8, no firearms or ammunition (both forms)**

**Request for specific comment:** The civil domestic violence protective order forms and gun violence restraining order forms propose using “unfinished receiver/frame as defined in Penal Code section 16531” to refer to a firearm precursor part, as a clearer way of describing the prohibited parts. Should the criminal protective orders adopt similar language for clarity and consistency?

Commenter	Comment	Committee Response
California Partnership to End Domestic Violence by Christine Smith, Public Policy Coordinator	We do not have specific comments on this Section but agree generally that clarity and Consistency is appropriate.	Due to AB 1621, the committee recirculated the proposal and replaced references to “firearm precursor parts” with “unfinished receiver/frame as defined in Penal Code section 16531.” Due to comments received, the committee recommends referring to firearm precursor parts as any item that may be used as or easily turned into a receiver or frame, with a reference to Penal Code section 16531. The Civil and Small Claims Advisory Committee is recommending the same language for a variety of civil protective order forms in a separate report to the council.
Department of Justice by Elizabeth Troxel, Staff Services Manager II	CA DOJ recommends adding the language to the CPOs for consistency. Additionally, CARPOS will be adding “firearm parts” to the definition of the firearms provisions.	Please refer to the response above.
Superior Court of Los Angeles County by Bryan Borys	The criminal protective orders should use the same language for firearm precursor parts as used in the civil DV protective order and gun violence restraining order for consistency. Using “unfinished receiver/frame as defined in Penal Code section 16531” has the benefit of reference to a statutory definition.	Please refer to the response above.
Superior Court of Orange County by Iyana Doherty, Courtroom Operations Supervisor	All language should be similar for both clarity and consistency, as a court employee. Research of the definition and reading it several times to understand the exact meaning was required. Defendants or gun owners will understand what an unfinished receiver/frame is rather than a firearm precursor part	Please refer to the response above.

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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

**Item 8, no firearms or ammunition (both forms)**

**Request for specific comment:** The civil domestic violence protective order forms and gun violence restraining order forms propose using “unfinished receiver/frame as defined in Penal Code section 16531” to refer to a firearm precursor part, as a clearer way of describing the prohibited parts. Should the criminal protective orders adopt similar language for clarity and consistency?

Commenter	Comment	Committee Response
Superior Court of San Diego County by Mike Roddy, Executive Officer	Should the criminal protective orders adopt similar language for clarity and consistency? <b>Yes.</b>	Please refer to the response above.
TCPJAC/CEAC Joint Rules Subcommittee	Should the criminal protective orders adopt similar language for clarity and consistency? o <b>Yes. Consistency should require same language across similar forms.</b>	Please refer to the response above.

**Item 8, firearm prohibition exemption (both forms)**

Commenter	Comment	Committee Response
Giffords Law Center by Julia Weber, Implementation Director	<p>With respect to the exemption on both these forms under Code of Civil Procedure 527.9, please consider modifying the forms to include the following required findings under CCP 527.9 and FC 6389(h) under #8:</p> <p>[insert checkbox] A mandatory psychological evaluation of the defendant, a peace officer who as a condition of employment and whose personal safety depends on the ability to carry a firearm, was conducted on _____ [insert checkbox on CR-160]. The court finds that the officer does not pose a threat of harm.</p> <p>[insert check box] Defendant must enter into counseling or other remedial treatment program to deal with any propensity for domestic violence.</p>	<p>In addition to the language in item 8 on both forms, the committee has, in light of this comment, returned the following item to the forms as a reminder to the courts of the specific findings necessary:</p> <p><b>Peace Officer Firearm Prohibition Exemption</b> If a peace officer’s employment and personal safety depend on the ability to carry a firearm, a court may grant an exemption that allows the officer to carry a firearm, but only if the court determines, after a required psychological examination of the peace officer, that the officer does not pose a threat of harm. (Code Civ. Proc., § 527.9(f).)</p> <p>The committee will retain and update the statutory language on the instructions portion of the form. The</p>

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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

<b>Item 8, firearm prohibition exemption (both forms)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
	Overarching suggestion: use of the term “turn in” is more plain language than “surrender” which can be misconstrued to refer to an expectation that an individual surrender rather than they turn in, store, or sell (or relinquish) firearms.	committee will consider adding the items suggested here to the orders in a future proposal cycle.  The committee agrees and will incorporate the firearms prohibition language in the civil domestic violence protective order (form DV-130).

<b>Item 9, no dissuading victim or witness (form CR-160)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Family Violence Appellate Project by Cory Hernandez, Staff Attorney	Using lists with commas would be easier to read than long sentences with many conjunctions. For instance, this should be a list with commas: “attending a hearing, testifying, or making a report to...”	The committee agrees with this suggestion.

<b>Item 10, no obtaining addresses (both forms)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Family Violence Appellate Project by Cory Hernandez, Staff Attorney	If the court has to check one of these, that should be clearer. For example, in the parentheticals, say: “the court must check one box below for orders issued under Penal Code section 136.2.”	The committee agrees, in part, and modifies this item so that a checkbox is only included if the court finds good cause not to make the order.

<b>Item 11, order to not abuse (form CR-160)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>

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**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

Family Violence Appellate Project by Cory Hernandez, Staff Attorney	Note coercive control now also includes reproductive coercion (SB 374; see Fam. Code, § 6320, subd. (c)(5)), and the civil DVRO forms are being updated to reflect that.	The committee recirculated the proposal and included “reproductive coercion” in item 11 of recommended form CR-160.
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**Item 11, order to not abuse (form CR-161)**

**Request for specific comment:** The committee did not revise form CR-161 to incorporate changes to Family Code section 6320 adding definitions of “disturbing the peace of the other party” and “coercive control” because these appeared to apply in the context of domestic violence, and form CR-161 is a non-domestic violence criminal protective order. Should these definitions be included in form CR-161 for consistency in both forms?

<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
California Partnership to End Domestic Violence by Christine Smith, Public Policy Coordinator	Yes, we believe this change should be made for clarity. Furthermore, a victim may be experiencing coercive control/disturbing the peace yet the relationship may not qualify under the DVPA. The forms currently ask for the protected persons’ full name, gender, and age.	Because form CR-161 is a non-domestic violence criminal protective order, the committee declines to add the definitions, which are statutorily limited to domestic violence protective orders.
Superior Court of Los Angeles County by Bryan Borys	CR 161 does not need to incorporate changes to Family Code section 6320 because it is used in a non-domestic violence context.	The committee agrees with the comment.
Superior Court of Orange County by Iyana Doherty, Courtroom Operations Supervisor	We agree “coercive control” is not needed on CR-161, but “disturb the peace” applies to both and is often one of the primary means of harassment of any kind. We suggest adding the definition of “disturb the peace” as follows to CR-161: “Disturb the peace of” means to destroy someone’s mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online.”	Because form CR-161 is a non-domestic violence criminal protective order, the committee declines to add the definitions, which are statutorily limited to domestic violence protective orders.
Superior Court of San Diego County by Mike Roddy, Executive Officer	Yes	Because form CR-161 is a non-domestic violence criminal protective order, the committee declines to add the definitions, which are statutorily limited to domestic violence protective orders.

**SPR 22-08**

**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

TCPJAC/CEAC Joint Rules Subcommittee	Not necessary.	The committee agrees with the comment.
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<b>Item 12, no contact order (form CR-160)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Orange County Bar Association by Daniel S. Robinson, President	<p>Form CR-160 - #12 – needs to be amended. The language is inconsistent with the language of PC 136.2(a)(1)(D), which states “An order that a person described in this section shall have no communication whatsoever with a specified witness or victim, except through an attorney under reasonable restrictions that the court <i>may</i> impose.</p> <p>The proposed language in #12 could be construed as prohibiting contact through an attorney unless the contact is first approved by the court. This is not the law. If it were the law it would be a due process violation by prohibiting counsel for a criminal defendant from contacting a witness.</p> <p>Form CR-160 - #12 – needs to be amended. The language and structure are confusing and inconsistent with the language of PC §§ 136.2(a)(1)(D) and 136.2(a)(G)(i). As written, #12 provides two options: a) A no-contact order, or b) No contact with the intent to annoy [etc.], which would apply only in a case involving a violent crime.</p>	<p>The committee disagrees that the language could be construed as prohibiting the attorney from contacting a witness.</p>

**SPR 22-08**

**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

	<p>PC 136.2(a)(1)(D) describes an order prohibiting “<u>communication</u> ... with a specified witness or victim, except through an attorney under reasonable restrictions that the court may impose.”</p> <p>PC 136.2(a)(G)(i) applies specifically to victims or witnesses of violent crimes and provides two options: 1) “An order protecting a victim or witness...from <u>all contact</u> by the defendant,” or 2) from “contact with the intent to annoy, harass [etc.] by the defendant.”</p> <p>The proposed language in #12 states “(<i>check one</i>),” rendering the options provided under PC §§ 136.2(a)(1)(D) and 136.2(a)(G)(i) mutually exclusive, which is contrary to the language of the statute. There is no language in the statute providing such limitations on which orders may be issued.</p> <p>#12(a) should be rephrased to provide an option prohibiting the defendant from <u>communicating</u> with the protected persons, except through an attorney under reasonable restrictions the court may impose. As in 12(b), the source of authority (Pen. Code § 136.2(a)(1)(D)) should be provided for the sake of clarity.</p>	<p>It is the committee’s position that “no contact” is easier to understand than “no communication,” and conveys the same prohibited behavior. The term “no contact” is currently used in the criminal protective orders and civil domestic violence restraining orders.</p>
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**SPR 22-08**

**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

	<p>#12(b) should provide both options provided by the statute (this is where “<i>check one</i>” would be appropriate):          12(b)(i): Should provide the victim or witness protection from <u>all contact</u> by the defendant;          12(b)(ii): Should provide the victim or witness protection from contact made by the defendant with the <u>intent to annoy</u>, harass [etc.]</p> <p>Finally, language should indicate that 12(a) and 12(b) may both be applied, as they are different orders, provided by authority from different provisions of the statute, and are not mutually exclusive.</p>	<p>Upon further review, the committee decided not to add a provision on limited contact under Penal Code section 136.2(a)(1)(G)(i) at this time in order to conduct further research on limited contact options in general. The committee recommends reincorporating an item allowing the court to issue other orders into the forms.</p>
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<b>Item 14, exceptions (both forms)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
<p>Adrian Contreras San Diego, CA</p>	<p>I would like to see a box where the court can order a general “no negative contact” order. This often comes up when the defendant and the victim live together and have reconciled but the criminal case is still proceeding. Right now, when the court wants to include such an order, we have to handwrite it in the margin, which looks messy. Box 14 does not seem to account for this because it says it applies only for court-ordered visitation in a concurrent family, juvenile, or probate proceeding. But what if there are no such concurrent proceedings, and the criminal proceedings are the only proceedings being litigated? Having a general no negative contact order option in the form would fill this gap.</p>	<p>Because this would be a substantive change to the proposal, the committee believes public comment should be sought before it is considered for adoption. The committee will consider this suggestion during the next proposal cycle.</p>

**SPR 22-08**

**Criminal Procedure: Criminal Protective Orders (Forms CR-160 and CR-161)**

<b>Item 17, Recordings (CR-160)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Family Violence Appellate Project by Cory Hernandez, Staff Attorney	Item 17 regarding recordings, “prohibited communications” is not plain language; see DV-110, item 16.	The committee recommends using the language in the civil domestic violence protective order form:  The protected person in item (2) may record communications made by the person in item (1) that violate this order.
TCPJAC/CEAC Joint Rules Subcommittee	Recordings. While there may not be statutory specific authority to allow a non-DV protected person to record calls, this has been a common feature of these forms, and a source of protection and enforcement for many years. Suggest keeping in the recording provision for protected person by adding language that such recording may be ordered by the court as part of OR release, pre-trial supervision, etc. Therefore, there is consent granted to allow the recordings.	Form CR-161 currently states that the protected person may record any prohibited communication made by the defendant. While a court may issue such an order upon the request of a victim of domestic violence who is seeking a domestic violence restraining order (Pen. Code, § 633.6(a)), there appears to be no corresponding statutory authorization for a nondomestic violence criminal protective order. Accordingly, the committee recommends deleting this prohibition from the form.

<b>Instructions for Law Enforcement (both forms)</b>		
<b>Commenter</b>	<b>Comment</b>	<b>Committee Response</b>
Family Violence Appellate Project by Cory Hernandez, Staff Attorney	Ninth and last, per California Manual Style § 1:4, there’s no need for the “See” signal in the parenthetical in the first dot-point listed under the “Start and End Date of Order” under the Instructions for Law Enforcement.	The committee agrees with this suggestion.



## SP22-11

### Criminal Protective Orders and Firearm Relinquishment Orders (Revise forms CR-160, CR-161, and CR-162)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	California Department of Justice, Division of Law Enforcement, Bureau of Firearms by Charlie Sarosy, Deputy Attorney General	AM	<p>The Bureau of Firearms (BOF), within the Division of Law Enforcement in the California Department of Justice, respectfully submits this public comment regarding the revisions made to two Judicial Council criminal protective order forms and one domestic violence firearms relinquishment form pursuant to Assembly Bill 1621 (Stats. 2022, ch. 76) (AB 1621).</p> <p>For the sake of brevity, this comment will not speak to each of the three forms within Item SP22-11. It is also unnecessary because each form makes the same, or a similar, revision that this comment seeks to address. Specifically, each revised form describes three categories of prohibited items resulting from a criminal protective order or firearm relinquishment order: (1) “firearms (guns)”; (2) “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)”; and (3) “ammunition.”</p> <p>For the reasons described below, the following revisions are recommended: (1) that the phrase “Firearms (Guns), Firearm Parts, and Ammunition” be revised to “Firearms, Receivers/Frames, Firearm Precursor Parts, and Ammunition”; and (2) that the phrase “firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition” be revised to “firearms, receivers/frames, firearm precursor parts (as defined in Penal Code section 16531), or ammunition.”</p>	The committee appreciates the comment.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-11**

**Criminal Protective Orders and Firearm Relinquishment Orders** (Revise forms CR-160, CR-161, and CR-162)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>As to the first category, “firearms (guns),” the use of “guns” in a parenthetical to presumably attempt to describe a “firearm” in plain language is unnecessary and potentially confusing. The term “firearm” has a statutory definition that does not use the word “gun” or otherwise refer to a “gun.” Under Penal Code section 16520, subdivision (a), “firearm” is defined as “a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.” Not all guns meet this definition of a firearm. Thus, equating a firearm with a gun, and vice versa, is incorrect.</p> <p>For example, there are separate statutory definitions for a blowgun (Pen. Code, § 16270), stun gun (Pen. Code, § 17230), and an imitation firearm such as a BB device, spot marker gun, or airsoft gun (Pen. Code, § 16700). These separately defined guns are subject to different statutory restrictions and punishments from those that apply to firearms. (Compare Pen. Code, Part 6, Title 3 [“Weapons and Devices Other than Firearms”] with Pen. Code, Part 6, Title 4 [“Firearms”].) The Background section in the Invitation to Comment described the need for the revision to be a result of AB 1621, which “expands the definition of a firearm” in the statutes relevant to the orders that are the subject of these forms, with a citation to Penal Code section 16520, subdivision (b)(1), (24). However, as just described, “guns” are not</p>	<p>The committee discussed the suggestion and recommends retaining the word “guns” as a plain language synonym for “firearms.” The term “gun” appears to be more widely used and accessible to individuals with limited English proficiency. Moreover, the likelihood that an individual understands “guns” to include items which a restrained person is not prohibited from having seems low.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-11**

**Criminal Protective Orders and Firearm Relinquishment Orders** (Revise forms CR-160, CR-161, and CR-162)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>included within the definition of firearm in Penal Code section 16520 and the term “guns” can include items that are defined under other statutes. Therefore, equating “firearms” with “guns” will possibly confuse the court and the restrained person as to which items are prohibited pursuant to the restraining order. Moreover, the CR-162 form in Item SP22-11, and the three Judicial Council criminal law forms revised in Item SP22-12, do not use the phrase “firearms (guns),” so inconsistency exists across these forms.</p> <p>Accordingly, it is recommended that the parenthetical use of “guns” be stricken and the phrase “firearms (guns)” simply read as “firearms.”</p> <p>There are also some inaccuracies with regards to the second category previously described, “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531).” First, the term “firearm parts” is not a term used by the BOF, or other law enforcement agencies, to collectively refer to receivers, frames, and unfinished receivers or frames. In addition to being an unfamiliar term, “firearm parts” also lacks any statutory definition. Thus, using this term in three court forms will create a new term that lacks a statutory basis and one that is not used by the agencies tasked with enforcing the criminal protective orders and firearm relinquishment orders.</p>	<p>The committee recommends including “guns” in these forms, for the reasons stated above.</p> <p>The committee recommends the use of “firearm parts” as a plain language term to refer to frames, receivers, and firearm precursor parts. The committee believes that a significant portion of court users would better understand what items are prohibited through referring to them as “firearm parts.”</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-11**

**Criminal Protective Orders and Firearm Relinquishment Orders** (Revise forms CR-160, CR-161, and CR-162)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>Second, connecting “unfinished receiver or frame” with Penal Code section 16531 is inaccurate because AB 1621 eliminated these terms from section 16531. Before AB 1621, section 16531 defined a “firearm precursor part” as “a component of a firearm that is necessary to build or assemble a firearm and is described in either of the following categories: (1) An unfinished receiver . . . (2) An unfinished handgun frame.” (Former Pen. Code, § 16531, subd. (a).) But AB 1621 amended section 16531 and replaced the previously-described definition of a firearm precursor part with the following: “any forging, casting, printing, extrusion, machined body or similar article [1] that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or [2] that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.” (Pen. Code, § 16531, subd. (a).) The terms “unfinished receiver” and “unfinished frame” no longer appear in Penal Code section 16531 because of AB 1621. Indeed, this fact is acknowledged at page 3, footnote 3 in Item SP22-11’s Invitation to Comment. Thus, continuing to use those terms and tying them to section 16531 contradicts the current wording of the statute. Moreover, the BOF does not use “unfinished receiver or frame” in its Firearm Precursor Part Identification Guidebook, available here, <a href="https://oag.ca.gov/system/files/media/bof-reg-">https://oag.ca.gov/system/files/media/bof-reg-</a></p>	<p>The committee agrees, in part, and will replace “unfinished receiver or frame” with “any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).”</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-11**

**Criminal Protective Orders and Firearm Relinquishment Orders** (Revise forms CR-160, CR-161, and CR-162)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p><a href="#">rev-fpp-id-guidebook.pdf</a>, or in the related regulations. (See also Cal. Code Regs., tit. 11, § 4303.)</p> <p>Accordingly, it is recommended that “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)” be replaced with: “receivers/frames, firearm precursor parts (as defined in Penal Code section 16531).”</p> <p>This recommended iteration is clearer because the terms “receiver” and “frame” are defined under California regulations (Cal. Code Regs., tit. 11, § 4303(a)(3), (6)), and federal regulations (Definition of “Frame or Receiver” and Identification of Firearms, 87 Fed. Reg. 24652, 24739, codified at 27 C.F.R. pts. 447, 478 and 479). Although “firearm precursor part” might be a relatively new term, the reference to the specific Penal Code section will assist with understanding its meaning. A plain language description of a “firearm precursor part” would likely be too cumbersome because of the two categories of such an item, i.e., a readily convertible item or a marketed/sold item. (Pen. Code, § 16531, subd, (a).)</p> <p>This recommended iteration is also more consistent with the wording in Penal Code section 16520, subdivision (b), which is the basis for including this language in these court forms. That language states: “As used in the following provisions, ‘firearm’ includes the</p>	<p>The committee believes a plain language description of a “firearm precursor part” is helpful to insure that restrained persons are as aware as possible of the prohibition.</p> <p>The committee agrees, in part, and has modified the reference to prohibited items to generally refer to: any firearms (guns), firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-11**

**Criminal Protective Orders and Firearm Relinquishment Orders** (Revise forms CR-160, CR-161, and CR-162)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>frame or receiver of the weapon: weapon, including both a completed frame or receiver, or a firearm precursor part.” (Pen. Code, § 16520, subd. (b).) Using this recommended iteration would ensure that law enforcement agencies remove the correct items from restrained and prohibited persons, which would avoid the need for duplicative law enforcement efforts resulting from prohibited persons maintaining possession of items they should not have. Moreover, this iteration would avoid the possibility of an unknown term, “firearm parts,” being used in the California Restraining and Protective Order System (CARPOS), which collects the information in these forms and orders so that law enforcement agencies can enforce these orders and be aware of the restrained person, should they come across them in the field.</p> <p>Although there is a separate statutory definition for a “federally regulated firearm precursor part” under Penal Code section 16519, it is unnecessary to mention that term because such an item is considered a firearm pursuant to federal law, and thus would fall within the meaning of a “firearm.”</p>	<p>The committee agrees with the comment.</p>
2.	Superior Court of Orange County by Iyana Doherty, Courtroom Operations Supervisor		<p><b>CR-160</b> On page 1, hearing information was moved to item 5, but is now missing the Department / Room number field. Should be added back.</p> <p>On page 2, Item 12 there is this statement:</p>	<p>The committee agrees with this suggestion.</p> <p>The committee agrees with this suggestion and has incorporated it into the recommended form. It</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-11**

**Criminal Protective Orders and Firearm Relinquishment Orders** (Revise forms CR-160, CR-161, and CR-162)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>No-contact order: Defendant must not contact the protected persons <b>named above</b>, directly or indirectly, by any means, including by telephone, mail, email, or other electronic means. Contact through an attorney under reasonable restrictions set by the court does not violate this order.</p> <p>However, since this is now a 2 page order, the protected persons are now on page 1, so referencing “named above” is not accurate. Should state “protective persons named on page 1 of this order” or refer to the item #.</p> <p>Also, previous order stated that third party contact is not allowed except by attorney of record. New form does not reference that warning, just states that they can make contact through an attorney. Believe adding reference that no contact through a third party provides more clarity to the defendant and should be re-added.</p> <p><b>CR-161</b> On page 1, hearing information was moved to item 5, but is now missing the Department / Room number field. Should be added back.</p> <p>On page 2, item #11 refers to “protected persons named above”, should state “protected persons named on page 1”, or specify the item #'s.</p> <p>Same comment for item #12</p>	<p>also incorporated this change into items 11, 14, and 15.</p> <p>The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee agrees with this suggestion.</p> <p>The committee agrees with this suggestion and has incorporated it into the recommended form. It also incorporated this change into item 14.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-11**

**Criminal Protective Orders and Firearm Relinquishment Orders** (Revise forms CR-160, CR-161, and CR-162)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>Previous order stated that third party contact is not allowed except by attorney of record. New form does not reference that warning, just states that they can make contact through an attorney. I believe that “no contact through a third party” provides more clarity to the defendant and should be re-added.</p> <p>“Recordings: The protected person may record communications made by the person that violate this order” was on the old order but not on this new one, should be added.</p> <p><b>Request for Specific Comments</b>            In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:            • <i>Does the proposal appropriately address the stated purpose?</i> Yes.</p> <p>The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters:            • <i>Would the proposal provide cost savings? If so, please quantify.</i> No.</p>	<p>The committee agrees with this suggestion, with modifications, and has incorporated it into the form that it is recommending for adoption.</p> <p>The committee declines this suggestion. While a court may issue such an order upon the request of a victim of domestic violence who is seeking a domestic violence restraining order (Pen. Code, § 633.6(a)), there appears to be no corresponding statutory authorization for a nondomestic violence criminal protective order. Accordingly, the committee recommends deleting this prohibition from the form.</p> <p>The committee appreciates the comments.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated



**SP22-11**

**Criminal Protective Orders and Firearm Relinquishment Orders** (Revise forms CR-160, CR-161, and CR-162)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> <li>• <i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i> Reviewing the new forms with the courtroom clerks would be about two hours for each courthouse. Docket codes to conform with the new verbiage added to the forms and update of procedures as needed. Approximately 2 weeks to train and implement successfully.</li> <li>• <i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation, or would January 1 be a better effective date?</i> Yes, 3 months would be sufficient and the preferred timeline to implement this new form instead of January 1<sup>st</sup>. Legislation updates are the priority for January 1<sup>st</sup>.</li> <li>• <i>How well would this proposal work in courts of different sizes?</i> No difference anticipated for different sized courts.</li> </ul>	
3.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM	<p><b>Request for Specific Comments</b>  <i>Does the proposal appropriately address the stated purpose?</i> Yes.</p> <p><i>Would the proposal provide cost savings? If so, please quantify.</i> No.</p>	The committee appreciates the comments.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-11**

**Criminal Protective Orders and Firearm Relinquishment Orders** (Revise forms CR-160, CR-161, and CR-162)

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	Commenter	Position	Comment	Committee Response
			<p><i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Revisions to internal procedures, local packets, and training for staff.</i></p> <p><i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation, or would January 1 be a better effective date? January 1, 2023 would be the preferred effective date since the forms are mandatory and the new law is already operative. It would benefit courts to have JCC approved forms prior to March 1, 2023.</i></p> <p><i>How well would this proposal work in courts of difference sizes? It appears that the proposal would work for courts of all sizes. No additional Comments.</i></p>	<p>The committee discussed the comment but, based on feedback from judicial administrators on the committee, recommends a March 1, 2023 effective date in order to give courts sufficient time to implement the changes, as they are extensive and many courts use triplicate paper for these orders.</p>
4.	Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee Joint Rules Subcommittee	AM	<p>* The proposal will have a <i>significant</i> fiscal and/or operational impact for the trial courts by impacting existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment) and require the development of local forms.</p> <p>Currently there is not a check box to include civil, elder or criminal protective orders with Firearm Relinquishment Orders on the CCPOR.</p>	<p>The committee acknowledges the additional work that may be required due to the form revisions, but believes that the revisions are necessary to comply with the relevant statutes and to increase accessibility for both restrained and protected persons.</p> <p>The California Courts Protective Order Registry (CCPOR) is a statewide system for storing data and images of restraining and protective orders</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-11****Criminal Protective Orders and Firearm Relinquishment Orders** (Revise forms CR-160, CR-161, and CR-162)

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			Protective orders Firearm Relinquishment Orders information must be written into the text free form box which has limited characters. It would be extremely helpful to have CCPOR updated to include check boxes for the protective orders with Firearm Relinquishment Orders	that is accessible to judicial officers to reduce the issuance of conflicting orders. The registry also has a gateway for entering orders into the Department of Justice’s California Restraining and Protective Order System (CARPOS). The comment is, however, beyond the scope of the proposal and has been passed along to Judicial Council staff that administers CCPOR.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

## RULES COMMITTEE ACTION REQUEST FORM

**Rules Committee Meeting Date:** 11/16/2022

**Rules Committee action requested** [Choose from drop down menu below]:  
**Recommend JC approval (has circulated for comment)**

**Title of proposal:** Criminal Law: Definition of Firearm

*Proposed rules, forms, or standards (include amend/revise/adopt/approve):*  
Revise forms CR-101, CR-102, and CR-210

*Committee or other entity submitting the proposal:*  
Criminal Law Advisory Committee

*Staff contact (name, phone and e-mail):* Sarah Fleischer-Ihn, 5-7702, sarah.fleischer-ihn@jud.ca.gov

*Identify project(s) on the committee's annual agenda that is the basis for this item:*

Annual agenda approved by Rules Committee on (date): September 6, 2022

Project description from annual agenda: Develop a proposal to revise two mandatory protective forms, two firearm relinquishment forms, and two optional plea forms to reflect statutory changes to the definition of firearm in Penal Code section 16520(b), as amended by AB 1621.

**Out of Cycle:** *If requesting September 1 effective date or out of cycle, explain why:*

The committee is requesting a March 1, 2023 effective date to give courts sufficient time for implementation.

**Additional Information for Rules Committee:** (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

**Additional Information for JC Staff** (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.).

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.



# JUDICIAL COUNCIL OF CALIFORNIA

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 22-172*

For business meeting on December 2, 2022

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**Title**

Criminal Law: Definition of *Firearm*

**Agenda Item Type**

Action Required

**Rules, Forms, Standards, or Statutes Affected**

Revise forms CR-101, CR-102, and CR-210

**Effective Date**

March 1, 2023

**Recommended by**

Criminal Law Advisory Committee  
Hon. Brian M. Hoffstadt, Chair

**Date of Report**

November 1, 2022

**Contact**

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### Executive Summary

The Criminal Law Advisory Committee recommends revisions to two optional Judicial Council plea forms and an optional Judicial Council firearm relinquishment findings form to reflect statutory changes to the definition of *firearm* in Penal Code section 16520(b) and make minor, nonsubstantive technical changes. The committee also recommends additional revisions to one of the plea forms to reflect accurate mandatory minimum probation terms.

### Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective March 1, 2023, revise:

1. *Plea Form, With Explanations and Waiver of Rights—Felony* (form CR-101) and *Prohibited Persons Relinquishment Form Findings* (form CR-210) to reflect statutory changes to the definition of firearm in Penal Code section 16520(b) and make nonsubstantive technical amendments; and

2. *Domestic Violence Plea Form with Waiver of Rights (Misdemeanor)* (form CR-102) to reflect statutory changes to the definition of firearm in Penal Code section 16520(b), revise language on mandatory probation terms, and make nonsubstantive technical amendments.

The proposed forms are attached at pages 6–16.

## **Relevant Previous Council Action**

The Judicial Council approved the optional *Plea Form, With Explanations and Waiver of Rights—Felony* (form CR-101), effective January 1, 2007, to promote increased uniformity in felony plea waiver forms used throughout the state. The form was most recently revised effective January 1, 2021, to conform to multiple statutory changes that added or changed sentencing requirements and advisements.

The council approved the optional *Domestic Violence Plea Form With Waiver of Rights (Misdemeanor)* (form CR-102), effective July 1, 2011, to promote standardized pleas in misdemeanor domestic violence cases. It was last revised, effective January 1, 2020, to accurately describe the role and responsibilities of interpreters.

The council approved the optional *Prohibited Persons Relinquishment Form Findings* (form CR-210), effective January 1, 2018, for courts to use to make appropriate findings concerning firearms relinquishment in criminal cases under Penal Code section 29810. This form has not been revised since that time.

## **Analysis/Rationale**

### **Firearms definition**

Effective June 30, 2022, Assembly Bill 1621 (Stats. 2022, ch. 76) expands the definition of a firearm as used in Penal Code sections 29800, 29805, 29810 to include completed frames, receivers, or “firearm precursor parts.” (Pen. Code, § 16520(b)(19).) The change is intended to include “ghost guns” (unserialized and untraceable firearms and firearm parts that can be bought online and assembled at home) in the list of items that restrained people cannot possess and must surrender. AB 1621 also amended the definition of firearm precursor parts to mean “any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.” (*Id.*, § 16531(a).) Before AB 1621, a firearm precursor part was defined as an unfinished frame or receiver.<sup>1</sup>

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<sup>1</sup> Former Penal Code section 16531(a): “As used in this part, ‘firearm precursor part’ means a component of a firearm that is necessary to build or assemble a firearm and is described in either of the following categories: (1) An unfinished receiver, including both a single part receiver and a multiple part receiver, such as a receiver in an AR-10- or AR-15-style firearm. An unfinished receiver includes a receiver tube, a molded or shaped polymer frame

AB 1621 superseded a prior bill (Assem. Bill 1057; Stats. 2021, ch. 682), which would have added firearm precursor parts to the definition of *firearm* under specified Family Code and Penal Code sections. To implement AB 1057 in civil domestic violence restraining orders and gun violence forms, the Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee recommended referring to receivers, frames, and firearm precursor parts as “firearm parts” and further defining firearm parts to include any “receiver, frame, or unfinished receiver or frame, as defined under Penal Code section 16531.” The two committees believed the same changes to the forms needed to implement AB 1057 were appropriate to implement AB 1621, and the Judicial Council approved that language, effective January 1, 2023. In this proposal, the Criminal Law Advisory Committee initially recommended using the same terminology in the forms here, for consistency and comprehensibility.

In response to comments received, the committee has modified its original proposal and recommends referring to prohibited items on the three forms as firearms (guns), firearm parts, or ammunition, and stating that the prohibition includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame, with a reference to Penal Code section 16531. This language was developed in conjunction with other advisory committees making recommendations regarding similar language. The Civil and Small Claims Advisory Committee is recommending similar language for restraining and protective orders under that committee’s purview in a separate proposal to the council.

### **Mandatory probation terms**

Form CR-102 currently lists, as items 7c(8) and 7c(9), orders not to own, possess, purchase, or receive and to relinquish firearms as mandatory terms of domestic violence probation under Penal Code section 1203.097. However, these are not mandatory domestic violence probation terms under that statute. The provision in item 7f that the defendant may not be able to own, use, or possess firearms, firearm parts, or ammunition appears to be sufficient to address firearm-related prohibitions. Accordingly, the committee recommends removing items 7c(8) and 7c(9).

### **Policy implications**

The recommended revisions will provide defendants with accurate information about prohibited items.

### **Comments**

The committee received two comments agreeing with the proposal from the Superior Court of Orange County and the Superior Court of San Diego County. The San Diego court commented that it preferred a January 1, 2023, effective date, rather than March 1, 2023, because the new law is already operative. The committee discussed the comment but recommends a March 1, 2023 effective date in order to give other courts sufficient implementation time, based on the feedback of judicial administrators on the committee. The Bureau of Firearms (BOF), within the

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or receiver, a metallic casting, a metallic forging, and a receiver flat, such as a Kalashnikov-style weapons system, Kalashnikov-style receiver channel, or a Browning-style receiver side plate.

(2) An unfinished handgun frame.

Division of Law Enforcement in the California Department of Justice, agreed with the proposal if modified. As described below, the committee agreed with some, although not all, of the proposed modifications.

### ***Describing firearm precursor parts***

Rather than “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531),” BOF suggests using “receivers/frames, firearm precursor parts (as defined in Penal Code section 16531)” as an appropriate way to describe “firearm parts” on the forms. BOF is concerned about using “firearm parts” without the term “precursor” because “firearm parts” is not statutorily defined or used by the BOF or other law enforcement agencies. And although BOF acknowledges that “firearm precursor part” is a new term, it believes a plain-language description for the term would be “cumbersome.”

The committee recommends referring to prohibited items as any firearms (guns), firearm parts, or ammunition, and stating that the prohibition includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame, with a reference to Penal Code section 16531. Though “firearm parts” is not statutorily defined, the committee agreed that it was a helpful plain-language term for restrained persons to understand the prohibition against possessing frames, receivers, and firearm precursor parts, which are statutorily defined as “firearms” under Penal Code section 16520. “Any item that may be used as or easily turned into a receiver or frame” is the committee’s plain-language interpretation of the new definition of a firearm precursor part under AB 1621.

### ***Using “guns” on the forms***

Unlike the current civil restraining and protective orders, the current criminal protective orders, plea forms, and firearm relinquishment findings form do not currently use the word “guns” in parentheses after the term “firearms” to provide a plain-language explanation of firearms. Staff recommends adding “guns” to the criminal protective orders, plea forms, and firearm relinquishment findings form for consistency with the other forms prohibiting firearms. In its comment on related proposals, the BOF suggested that the word “gun” not be used on the forms because not all guns meet the statutory definition of firearms, such as blowguns, stun guns, and BB guns. The committee discussed the comment and recommends including the word “guns” as a plain-language synonym for “firearms.” The term “gun” appears to be more widely used and accessible to individuals with limited English proficiency. Moreover, the likelihood that an individual understands “guns” to include items that a restrained person is not prohibited from having seems low.

A chart with all comments received and the committee’s responses is attached at pages 17–22.

### **Alternatives considered**

The committee did not consider the alternative of taking no action, determining that it was important to revise the forms to implement legislative changes.



## **Fiscal and Operational Impacts**

Because the forms are optional, expected costs are limited to training, possible case management system updates, and the production of new forms. No other implementation requirements or operational impacts are expected.

## **Attachments and Links**

1. Forms CR-101, CR-102, and CR-210, at pages 6–16
2. Chart of comments, at pages 17–22

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<b>FOR COURT USE ONLY</b>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> v. Defendant:	
<b>PLEA FORM, WITH EXPLANATIONS AND WAIVER OF RIGHTS—FELONY</b>	CASE NUMBER:

- INSTRUCTIONS:**
- (1) Fill out this form only if you want to plead guilty or no contest.
  - (2) Read this form carefully. For each item, if you understand and agree with what you read, put your initials in the box to the right of the item. For any item that does not apply to you or that you do not understand, leave the box blank.
  - (3) On page 6, sign and date the form under "DEFENDANT'S STATEMENT."
  - (4) Keep in mind that the court cannot give legal advice. If you have any questions about anything in this form, ask your attorney.

1. **CHARGES AND MAXIMUM TERM.** I want to plead guilty or no contest ("nolo contendere") to the charges and allegations listed below. I understand that the minimum and maximum penalties for the charges to which I am pleading guilty or no contest are listed below.

INITIALS

COUNT	CHARGES (SECTION & DESCRIPTION)	YEARS / MONTHS		PRIOR CONVICTIONS, ENHANCEMENTS & SPECIAL ALLEGATIONS (SECTION & DESCRIPTION)	YEARS / MONTHS		TOTAL MAXIMUM TIME
		MINIMUM	MAXIMUM		MINIMUM	MAXIMUM	
<b>AGGREGATE MAXIMUM TIME OF IMPRISONMENT</b>							

2. **PLEA AGREEMENT.** I understand that I must tell the court on this form about any promises anyone has made to me about the sentence I will receive or the sentence recommendations that will be made to the court. My attorney, the court, or the prosecutor has explained to me that if I plead guilty or no contest to the charges and admit the allegations listed above, the court will sentence me as follows:

- a. Check one:  **State Prison** (or the Division of Juvenile Justice)     **County Jail** for
- (1)  years and  months or
- (2)  not less than  years and  months and/or not more than  years and  months.
- (3)  Other (*specify*):
- b. **Probation** for  years under conditions to be set by the court, including
- days in the **county jail** or
- up to  days in the **county jail**.

INITIALS

I understand that a violation of any of the conditions of probation, including failure to complete a drug education or treatment program, if ordered by the court, may cause the court to send me to **county jail or state prison** for up to the "**Aggregate Maximum Time of Imprisonment**" specified in item 1, which may include a period of mandatory supervision under Penal Code section 1170(h)(5)(B) if the court sends me to county jail.

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INITIALS

2. c. **Split Sentence (1170(h)(5)(B)):**        years and        days in the county jail and        years and        days on mandatory supervision under conditions set by the court. I understand that if I violate any of the terms or conditions of mandatory supervision, I may be remanded into custody for the entire unserved portion of the sentence.

d. **Open Plea**

- (1)  I understand the maximum and minimum sentences for the charges and allegations stated on page 1. No one has made any other promises to me about what sentence the court may order.
- (2)  I understand that I am not eligible for probation.
- (3)  I understand that I will not be granted probation unless the court finds at the time of sentencing that this is an unusual case where the interests of justice would be best served by granting probation.

e. **Restitution, Statutory Fees, and Assessments**

I understand that the court will order me to pay the following amounts (if an amount is not yet known, "TBD" for "to be determined" is entered next to the \$); I must prepare financial disclosure statements to assist the court in determining my ability to pay; and refusal or failure to prepare the required financial disclosure statements may be used against me at sentencing:

- (1)  \$                    **to the Victim Restitution Fund**
- (2)  \$                    **restitution to actual victims**
- (3)  \$                    **restitution to the State of California, Victims of Crime Fund**
- (4)  \$                    **court operations assessment**
- (5)  \$                    **court facilities assessment**
- (6)  \$                    **base fine plus any applicable penalties, assessments, and surcharges**
- (7)  \$                    **other (specify):**
- (8)  \$                    **other (specify):**
- (9)  An (additional) amount to be determined by the court at sentencing or such other hearing as the court may set.

f. **Fines for Revocation of Parole, Postrelease Community Supervision, Mandatory Supervision, or Probation**

I understand that if I am sentenced to **state prison**, the court **will** impose a parole revocation fine or a postrelease community supervision revocation fine, which will be collected only if my parole or postrelease community supervision is later revoked. I also understand that if I am granted probation or mandatory supervision, the court **will** impose a probation revocation fine or mandatory supervision revocation fine, which will be collected only if my probation or mandatory supervision is later revoked.

g. **Dismissal of Other Counts**

I understand that as part of the plea agreement bargain, the following counts will be dismissed after sentencing:

I understand and agree that the sentencing judge may consider facts underlying dismissed counts to determine restitution and to sentence me on the counts to which I am entering a plea.

h. **Other Terms (specify):**

3. **CONSEQUENCES OF MY PLEA**

INITIALS

a. **No Contest ("Nolo Contendere") Plea**

I understand that a no contest plea is the same as pleading guilty and that if I plead no contest, I will be convicted and my no contest plea could be used against me in a civil case.

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**3. b. Parole and Postrelease Community Supervision**

I understand that if I am sentenced to **state prison**

- (1) I will be placed on parole or postrelease community supervision for up to \_\_\_\_\_ years after my release.
- (2) if I abscond or the court tolls my supervision, the total time of parole or postrelease community supervision can be extended.
- (3) if I violate any of the terms or conditions of my parole, I can be sentenced to county jail for up to 180 days for each violation, or returned to state prison for up to one year, up to a maximum of \_\_\_\_\_ years. If I violate any of the terms or conditions of postrelease community supervision, I can be sentenced to county jail for up to 180 days for each violation, for up to a maximum of 3 years.

**c. Effect of Conviction on Other Cases**

I understand that a conviction in this case may constitute a violation of any other current grant of parole, mandatory supervision, postrelease community supervision, or probation in any other case and that I may receive additional punishment as a result of that violation.

**d. Registration**

I understand that I will be required to register with the local police agency or sheriff's department in the city or county in which I reside as

- (1)  an arson offender
- (2)  a gang member
- (3)  a sex offender (**this registration is a lifelong requirement**)
- (4)  Other (specify):

and that if I fail to register or to keep my registration current for any reason, new felony criminal charges may be filed against me.

**e. Prints and DNA Samples**

I understand that I must provide biological samples and prints for identification purposes—including buccal (mouth) swab samples, right thumb prints, palm prints of each hand, and blood specimens or other biological samples required by law—and that failure to do so constitutes a new criminal offense.

**f. Serious or Violent Felony**

- (1)  I understand that by pleading guilty or no contest to a serious or violent felony ("strike"), the penalty for any future felony conviction will be increased as a result of my conviction in this case, depending on the number of strikes I have, up to a mandatory prison sentence of double the term otherwise provided or a term of at least 25 years to life.
- (2)  I understand that if I am convicted of a violent felony, jail or prison conduct/work-time credit I may accrue will not exceed 15 percent.
- (3)  I understand that if I am admitting a prior strike conviction, prison work-time credit that I may accrue will not exceed 20 percent of the total term of imprisonment.
- (4)  I understand that if I am convicted of murder or a third felony conviction of certain offenses, I am ineligible to receive work-time credits. Count \_\_\_\_\_ is such an offense.

**g. Prior Prison Term for Sexually Violent Offense**

I understand that if I am sentenced to serve a state prison term for this sexually violent offense, as defined in Welfare and Institutions Code section 6600(b), the penalty for any future felony conviction may be increased as a result of my incarceration in this case.

**h. Driver's License and Vehicle Forfeiture**

I understand that my privilege to drive a motor vehicle may be revoked or suspended by the court or the California Department of Motor Vehicles, and my vehicle may be ordered forfeited if it was involved in the offense.

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3. i. **Immigration Consequences** INITIALS  
 I understand that if I am not a citizen of the United States, my plea of guilty or no contest may result in my deportation, exclusion from admission to the United States, or denial of naturalization under the laws of the United States.

j. **Firearms (Guns), Firearm Parts, and Ammunition Prohibition**  
 I understand that federal and state laws prohibit a convicted felon from possessing firearms (guns), firearm parts, or ammunition for life. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

k. **Other Consequences (specify):**

4. **RIGHT TO AN ATTORNEY**  
 I understand that I have the right to an attorney of my choice to represent me throughout the proceedings. If I cannot afford to hire an attorney, the court will appoint one to represent me.

**I hereby give up my right to be represented by an attorney.**

5. **OTHER CONSTITUTIONAL RIGHTS**  
 I understand that I am entitled to each of the following rights as to the charges listed in item 1 (on page 1):

a. **Right to a Jury Trial**  
 I understand that I have a right to a speedy and public jury trial. At the trial, I would be presumed to be innocent, and I could not be convicted unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were unanimously convinced beyond a reasonable doubt that I am guilty. I have a right, through my counsel, to participate in jury selection.

b. **Right to a Court Trial**  
 I understand that, as an alternative to a jury trial, if the prosecutor agrees, I may give up a jury trial and have a court trial in which the judge alone, without a jury, hears the evidence. I still could not be convicted unless, after hearing all of the evidence, the judge was convinced beyond a reasonable doubt that I am guilty.

c. **Right to Confront and Cross-Examine Witnesses**  
 I understand that I have the right to confront and cross-examine all witnesses testifying against me. This means that the prosecution must produce the witnesses in court, they must testify under oath in my presence, and my attorney may question them.

d. **Right to Remain Silent and Not to Incriminate Myself**  
 I understand that I have the right to remain silent, and my silence cannot be considered as evidence against me. I understand that I also have the right not to incriminate myself, and I cannot be forced to testify.

e. **Right to Produce Evidence and to Present a Defense**  
 I understand that I have a right to present evidence and to have the court issue subpoenas to bring to court all witnesses and evidence favorable to me, at no cost to me. I also have the right to testify on my own behalf.

6. **BEFORE THE PLEA**

a. **Discussion With My Attorney**   
**Before entering this plea, I have had a full opportunity to discuss the following with my attorney:**

- (1) The facts of my case;
- (2) The elements of the charged offenses, prior convictions, enhancements, and special allegations;
- (3) Any defenses that I may have;
- (4) My constitutional and statutory rights and waiver of those rights;
- (5) The consequences of this plea, including the immigration consequences; and
- (6) Anything else I think is important to my case.

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6. **b. Questions** INITIALS  
 I have no further questions of the court or of my attorney with regard to my plea and admissions in this case, any of the rights, or anything else on this form.

c. **Stipulation to Commissioner**  
 I understand that I have the right to have a judge take my plea and sentence me. I give up this right and agree to have a commissioner, sitting as a temporary judge, take my plea and sentence me.

d. **Medications or Controlled Substances**  
 I am not taking any medication that affects my ability to understand this form and the consequences of my plea, have not recently consumed any alcohol or drugs, and am not suffering from any medical condition, except for the following:

e. **Court Approval of Plea Agreement**  
 I understand that the plea agreement in item 2 (on pages 1 and 2) is based on the facts before the court. I understand that if the court approves this plea agreement the approval of the court is not binding, and that the court may withdraw its approval of the plea agreement upon further consideration of the matter. I understand that if the court withdraws its approval of this plea agreement I will be allowed to withdraw my plea. (Pen. Code, § 1192.5.)

7. **STATUTORY RIGHT TO A PRELIMINARY HEARING**   
 I understand that before I have a trial, the law gives me the right to a speedy preliminary hearing at which the prosecution would produce evidence and the court must find reasonable cause to believe I committed the crimes with which I have been charged. I understand that I have all of the above constitutional rights at the preliminary hearing, except for the right to a jury trial.

**I give up my right to a preliminary hearing and the constitutional rights listed in item 5 (on page 4).**

8. **WAIVER OF CONSTITUTIONAL RIGHTS**   
**I give up, for each of the charges and allegations listed in item 1 (on page 1), my right to a jury trial, my right to a court trial, my right to confront and cross-examine witnesses, my right to remain silent and not to incriminate myself, and my right to produce evidence and to present a defense, including my right to testify on my own behalf. I understand that I am, in fact, incriminating myself with my plea.**

9. **THE PLEA**   
 I freely and voluntarily plead  GUILTY  NO CONTEST to the charges listed in item 1 (on page 1) and admit the allegations listed in item 1 (on page 1), understanding that this plea and admission will lead to the penalties listed in item 2 (on pages 1 and 2).

a. I offer my plea of guilty or no contest freely and voluntarily and with full understanding of everything in this form. No one has made any threats; used any force against me, my family, or my loved ones; or made any promises to me, except as listed in this form, in order to convince me to plead guilty or no contest.

b. **I understand that the court is required to find a factual basis for my plea to make sure that I am entering a plea to the proper offenses under the facts of the case.**

**I offer to the court the following as the basis for my plea of guilty or no contest and any admissions:**

(1) **I understand that the court may consider the following as proof of the factual basis for my plea:**

- (a)  Preliminary hearing transcript
- (b)  Police report
- (c)  Probation report
- (d)  Welfare investigator's declaration
- (e)  Court documents regarding any alleged prior offenses
- (f)  Other(*specify*):
- (g)  (Specify facts):

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9. b. (2) **I am pleading guilty or no contest to take advantage of a plea agreement (my attorney will stipulate to a factual basis for the plea).** (*People v. West* (1970) 3 Cal.3d 595.)

INITIALS

**10. AFTER THE PLEA**

**a. Surrender**

I understand that the court is allowing me to surrender at a later date to begin serving time in custody.

I agree that if I fail to appear on the date set for surrender or sentencing without a legal excuse, my plea will become an "open plea" to the court, I will not be allowed to withdraw my plea, and I may be sentenced up to the maximum allowed by law.

**b. Sentencing Court**

I understand that I have the right to be sentenced by the same judge or commissioner who takes my plea.

I give up that right and agree that any judge or commissioner may sentence me.

**c. Sentencing Date**

I understand that I have the right to be sentenced within 20 court days. I give up that right and agree to be sentenced at a later date.

**11. MANDATORY WARNING**

I understand that if I am charged with violating Vehicle Code section 23103, as specified in Vehicle Code section 23103.5, or Vehicle Code sections 23152 or 23153, the following warning applies:

**You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving someone is killed, you can be charged with murder.**

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**DEFENDANT'S STATEMENT**

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I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, and effects of any prior convictions, enhancements, and special allegations have been explained to me. I understand each of the rights outlined above, and I give up each of them to enter my plea.

Date: \_\_\_\_\_



\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF DEFENDANT)

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**ATTORNEY'S STATEMENT**

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I am the attorney of record for the defendant. I have reviewed this form with my client. I have explained each of the items in the form, including the defendant's constitutional and statutory rights, to the defendant and have answered all of his or her questions with regard to those rights, the other items in this form, and the plea agreement. I have also discussed the facts of the case with the defendant and have explained the nature and elements of each charge; any possible defenses to the charges; the effect of any prior convictions, enhancements, and special allegations; and the consequences of the plea.

I concur in the plea and admissions and join in the waiver of the defendant's constitutional and statutory rights, and I hereby stipulate that there is a factual basis for the plea and refer the court to the  police report  preliminary hearing transcript  probation report  other (*specify*): \_\_\_\_\_ (*People v. West* (1970) 3 Cal.3d 595.)

Date: \_\_\_\_\_



\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF ATTORNEY)

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**INTERPRETER'S STATEMENT**

I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language noted below.

Language:  Spanish  Other (*specify*):

Date: \_\_\_\_\_

\_\_\_\_\_  
(CERTIFICATION NUMBER)

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF INTERPRETER)

**DISTRICT ATTORNEY'S STATEMENT**

I have read this form and understand the terms of the plea agreement.

I  agree  do not agree with the terms of the plea agreement and the indicated sentence.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF DISTRICT ATTORNEY)

**COURT'S FINDINGS AND ORDER**

The court, having reviewed this form (and any addenda), and having orally examined the defendant, finds as follows:

1. The initialed items in this form have been read by or read to the defendant, and the defendant understands each of them.
2. The defendant understands the nature of the crimes and allegations listed in item 1 (on page 1) and the consequences of the plea and any admissions.
3. The defendant expressly, knowingly, understandingly, and intelligently waives the constitutional and statutory rights associated with this plea.
4. The defendant's plea, admissions, and waiver of rights are made freely and voluntarily.
5. A factual basis exists for the plea and admissions, or the defendant is pleading under a plea bargain under *People v. West*.

The court accepts the defendant's plea, admissions, and waiver of rights, and the defendant is hereby convicted based thereon.

It is ordered that this document be filed with the court's records of this case and that the defendant's plea, admissions, and waiver of rights be accepted and entered in the minutes of this court.

Date: \_\_\_\_\_

\_\_\_\_\_  
(SIGNATURE OF JUDICIAL OFFICER)



<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA v. Defendant(s):	
<b>DOMESTIC VIOLENCE PLEA FORM          WITH WAIVER OF RIGHTS—MISDEMEANOR</b>	CASE NUMBER:

**Instructions:**

- Fill out this form only if you want to plead guilty or no contest.
- Read this form carefully. For each item, if you understand and agree with what you read, put your initials in the box to the right of the item. For any item that does not apply to you or that you do not understand, leave the box blank.
- Sign and date the form under "DEFENDANT'S STATEMENT" on page 3.
- Keep in mind that the court cannot give legal advice. If you have an attorney and have questions about anything in this form, ask your attorney.

INITIALS

1. **Charges and Maximum Penalties.** I want to plead guilty or no contest to the charges listed below. I understand that the maximum penalties for the charges to which I am pleading guilty or no contest are listed below.

COUNT	CHARGES (SECTION & DESCRIPTION)	MAXIMUM PENALTY (FINE & JAIL)

2. **Prior Convictions.** I understand that I am also charged with a prior conviction in case number(s):

3. **Probation Violations.** I understand that I am also charged with a violation of probation in case number(s):

4. **Right to an Attorney** (*Leave this box blank if you have an attorney*). I understand that I have the right to an attorney of my choice to represent me throughout the proceedings. If I cannot afford to hire an attorney, the court will appoint one to represent me. **I hereby give up my right to be represented by an attorney.**

5. **Other Constitutional Rights.** I understand that I am entitled to each of the following rights concerning the charges and prior convictions (if any) listed in items 1 and 2 (above):

- a. **Right to a jury trial.** I understand that I have a right to a speedy and public jury trial. At the trial, I would be presumed to be innocent and I could not be convicted unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were convinced beyond a reasonable doubt that I am guilty.
- b. **Right to confront and cross-examine witnesses.** I understand that I have the right to confront and cross-examine all witnesses testifying against me. This means that the prosecution must produce the witnesses in court to testify under oath in my presence and I or my attorney may question them.
- c. **Right to remain silent and not incriminate myself.** I understand that I have the right to remain silent and my silence cannot be considered as evidence against me. I understand that I also have the right not to incriminate myself and I cannot be forced to testify.

PEOPLE OF THE STATE OF CALIFORNIA v. Defendant(s):	CASE NUMBER:
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INITIALS

6. **Rights for Probation Violations** (*Leave this box blank if you are not charged with a probation violation*). I understand that I have all the constitutional rights listed above for all probation violations charged against me, except that I do not have a right to a jury trial, only a court hearing before a judge.

7. **Consequences of My Plea**

a. **No contest plea.** I understand that a no contest plea has the same effect as a guilty plea except that it cannot be used against me in a civil case that derives from an act on which this prosecution is based unless the offense is punishable as a felony.

b. **Effect of conviction on other cases.** I understand that a conviction in this case may be used to increase my punishment for future domestic violence convictions and may constitute a violation of any other current grant of parole or probation, which may result in additional punishment.

c. **Mandatory minimum conditions of probation.** I understand that if I am granted probation, the terms and conditions will include *at least* all of the following (see Pen. Code, § 1203.097):

- (1) A minimum of either 36 months (three years) or 48 months (four years) of probation;
- (2) A criminal court protective order that may include residence exclusion or stay-away conditions;
- (3) Booking within one week of sentencing if I have not already been booked;
- (4) Several statutory fines, fees, and assessments, including a domestic violence fee, restitution fine, probation revocation fine (stayed), criminal conviction assessment, and court security fee;
- (5) Successful completion of an appropriate batterer's treatment program lasting at least 52 weeks;
- (6) Community service;
- (7) Restitution to the victim (if applicable); and
- (8) Other:

d. **Effect of future probation violation.** I understand that if I violate any of the terms or conditions of probation, I may be returned to court and sentenced up to the maximum punishment on each charge as indicated in item 1.

e. **Immigration consequences.** I understand that if I am not a citizen of the United States, my plea of guilty or no contest may result in my deportation, exclusion from admission to the United States, or denial of naturalization under the laws of the United States.

f. **Firearms (guns), firearm parts, ammunition prohibition.** I understand that a conviction in this case may prohibit me from owning, using, or possessing firearms (guns), firearm parts, and ammunition within 10 years under Penal Code sections 29805 and 30305. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

g. **Child custody consequences.** I understand that a conviction in this case may result in a rebuttable presumption that an award of sole or joint physical or legal custody of a child is detrimental to the best interest of the child under Family Code section 3044.

h. **Other consequences (specify):**

8. **Before the Plea**

a. **Discussion with my attorney** (*leave this box blank if you are not represented by an attorney*). Before entering this plea, I have had a full opportunity to discuss with my attorney the facts of the case, the elements of the charged offenses and prior convictions (if any), any defenses that I may have, my constitutional and statutory rights and waiver of those rights, the consequences of this plea, and anything else I think is important to my case.

b. **Questions.** I have no further questions for the court or for my attorney with regard to my plea and admissions in this case or any of my rights or anything else on this form.

9. **Waiver of Constitutional Rights.** For each of the charges, prior convictions (if any), and probation violations (if any) listed in items 1, 2, and 3, I give up my right to a jury trial, my right to a court hearing, my right to confront and cross-examine witnesses, and my right to remain silent and not to incriminate myself. I understand that I am, in fact, incriminating myself with my plea.

10. **The Plea (check one).** I freely and voluntarily plead  GUILTY  NO CONTEST to the charges listed in item 1. I offer my plea with full understanding of everything in this form. No one has made any threats; used any force against me, my family, or loved ones; or made any promises to me, except as listed in this form, in order to convince me to plead guilty or no contest.

PEOPLE OF THE STATE OF CALIFORNIA v. Defendant(s):	CASE NUMBER:
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11. **Prior Convictions.** I freely and voluntarily admit the prior convictions (if any) listed in item 2, and I understand that this admission may increase the penalties that are imposed on me.
12. **Probation Violations.** I freely and voluntarily admit the probation violations (if any) listed in item 3.
13. **Sentencing.** I understand that I have a right to delay my sentencing at least 6 hours and as long as 5 days after my plea. I give up this right and agree to be sentenced at this time.

INITIALS


**DEFENDANT'S STATEMENT**

I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, and the effects of any prior convictions and probation violations have been explained to me. I understand each of the rights outlined above and I give up each of them to enter my plea.

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)	SIGNATURE OF DEFENDANT
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**ATTORNEY'S STATEMENT**

I am the attorney of record for the defendant. I have reviewed this form with my client. I have explained each of the items in the form, including the defendant's constitutional and statutory rights, to the defendant and have answered all of his or her questions with regard to those rights, the other items in this form, and the plea agreement. I have also discussed the facts of the case with the defendant and have explained the nature and elements of each charge, any possible defenses to the charges, the effect of any prior convictions and probation violations, and the consequences of the plea.

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)	SIGNATURE OF ATTORNEY
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**INTERPRETER'S STATEMENT**

I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language noted below.

Language:  Spanish  Other (specify):

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)	(CERTIFICATION NUMBER)
SIGNATURE OF INTERPRETER	

**COURT'S FINDINGS AND ORDER**

The court, having reviewed this form and having orally examined the defendant, finds that (a) the defendant has read or been read and understands each of the initialed items on this form; (b) the defendant understands the nature of the crimes and allegations listed in items 1, 2, and 3 and the consequences of the plea and any admissions; (c) the defendant expressly, knowingly, understandingly, and intelligently waives his or her constitutional and statutory rights; and (d) the defendant's plea, admissions, and waiver of rights are made freely and voluntarily.

The court accepts the defendant's plea, admissions, and waiver of rights, and the defendant is hereby convicted based thereon.

It is ordered that this document be filed with the court's records of this case and that the defendant's plea, admissions, and waiver of rights be accepted and entered in the minutes of this court.

Date: \_\_\_\_\_

SIGNATURE OF JUDICIAL OFFICER
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<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
<b>PROHIBITED PERSONS RELINQUISHMENT FORM FINDINGS</b> <b>(Pen. Code, § 29810(c))</b>	FOR COURT USE ONLY Date: Time: Department:

Any reference to "firearm" throughout this form includes any firearms (guns), receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16351). The defendant is prohibited from owning, purchasing, receiving, possessing, or having under his or her custody any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines, and shall relinquish all firearms under Penal Code section 29810.

**THE COURT FINDS**

**Compliance**

1.  Defendant has completed a *Prohibited Persons Relinquishment Form*; and
  - a.  defendant relinquished all firearms per the probation officer's report and provided relinquishment receipts; or
  - b.  defendant was allowed an alternative method of relinquishment under Penal Code section 29810(f) and relinquished all firearms under an alternative method.
  
4.  Defendant has no reportable firearms per the probation officer's report.

**Noncompliance**

5.  Defendant has not completed a *Prohibited Persons Relinquishment Form*.
6.  Defendant has not complied with the relinquishment requirements of Penal Code section 29810.
7.  Search warrant required; matter referred to the prosecuting agency of the county for appropriate action.

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(SIGNATURE OF JUDICIAL OFFICER)

**SP22-12**

**Definition of *Firearm*** (Forms CR-101, CR-102, and CR-210)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	California Department of Justice Division of Law Enforcement, Bureau of Firearms by Charlie Sarosy, Deputy Attorney General	AM	<p>The Bureau of Firearms (BOF), within the Division of Law Enforcement in the California Department of Justice, respectfully submits this public comment regarding the revisions made to two Judicial Council plea forms and one firearms relinquishment form pursuant to Assembly Bill 1621 (Stats. 2022, ch. 76) (AB 1621).</p> <p>This comment will first address the revisions made to the CR-101 and CR-102 forms. For the reasons described below, the following revision is recommended for both forms: that the phrase “firearms, firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition” be revised to “firearms, receivers/frames, firearm precursor parts (as defined in Penal Code section 16531), or ammunition.”</p> <p>The term “firearm parts” is not a term used by the BOF, or other law enforcement agencies, to collectively refer to receivers, frames, and unfinished receivers or frames. In addition to being an unfamiliar term, “firearm parts” also lacks any statutory definition.</p> <p>Further, connecting “unfinished receiver or frame” with Penal Code section 16531 is inaccurate because AB 1621 eliminated these terms from section 16531. Before AB 1621, section 16531 defined a “firearm precursor part” as “a component of a firearm that is necessary to</p>	<p>The committee recommends the use of “firearm parts” as a plain language term to refer to frames, receivers, and firearm precursor parts. The committee believes that a significant portion of court users would better understand what items are prohibited through referring to them as “firearm parts.”</p> <p>The committee agrees, in part, and will replace “unfinished receiver or frame” with “any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).”</p>

**SP22-12**

**Definition of *Firearm*** (Forms CR-101, CR-102, and CR-210)

All comments are verbatim unless indicated by an asterisk (\*).

		<p>build or assemble a firearm and is described in either of the following categories: (1) An unfinished receiver . . . (2) An unfinished handgun frame.” (Former Pen. Code, § 16531, subd. (a).) But AB 1621 amended section 16531 and replaced the previously-described definition of a firearm precursor part with the following: “any forging, casting, printing, extrusion, machined body or similar article [1] that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or [2] that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.” (Pen. Code, § 16531, subd. (a).) The terms “unfinished receiver” and “unfinished frame” no longer appear in Penal Code section 16531 because of AB 1621. Indeed, this fact is acknowledged at page 2, footnote 2 in Item SP22-12’s Invitation to Comment. Thus, continuing to use those terms and tying them to section 16531 contradicts the current wording of the statute. Moreover, the BOF does not use “unfinished receiver or frame” in its Firearm Precursor Part Identification Guidebook, available here, <a href="https://oag.ca.gov/system/files/media/bof-reg-rev-fpp-id-guidebook.pdf">https://oag.ca.gov/system/files/media/bof-reg-rev-fpp-id-guidebook.pdf</a>, or in the related regulations. (See also Cal. Code Regs., tit. 11, § 4303.)</p> <p>Accordingly, it is recommended that “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code</p>	
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**SP22-12**

**Definition of *Firearm*** (Forms CR-101, CR-102, and CR-210)

All comments are verbatim unless indicated by an asterisk (\*).

		<p>section 16531)” be replaced with: “receivers/frames, firearm precursor parts (as defined in Penal Code section 16531).”</p> <p>This recommended iteration is clearer because the terms “receiver” and “frame” are defined under California regulations (Cal. Code Regs., tit. 11, § 4303(a)(3), (6)), and federal regulations (Definition of “Frame or Receiver” and Identification of Firearms, 87 Fed. Reg. 24652, 24739, codified at 27 C.F.R. pts. 447, 478 and 479). Although “firearm precursor part” might be a relatively new term, the reference to the specific Penal Code section will assist with understanding its meaning. A plain language description of a “firearm precursor part” would likely be too cumbersome because of the two categories of such an item, i.e., a readily convertible item or a marketed/sold item. (Pen. Code, § 16531, subd, (a).)</p> <p>This recommended iteration is also more consistent with the wording in Penal Code section 16520, subdivision (b), which is the basis for including this language in these court forms. That language states: “As used in the following provisions, ‘firearm’ includes the frame or receiver of the weapon: weapon, including both a completed frame or receiver, or a firearm precursor part.” (Pen. Code, § 16520, subd. (b).) Although there is a separate statutory definition for a “federally regulated firearm precursor part” under Penal Code section 16519, it is unnecessary to mention that term because such an item is considered a firearm pursuant to</p>	<p>The committee believes a plain language description of a “firearm precursor part” is helpful to insure that restrained persons are as aware as possible of the prohibition.</p> <p>The committee agrees, in part, and has modified the reference to prohibited items to generally refer to: any firearms (guns), firearm parts, and ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).</p>
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**SP22-12**

**Definition of *Firearm*** (Forms CR-101, CR-102, and CR-210)

All comments are verbatim unless indicated by an asterisk (\*).

		<p>federal law, and thus would fall within the meaning of a “firearm.”</p> <p>With regards to the CR-210 form, it is recommended that the first sentence of the form, “Any reference to ‘firearm’ throughout this form includes receivers, frames, or unfinished receivers or frames, as defined in Penal Code section 16531,” be revised to the following: “Any reference to ‘firearm’ throughout this form includes receivers, frames, or firearm precursor parts (as defined in Penal Code section 16531).” The reasoning for this recommendation is the same as previously described for the recommended revisions to the CR-101 and CR-102 forms. Moreover, placing the “as defined in Penal Code section 16531” phrase in a parenthetical will clarify that section 16531 is relevant only to the definition of a firearm precursor part, not a receiver or frame.</p> <p>Another revision, unrelated to AB 1621, is also recommended for the CR-210 form. Specifically, more identifying information about the defendant described in the form would assist the BOF and local law enforcement agencies when this form is used to enforce the relinquishment order. Currently, the only requested identifying information in the CR-210 form is a blank space for the defendant’s name in the caption for the case title. A handwritten name, which typically lacks the defendant’s middle name, is nearly always insufficient to identify exactly who is the defendant. Thus, if the court finds the defendant falls into one of the</p>	<p>The committee agrees, in part, and has modified the reference to prohibited items to generally refer to: any firearms (guns), firearm parts, and ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).</p> <p>These comments are beyond the scope of the current proposal. The committee will defer consideration of these suggestions to a future proposal cycle.</p>
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**SP22-12**

**Definition of Firearm** (Forms CR-101, CR-102, and CR-210)

All comments are verbatim unless indicated by an asterisk (\*).

			<p>“Non-Compliance” categories listed on the form, a law enforcement agency would unlikely be able to use the form to retrieve the defendant’s firearms or obtain a search warrant because the agency could not use this form to identify the defendant.</p> <p>Accordingly, it is recommended that the following identifying information for the defendant be added to the CR-210 form: (1) full name; (2) date of birth; (3) driver’s license or other California identification number; (4) specifying whether the defendant is on formal or informal probation; and (5) if the defendant is on formal probation, whether the defendant is assigned to a probation officer.</p>	
2.	Superior Court of Orange County By Iyana Doherty, Courtroom Operations Supervisor	AM	<p>No specific comments will be submitted as Orange County has its own Tahl Form and committee approval process and these forms are still listed as optional</p> <p>If approved, we will look at modified language related to firearms and consider revisions to local forms during next review cycle</p> <p>No comments for CR-210</p>	The committee appreciates the comments.
3.	Superior Court of San Diego County By Mike Roddy, Executive Officer		<p><i>Does the proposal appropriately address the stated purpose? Yes.</i></p> <p><i>Would the proposal provide cost savings? If so, please quantify. No.</i></p> <p><i>What would the implementation requirements be for courts—for example, training staff (please</i></p>	The committee appreciates the comments.

**SP22-12**

**Definition of *Firearm*** (Forms CR-101, CR-102, and CR-210)

All comments are verbatim unless indicated by an asterisk (\*).

		<p><i>identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Revisions to internal procedures, local packets, and training for staff.</i></p> <p><i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation, or would January 1 be a better effective date?</i> January 1, 2023 would be the preferred effective date since the forms are mandatory and the new law is already operative. It would benefit courts to have JCC approved forms prior to March 1, 2023.</p> <p><i>How well would this proposal work in courts of difference sizes? It appears that the proposal would work for courts of all sizes.</i></p> <p>No additional comments.</p>	<p>The committee discussed the comment but recommends a March 1, 2023 effective date in order to give other courts sufficient time to implement the changes, based on the feedback of judicial administrators on the committee.</p>
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## RULES COMMITTEE ACTION REQUEST FORM

**Rules Committee Meeting Date:** 11/16/2022

**Rules Committee action requested** [Choose from drop down menu below]:  
**Recommend JC approval (has circulated for comment)**

**Title of proposal:** Criminal Procedure: Request for Dismissal of Conviction for Violation of Penal Code Section 653.22

*Proposed rules, forms, or standards (include amend/revise/adopt/approve):*  
Approve forms CR-425 and CR-426

*Committee or other entity submitting the proposal:*  
Criminal Law Advisory Committee

*Staff contact (name, phone and e-mail):* Sarah Fleischer-Ihn, 5-7702, [sarah.fleischer-ihn@jud.ca.gov](mailto:sarah.fleischer-ihn@jud.ca.gov)

*Identify project(s) on the committee's annual agenda that is the basis for this item:*

Annual agenda approved by Rules Committee on (date): September 6, 2022

Project description from annual agenda: Develop a proposal for new forms to implement Penal Code section 653.29, which allows record cleaning relief for persons with convictions for repealed Penal Code section 653.22, loitering with intent to commit prostitution. Penal Code section 653.29(f) requires the Judicial Council to "promulgate and make available all necessary forms to enable the filing of petitions and applications provided in this section."

**Out of Cycle:** *If requesting September 1 effective date or out of cycle, explain why:*

**Additional Information for Rules Committee:** (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

**Additional Information for JC Staff** (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.).

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.



# JUDICIAL COUNCIL OF CALIFORNIA

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 22-190*

For business meeting on: December 1–2, 2022

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**Title**

Criminal Procedure: Request for Dismissal of Conviction for Violation of Penal Code Section 653.22

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2023

**Rules, Forms, Standards, or Statutes Affected**

Approve forms CR-425 and CR-426

**Date of Report**

October 31, 2022

**Recommended by**

Criminal Law Advisory Committee  
Hon. Brian M. Hoffstadt, Chair

**Contact**

Sarah Fleischer-Ihn, 415-865-7702  
[sarah.fleischer-ihn@jud.ca.gov](mailto:sarah.fleischer-ihn@jud.ca.gov)

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### Executive Summary

The Criminal Law Advisory Committee recommends two new optional forms relating to resentencing, dismissal, and sealing of Penal Code section 653.22 convictions. Senate Bill 357 (Stats. 2022, ch. 86), effective January 1, 2023, repeals Penal Code section 653.22 (loitering with the intent to commit prostitution) and adds Penal Code section 653.29, which outlines the process for resentencing, dismissal, and sealing of section 653.22 convictions. Penal Code section 653.29(f) specifically instructs the Judicial Council to “promulgate and make available all necessary forms to enable the filing of petitions and applications provided in this section.” The proposal includes forms for a request for relief and a court order granting or denying relief.

### Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2023, approve:

1. *Request for Resentencing and Dismissal (Pen. Code, § 653.29)* (form CR-425), for use by individuals who were convicted for violations of Penal Code section 653.22, are requesting relief, and are currently serving a sentence or have completed a sentence. The petitioner may

request or waive a hearing and may waive the statutory requirement under section 653.29(a)(1) and (b)(1) that the matter be heard by the sentencing judge.

2. *Order After Request for Resentencing and Dismissal (Pen. Code, § 653.29)* (form CR-426), for use by courts to grant or deny a petition requesting relief and to resentence the petitioner on remaining counts.

The proposed forms are attached at pages 5–6.

### **Relevant Previous Council Action**

The council has taken no previous action regarding conviction relief under Senate Bill 357. It has approved similar forms for resentencing, dismissal, and sealing of convictions of former Penal Code section 647f (felony prostitution), , and the forms recommended here are similar to those.

### **Analysis/Rationale**

Effective January 1, 2023, SB 357 repealed Penal Code section 653.22 and added Penal Code section 653.29, authorizing conviction relief for persons convicted of a violation of former Penal Code section 653.22.

Under section 653.29(a), a person currently serving a sentence for a conviction of violating former section 653.22 may petition for recall or dismissal of a sentence before the trial court that entered the judgment of conviction. The court must presume the petitioner qualifies for relief unless the opposing party proves by clear and convincing evidence that the petitioner is ineligible. If the petitioner was convicted of violating former section 653.22, the court must grant the petition to recall or dismiss the sentence because it is legally invalid and must seal the conviction.

Under section 653.29(b), a person who has completed a sentence for a conviction of violating former section 653.22 may file an application before the trial court that entered the judgment of conviction to have the conviction dismissed and sealed because it is legally invalid. The court must presume the applicant qualifies for relief, unless the opposing party proves by clear and convincing evidence that the applicant is ineligible due to not having a qualifying conviction under former section 653.22. If the applicant was convicted of violating former section 653.22, the court must dismiss and seal the conviction as legally invalid. Unless requested by the applicant, no hearing is necessary to grant or deny an application by a person who has completed a sentence.

Penal Code section 653.29(f) specifically instructs the Judicial Council to “promulgate and make available all necessary forms to enable the filing of petitions and applications provided in this section.” The proposal includes a request for relief and a court order granting or denying relief.

### **Policy implications**

This proposal complies with the legislative mandate, and at the same time furthers the council’s policy of ensuring access to justice for all litigants.

## **Comments**

The proposal circulated for public comment from September 21 to October 11, 2022,<sup>1</sup> and received two comments from the Superior Court of Orange County (agree if modified) and the Superior Court of San Diego (agree).

The Superior Court of Orange County made several suggestions to improve the format of the petition (form CR-425). The committee discussed the suggestions and incorporated the court's suggestion to modify the formatting of the forms that were circulated for comment for more consistency with other traditionally-formatted Judicial Council forms by replacing "I" with "petitioner" so that the petition may be used by either a self-represented petitioner or counsel, and simplifying the proposed form by taking out the titles in items 1 and 3 ("Conviction Information" and "Consent to Hearing By Any Judge"). The committee declined the court's suggestion to allow an incarcerated petitioner to include a housing location so that the court could arrange for transport to a hearing, as the committee anticipates that the vast majority of petitioners will be out of custody, and self-represented petitioners who are incarcerated may provide their contact information at the top portion of the petition.

The Orange court also suggested improving the order form (form CR-426) by separating the sections for granting or denying relief, which the committee incorporated. The committee declined the court's suggestion to include items regarding custody status in the order, as the committee does not anticipate many petitions filed by persons in-custody. Additionally, custody-related matters may be documented in the minute order. The committee also declined to include whether the matter was heard at a hearing or without a hearing, or whether the prosecution opposed granting of the petition. The committee thought that hearing-related information could be included in the minute order, and that the prosecution's position was not necessary to include in the order.

A chart with all comments received and the committee's responses is attached at pages 6–10.

## **Alternatives considered**

The committee did not consider the alternative of taking no action, determining that it is important for the forms to conform to the legislative change.

## **Fiscal and Operational Impacts**

As the forms are optional, expected costs are limited to training, possible case management system updates, and the production of new forms. No other implementation requirements or operational impacts are expected.

## **Attachments and Links**

1. Forms CR-425 and CR-426, at pages 5–6

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<sup>1</sup> The shorter than normal circulation was to ensure that the new forms could be in effect by the time the new law becomes operative on January 1.

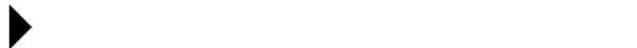
2. Chart of comments, at pages 7–11

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: FIRM NAME: STREET ADDRESS: CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: ATTORNEY FOR (name): _____	<i>FOR COURT USE ONLY</i>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA <p style="text-align: center;">v.</p> DEFENDANT:	CASE NUMBER:
<b>REQUEST FOR RESENTENCING AND DISMISSAL</b> <b>(Pen. Code, § 653.29)</b>	<i>FOR COURT USE ONLY</i> DATE: TIME: DEPT:

1. Petitioner (*the defendant in the above-titled criminal action*) was convicted of a violation of Penal Code section 653.22 in this case.
2. **REQUEST** (*check one*):
  - a.  **Petition for Recall and Dismissal:** Petitioner is currently serving a sentence in this case and requests the court that entered the judgment of conviction in this case to recall or dismiss the sentence and seal the conviction.
    - (1) Petitioner understands there is a right to personally attend any hearing held in this matter.
    - (2) *Optional Waiver:*  Petitioner gives up that right so that the request may be heard without the petitioner's presence.
  - OR**
  - b.  **Application for Dismissal of Completed Sentence:** Petitioner has completed the sentence in this case and requests the court that entered judgment of conviction in this case to dismiss and seal the conviction.
    - (1) Petitioner understands that the court can rule on the request without a hearing.
    - (2) Petitioner  wants  does not want a hearing.
3.  Petitioner waives the right to have this matter heard by the judge who sentenced petitioner in this case.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PETITIONER/APPLICANT OR ATTORNEY)

**Proof of Service (form CR-106) may be used to provide proof of service of this petition.**



ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____	
<b>ORDER AFTER REQUEST FOR RESENTENCING AND DISMISSAL</b> <b>(Pen. Code, § 653.29)</b>	CASE NUMBER: _____

Based on request filed in this matter, the records of the court, and any other evidence presented in this matter, the court finds as follows:

**1. PETITION FOR RECALL AND DISMISSAL**

a.  **Relief Granted**

(1) The petitioner is eligible for the requested relief. The petition is **GRANTED**. The court recalls the sentence for the convictions in this case and enters the following additional orders:

(a)  Refer to the court minute order from (date):

**OR (Check all that apply):**

(b)  The court **DISMISSES** the conviction for a violation of Penal Code section 653.22 as legally invalid and orders the conviction sealed. The sentence for the remaining convictions is as follows:

(c)  Petitioner is required to complete the period of supervision imposed as a condition of parole, postrelease community supervision, mandatory supervision, or probation.

(2)  The court releases the petitioner from any form of supervision.

(3)  The court **DISMISSES** the conviction for a violation of Penal Code section 653.22 as legally invalid and orders the conviction sealed.

(4)  Other:

b.  **Relief Denied.** The petitioner is ineligible for the requested relief.

**2. APPLICATION FOR DISMISSAL OF A COMPLETED SENTENCE**

a.  **Relief Granted**

(1) The applicant is eligible for the requested relief. The application is **GRANTED**. The court **DISMISSES** the conviction for a violation of Penal Code section 653.22 as legally invalid and orders the conviction sealed.

(2)  The petitioner was also convicted of a violation of (other counts):  
on (date): \_\_\_\_\_ in the above captioned case. The conviction for a violation of  
(other counts): \_\_\_\_\_ on (date): \_\_\_\_\_ remains.

(3)  Other:

b.  **Relief Denied.** The applicant is ineligible for the requested relief.

**IT IS SO ORDERED.**

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

**SP22-13**

**Request for Dismissal of Conviction for Violation of Penal Code Section 653.22 (Approve Forms CR-425, CR-426)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Superior Court of Orange County By Iyana Doherty, Courtroom Operations Supervisor	AM	<p><b>CR-425</b> Overall, the size of the boxes and formatting of the form is not consistent with other judicial council forms. When there is a box, the text related to it should be indented with the label. For example, Consent to Hearing by Any Judge section looks odd as currently formatted</p> <p>Add this to the start of the form – “I am the Defendant/Petitioner; Attorney for Defendant/Petitioner in the above-entitled action” or something similar.</p> <p>Add housing location for the defendant if they are not waiving their presence and want to appear for the hearing. Court will need to know where to transport them from.</p>	<p>The committee agrees with the suggestion and has incorporated it, with modifications, into the form that it is recommending for approval. To make the form more consistent with other Judicial Council forms, the committee will take out the titles for items 1 and 3 (“Conviction Information” and “Consent to Hearing By Any Judge”), split current item #2(a)(1) into two separate items (explaining the right to be personally present and an option to waive the right to be personally present), and split current item #2(b)(1) into two items (explaining that the court can rule on the request without a hearing and an option to request/waive hearing).</p> <p>For consistency with similar Judicial Council forms, the committee will replace “I” with “petitioner” so that the petition may be used by either a self-represented petitioner or an attorney. The committee will also add a note in item 1 of the petition that the petitioner is the defendant in the above-titled criminal action, similar to other record cleaning forms.</p> <p>The committee discussed the suggestion but did not think including a separate housing location was necessary because it does not anticipate many petitions filed by persons in-custody. Self-represented petitioners who are in custody can include their contact information in the top part of the petition.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-13**

**Request for Dismissal of Conviction for Violation of Penal Code Section 653.22 (Approve Forms CR-425, CR-426)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>Modify section 2b(1), doesn't read correctly. Suggested modification (as shown below) as there is a lot of room on the form.</p> <p>The court can rule on my request without a hearing. I request a hearing on my request.</p> <p>Also, if they request a hearing, they may be in custody for another matter so custody information may be needed on those Applications as well.</p> <p><b>CR-426</b></p> <p>For the overall flow of the form, there should be a section clearly marked for Granting the Application / Petition and a separate section for denying the application / petition. Currently the denial and granting are bullets under each section.</p> <p>There should be check box to state the defendant is released from custody as an option</p> <p>In addition to stating credits for time served, there should be a box to return them to custody to serve the remaining sentence as to other counts.</p>	<p>The committee discussed the suggestion but believes the current format is sufficient.</p> <p>The committee declines this suggestion for the reason stated above.</p> <p>The committee agrees with the suggestion and has incorporated it into the form that it is recommending for approval.</p> <p>The committee discussed the suggestion but does not anticipate that many petitioners will be in custody, and for those that are, a release from custody may be documented in the minute order, which is included as an option for reference in the order form.</p> <p>The committee declines this suggestion for the reason stated above. The committee also decided to delete the credit for time served option from the order for this reason as well.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-13**

**Request for Dismissal of Conviction for Violation of Penal Code Section 653.22 (Approve Forms CR-425, CR-426)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>Suggest adding a checkbox to state whether it was heard in open court or through chambers work without a hearing</p> <p>Suggest adding prosecutor’s position (oppose / agree) as to the petitioners eligibility</p> <p><b>Request for Specific Comments</b>  <i>Does the proposal appropriately address the stated purpose? With the suggested changes added, yes.</i></p> <p>The advisory committee also seeks comments from courts on the following cost and implementation matters:</p> <p><i>Would the proposal provide cost savings? If so, please quantify. No.</i></p> <p><i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? As this is part of legislation for this year, meetings with stakeholders will take place in the next few months to determine the workflow for these petitions / applications. This form will be used</i></p>	<p>The committee discussed the suggestion but did not think it was necessary to include in the order, since it will be noted in the minute order.</p> <p>The committee discussed the suggestion but did not think it was necessary to include in the order, especially since the only basis for opposition is that the petitioner did not have a conviction under Penal Code section 653.22.</p> <p>The committee appreciates the comments.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-13**

**Request for Dismissal of Conviction for Violation of Penal Code Section 653.22 (Approve Forms CR-425, CR-426)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>as the basis for those discussions and a local form may be created.</p> <p><i>Would 1 month from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> We will implement a form by January 1st as required by the legislation, so timeline for implementation should be January 1st.</p> <p><i>How well would this proposal work in courts of different sizes?</i> No difference anticipated for different sized courts.</p>	
2.	Superior Court of San Diego County By Mike Roddy, Executive Officer	AM	<p><i>Does the proposal appropriately address the stated purpose?</i> Yes.</p> <p><i>Would the proposal provide cost savings? If so, please quantify.</i> No.</p> <p><i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Revisions to internal procedures, local packets, and training for staff.</i></p> <p><i>Would one month from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> Yes, provided the final versions of the forms are provided to the court at that time. This will</p>	The committee appreciates the comments.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-13****Request for Dismissal of Conviction for Violation of Penal Code Section 653.22 (Approve Forms CR-425, CR-426)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			ensure the court is able to train staff, modify local packets, and obtain printed stock.  <i>How well would this proposal work in courts of difference sizes? It appears that the proposal would work for courts of all sizes.</i>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

## RULES COMMITTEE ACTION REQUEST FORM

**Rules Committee Meeting Date:** November 16, 2022

**Rules Committee action requested** [Choose from drop down menu below]:

**Recommend JC approval (has circulated for comment)**

**Title of proposal:** Uniform Bail and Penalty Schedules: 2023 Edition for Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, and Business Licensing

*Proposed rules, forms, or standards (include amend/revise/adopt/approve):*

*Committee or other entity submitting the proposal:*

Traffic Advisory Committee

*Staff contact (name, phone and e-mail):* Jamie Schechter, (415) 865-5327; [jamie.schechter@jud.ca.gov](mailto:jamie.schechter@jud.ca.gov)

*Identify project(s) on the committee's annual agenda that is the basis for this item:*

Annual agenda approved by Rules Committee on (*date*): November 1, 2022

Project description from annual agenda: The Traffic Advisory Committee is required to revise and update the Uniform Bail and Penalty Schedules annually to conform with new laws, as required by Penal Code section 1269b and California Rule of Court 4.102

**Out of Cycle:** *If requesting September 1 effective date or out of cycle, explain why:*

This proposal has to be ready by January 1 each year, and so circulates on a short cycle in the fall after the legislative session has concluded and the committee has had the opportunity to make the needed revisions.

**Additional Information for Rules Committee:** (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

**Additional Information for JC Staff** (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.)

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-200

For business meeting on December 1 or 2, 2022

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**Title**

Uniform Bail and Penalty Schedules: 2023 Edition for Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, and Business Licensing

**Rules, Forms, Standards, or Statutes Affected**

Adopt revised *Uniform Bail and Penalty Schedules, 2023 Edition*

**Recommended by**

Traffic Advisory Committee  
Hon. Gail Dekreon, Chair

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2023

**Date of Report**

November 10, 2022

**Contact**

Jamie Schechter, 415-865-5327  
[Jamie.Schechter@jud.ca.gov](mailto:Jamie.Schechter@jud.ca.gov)

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### Executive Summary

The Traffic Advisory Committee recommends revisions to *Uniform Bail and Penalty Schedules, 2023 Edition: Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, Business Licensing* (UBPS). Vehicle Code section 40310 mandates that the Judicial Council annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Additionally, Penal Code section 1269b and rule 4.102 of the California Rules of Court require all trial courts annually to revise and adopt a countywide schedule of penalties for all felony, misdemeanor, and infraction offenses, except Vehicle Code infractions. Rule 4.102 additionally provides that counties consider the UBPS approved by the Judicial Council. Unlike for traffic infractions, the schedules in the proposed UBPS for infractions and misdemeanors under boating, forestry, fish and game, public utilities, parks and recreation, and business licensing laws are *advisory*. These schedules are intended to provide guidance and uniformity to the trial courts for their schedules for nontraffic misdemeanors and infractions.



## Recommendation

The Traffic Advisory Committee recommends that the Judicial Council, effective January 1, 2023, adopt revised *Uniform Bail and Penalty Schedules, 2023 Edition: Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, Business Licensing*, approving:

1. Removing references to the Emergency Medical Air Transportation (EMAT) in all UBPS schedules where it was present and the Preface. This change is based on previous legislation, including Assembly Bill 1104 (stats. 2021, ch. 476), which eliminates imposition of the EMAT after December 31, 2022, but continues the collection and distribution until Dec. 31, 2023;
2. For the Traffic Infraction Fixed Penalty Schedule:
  - a. The addition or modification of various sections based on new legislation;
  - b. The addition of Vehicle Code section 27803(a), revision of section 38026.5, and deletion of section 22352 based on three different justice system partner requests; and
  - c. Deletion of Vehicle Code section 21456 following committee examination of the new legislation;
3. Changes of Vehicle Code misdemeanors in the Traffic Misdemeanor Bail and Penalty Schedule for Vehicle Code sections, all based on new legislation;
4. Changes to the Boating Bail and Penalty Schedule footnotes based on new legislation; and
5. Changes to the Fish and Game Bail and Penalty Schedule based on two justice system partner requests.

The proposed revised *Uniform Bail and Penalty Schedules* is provided as Attachment A.

## Relevant Previous Council Action

By circulating order, certified on December 20, 2021, the Judicial Council adopted revised *Uniform Bail and Penalty Schedules, 2022 Edition*. A similar set of schedules has been adopted by the council each year for decades.

## Analysis/Rationale

Vehicle Code section 40310 requires that the Judicial Council annually adopt, for Vehicle Code infractions, a uniform traffic penalty schedule that conforms to new legislation. The council's adoption of the traffic infraction fixed penalty schedule of the proposed UBPS is mandatory under Vehicle Code section 40310, and all courts must implement it—although some may exceed it—under Penal Code section 1463.28.

Penal Code section 1269b and rule 4.102 of the California Rules of Court provide that trial courts must annually revise and adopt a countywide schedule of bail and penalties for all felony, misdemeanor, and infraction offenses except Vehicle Code infractions. Rule 4.102 additionally

requires that, when revising and adopting the schedules, counties “give consideration to the [UBPS] approved by the Judicial Council.” The sections in the schedules in the proposed UBPS for infractions and misdemeanors under boating, forestry, fish and game, public utilities, parks and recreation, and business licensing laws are advisory. The schedules are intended to provide guidance and uniformity to the trial courts for their schedules for misdemeanors and infractions. The proposed revisions to the UBPS are based on statutory changes enacted in the past year, requests from justice system partners, and technical changes. Throughout the year, justice system partners submit requests for changes to the UBPS, and the Traffic Advisory Committee considers all the requests during the annual UBPS revision process and recommends changes to the UBPS, if appropriate.

Proposed revisions to conform the 2023 schedules include removing references to the Emergency Medical Air Transportation (EMAT) in all UBPS schedules where it was present. More specific revisions include:

1. Preface:

- Elimination of references to the EMAT imposition penalty and recalculation of sample calculations that included the EMAT penalty on pages iv, vi – viii, x – xi

2. Additions, modifications, or deletions of Vehicle Code infraction offenses in the Traffic Infraction Fixed Penalty Schedule:

- 10852.5 Unlawfully Purchasing a Used Catalytic Converter
- 12500(a) Unlawful to Drive Unless Licensed
- 21207.5(a) Illegal Operation of Motorized Bicycle
- 21456(a)(1)–(3) Pedestrian Violation of “Walk” or “Wait” Signals
- 21462(a) Disobedience of Driver or Streetcar Motorist to Traffic Control Signal
- 21462(a) Disobedience of a Pedestrian or Person in Control of an Animal to Traffic Control Signal
- 21670(c) Overtaking or Passing Bicycle at Distance of Less Than Three Feet, Move Over Slow Down Exception
- 21953(a) Pedestrian Must Use Tunnel or Overhead Crossing
- 21955(a) Crossing Between Controlled Intersections (Jaywalking)
- 21966(a) Pedestrian Prohibited in Bicycle Lane
- 22350 Unsafe Speed for Prevailing Conditions  $\geq$  26 MPH Over Limit (footnote)
- 22350 Unsafe Speed for Prevailing Conditions 1–15 MPH Over Limit (footnote)
- 22350 Unsafe Speed for Prevailing Conditions 16–25 MPH Over Limit (footnote)
- 22352(a)(1) Operating Vehicle in Excess of 15 MPH at Railroad Crossing
- 22352(a)(2) Operating Vehicle in Excess of 15 MPH at Freeway Intersection With No Clear Field of Vision
- 22352(a)(3) Operating Vehicle in Excess of 15 MPH on Any Alley
- 22352(b)(1) Operating Vehicle in Excess of 25 MPH in Business District
- 22352(b)(2) Operating Vehicle in Excess of 25 MPH by School

- 22352(b)(3) Operating Vehicle in Excess of 25 MPH by Senior Center
  - 26710(a) Defective Windshield/Rear Window Glass
  - 26710(b) Operating any Motor Vehicle Described in Section 34500 Upon a Highway When the Condition of the Windshield Is Other Than Described in Section 393.60(c) of Title 49 of the Code of Federal Regulations
  - 27803(a) Operating/Riding Motorcycle, Motor-Driven Cycle, or Motorized Bicycle While Not Wearing Helmet as Required
  - 38026.5(b)(1) Operation of Off-Highway Vehicle on Highway
  - Various footnotes
3. Additions or modifications of Vehicle Code misdemeanors in the Traffic Misdemeanor Bail and Penalty Schedule:
- 2800(e) Refusal of Driver of Commercial Vehicle to Comply With Inspection
  - 12500(a) Unlawful to Drive Unless Licensed (footnote)
  - Various footnotes
4. Appendix of Enhanced Penalty Amounts Per Vehicle Code Section 42009
- 21462(a) Disobedience of Driver or Streetcar Motorist to Traffic Control Signal
  - 21670(c) Overtaking or Passing Bicycle at Distance of Less Than Three Feet, Move Over Slow Down Exception
  - Footnote
5. Appendix of Enhanced Penalty Amounts Per Vehicle Code Section 42010
- 21670(c) Overtaking or Passing Bicycle at Distance of Less Than Three Feet, Move Over Slow Down Exception
  - Footnote
6. Modifications to the Boating Bail and Penalty Schedule:
- Footnotes
7. Additions to or modifications of the Fish and Game Bail and Penalty Schedule:
- 2002 Unlawfully Possessing a Bird, Mammal, Fish, Reptile, Amphibian, or Part of Any of Those Animals, Taken in Violation of This Code or a Regulation Adopted Under This Code
  - 4304(a) Waste of Game Meat
  - 4304(a) Waste of Trophy Deer, Elk, Antelope, or Big Horn Sheep Meat
  - 4304(a) Waste of Trophy Turkey Meat
  - 4657(a) Wild Pig License Tag Violation
  - 5517(a)(1–4) Taking of Any White Shark, Use of Shark Bait, Shark Lure, or Shark Chum to Attract a White Shark

- 29.85 of California Code of Regulations, Title 14 (For Each Over-Limit Crab)
- Footnote

### **Policy implications**

The revisions are required to ensure that the bail schedule published by the council accurately reflects current laws.

The recommendation includes deleting Vehicle Code sections 21456 and 22352 from the infraction schedule because these infractions are more appropriately cited under other statutes and do not belong in the UBPS. One of the public comments questioned this decision to remove these two infractions. However, as discussed in more detail in the Comments section, the committee reexamined the issue and still believes the removal is correct.

### **Comments**

The draft UBPS circulated for public comment from October 12 through 26, 2022. The proposal received six comments. One commenter agreed with the proposal, two commenters agreed with the proposal if modified, and three commenters did not indicate a position. The committee considered all the comments. The comments chart with the committee's responses is attached at pages 7–10.

One attorney commenter who expressed concern over a new \$75 court fee appeared to have misinterpreted changes that were made to the calculations in the Preface. Although the \$4 EMAT fee was deleted throughout the Preface, no new \$75 court fee was added. The committee believes that the commenter was referring to the existing \$35 conviction assessment and the \$40 court operations assessment, which are statutorily mandated and remain unchanged from previous versions of the UBPS.

Another commenter, the Superior Court of Los Angeles County, appeared to believe that more substantial changes were made to the UBPS for Vehicle Code section 21760. In fact, the only change was deletion of a footnote and change of the offense title for Vehicle Code section 21760(c). However, although it was not a new change, the commenter expressed concern with the existing bail structure for Vehicle Code section 21760. The committee will consider that suggestion for the 2024 UBPS.

The Superior Court of Orange County questioned whether Vehicle Code sections 21456 and 22352 should have been deleted from the UBPS. The committee had determined that Vehicle Code sections 21456 and 22352 are not citable offenses and that conduct is more appropriately cited under other Vehicle Code sections. The committee felt that Vehicle Code section 21456 is an explanatory statute, and the appropriate violation statute is Vehicle Code section 21456.1. Likewise, the committee felt that Vehicle Code section 22352 provides a definition, describing what the prima facie limits are. The committee, therefore, recommended deleting both from the UBPS. The committee reexamined the recommendation based on the comment, but again determined that these violations are more explanatory than criminal and appropriately cited

under other Vehicle Code sections. The committee continues to recommend deleting them from the UBPS.

The committee agreed with several other comments and made changes to the UBPS based on those comments.

### **Alternatives considered**

No alternatives were considered. Annual revision of the schedules is required by statute and by rule 4.102 of the California Rules of Court. The schedules must be updated to reflect new law to enable courts to collect the proper amounts in fines, penalties, and fees for violations that occur after December 31, 2022.

### **Fiscal and Operational Impacts**

Courts will need to reprogram court case management systems, update reminder notices, and provide training for court staff and judicial officers regarding new fines, penalties, and fees for criminal cases.

### **Attachments and Links**

1. Chart of comments, at pages 7–10
2. Attachment A: *Uniform Bail and Penalty Schedules, 2023 Edition: Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, Business Licensing*

**SP22-15**

**Uniform Bail and Penalty Schedules: 2023 Edition** (Rules Adopt Revised Uniform Bail and Penalty Schedules, 2023 Edition)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Linda A Iannelli Iannelli & Associates, APC Newport Beach, CA	NI	<p>The drivers of the state of California cannot afford such huge increases.</p> <p>Increasing the Court fee to \$75 per on infractions is extreme, especially in light of the fact that the defendants in traffic court already believe the court is funding itself from the fines and fees it collects on traffic convictions. Doubling the Court Fee is just one more way for Californian’s to have a negative impression of the Courts.</p> <p>Find the money elsewhere besides on the backs of the drivers just trying to etch out a living in this overly expensive state.</p> <p>Thank you for the time and consideration.</p> <p>Thank you for the opportunity to be of service.</p>	<p>The committee appreciates this input. The proposed Uniform Bail and Penalty Schedules (UBPS) is not increasing a court fee to \$75. The only changes that were made to the fees were removing the \$4 EMAT fee from the sample calculations and UBPS. The committee believes the commenter is referring to the \$35 conviction assessment and the \$40 court operations assessment, which are statutorily mandated, and remain unchanged from previous versions of the UBPS.</p>
2.	Superior Court of Los Angeles County by Bryan Borys, Senior Advisor	A	<p>There is a potential problem regarding the proposed modifications to the bail for VC 21760 (b-d): Please note that, since section 21760(e) is not a chargeable offense, an automated traffic system has no way of determining whether to apply the enhancement under 21760(e)(2); this bail schedule will require a mandatory court appearance.</p>	<p>The committee appreciates this input. No modifications were made to Vehicle Code sections 21760 (b-d), other than the recommended offense name of Vehicle Code section 21760(c) was changed based on Assembly Bill 1909 (Stats. 2022, ch. 343) to “Overtaking or Passing Bicycle at Distance of Less Than Three Feet <i>Move Over Slow Down Exception</i>” Additionally the committee is recommending removing the previous footnote of “Per VC 21760(f): "operative on September 16, 2014", as AB 1909 also deleted Vehicle Code section 21760(f). Vehicle Code sections 21760 (b-d) are highlighted because of the proposed footnote deletion. However, as stated above there are no proposed modifications to the</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-15**

**Uniform Bail and Penalty Schedules: 2023 Edition** (Rules Adopt Revised Uniform Bail and Penalty Schedules, 2023 Edition)

All comments are verbatim unless indicated by an asterisk (\*).

			<p>bail or enhancements of Vehicle Code section 21760 (b-d).</p> <p>Because changing the fine structure of Vehicle Code sections 21760(b-d) would be a substantive change to the proposal, the committee believes public comment should be sought before it is considered for adoption. The committee will consider this suggestion for the 2024 Uniform Bail and Penalty Schedules.</p>	
3.	<p>Superior Court of Orange County by Cristine Townsend, Program Coordinator Specialist</p>	AM	<p>Page 9 – Traffic Infraction Fixed Penalty Schedule section: Should VC 21456 violations be removed? Subsection (e)(1) adds a factor for an officer to consider in citing these violations but does not eliminate them.</p> <p>(e) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, shall not stop a pedestrian for a violation of subdivision (c) or (d) unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.</p> <p>Page 13 – Traffic Infraction Fixed Penalty Schedule section: Should VC 22352 violations be removed? AB 43 update added VC 22358.7, VC 22358.7, and 22358.9, but did not appear to make substantive changes to VC 22352 itself.</p>	<p>The committee appreciates this input.</p> <p>The committee determined that Vehicle Code sections 21456 and 22352 are not citable offenses and that conduct is more appropriately cited under other Vehicle Code sections. Therefore, the committee continues to recommend removing these sections from the 2023 UBPS.</p>
4.	<p>Superior Court of San Diego County by Mike Roddy, Executive Officer</p>	AM	<p>It appears the calculations need some minor adjustment on page x, in the “Sample Calculation of Bail, Traffic Violator School Fee,</p>	<p>The committee appreciates this input. The committee agrees with these suggestions and has</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**SP22-15**

**Uniform Bail and Penalty Schedules: 2023 Edition** (Rules Adopt Revised Uniform Bail and Penalty Schedules, 2023 Edition)

All comments are verbatim unless indicated by an asterisk (\*).

			<p>and Court Operations Assessment for Multiple Offenses” section. Specifically:</p> <ol style="list-style-type: none"> <li>In paragraph 4, it appears the “\$490” should be “\$486” due to the elimination of the EMAT. It is also requested that the \$486 be broken down (i.e. “\$486 (\$411 + 40 + 35”) because (a) it is confusing when \$486 doesn’t match anything in the chart, and (b) this number has only one each of the court operations assessment and criminal conviction assessment included, yet two of each are listed in the chart.</li> <li>In paragraph 6, it is requested that the last sentence specify that this is adding the second criminal conviction assessment and court operations assessment for the second offense, just to make it clear.</li> <li>In paragraph 7, it appears the breakdown for the \$663 needs to add the second criminal conviction assessment and second court operations assessment: “\$663 (\$411 + 49 + 3 + 50 + 80 + 70),” otherwise it only adds up to \$588.</li> </ol>	<p>incorporated them, with minor alterations, into the amendments that it is recommending for adoption.</p> <ol style="list-style-type: none"> <li>The committee agrees that paragraph 4 should reflect a total of amount of \$486 due to the elimination of the EMAT. The committee also agrees that many of the sample calculations, including this paragraph, should be more substantially revised and clarified, and will undertake revisions to the Preface in the recommended 2024 UBPS, allowing for circulation for public comment.</li> <li>The committee also agrees that many of the sample calculations, including this paragraph, should be more substantially revised and clarified, and will undertake revisions to the Preface in the recommended 2024 UBPS, allowing for circulation for public comment.</li> <li>The committee agrees that the \$663 should reflect two criminal conviction assessments and court operations assessments. The committee also agrees that many of the sample calculations, including this paragraph, should be more substantially revised and clarified, and will undertake revisions to the Preface in the recommended 2024 UBPS, allowing for circulation for public comment.</li> </ol>
5.	Superior Court of Stanislaus County by Hugh K. Swift, Court Executive Officer	NI	The proposed 2023 UBS deletes Section III, F., of the 2022 UBS. However, GC 76000.10 (AB 2648) remains in effect to the extent the courts are still required to collect and distribute penalties assessed on or before 12/31/22, until 12/31/23. Deletion of this section in its entirety may be misleading and the proposed change	<p>The committee appreciates this input.</p> <p>The committee agrees with this suggestion and has incorporated it, into the amendments that it is recommending for adoption and has added the relevant portions back into the UBPS.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated



**SP22-15**

**Uniform Bail and Penalty Schedules: 2023 Edition** (Rules Adopt Revised Uniform Bail and Penalty Schedules, 2023 Edition)

All comments are verbatim unless indicated by an asterisk (\*).

			suggest that the Courts no longer have an obligation to collect the penalty.	
6.	Cassie Wolter, Financial Services/Budget – Business Analyst Superior Court of Sacramento County	NI	<p>Re: VC 2800, misdemeanor. The UPBS shows base fines of \$200 for subsections (b) through (e):</p> <p>2800 (a) <sup>4</sup> Refusal to Obey Peace Officer                  2800 (b)(1) <sup>4</sup> Refusal to Comply With Peace Officer's Out-of-Service Order                  2800 (b)(2) <sup>4</sup> Refusal of Driver Transporting Hazardous Materials to Comply With Peace Officer's Out-of-Service Order                  2800 (b)(3) <sup>4</sup> Refusal of Driver of Vehicle Designed to Transport 16 or more People to Comply With Peace Officer's Out-of-Service Order                  2800 (c) <sup>4</sup> Refusal to Comply With U.S. Secretary of DOT's Out-of-Service Order                  2800 (d) <sup>4</sup> Refusal to Comply With Out-of-Service Order by Specified Persons                  2800 (e) <sup>4</sup> Refusal of Driver of Commercial Vehicle to Comply With Inspection</p> <p>However, footnote 4 on page 52 sets the first violation at \$50, second at \$100, and third/subsequent violations at \$500.</p> <p><sup>4</sup> Per VC 42002.1, “A person convicted of a misdemeanor violation of Section 2800, 2801, or 2803, insofar as it affects a failure to stop and submit to inspection of equipment or for an unsafe condition endangering a person, shall be punished as follows:                  (a) By a fine not exceeding fifty dollars (\$50) or imprisonment in the county jail not exceeding five days.                  (b) For a second conviction within a period of one year, a fine not exceeding one hundred dollars (\$100) or imprisonment in the county jail not exceeding 10 days, or both that fine and imprisonment.                  (c) For a third or a subsequent conviction within a period of one year, a fine not exceeding five hundred dollars (\$500) or imprisonment in the county jail not exceeding six months, or both that fine and imprisonment.”</p> <p>Is there another code section that overrides VC 42002.1?</p>	<p>The committee appreciates this input and has modified the recommendation in light of it. The proposed 2023 UBPS adds Vehicle Code section 2800(e) based on Assembly Bill 2956 (Stats. 2022, ch. 295). The footnote regarding Vehicle Code section 42002.1 previously only applied to Vehicle Code section 2800(a). The proposed 2023 UBPS that circulated for comment expanded that footnote applications to Vehicle Code section 2800 (b)(1)-(e). Vehicle Code section 42002.1 limits the base fine of Vehicle Code section 2800 to \$50 when the offense is for failure to stop to submit to an inspection of equipment or for an unsafe condition endangering a person (as opposed to other reasons). The committee is removing the footnote on Vehicle Code sections 2800 (b)(1)-(e) from its recommended schedule based on this comment.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated



## **Pages on Uniform Bail and Penalty Schedules with Changes**

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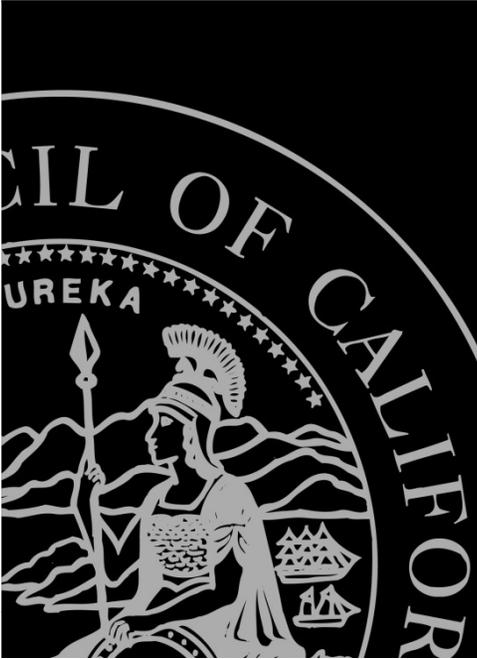
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**JUDICIAL COUNCIL  
OF CALIFORNIA**

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OPERATIONS AND PROGRAMS DIVISION  
CRIMINAL JUSTICE SERVICES



# Uniform Bail and Penalty Schedules

202~~2~~3 EDITION

(Cal. Rules of Court, rule 4.102)

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TRAFFIC  
BOATING  
FORESTRY  
FISH AND GAME  
PUBLIC UTILITIES  
PARKS AND RECREATION  
BUSINESS LICENSING



JUDICIAL COUNCIL  
OF CALIFORNIA

**JUDICIAL COUNCIL OF CALIFORNIA**  
**455 Golden Gate Avenue**  
**San Francisco, California 94102-3688**

**Rule 4.102. UNIFORM BAIL AND PENALTY SCHEDULES**

**TRAFFIC, BOATING, FORESTRY, FISH AND GAME,  
PUBLIC UTILITIES, PARKS AND RECREATION, BUSINESS LICENSING**

The Judicial Council of California has established the policy of promulgating uniform bail and penalty schedules for certain offenses in order to achieve a standard of uniformity in the handling of these offenses.

In general, bail is used to ensure the presence of the defendant before the court. Under Vehicle Code sections 40512 and 13103, bail may also be forfeited and such forfeiture may be ordered without the necessity of any further court proceedings and treated as a conviction for specified Vehicle Code offenses. A penalty in the form of a monetary sum is a fine imposed as all or a portion of a sentence imposed.

To achieve substantial uniformity of bail and penalties throughout the state in traffic, boating, fish and game, forestry, public utilities, parks and recreation, and business licensing cases, the trial court judges, in performing their duty under Penal Code section 1269b to annually revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions, must give consideration to the Uniform Bail and Penalty Schedules approved by the Judicial Council. The Uniform Bail and Penalty Schedule for infraction violations of the Vehicle Code will be established by the Judicial Council in accordance with Vehicle Code section 40310. Judges must give consideration to requiring additional bail for aggravating or enhancing factors.

After a court adopts a countywide bail and penalty schedule, under Penal Code section 1269b, the court must, as soon as practicable, mail a copy of the schedule to the Judicial Council with a report stating how the revised schedule differs from the council's uniform traffic bail and penalty schedule, uniform boating bail and penalty schedule, uniform fish and game bail and penalty schedule, uniform forestry bail and penalty schedule, uniform public utilities bail and penalty schedule, uniform parks and recreation bail and penalty schedule, or uniform business licensing bail and penalty schedule.

The purpose of this uniform bail and penalty schedule is to:

1. Show the standard amount for bail, which for Vehicle Code offenses may also be the amount utilized for a bail forfeiture instead of further proceedings; and
2. Serve as a guideline for the imposition of a fine as all or a portion of the penalty for a first conviction of a listed offense where a fine is used as all or a portion of the penalty for such offense. The amounts shown for the misdemeanors on the boating, fish and game, forestry, public utilities, parks and recreation, and business licensing bail and penalty schedules have been set with this dual purpose in mind.

Unless otherwise shown, the maximum penalties for the listed offenses are six months in the county jail or a fine of \$1,000, or both. The penalty amounts are intended to be used to provide standard fine amounts for a first offense conviction of a violation shown where a fine is used as all or a portion of the sentence imposed.

The bail amounts in the Uniform Bail and Penalty Schedules are calculated by using the maximum county and emergency medical services penalty amount authorized by Government Code sections 76000 and 76000.5. When a court adopts a countywide bail schedule under Penal Code section 1269b for infraction offenses, the local schedule should be adjusted to reflect the specific penalty assessments that apply to a particular county under Government Code sections 76000 and 76000.5. If a court does not have night or weekend sessions for traffic cases, the countywide bail schedule should omit the \$1 fee under Vehicle Code section 42006. The Safety Enhancement–Double Fine Zone schedule applies only to specific counties as expressly authorized by statute.

Note: Courts may obtain copies of the Uniform Bail and Penalty Schedules by contacting:

Judicial Council of California  
Criminal Justice Services  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
E-mail: [TrafficAC@jud.ca.gov](mailto:TrafficAC@jud.ca.gov)  
[www.courts.ca.gov/7532.htm](http://www.courts.ca.gov/7532.htm)

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## PREFACE

### ***I. Section and Offense***

- A. Historically, only those offenses most often filed in municipal courts were included in the Uniform Bail and Penalty Schedules. Penal Code section 1269b and Vehicle Code section 40310 require the Judicial Council to establish a schedule for infractions of the Vehicle Code. The Judicial Council approved the first Traffic Infraction Bail and Penalty Schedule in November 1992.
- B. The letter “M” designates a misdemeanor: a crime punishable, at the discretion of the court, by imprisonment in a county jail for a period of no longer than 6 months or by a fine not exceeding \$1,000 or by both (Penal Code section 19).
- C. The letter “I” designates an infraction: a violation of a law not punishable by imprisonment but by a fine generally not exceeding \$100 for violations of the Vehicle Code (Vehicle Code section 42001) or \$250 for violations of other codes (Penal Code section 19.8(b))

### ***II. Base Bail***

The “Base Bail” indicated is the amount from which the “additional penalties” required by Penal Code section 1464; Government Code sections 70372, 76000, 76104.6, and 76104.7; the surcharge required by Penal Code section 1465.7; and the penalty authorized by Government Code section 76000.5 are calculated.

### ***III. Additional Penalties and Surcharge***

- A. An “additional penalty” of between \$22 and \$27 (\$10 state penalty required by Penal Code section 1464; state court construction penalty of \$5 required by Government Code section 70372(a); a county and state DNA Identification Fund penalty of \$5 required by Government Code sections 76104.6 and 76104.7 (amended effective June 27, 2012); and a county penalty of up to \$7 required by Government Code section 76000(e)) shall be levied upon every \$10, or part of \$10, of every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses. The “additional penalty” may increase by \$2 for every \$10, or part of \$10, of the base fine if the county board of supervisors elects to levy an emergency medical services (EMS) penalty assessment under Government Code section 76000.5.
- B. Government Code section 70372(a) requires imposition of a state court construction penalty on every fine, penalty, or forfeiture collected by the courts for criminal offenses, including, but not limited to, all offenses, except parking offenses, as defined in Penal Code section 1463, involving violations of the Fish and Game Code and Vehicle Code or local ordinances adopted pursuant to the Vehicle Code. Section 70372 specifies a state court construction penalty of \$5 for every \$10, or part of \$10, of the criminal fine, penalty, or forfeiture.



- C. Penal Code section 1464(b) provides that in the case of multiple offenses, the amount of “additional penalties” is to be determined by the total base bail or fine for all the offenses cited, and if the fine or base bail is suspended in whole or part, the “additional penalties” shall be reduced in proportion to the amount of suspension.
- D. Penal Code section 1465.7(a) requires imposition on criminal offenses of a state surcharge equal to 20 percent of the base fine used to calculate the state penalty assessment as specified in Penal Code section 1464(a). Penal Code section 1465.7(b) requires that the surcharge be imposed in addition to the state penalty assessment pursuant to Penal Code section 1464 and not be included in the base fine used to calculate the state penalty assessment as specified in section 1464. For the limited purpose of calculating the fee to attend traffic violator school under Vehicle Code section 42007, Penal Code section 1465.7(g) provides that the surcharge is excluded from the “Total Bail” amount used to determine the fee but is collected and distributed according to section 1465.7. The surcharge is part of the “Total Bail” in other circumstances, such as when a defendant requests a trial by written declaration or when a court permits payment of the “Total Bail” in installments.
- E. In counties with bonded indebtedness for court facilities, the county penalty assessment amount under Government Code section 76000(e) is \$7 for every \$10 or part of \$10 of the base fine. In counties without bonded indebtedness for court facilities, if the county penalty assessment amount listed in Government Code section 76000(e) is less than \$7, the penalty for every \$10, or part of \$10, of the base fine is equal to the amount listed in Government Code section 76000(e) plus the amount obtained from multiplying the difference between \$7 and the amount listed in Government Code section 76000(e) by the ratio of the square footage of court facilities transferred from the county to the state to the total court facility square footage in the county.
- F. ~~Under Government Code section 76000.10(c)(1), a penalty of \$4 for emergency medical air transportation (EMAT) services is imposed for every conviction of a violation of the Vehicle Code, or a local ordinance adopted under the Vehicle Code. The assessment of this penalty is due to end on December 31, 2022. Penalties assessed before December 31, 2022 shall continue to be collected, administered, and distributed pursuant to this section until exhausted or until December 31, 2023, whichever occurs first. This section will become inoperative on July 1, 2024, and as of January 1, 2025 is repealed. (Assem. Bill 1104; Stats. 2021, ch. 476.)~~

#### **IV. Total Bail**

- A. Effective January 1, 1989, the Judicial Council adopted a “Total Bail” concept in an effort to obtain statewide consistency in the “bail” policies of the courts. The indicated “Total Bail” is for the first offense, and it must be followed to the extent required by Penal Code section 1269b.
- B. Except as otherwise required by statute, trial courts have discretion to suspend the minimum sentence, including fines and penalties. For traffic cases, Vehicle Code section 42003 permits a judge or referee to consider a defendant’s ability to pay. Vehicle Code section 42007 permits a judicial officer to reduce the fee to attend traffic violator school upon a showing that the defendant is unable to pay the full amount. Vehicle Code sections 42003 and 40510.5 permit installment payments of judgments in traffic cases, and Vehicle Code section 42007 permits installment payments of the fee to attend traffic violator school.

- C. Except for the following exceptions, counties must adhere to the Judicial Council’s Traffic Infraction Bail and Penalty Schedule for infraction violations of the Vehicle Code (Penal Code section 1269b and Vehicle Code section 40310).

Penal Code section 1463.28 provides that 30 counties may exceed the “Total Bail” amounts of the Traffic Infraction Bail and Penalty Schedule. Those counties are

- |                 |                 |                 |
|-----------------|-----------------|-----------------|
| 1. Alpine       | 11. Lassen      | 21. San Joaquin |
| 2. Amador       | 12. Los Angeles | 22. Santa Clara |
| 3. Butte        | 13. Madera      | 23. Sierra      |
| 4. Calaveras    | 14. Mariposa    | 24. Stanislaus  |
| 5. Contra Costa | 15. Mendocino   | 25. Sutter      |
| 6. Del Norte    | 16. Modoc       | 26. Trinity     |
| 7. Fresno       | 17. Mono        | 27. Tulare      |
| 8. Humboldt     | 18. Plumas      | 28. Tuolumne    |
| 9. Kings        | 19. San Benito  | 29. Yolo        |
| 10. Lake        | 20. San Diego   | 30. Yuba        |

Additional exceptions result from two pieces of legislation that became operative on January 1, 1994:

1. Vehicle Code section 42001 allows local public entities that employ peace officers, universities, and state colleges to set a fine schedule for bicycle violations occurring in their jurisdictions that would supersede the Judicial Council penalty schedule.
2. Vehicle Code section 42009 requires that for any specified offense committed within a highway construction or maintenance area during hours when work is being performed, the fine shall be double in the case of misdemeanors and in the case of infractions shall be one category higher than otherwise provided in the Traffic Infraction Fixed Penalty Schedule. An appendix with the specified offenses listed and the enhanced amounts follows the Traffic portion of the bail and penalty schedules, starting on page 61.
3. Streets and Highways Code section 97 provides for increased fines for a safety enhancement—double fine zone on the segment of Route 12 between the Route 80 junction in Solano County and the Route 5 junction in San Joaquin County.

Under section 97, the base fine for any specified offense committed in the safety enhancement–double fine zone shall be double in the case of misdemeanors and in the case of infractions shall be one category higher than otherwise provided in the Uniform Bail and Penalty Schedules. Any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine.

The “Categories” indicated in the Traffic Infraction Bail and Penalty Schedule under Vehicle Code sections 40310, 42009(a), and 42010 will be shown as “1a” and “1b,” “2a” and “2b,” “3a” and “3b,” and “4a” and “4b,” with the “b” subcategory referring to the violation when it is committed in a highway construction zone or safety enhancement–double fine zone.

- D. The “Total Bail” amounts within the Uniform Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, and Business Licensing Bail Schedules are suggested amounts, and their adoption by courts is not compulsory.
- E. The “Total Bail” amount indicated includes the base bail and those “additional penalties” required by Penal Code section 1464 and Government Code sections 70372, 76000, 76104.6, and 76104.7, and the 20 percent surcharge on the base bail required by Penal Code section 1465.7, except as provided in Vehicle Code section 42007. When authorized by the county board of supervisors, the “Total Bail” for a countywide bail schedule adopted under Penal Code section 1269b may also include an additional \$2 penalty under Government Code section 76000.5 for every \$10, or part of \$10, of the base fine. Assessments adopted by a court—such as under Vehicle Code section 40508.6—shall be collected in addition to the “Total Bail.” The court operations assessment imposed per convicted offense under Penal Code section 1465.8; assessment for night court under Vehicle Code section 42006; traffic assistance program (TAP) fee under Vehicle Code section 11205.2; and criminal conviction assessment under Government Code section 70373 are collected as part of the “Total Bail,” but are not subject to the special distribution for the “Total Bail” in traffic violator school cases under Vehicle Code section 42007. ~~For every conviction of a violation of the Vehicle Code, or ordinance adopted under the Vehicle Code, committed on or after January 1, 2011, a \$4 EMAT penalty is imposed under Government Code section 76000.10(e)(1) as part of the “Total Bail.”~~ Effective January 1, 2014, Penal Code section 1202.4(b)(1) requires a minimum \$150 restitution fine as an assessment in addition to the “Total Bail” in every case where there is a misdemeanor conviction. Other mandatory assessments may also be applicable, especially in DUI cases.

Fish and Game Code section 12021 authorized a \$15 penalty to be collected in addition to the fine and penalties normally collected for violations of the Fish and Game Code, to be deposited in the Fish and Game Preservation Fund and disbursed as specified. The \$15 additional penalty does not apply to violations punishable pursuant to Fish and Game Code section 12002.1(b) or 12002.2(b) or to any regulation relating to the wearing or display of a fishing license.

- F. “Total Bail” shall not exceed statutory limits. Vehicle Code section 40310 specifies that the “fine” amount of the total bail shall not exceed the limitations specified by Vehicle Code sections 42001 and 42001.5.
- G. Rule 4.105 of the California Rules of Court provides that with certain exceptions deposit of bail is not required to appear for arraignment or trial for an infraction case. Deposit may be required: by statute, such as trial by written declaration; if a person does not sign a promise to appear as ordered by the court; or a judicial officer states a reason for a deposit to schedule a trial.

In cases where a court appearance is required by a court, the amounts set forth in the Uniform Bail and Penalty Schedules do not necessarily indicate the appropriate total penalties; rather, they ensure that, in most cases, when bail is posted, sufficient funds will be available to meet the defendant’s obligations. Upon conviction, however, “additional penalties” are added to any fine. It is incumbent upon the judge who hears each case to determine the proper total penalty (fine and “additional penalties”) based on the particular facts presented.

With the exception of juveniles under age 18, there shall be no mandatory court appearance for any infraction of the California Vehicle Code punishable by fine only. A court may require a mandatory appearance for an infraction violation of the Vehicle Code when a statutory driver’s license restriction, suspension, or revocation is authorized; community service or proof of payment or correction is mandatory; or a violation requires specific action under the Vehicle Code in addition to a fine. This paragraph does not apply to violations of local ordinances based on Vehicle Code sections.

- H. The “Total Bail” for an offense *not specifically listed* in the Uniform Traffic Infraction Bail and Penalty Schedule is the amount set for the general category of that offense unless a California code or regulation specifies otherwise. The court operations assessment and criminal conviction assessment are collected in addition to the “Total Bail.” The suggested minimum “Total Bail” for an offense *not specifically listed* in the Uniform Traffic Misdemeanor Bail and Penalty Schedule, unless a California code or regulation specifies otherwise, is:

	Base	+	Additional Penalties* & Surchage	+	Fees	=	Total Bail*/Fees (*See sections II–IV)
Misdemeanor	\$ 75	+	\$251 <del>47</del>	+	\$70	=	\$396 <del>2</del>
Infraction	\$ 35	+	\$12 <del>73</del>	+	\$75	=	\$23 <del>73</del>

The suggested minimum “Total Bail” for an offense *not specifically listed* in the Uniform Public Utilities Bail and Penalty Schedule, unless a California code or regulation specifies otherwise, is:

Misdemeanor	\$185	+	\$588	+	\$70	=	\$843
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The suggested minimum “Total Bail” for an offense *not specifically listed* in the Uniform Boating, Business Licensing, Fish and Game, Forestry, or Parks and Recreation Bail and Penalty Schedules, unless a California code or regulation specifies otherwise, is:

Misdemeanor	\$100	+	\$310	+	\$70	=	\$480
Infraction	\$ 35	+	\$123	+	\$75	=	\$233

## V. Bail Categories

Assembly Bill 1344 (Stats. 1992, ch. 696), effective September 15, 1992, amended Vehicle Code section 40310 to classify Vehicle Code offenses into four or fewer penalty categories, according to the severity of the offenses. The Judicial Council has approved the following categories of bail/fine after considering suggestions from its Traffic Advisory Committee and the recommendations made by the National Center for State Courts:

		Base Fine	+	Additional Penalties* & Surcharge	+	Fees	=	Total Bail*/Fees (*See secs. II–IV)
Category 1	Bicyclist, motorized scooter, pedestrian, pocket bike, vehicle registration	\$ 25	+	\$ <del>96</del> 2	+	\$ 75	=	\$ <del>196</del> 2
Category 2	Driver’s license, operation of vehicle, and size and load offenses	\$ 35	+	\$ <del>127</del> 3	+	\$ 75	=	\$ <del>237</del> 3
Category 3	Substance abuse infractions, VC 2818, VC 20004, VC 21706.5, and VC 27375	\$ 70	+	\$ <del>221</del> 7	+	\$ 75	=	\$ <del>366</del> 2
Category 4	Miscellaneous offenses for which the penalties or the fee for dismissal with proof of correction are specifically set by the Vehicle Code, speeding offenses (refer to Speed Chart), and infractions pursuant to PC 19.8							

If a citation does not indicate that an offense is eligible for correction under Vehicle Code 40522, a court may presume that the offense is cited as noncorrectable. (See also *California Highway Patrol v. Superior Court* (2008) 158 Cal.App.4th 726, 740.) Vehicle Code section 14610.5(a) may be charged as either an infraction or a misdemeanor (Vehicle Code section 14610.5(b)). Penal Code section 19.8 lists the following offenses that are an infraction with a fine of up to \$250: Vehicle Code sections 5201.1, 12500(a), 14601.1, 23109(c), 27150.1, 40508, and 42005. If one of these offenses is charged as an infraction, the appropriate penalty is listed in the Traffic Infraction Bail and Penalty Schedule. If the offense is charged as a misdemeanor, the recommended penalty is listed in the Traffic Misdemeanor Bail and Penalty Schedule.

## VI. Point Count

Vehicle Code sections 12810, 12810.2, 12810.3, and 12810.4 determine the amount of point count. The Department of Motor Vehicles establishes conviction point count based on statutory guidance and definition. Vehicle Code section 12810.5 defines a “negligent operator” based on point count. The Department of Motor Vehicles may take an administrative sanction against a person’s driving privilege based on “points” (Vehicle Code section 12810.5).

## VII. Prior Convictions

A. The base fine for one Vehicle Code moving violation that is assessed “points” on a current arrest or citation may be enhanced by \$10 for each “prior” conviction within 36 months of the new alleged offense. For calculating the enhancement, both the current and “prior” offense must be a moving violation for which a “point” has been assigned per Vehicle Code section 12810 or 12810.2. A confidential conviction after completion of traffic violator school is not assigned a point or counted as a prior offense for purposes of enhancing the fine of a subsequent offense. Regardless of the number of moving violation convictions on a citation, only one “prior” per citation shall be counted in determining the enhancement on the current offense.

While Vehicle Code section 42001 references maximum fines within a one-year time frame, the Judicial Council has interpreted section 42001 to not preclude a court from considering “prior” convictions for a longer period of time. The period of 36 months was adopted by the Judicial Council (effective January 1, 1989) to correspond to and reinforce Vehicle Code sections 12810 and 12810.5. These sections define the “point system” used by the Department of Motor Vehicles as prima facie evidence of the negligent operation of a motor vehicle.

Vehicle Code sections 15306 and 15308 specify penalties for commercial drivers in terms of subsequent offenses occurring within three years.

- B. In the case of an owner responsibility citation, the “prior” must relate to the particular vehicle for which the new offense is charged.
- C. Vehicle Code section 42004 provides that the court, in determining a penalty to be imposed pursuant to the Vehicle Code, may use a written report from the Department of Motor Vehicles that contains information showing prior convictions.
- D. With the exception of parking, pedestrian, and bicycle offenses on a current citation, Vehicle Code section 40508.6 authorizes courts to establish an administrative assessment, not to exceed \$10, for the purpose of recording and maintaining a record of a defendant’s prior convictions, that is payable at the time of payment of a fine or when bail is forfeited for any subsequent violation.

#### ***VIII. Traffic Violator School***

- A. Vehicle Code section 42007 provides that:
  - 1. The court shall collect a fee from every person ordered or permitted to attend traffic violator school in an amount equal to the total bail set forth for the eligible offense in the uniform countywide bail schedule;
  - 2. Where multiple offenses are charged on a single notice to appear, the “total bail” amount collected is the amount applicable to the greater of the eligible offenses; and
  - 3. The court may set a lesser fee upon a showing that the defendant is unable to pay the full amount.
- B. Vehicle Code section 40512.6 provides that the fee may be converted to bail and forfeited if the defendant fails to submit proof of school completion within the time ordered by the court.
- C. Vehicle Code section 42007.1(a) provides that a \$49 fee, a fee for monitoring traffic violator schools, and a TAP fee under Vehicle Code section 11205.2(c) are to be added to the “total bail” of the offense eligible for traffic violator school.
- D. Vehicle Code section 42005 prohibits drivers of commercial vehicles from eligibility for traffic violator school. Drivers

with a Class A, Class B, or commercial Class C driver’s license may attend traffic violator school to avoid points for traffic violations in a vehicle that requires only a class M or noncommercial class C license. Vehicle Code section 42005(d) excludes violations of Vehicle Code sections 20001, 20002, 23103, 23104, 23105, 23140, 23152, 23153, or 23103, as specified in section 23103.5, from eligibility for traffic violator school for pretrial diversion, a confidential conviction, or to avoid points.

**Sample Calculation of Bail, Traffic Violator School Fee, and Court Operations Assessment for Multiple Offenses**

1. Violation of Vehicle Code sections 21453(b), 27360.5(a), 24252(a)(1), and 26707.
2. No prior convictions are charged.
3. “Additional penalties” of between \$22 and \$29 as set out in section III for every \$10 of base fine or part thereof, plus the surcharge on the base fine, and the \$4 EMAT penalty assessment per offense:

“Total Bail” Without Traffic School or Proof		Traffic Violator School and Correction Total With Proof	
VC 21453(b)	= \$ 35	(VC 21453(b))	= \$ 0
VC 27360.5(a)	= \$ 100	(VC 27360.5(a))	= \$ 41 <del>5</del> 1
VC 24252(a)(1), VC 26707	= \$ 50	TVS fee	= \$ 49
Total base fine	= \$ 185	TVS/DMV admin. fee	= \$ 3
Penalties and surcharge	= \$ <del>604</del> 588	Correction fee (2 X \$25)	= \$ 50
<b>TOTAL BAIL</b>	= \$ <del>789</del> 73	Court operations (2 X \$40)	= \$ 80
Court operations	= \$ 160	(TAP fee; VC 11205.2)	= \$ 0
Conviction assessment	= \$ 140	Conviction assessment (2 X \$35)	= \$ 70
<b>TOTAL</b>	= \$ <del>1,089</del> 73	<b>TOTAL</b>	= \$ <del>667</del> 3

4. If the defendant is ordered to attend traffic violator school under VC 41501 for VC 21453(b) and VC 27360.5(a), per VC 42007 the defendant is charged for the greater/more severe of the qualifying offenses: VC 27360.5(a) at \$490 plus the \$49 and \$3 DMV TVS fee per VC 42007.1 (total of \$542).
5. The charges of VC 21453(b) and VC 27360.5(a) are continued under VC 41501. The charges of VC 24252(a)(1) and VC 26707 are continued pending proof of correction, required under VC 40522 for dismissal.
6. The defendant presents to the court timely evidence that he or she has completed traffic violator school. The VC 21453(b) and VC 27360.5(a) violations are reported under VC 41501. If the defendant submits to the court timely evidence under VC 40616 that the violations of VC 24252(a)(1) and VC 26707 have been corrected, the VC 24252(a)(1) and VC 26707 violations are dismissed under VC 40522, and a \$50 “transaction fee” is charged under VC 40611. A court operations assessment of \$40 is collected and distributed as required by Penal Code section 1465.8 for reporting of VC 21453(b) for completion of traffic violator school, and a criminal conviction assessment of \$35 is collected under Government Code section 70373 for VC 21453(b).
7. The case is closed, with the court collecting \$66~~7~~3 (\$41~~5~~1 + \$49 + 3 + \$50 + \$40 + \$35) plus any fee under VC 11205.2 and deduction of \$1 if the court does not impose a night or weekend court assessment under VC 42006.

**IX. Late Charge**

Vehicle Code section 40310 requires the imposition of a late charge of 50 percent on any traffic penalties not paid within 20 days.

The 20 days shall be counted from the mailing of a notice that the penalty has been assessed. The initial penalty consists of the base fine; a fine enhancement for prior convictions (if any); the state, county, and court facility construction additional penalties; the \$4 emergency medical air transportation penalty; and the emergency medical services penalty, if authorized (Penal Code section 1464 and Government Code sections 70372, 76000, 76000.5, ~~76000.10(e)(1)~~, 76104.6, and 76104.7).

### Sample Calculation of Late Penalty

1. <b>Base fine</b>	<b>\$ 25</b>
2. Enhancement for one prior conviction	+ \$ 10
<b>Enhanced base fine</b>	<b>\$ 35</b>
3. Additional penalties (PC 1464 and GC 70372, 76000, 76000.5, 76104.6, and 76104.7) (\$29* X 4) (*See section III)	+ \$ 116
<del>4. EMAT penalty for conviction of Vehicle Code violation (GC 76000.10(e)(1))</del>	<del>+ \$ 4</del>
<b>Initial Penalty</b>	<b>\$ 1551</b>
5. Night court assessment (VC 42006)	+ \$ 1
6. Administrative assessment for maintaining a record of priors (VC 40508.6)	+ \$ 10
7. Surcharge on base fine (PC 1465.7)	+ \$ 7
8. Court operations assessment (PC 1465.8)	+ \$ 40
9. Conviction assessment (GC 70373(a)(1))	+ \$ 35
<b>Total Due</b>	<b>\$ 2484</b>
10. Late charge (VC 40310) [50% of initial penalty]	+ \$ <del>775.50</del>
<b>Total Due</b>	<b>\$ 3259.50</b>

### X. Offenses Eligible for Correction

Under Vehicle Code section 40522, an officer arresting for violations specified in Vehicle Code section 40303.5 is required to specify the offense charged and note in a form approved by the Judicial Council that the charge shall be dismissed upon proof of correction. Certain offenses specified in Vehicle Code section 40303.5 are designated in the following schedule as potentially eligible for correction. The offenses designated in the schedule as potentially eligible for correction and those offenses specified by Vehicle Code section 40303.5 that are not contained in the schedule may be eligible for dismissal with proof of correction if the citing officer determines that none of the disqualifying conditions of Vehicle Code section 40610(b) exist. (See *California Highway Patrol v. Superior Court* (2008) 158 Cal.App.4th 726 [riding a motorcycle without wearing any helmet presents an “immediate safety hazard” when an officer makes that determination and issues a noncorrectable citation].) Those disqualifying conditions are present if an officer finds any of the following:

1. Evidence of fraud or persistent neglect;
2. The violation presents an immediate safety hazard;
3. The violator does not agree to, or cannot, promptly correct the violation.
4. The violation cited is of subdivision (a) of Section 27151 for a motorcycle.



If a citation does not indicate that an offense is eligible for correction, a court may presume that the offense is cited as noncorrectable. (See also *California Highway Patrol v. Superior Court*, *supra*, 158 Cal.App.4th at p. 740.) A court retains the discretion, however, to find an offense correctable--even when an officer has not noted it as correctable--where the offense meets the requirements of VC 40610 and 40303.5 and none of the disqualifying conditions are present. (See *California Highway Patrol v. Superior Court*, *supra*, 158 Cal.App.4th at p. 746-747.) Upon proof of correction of an alleged violation of section 12500 or 12951 or any violation cited pursuant to section 40610, Vehicle Code section 40611 authorizes courts to collect a \$25 transaction fee for each violation. No bail amount shall be collected.

In cases alleging violation of Vehicle Code section 4000(a), or alleging that a vehicle is not registered as required by the Vehicle Code, Vehicle Code section 40152 requires that proof of registration or proof of payment of the appropriate registration fees, or proof that the vehicle has been reduced to junk, be produced in court before the offense can be adjudicated as a dismissal.

### **XI. Evidence of Financial Responsibility**

Pursuant to Vehicle Code section 16028(e), upon submission of evidence of financial responsibility, in a form consistent with Vehicle Code section 16020, showing that the driver was in compliance with that section at the time the notice to appear for violating Vehicle Code section 16028 was issued, further proceedings for the violation shall be dismissed and no bail amount shall be collected. Vehicle Code section 40611 authorizes courts to collect a \$25 transaction fee for each violation that is dismissed pursuant to section 16028(e).

### **XII. Parking Violations**

Assembly Bill 408 (Stats. 1992, ch. 1244), effective January 1, 1993, revised and recast the procedures for processing and adjudicating parking law violations as administrative offenses subject to a civil penalty. The bill required courts to transfer the processing of parking offenses to issuing agencies not later than January 1, 1994. Consequently, parking violations that cannot be cited as infractions have been removed from the Uniform Bail and Penalty Schedules. Vehicle Code section 463 defines “park” or “parking” as the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in the loading or unloading of merchandise or passengers. Under Vehicle Code section 40225(a), equipment violations entered on a notice of parking violation are subject to a civil penalty established according to Vehicle Code section 40225(c). The Traffic Infraction Fixed Penalty Schedule includes Vehicle Code sections that may be cited for a stopping violation on a notice to appear that is signed by the driver. Under Vehicle Code section 42001.13, a violation of disabled parking provisions in Vehicle Code section 22507.8 may be cited as an infraction on a notice to appear. Under Vehicle Code section 42001.5, a violation of Vehicle Code sections 22500(i), 22500(l), and 22522 may be cited as an infraction on a notice to appear. Under Vehicle Code section 42001.6, a violation of Vehicle Code section 22511.1 may be cited as an infraction on a notice to appear. Government Code section 70373 requires a conviction assessment of \$35 for infractions. Government Code section 70372(b) imposes an assessment of \$4.50 on each parking offense. Government Code section 76000.3 imposes a \$3 penalty on every fine imposed for a parking offense.

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points	
				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>				
28		<sup>1</sup> Failure to Give Notice of Vehicle Repossession	300	300	210		150	150	60	60	4	1230	40	35	1	0	1306	4a	0
1680	(a)	Selling or Offering to Sell an Appointment with the DMV	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
1808.1	(a)	Employer's Failure to Obtain, Review, Sign, and Maintain Copy of Report of DMV Record of Driver	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
1808.1	(c)	Employer's Failure to Participate in DMV Pull-Notice System	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
1808.1	(d)	Employer's Failure to Notify DMV to Discontinue Enrollment in Pull-Notice System Upon Termination of Driver's Employment	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
1808.1	(e)	Failure of Specified Drivers to Enroll in DMV Pull-Notice System	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
1808.1	(j)(1)	Employer's Failure to Obtain Copy of Report of Current DMV Record of Casual Driver	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
1808.1	(n)	Failure to Present on Request a Report of DMV Record of Driver of Taxicab	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
2402.6	(a-c,e)	Violation of Regulations or Standards for Operation of Vehicles Using Compressed or Liquefied Gas	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
2504		Violation of CHP Licensing Regulations	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
2510	(b)(1)	Operation of Private Emergency Vehicle or Armored Car Without CHP Inspection	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
2807	(b)	Operation of School Bus Without CHP Certificate of Compliance	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
2807.1	(b)	Operation of Vehicles Transporting Pupils Without CHP Certificate of Compliance	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
2807.2		Failure to Retain Record of Inspection on File for Review by CHP Upon Request	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
2807.3		Operation of Youth Bus Without Display of Appropriate Certificate Verifying Inspection	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
2810.1	(b)	Unlawfully Transporting Household Goods/Failure to Submit to Inspection	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
2813.5		Use or Issuance of Unauthorized Inspection Stickers	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
2814		Failure to Stop and Submit to Roadside Passenger Vehicle Inspection	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
2814.1	(b)	Failure to Stop and Submit to Vehicle Inspection Checkpoint for Exhaust Violations	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
2814.2	(a)	Failure to Stop and Submit to Sobriety Checkpoint Inspection	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
2815		<sup>2</sup> Failure to Obey School Crossing Guard	50	50	35		25	25	10	10	4	205	40	35	1	0	281	4a	1
2816		Unlawful to Load/Unload Children Unless Traffic Is Controlled	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
2817		Failure to Obey Peace Officer—Funeral Procession	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	1
2818		Traversing Electronic Beacon/Flare/Cone Pattern Set by Public Safety Personnel	70	70	49		35	35	14	14	4	287	40	35	1	0	363	3a	1
4000	(a)(1)	A <sup>3</sup> No Evidence of Current Registration	50	50	35		25	25	10	10	4	205	40	35	1	0	281	1a	0
4000	(a)(1)	B No Evidence of Current Registration	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
4000	(b)	A <sup>3</sup> Vehicle on Highway Registered in Violation of Pollution Control Regulations	50	50	35		25	25	10	10	4	205	40	35	1	0	281	1a	0
4000	(b)	B Vehicle on Highway Registered in Violation of Pollution Control Regulations	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
4000.4	(a)	A Unregistered California-Based Vehicle	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
4000.4	(a)	B Unregistered California-Based Vehicle	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
4000.6	(a)	A Failure to Submit Application or Declare Accurate Combined Gross Vehicle Weight Pursuant to VC 9400.1	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
4000.6	(a)	B Failure to Submit Application or Declare Accurate Combined Gross Vehicle Weight Pursuant to VC 9400.1	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT-PA#	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points	
				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>				
4000.6	(d)	Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 1,001–1,500 Pounds in Excess of Declared Gross Vehicle Weight	250	250	175		125	125	50	50	4	1025	40	35	1	0	1101	4a	0
4000.6	(d)	Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 1,501–2,000 Pounds in Excess of Declared Gross Vehicle Weight	300	300	210		150	150	60	60	4	1230	40	35	1	0	1306	4a	0
4000.6	(d)	Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 10,001 Pounds and Over in Excess of Declared Gross Vehicle Weight	2000	2000	1400		1000	1000	400	400	4	8200	40	35	1	0	8276	4a	0
4000.6	(d)	Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 2,001–2,500 Pounds in Excess of Declared Gross Vehicle Weight	350	350	245		175	175	70	70	4	1435	40	35	1	0	1511	4a	0
4000.6	(d)	Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 2,501–3,000 Pounds in Excess of Declared Gross Vehicle Weight	400	400	280		200	200	80	80	4	1640	40	35	1	0	1716	4a	0
4000.6	(d)	Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 3,001–3,500 Pounds in Excess of Declared Gross Vehicle Weight	450	450	315		225	225	90	90	4	1845	40	35	1	0	1921	4a	0
4000.6	(d)	Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 3,501–4,000 Pounds in Excess of Declared Gross Vehicle Weight	500	500	350		250	250	100	100	4	2050	40	35	1	0	2126	4a	0
4000.6	(d)	Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 4,001–4,500 Pounds in Excess of Declared Gross Vehicle Weight	550	550	385		275	275	110	110	4	2255	40	35	1	0	2331	4a	0
4000.6	(d)	Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 4,501–5,000 Pounds in Excess of Declared Gross Vehicle Weight	600	600	420		300	300	120	120	4	2460	40	35	1	0	2536	4a	0
4000.6	(d)	Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 5,001–6,000 Pounds in Excess of Declared Gross Vehicle Weight	700	700	490		350	350	140	140	4	2870	40	35	1	0	2946	4a	0
4000.6	(d)	Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 6,001–7,000 Pounds in Excess of Declared Gross Vehicle Weight	800	800	560		400	400	160	160	4	3280	40	35	1	0	3356	4a	0
4000.6	(d)	Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 7,001–8,000 Pounds in Excess of Declared Gross Vehicle Weight	900	900	630		450	450	180	180	4	3690	40	35	1	0	3766	4a	0
4000.6	(d)	Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 8,001–10,000 Pounds in Excess of Declared Gross Vehicle Weight	1000	1000	700		500	500	200	200	4	4100	40	35	1	0	4176		
4001	A	Failure to Register Exempt Vehicles and Display License Plate Bearing Distinguishing Marks Indicating Exemption	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
4001	B	Failure to Register Exempt Vehicles and Display License Plate Bearing Distinguishing Marks Indicating Exemption	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
4004	(a,b)	A Violation of Foreign Commercial Vehicle Temporary Registration or Trip Permit Requirements	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
4004	(a,b)	B Violation of Foreign Commercial Vehicle Temporary Registration or Trip Permit Requirements	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
4152.5	A	Failure to Apply for Registration–Foreign Vehicle	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
4152.5	B	Failure to Apply for Registration–Foreign Vehicle	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
4159	A	Notify DMV of Change of Address Within 10 Days	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
4159	B	Notify DMV of Change of Address Within 10 Days	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
4160	A	Change of Address on Registration Card	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
4160	B	Change of Address on Registration Card	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
4161	(a)	A Failure to Notify of Engine/Motor Change	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
4161	(a)	B Failure to Notify of Engine/Motor Change	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
4301	A	Surrender Evidence of Foreign Registration	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
4301	B	Surrender Evidence of Foreign Registration	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
4453.6		Failure to Furnish Name and Address to Officer Upon Request	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
4454	(a)	A Failure to Maintain Registration Card With Vehicle	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
4454	(a)	B Failure to Maintain Registration Card With Vehicle	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
4455	A	Failure to Display Temporary Permit–Foreign Commercial Vehicle	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points
				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
4455	B	Failure to Display Temporary Permit–Foreign Commercial Vehicle	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
4456	(a) B	Reporting Vehicle Sale to the DMV	25	0	0		0	0	0	0	25	0	0	0	0	25	1a	0
4456	(a) A	Reporting Vehicle Sale to the DMV	25	30	21		15	15	5	6	117	40	35	1	0	193	4a	0
4456	(b)(1) A	Reporting Auction Vehicle Sale to the DMV	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
4456	(b)(1) B	Reporting Auction Vehicle Sale to the DMV	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
4457	A	Failure to Replace Lost, Damaged Cards and/or Plates	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
4457	B	Failure to Replace Lost, Damaged Cards and/or Plates	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
4458	A	Both Plates Lost or Stolen	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
4458	B	Both Plates Lost or Stolen	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
4459	A	Failure to Replace Lost or Damaged Owner's Certificate	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
4459	B	Failure to Replace Lost or Damaged Owner's Certificate	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
4461	(a)	<sup>4</sup> Improper Use of Evidence of Registration	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
4462	(a) A	Failure to Present Evidence of Registration to Officer	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
4462	(a) B	Failure to Present Evidence of Registration to Officer	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
4462	(b) A	Registration Presented for Wrong Vehicle	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
4462	(b) B	Registration Presented for Wrong Vehicle	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
4463	(e) (1-4)	<sup>5</sup> Unlawful Act With Clean Air Sticker	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0
4464	A	Altered License Plates Displayed on Vehicle	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
4464	B	Altered License Plates Displayed on Vehicle	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
5011	A	Display of Special Construction Identification Plates	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
5011	B	Display of Special Construction Identification Plates	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
5017	(a) A	Failure to Attach Identification Plate/Give Notice of Sale or Destruction of Vehicle or Equipment as Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
5017	(a) B	Failure to Attach Identification Plate/Give Notice of Sale or Destruction of Vehicle or Equipment as Required	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
5017	(b) A	Failure to Attach Permanent Identification Plate as Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
5017	(b) B	Failure to Attach Permanent Identification Plate as Required	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
5017	(c) A	Failure to Present Identification Certificate as Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
5017	(c) B	Failure to Present Identification Certificate as Required	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
5017	(d) A	Failure to Apply for Transfer of Ownership of Vehicle Within 10 Days of Sale	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
5017	(d) B	Failure to Apply for Transfer of Ownership of Vehicle Within 10 Days of Sale	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
5030	A	Motorized Bicycle Required to Display Plates	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
5030	B	Motorized Bicycle Required to Display Plates	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
5032	A	Operation of Motorized Bicycle Without Applying for a License Plate Within 5 Days of Purchase	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
5032	B	Operation of Motorized Bicycle Without Applying for a License Plate Within 5 Days of Purchase	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
5037	(a) A	Motorized Bicycle Without Assigned Plates (post-7/1/81)	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
5037	(a) B	Motorized Bicycle Without Assigned Plates (post-7/1/81)	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
5037	(b) A	Motorized Bicycle Without Assigned Plates (pre-7/1/81)	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
5037	(b) B	Motorized Bicycle Without Assigned Plates (pre-7/1/81)	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
5109	A	Transfer or Retention of Environmental Plates	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
5109	B	Transfer or Retention of Environmental Plates	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
5200	(a) A	Two License Plates–Display Specified	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
5200	(a) B	Two License Plates–Display Specified	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
5200	(b) A	One License Plate–Display Specified	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points
				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
5200	(b)	B	One License Plate–Display Specified	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
5201	(a)(1-6)	A	Plates Improperly Positioned	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
5201	(a)(1-6)	B	Plates Improperly Positioned	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
5201	(b)	A	Replace and Destroy Temporary License Plates Upon Receipt of Permanent License Plates	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
5201	(b)	B	Replace and Destroy Temporary License Plates Upon Receipt of Permanent License Plates	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
5201	(c)	A	Illegal License Plate Covering	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
5201	(c)	B	Illegal License Plate Covering	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
5201	(d)	A	Reading or Recognition of License Plate by an Electronic Device or Remote Emission Sensing Device Illegally Obstructed or Impaired	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
5201	(d)	B	Reading or Recognition of License Plate by an Electronic Device or Remote Emission Sensing Device Illegally Obstructed or Impaired	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
5201.1	(a)		<sup>6</sup> Sale of Prohibited Product or Device to Obscure License Plate	250	250	175	125	125	50	50	1025	40	35	1	0	1101	4a	0
5201.1	(b)		<sup>6</sup> Operation of Vehicle With Prohibited Product or Device to Obstruct or Impair Reading or Recognition of License Plate by Electronic or Remote Emission Sensing Device	250	250	175	125	125	50	50	1025	40	35	1	0	1101	4a	0
5201.1	(c)		<sup>6</sup> Erasing, Painting Over, or Altering Reflective Coating of License Plate	250	250	175	125	125	50	50	1025	40	35	1	0	1101	4a	0
5202	A		Period of Display of Plates Specified	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
5202	B		Period of Display of Plates Specified	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
5204	(a)	A	Current Month and Year Tab Not Properly Attached	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
5204	(a)	B	Current Month and Year Tab Not Properly Attached	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
5206	A		Present Certificate of Partial-Year Registration	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
5206	B		Present Certificate of Partial-Year Registration	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
5352	A		Failure to Maintain Annual Registration for Trailer Coach	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
5352	B		Failure to Maintain Annual Registration for Trailer Coach	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
5604			Noncompliance With Dealer Insurance Notification Requirements	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
5753	(a-d)		Failure of Private Party to Deliver Certificate of Ownership and Registration Card to Transferee	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
5753	(f)		Failure of Private Owner Upon Written Request to Disclose Pertinent Information Regarding Payment or Documents Required for Release	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
5900	(a-c)		Notice of Sale/Transfer of Vehicle by Owners Required	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
5902	A		Failure to Notify DMV of Transfer Within 10 Days	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
5902	B		Failure to Notify DMV of Transfer Within 10 Days	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
5906.5	(a,b)		Failure to Notify DMV of Mileage on Transfer of Vehicle	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
6700	(a-c)	A	Failure to Register Within 20 Days of Specified Circumstances	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
6700	(a-c)	B	Failure to Register Within 20 Days of Specified Circumstances	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
8802	A		Failure to Return Evidence of Registration to DMV Upon Cancellation, Suspension, or Revocation	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
8802	B		Failure to Return Evidence of Registration to DMV Upon Cancellation, Suspension, or Revocation	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
9102.5	(b)	A	Operation of Private School Bus Without Appropriate License and Payment of Fees	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
9102.5	(b)	B	Operation of Private School Bus Without Appropriate License and Payment of Fees	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
9400	(a-c,f)	A	Commercial Vehicle Weight Fees Due	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
9400	(a-c,f)	B	Commercial Vehicle Weight Fees Due	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
9400.1	(f)	A	Failure to Display Required Gross Vehicle Weight Sticker	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMVAT PA#	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points
				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
9400.1	(f)	B	Failure to Display Required Gross Vehicle Weight Sticker	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
9406		A	Failure to Report Alterations Increasing Weight Fees	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
9406		B	Failure to Report Alterations Increasing Weight Fees	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
9564	(c)		Reconstruction of Vehicle Delivered to Scrap Metal Processor Restricted	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
10502	(b)		Failure to Inform CHP of Stolen Vehicle Recovery	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
10552			Making Fraudulent Report of Theft of Vessel With Intent to Deceive	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
10852.5	<i>xl</i>		<i>Unlawfully Purchasing a Used Catalytic Converter</i>	<i>1000</i>	<i>1000</i>	<i>700</i>	<i>500</i>	<i>500</i>	<i>200</i>	<i>200</i>	<i>4100</i>	<i>40</i>	<i>35</i>	<i>1</i>	<i>0</i>	<i>4176</i>	<i>4a</i>	<i>0</i>
11754	(a)		Rental of Vehicle Subject to Recall	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
11754	(c)		Ride Share Vehicle Subject to Recall	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12500	(a)	<b>A</b>	<b>Unlawful to Drive Unless Licensed</b>	<b>100</b>	<b>100</b>	<b>70</b>	<b>50</b>	<b>50</b>	<b>20</b>	<b>20</b>	<b>410</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>	<b>486</b>	<b>4a</b>	<b>0</b>
12500	(a)	B	Unlawful to Drive Unless Licensed	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
12500	(b,d)	A	<sup>7</sup> Licensed Driver Out of Classification	35	40	28	20	20	7	8	158	40	35	1	0	234	4a	0
12500	(b,d)	B	Licensed Driver Out of Classification	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
12500	(c)	A	<sup>7</sup> Unlawful to Drive in Offstreet Parking Facility Out of Classification	35	40	28	20	20	7	8	158	40	35	1	0	234	4a	0
12500	(c)	B	Unlawful to Drive in Offstreet Parking Facility Out of Classification	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
12500	(e)		<sup>7</sup> Operating Motorized Scooter in Violation of Emission Requirements	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12502	(a)(1)		Nonresident Driver Over 18 Without Valid Driver's License	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12502	(a)(2)		Nonresident Driver 21 or Over Transporting Hazardous Material in Commercial Vehicle Without Valid Driver's License and Certificate	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12502	(b)		Nonresident Driver of Commercial Vehicle Without Medical Certificate or Proof As Required	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12502	(c)		Noncompliance of Nonresident Driver With Medical Certificate Requirements	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12509	(d)		Violation of Instruction Permit Restriction	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12509	(d)	A	Driving a Motor Vehicle Without a Required Instruction Permit in Possession	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12509	(d)	B	Driving a Motor Vehicle Without Required Instruction Permit in Possession	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
12509	(e)		Violation of Instruction Permit Restriction by Driving Government Vehicle Without Instruction by California National Guard	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12509	(e)	A	Violation of Instruction Permit Restriction by Driving Government Vehicle Without Permit in Possession	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12509	(e)	B	Violation of Instruction Permit Restriction by Driving Government Vehicle Without Permit	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
12509.5	(a)		Violation of Instruction Permit Restriction by Driving a Motorcycle Without Completion of Motorcyclist Safety Program	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12509.5	(c)		Violation of Instruction Permit Restriction by Driving a Motorcycle During Darkness, on a Freeway, or With a Passenger	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	1
12511		A	Possessing More Than One License	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12511		B	Possessing More Than One License	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
12515	(a)		Minor Under 18 Employed for Purpose of Driving	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12516			Unlawful to Drive School Bus if Under 18	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12517	(a)(1)	A	Operation of School Bus Without Appropriate Driver's License in Possession While Transporting Pupils	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
12517	(a)(1)	B	Operation of School Bus Without Appropriate Driver's License in Possession While Transporting Pupils	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge* 20%	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points
12517	(b)	A	Operation of School Pupil Activity Bus Without Appropriate Driver's License in Possession	35	10/10	7	20	5	20	7	2	40	35	1	0	234	2a	0
12517	(b)	B	Operation of School Pupil Activity Bus Without Appropriate Driver's License in Possession	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
12521	(a,b)		Tour Bus Driver Required to Use Safety Belt/Report Tour Bus Accidents	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12522	(a)		Noncompliance With First Aid Exam Requirement for School Bus Operators	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12523	(a)	A	Operation of Youth Bus Without Required License and Certificate	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12523	(a)	B	Operation of Youth Bus Without Required License and Certificate	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
12523	(d)		Noncompliance With Youth Bus Operation Requirements	25	30	21	15	15	5	6	4	40	35	1	0	193	2a	0
12523.5	(a)	A	Paratransit Bus Driver Must Have Special Endorsement	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12523.5	(a)	B	Paratransit Bus Driver Must Have Special Endorsement	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
12524	(a)	A	Operation of Vehicle Hauling Controlled Quantities of Radioactive Materials Without Appropriate License or Certificate	35	40	28	20	20	7	8	4	40	35	1	0	234	4a	0
12524	(a)	B	Operation of Vehicle Hauling Controlled Quantities of Radioactive Materials Without Appropriate License or Certificate	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
12804.11	(a)	A	Operation of Firefighting Equipment Without License or Endorsement	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12804.11	(a)	B	Operation of Firefighting Equipment Without License or Endorsement	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
12804.6	(a)	A	Operation of Transit Bus Without Appropriate Certificate	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12804.6	(a)	B	Operation of Transit Bus Without Appropriate Certificate	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
12804.6	(f)		Unlawful for Employer to Permit Person to Drive Transit Bus Without a Valid Certificate	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12804.9	(c)	A	Operation of Commercial Motor Vehicle Without Required Medical Certificate	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12804.9	(c)	B	Operation of Commercial Motor Vehicle Without Required Medical Certificate	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
12804.9	(j)	A	Operation of Vanpool Vehicle Without Required Medical Exam Evidence and DUI Conviction History Statement	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12804.9	(j)	B	Operation of Vanpool Vehicle Without Required Medical Exam Evidence and DUI Conviction History Statement	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
12814.6	(a)(1)	A	Failure to Carry Instruction Permit as Required	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12814.6	(a)(1)	B	Failure to Carry Instruction Permit as Required	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
12814.6	(b)(1)	A	<sup>8</sup> Failure to Obey Licensing Provisions	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12814.6	(b)(2)	A	Violation of Provisional License Driving Restrictions	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12814.6	(b)(2)	B	Violation of Provisional License Driving Restrictions	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
12815	(a)	A	Must Obtain Duplicate if Original License Lost, Destroyed, or Mutilated	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12815	(a)	B	Must Obtain Duplicate if Original License Lost, Destroyed, or Mutilated	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
12950		A	Failure to Sign Driver's License	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12950		B	Failure to Sign Driver's License	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
12951	(a)	A	No Valid License in Possession	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12951	(a)	B	No Valid License in Possession	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
12952		A	Failure to Display License to Court Upon Request	35	40	28	20	20	7	8	4	40	35	1	0	234	2a	0
12952		B	Failure to Display License to Court Upon Request	25	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
13003			Failure to Apply for Replacement Identification Card Upon Mutilation and/or Failure to Surrender ID Card Within 10 Days of Notification That Card Is Mutilated	25	30	21	15	15	5	6	4	40	35	1	0	193	1a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points	
13007		Identification Card Holder to Notify DMV of Address Change Within 10 Days	35	40	28		5/10 20	5 20	20% 7	2 8	4 +	158	40	35	1	0	234	2a	0
13386	(b)(1)	Furnishing of Information by Manufacturer to Use Ignition Interlock Device Contrary to Certified Purpose	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
13386	(c)	Altering of Ignition Interlock Device Functionality by Installer, Service Center, or Technician	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
13386	(i)	Prohibition of Disclosure of Individuals Required to Install Ignition Interlock Device	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
14600	(a)	A Failure to Notify DMV of Address Change Within 10 Days	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
14600	(a)	B Failure to Notify DMV of Address Change Within 10 Days	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
14600	(b)	A Failure to Present DMV Change of Address Form to Peace Officer	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
14600	(b)	B Failure to Present DMV Change of Address Form to Peace Officer	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
14601.1	(a)	<sup>9</sup> Driving Motor Vehicle or Off-Highway Motor Vehicle While Suspended or Revoked for Offenses Not Relating to Driving Ability	150	150	105		75	75	30	30	+	615	40	35	1	0	691	4a	2
14603	A	Violation of License Restrictions	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	1
14603	B	Violation of License Restrictions	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
14605	(a)	Permitting Unlicensed Parking Lot Attendant to Drive	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
14605	(b)	Hiring Unlicensed Parking Lot Attendant to Drive	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
14606	(a)	Employing/Hiring/Permitting/Authorizing Person to Drive on Highway Without License Required for Vehicle	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
14606	(b)	Failure by Employer to Report Within 10 Days Failure of Commercial Driver on Reexamination	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
14606	(c)	<sup>10</sup> Failure of Employer to Obtain and Retain Copy of Medical Certification of Driver of Commercial Vehicle	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
14607		Permitting Unlicensed Minor to Drive	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
14608	(a)	License and Inspection of License Required for Rental of Vehicle	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
14611		<sup>11</sup> Knowingly Permit Transportation of Radioactive Materials Without Required License	5000	5000	3500		2500	2500	1000	1000	+	20500	40	35	1	0	20576	1a	0
15240	(a-d)	Employer Allowing, Permitting, or Requiring Driving of Commercial Motor Vehicle as Prohibited	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
15250	(a)(1)	A Commercial Driver's License Required	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
15250	(a)(1)	B Commercial Driver's License Required	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
15250	(a)(2)	A Commercial Driver's License With Hazardous Materials Endorsement Required	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
15250	(a)(2)	B Commercial Driver's License With Hazardous Materials Endorsement Required	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
15275	(a)	A Person Driving Commercial Vehicle Must Have Any Required Endorsements	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
15275	(a)	B Person Driving Commercial Vehicle Must Have Any Required Endorsements	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
15309.5	(a)(1)	<sup>12</sup> Sell, Offer, Distribute, or Use Crib Sheet or Device for Commercial Driver's License Examination	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
15309.5	(a)(2)	<sup>12</sup> Impersonate or Allow Impersonation of Applicant for Commercial Driver's License Examination	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
15309.5	(a)(3)	<sup>12</sup> Provide or Use Unauthorized Assistance During Commercial Driver's License Examination	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
15500		Acquisition of Vehicle by Minor Without Valid Driver's License	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
15620	(a) (1,2)	<sup>13</sup> Leaving Child 6 Years of Age or Younger Unattended in Motor Vehicle	100	100	70		50	50	20	20	+	410	40	35	1	0	486	2a	0



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				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
16000	(a)	Accident Report Required Within 10 Days of Accident	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
16002	(a)	Failure to Report Work-Related Accidents	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
16003		Failure of Owner to Report Accident Where Driver Is Incapable of Doing So	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
16020	(a)	Failure to Carry Evidence of Financial Responsibility	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0
16025	(a)	<sup>14</sup> Failure to Exchange Mandatory Information at Scene of Accident	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0
16028	(a)	<sup>15</sup> Failure to Provide a Peace Officer Evidence of Financial Responsibility	200	200	140		100	100	40	40	820	40	35	1	0	896	4a	0
16457		Driving Vehicle Not Covered by Certificate of Proof of Financial Responsibility/Knowing Failure to Disclose Ownership or Subsequent Acquisition of Vehicle	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
16502	(a)	Failure to Maintain Proof of Financial Responsibility During Use of Vehicle in Conduct of Business	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0
20004		Delay in Reporting Accident by Driver in Accident Resulting in Death of a Person	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	1
20006		Failure to Present Valid Identification Upon Collision With Another Party	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
20008	(a,b)	Failure to Report Accident Within 24 Hours	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
20010		Driver Unable to Report Accident	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
21070		<sup>16</sup> Unsafe Operation of a Motor Vehicle in Violation of Division 11 Provision Causing Bodily Harm	70	70	49		35	35	14	14	287	40	35	1	0	363	4a	0
21070		<sup>17</sup> Unsafe Operation of a Motor Vehicle in Violation of Division 11 Provision Causing Great Bodily Harm	95	100	70		50	50	19	20	404	40	35	1	0	480	4a	0
21100.3		Failure to Obey Traffic Directions	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21106	(b)	Use of Crosswalks Where Prohibited by Sign	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21113	(a) (1)	Unlawful Driving on Public Grounds	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
21116	(a)	Unlawful Driving on Levee, Canal Bank, etc.	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
21201	(a-d)	A Equipment Requirements for Bicycles	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21201	(a-d)	B Equipment Requirements for Bicycles	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
21201.5	(a,b)	Selling Bicycle Without Required Reflectors	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21202	(a)	Bicyclist at Less Than Normal Speed Must Keep to Right	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21203		Illegal for Bicyclist to Hitch Ride on Other Vehicle	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21204	(a,b)	Riding Bicycle on Other Than Permanent Seat	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21205		Illegal for Bicyclist to Carry Articles That Prevent Keeping One Hand on Handlebar	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21207.5	(a)	<sup>x3</sup> <del>Illegal Operation of Motorized Bicycle or Class 3 Electric Bicycle</del>	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21208	(a,b)	Riding Outside Bicycle Lane Prohibited	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21209	(a)	Motor Vehicle in Bicycle Lane Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21210		<sup>18</sup> Bicycle Parked—Impeding Pedestrian Traffic Prohibited	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21211	(a,b)	Illegally Impeding Bicycle Lanes	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
21212	(a)	<sup>19</sup> Under 18 Shall Not Operate Bicycle, Nonmotorized Scooter, or Skateboard/Wear In-line or Roller Skates/Ride Bicycle, Nonmotorized Scooter, or Skateboard as Passenger Without a Helmet	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21213	(a)	Operation of Class 3 Electric Bicycle by Person Under 16 Years of Age	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21213	(b)	Violation of Helmet Requirement for Class 3 Electric Bicycle	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21215.2	(a)	<sup>20</sup> Violating Restrictions on Consumption of Alcoholic Beverages in Pedicab	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21221		<sup>21</sup> Motorized Scooter Operation Requirements	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21221.5		<sup>21</sup> Operating a Motor Scooter While Under the Influence	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	0

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				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
21223	(a-c)	<sup>21</sup> Motorized Scooter Equipment Requirements During Darkness	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21226	(b,c)	<sup>21</sup> Violation of Motorized Scooter Muffler Equipment Requirements	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21226	(d)	<sup>21</sup> Violation of Motorized Scooter Exhaust/Noise Level Requirements/Operation of Motorized Scooter With Unlawfully Modified Exhaust System	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21228		<sup>21</sup> Operating Motorized Scooter at Less Than Normal Speed of Traffic	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21229	(a,b)	<sup>21</sup> Failure to Operate Motorized Scooter in Bicycle Lane	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21235	(a-j)	<sup>21</sup> Illegal Operation of Motorized Scooter	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21260	(a), (b)(2)	Illegal Operation of Low-Speed Vehicle	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21281.5	(a-d)	Illegal Operation of Electrical Personal Assistive Mobility Device	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21291		<sup>22</sup> Operation of Electrically Motorized Board by Person Under 16 Years of Age	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21292		<sup>22</sup> Operation of Electrically Motorized Board by Person Without Wearing Helmet as Required	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21293	(a-c)	<sup>22</sup> Operation of Electrically Motorized Board During Darkness Without Required Equipment	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21294	(a-c)	<sup>22</sup> Illegal Operation of Electrically Motorized Board	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21296	(a)	<sup>22</sup> Operation of Electrically Motorized Board While Under Influence of Alcohol or Drug	70	70	49		35	35	14	14	4	40	35	1	0	363	3a	0
21300	(a)	<sup>23</sup> Under 18 Riding Equestrian Animal without Helmet	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21300	(b)	<sup>23</sup> Failure to Ride Equestrian Animal with Proper Safety Equipment During the Hours of Darkness	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21367	(b,c)	Failure to Obey Traffic Control/Devices at Construction Site	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21451	(a,b)	"Green" Signal-Vehicular Responsibilities	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21451	(c,d)	"Green" Signal-Pedestrian Responsibilities	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21452	(b)	Failure of Pedestrian to Properly Respond to Signal of Yellow Light or Arrow	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21453	(a),(c)	<sup>24</sup> "Red" Signal-Vehicular Responsibilities	100	100	70		50	50	20	20	4	40	35	1	0	486	4a	1
21453	(b)	<sup>25</sup> "Red" Signal-Vehicular Responsibilities with Right Turn	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21453	(d)	"Red" Signal-Pedestrian Responsibilities	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21454	(c)	<sup>24</sup> Lane Use-Red Control Signal	100	100	70		50	50	20	20	4	40	35	1	0	486	4a	1
21454	(d)	Lane Use-Flashing Yellow Control Signals	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21455		Traffic Control Signal at Other Than Intersection	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21456	(a)(1-3), (ab-e)	Pedestrian Violation of "Walk" or "Wait" Signals	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21457	(a)	<sup>24</sup> Actions Required at Flashing Red Signal	100	100	70		50	50	20	20	4	40	35	1	0	486	4a	1
21457	(b)	Actions Required at Flashing Yellow Signal	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21460	(a-c)	Improper Turns Over Double Lines/Solid Lines to Right Prohibited	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21460.5	(c)	Improper Turn From Two-Way Left-Turn Lane	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21461	(a)	Driver Failure to Obey Signs/Signals	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21461.5		Pedestrian Failure to Obey Signs/Signals	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21462	(a)	Disobedience of Driver or Streetcar Motorist to Traffic Control Signal	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21462	(a)	Disobedience of Pedestrian or Person in Control of an Animal to Traffic Control Signal	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21463		No Person Shall Illegally Operate Signals	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	0
21464	(a)	Unauthorized Interference With Traffic Device Prohibited	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	0
21464	(b)	Unauthorized Use of Traffic Interference Device	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	0

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				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
21464	(c)	Unauthorized Possession or Distribution of Traffic Interference Device	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
21464	(e)	<sup>27</sup> Willful Interference With Traffic Device or Willful Use, Possession, or Distribution of Traffic Interference Device That Does Not Result in Injury	500	500	350		250	250	100	100	2050	40	35	1	0	2126	4a	0
21465		Placement of Unauthorized Traffic Devices Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
21466		Unlawful Display of Light Prohibited	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21466.5		Light Impairing Driver's Vision Prohibited	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21650		Failure to Keep to Right Side of Road	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21650.1		Bicycle to Travel in Same Direction as Vehicles	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21651	(a)	Driving Across Dividing Section on Freeway Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21652		Improperly Entering or Leaving Highway or Service Road	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21654	(a)	Slow-Moving Vehicles Keep to Right Edge of Roadway	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21655	(b)	Failure to Use Designated Lanes	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21655.1	(a)	<sup>28</sup> Driving in Restricted Use Designated Public Transit Bus Lane	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21655.5	(b)	Improper Use of Preferential Lanes	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0
21655.8	(a)	<sup>29</sup> Driving Over Double Lines of Preferential Lanes	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	1
21655.9	(b)	Driving Low Emission Vehicle Without Required Decal or Label	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
21656		Failure of Vehicle to Turn Out As Required	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21657		Driving Against One-Way Traffic Patterns	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21658	(a,b)	Lane Straddling/Failure to Use Specified Lanes	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21659		Unsafe Driving on Three-Lane Highway	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21660		Failure of Approaching Vehicles to Pass to the Right	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21661		Right-of-Way Rule–Narrow Grades	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21662	(a,b)	Mountains–Keep to Right–Use Horn	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21663		Driving on Sidewalk Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21664		Failure to Use Designated Freeway On-/Off-Ramp Properly	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21700		Load/Passengers Not to Obstruct Driver's View	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21701		Interference With Driver's Control of Vehicle	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21703		Following Too Closely Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21704	(a)	Trucks/Trailers Following Too Closely Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21705		Caravans Following Too Closely Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21706		Following Emergency Vehicles Too Closely Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21706.5	(b)	Operation of Vehicle in Unsafe Manner in an Emergency Incident Zone	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	1
21707		Driving Within 300 Feet of Fire Areas Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21708		Running Over Unprotected Fire/Chemical Hose Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
21709		Driving Within Safety Zone Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21710		Coasting in Neutral on Downgrade Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
21711		Whipping or Swerving Towed Vehicle Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21712	(a)	Allowing Riding on Portion of Vehicle Not Designed for Passenger Use Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21712	(b)	Unlawful Riding on Vehicle Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
21712	(c)	<sup>30</sup> Driver Permitting Riding in Trunk of Vehicle	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	1
21712	(d)	<sup>30</sup> Riding in Trunk of Vehicle	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0
21712	(g)	Towing Trailer Coach, Camp Trailer, or Trailer Carrying Vessel That Contains Passenger	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21712	(h)	Driving While Towing Person Riding on Motorcycle, Motorized Bicycle, Bicycle, Coaster, Roller Skates, Sled, Skis, or Toy Vehicle	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points
				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
21714	(a)	Use of Three-Wheeled Vehicle On or Adjacent to Striping or Markers Designating Adjacent Traffic Lanes	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21714	(b)	Use of Three-Wheeled Vehicle Between Two or More Vehicles Traveling in Adjacent Traffic Lanes	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21715	(a,b)	Exceeding Passenger Vehicle Towing Combination Limits	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21716		Golf Cart Operation Restricted	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
21717		Turning Across Bicycle Lane	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21718	(a)	Stopping, Parking, or Leaving Vehicle Standing Upon a Freeway	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21720		Unlawful Operation of Pocket Bike	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21750		Overtaking and Passing Unsafely	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21751		Passing Without Sufficient Clearance	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21752	(a,b,d)	Driving Left of Center–Limited View/Within 100 Feet of Bridge, Viaduct, Tunnel/Within 100 Feet or When Traversing Intersection–Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21752	(c)	<sup>31</sup> Driving Left of Center–Within 100 Feet or When Traversing Railroad Grade Crossing–Prohibited	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	1
21753		Failure to Yield to Overtaking Vehicle	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21754		Improper Passing on Right Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21755	(a)	Unsafe Passing on Right Shoulder	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21756	(a-c)	Unsafe Passing of Standing Streetcar, Trolley Coach, or Bus Safety Zones	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21757		Passing Street Car on Left Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21758		Unsafe Passing on Grades Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21759		Failure to Exercise Caution When Passing Animals	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21760	(b)	<sup>32</sup> Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle Unsafely	220	220	154		110	110	44	44	902	40	35	1	0	978	4a	1
21760	(b)	<sup>32</sup> Overtaking or Passing Bicycle Unsafely	35	40	28		20	20	7	8	158	40	35	1	0	234	4a	1
21760	(c)	<sup>32</sup> Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle at Distance of Less Than Three Feet	220	220	154		110	110	44	44	902	40	35	1	0	978	4a	1
21760	(c)	<sup>32</sup> Overtaking or Passing Bicycle at Distance of Less Than Three Feet, <i>Move Over Slow Down Exception</i>	35	40	28		20	20	7	8	158	40	35	1	0	234	4a	1
21760	(d)	<sup>32</sup> Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle Without Slowing to Reasonable Speed	220	220	154		110	110	44	44	902	40	35	1	0	978	4a	1
21760	(d)	<sup>32</sup> Overtaking or Passing Bicycle Without Slowing to Reasonable Speed	35	40	28		20	20	7	8	158	40	35	1	0	234	4a	1
21761	(a,b)	Safely Passing a Waste Removal Vehicle	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21800	(a-c)	Violation of Right-of-Way/Uncontrolled Intersection	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21800	(d)	Violation of Right-of-Way/Controlled Intersection With Inoperative Control Signals	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21801	(a,b)	Violation of Right-of-Way–Left Turn	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21802	(a,b)	Violation of Right-of-Way–Entering Through Highway	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21803	(a,b)	Violation of "Yield" Sign	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21804	(a,b)	Entering Highway From Alley or Driveway	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21805	(b)	Violation of Right-of-Way at Equestrian Crossing	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
21805	(c)	Violation of Right-of-Way by Rider–Posing Hazard	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
21806	(a,b)	<sup>33</sup> Failure to Yield to Emergency Vehicle	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	1
21806	(c)	<sup>33</sup> Failure to Yield to Emergency Vehicle–Pedestrian	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0
21807		Driving Authorized Emergency Vehicle Without Due Regard for Safety of Persons and Property	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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21809	(a)	<sup>34</sup> Failure to Slow Down or Change Lane When Approaching and Passing Stationary Emergency Vehicle or Tow Truck Displaying Specific Lights	35	40	28		5/10 20	5 20	20%	2	4	40	35	1	0	234	2a	1
21950	(a,c)	Driver to Yield Right-of-Way at Crosswalks	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21950	(b)	Pedestrian Right-of-Way at Crosswalks Regulated	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21951		<sup>35</sup> Overtaking Vehicles Stopped for Pedestrians	100	100	70		50	50	20	20	4	40	35	1	0	486	2a	1
21952		Failure to Yield Right-of-Way on Sidewalk to Pedestrian	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21953	(a)	Pedestrian Must Use Tunnel or Overhead Crossing	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21954	(a)	Pedestrians Must Yield Right-of-Way Outside of Crosswalks	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21954	(b)	Failure of Driver to Exercise Due Care for Safety of Pedestrian on Roadway	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21955	(a)	<sup>34</sup> Crossing Between Controlled Intersections (Jaywalking)	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21956	(a)	Pedestrian on Roadway Prohibited	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21957		Soliciting Ride (Hitchhiking) Prohibited	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21959		Skiing or Tobogganing Across Highway Prohibited	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21960	(a)	<sup>36</sup> Violation of Freeway or Expressway Use Restrictions by Pedestrian, Motor-Driven Cycle, Motorized Bicycle, or Motorized Scooter	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	1
21966	(a)	Pedestrian Prohibited in Bicycle Lane	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21968		Motorized Skateboard Prohibited	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
21970	(a)	Vehicle Stopped Unnecessarily and Blocking Crosswalk or Sidewalk	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
21971		<sup>37</sup> Violating Specified Provisions and Causing Bodily Injury	220	220	154		110	110	44	44	4	40	35	1	0	978	4a	0
22100	(a,b)	Turn at Intersection From Wrong Position	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22100.5		U-Turn at Controlled Intersection	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22101	(d)	Violating Special Traffic Control Markers	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22102		Illegal U-Turn in Business District	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22103		Illegal U-Turn in Residential District	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22104		Illegal U-Turn Near Fire Station	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22105		Illegal U-Turn on Highway Without Unobstructed View	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22106		Unsafe Starting or Backing on Highway	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22107		Unsafe Turn or Lane Change Prohibited	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22108		Signal Required Before Turning or Changing Lanes	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22109		Sudden Stopping Without Signaling	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22110	(a,b)	Hand/Lamp Signal Not Given	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22111	(a-c)	Hand Signals Improperly Given	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22112	(a-e)	School Bus Driver Misuse of Signals; Improper Stop; Failure to Escort Pupils	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22348	(b)	<sup>38</sup> Speeding Over 100 MPH Prohibited	200	200	140		100	100	40	40	4	40	35	1	0	896	4a	2
22348	(c)	Failure of Vehicles Subject to VC 22406 to Use Designated Lane	35	40	28		20	20	7	8	4	40	35	1	0	234	2a	1
22349	(a)	Speeding ≥ 26 MPH Over 65 MPH Limit	100	100	70		50	50	20	20	4	40	35	1	0	486	4a	1
22349	(a)	Speeding 1–15 MPH Over 65 MPH Limit	35	40	28		20	20	7	8	4	40	35	1	0	234	4a	1
22349	(a)	Speeding 16–25 MPH Over 65 MPH Limit	70	70	49		35	35	14	14	4	40	35	1	0	363	4a	1
22349	(b)	Speeding ≥ 26 MPH Over 55 MPH Limit	100	100	70		50	50	20	20	4	40	35	1	0	486	4a	1
22349	(b)	Speeding 1–15 MPH Over 55 MPH Limit	35	40	28		20	20	7	8	4	40	35	1	0	234	4a	1
22349	(b)	Speeding 16–25 MPH Over 55 MPH Limit	70	70	49		35	35	14	14	4	40	35	1	0	363	4a	1
22350	<sup>35</sup>	Unsafe Speed for Prevailing Conditions ≥ 26 MPH Over Limit	100	100	70		50	50	20	20	4	40	35	1	0	486	4a	1
22350	<sup>35</sup>	Unsafe Speed for Prevailing Conditions 1–15 MPH Over Limit	35	40	28		20	20	7	8	4	40	35	1	0	234	4a	1
22350	<sup>35</sup>	Unsafe Speed for Prevailing Conditions 16–25 MPH Over Limit	70	70	49		35	35	14	14	4	40	35	1	0	363	4a	1
22351	(a,b)	Driving in Excess of Prima Facie Speed Limits Established in VC 22352																4a
22352	(a)-(1)	Operating Vehicle in Excess of 15 MPH at Railroad Crossing																4a

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				10/10	7		5/10	5	20%	2	4	40	35	1	0				
22352	(a)(2)	Operating Vehicle in Excess of 15 MPH at Freeway Intersection With No Clear Field of Vision															4a	+	
22352	(a)(3)	Operating Vehicle in Excess of 15 MPH on Any Alley															4a	+	
22352	(b)(1)	Operating Vehicle in Excess of 25 MPH in Business District															4a	+	
22352	(b)(2)	Operating Vehicle in Excess of 25 MPH by School															4a	+	
22352	(b)(3)	Operating Vehicle in Excess of 25 MPH by Senior Center															4a	+	
22354	(a)	Failure to Abide by Speed Limits Set by the State Department of Transportation (DOT) on State Highways															4a	1	
22355		Failure to Abide by Variable Speed Limits Set by the State Department of Transportation (DOT)															4a	1	
22356	(b)	Exceeding 70 MPH Maximum Speed, ≥ 26 MPH Over Limit															4a	1	
22356	(b)	Exceeding Maximum Speed Limit of 70 MPH, 1–15 MPH Over Limit															4a	1	
22356	(b)	Exceeding Maximum Speed limit of 70 MPH, 16–25 MPH Over Limit															4a	1	
22357		Violation of Prima Facie Local Speed Limit															4a	1	
22358		Violation of Local Speed Limit															4a	1	
22358.3		Violation of Local Speed Limit on Narrow Street															4a	1	
22358.4		Violation of Prima Facie Local Speed Limit															4a	1	
22360		Violation of Local Speed Limits Between Business and Residence Districts															4a	1	
22361		Violation of Speed Limit on Multiple Lane Highways															4a	1	
22362		Violation of Speed Limit Surrounding Special Work Crews															4a	1	
22363		Violation of DOT or Local Speed Limit Set for Snow or Ice															4a	1	
22364		Violation of Speed Limit Set by DOT on State Highways															4a	1	
22400	(a,b)	Minimum Speed Law—Impeding Traffic Flow	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	1
22405	(a)	Exceeding Maximum Posted Speeds on Bridge/Tube/Tunnel, ≥ 26 MPH Over Limit	100	100	70		50	50	20	20	4	410	40	35	1	0	486	4a	1
22405	(a)	Exceeding Maximum Posted Speeds on Bridge/Tube/Tunnel, 1–15 MPH Over Limit	35	40	28		20	20	7	8	4	158	40	35	1	0	234	4a	1
22405	(a)	Exceeding Maximum Posted Speeds on Bridge/Tube/Tunnel, 16–25 MPH Over Limit	70	70	49		35	35	14	14	4	287	40	35	1	0	363	4a	1
22406	(a)	<sup>39</sup> Truck or Tractor 10 MPH or More Over 55 MPH Limit	100	100	70		50	50	20	20	4	410	40	35	1	0	486	4a	1
22406	(a)	<sup>39</sup> Truck or Tractor 1–9 MPH Over 55 MPH Limit	50	50	35		25	25	10	10	4	205	40	35	1	0	281	4a	1
22406	(b-f)	<sup>40</sup> Posted Speed for Designated Vehicles	50	50	35		25	25	10	10	4	205	40	35	1	0	281	4a	1
22406	(b-f)	<sup>40</sup> Posted Speed for Designated Vehicles—In Excess of Speed Limit by 10 MPH or More	100	100	70		50	50	20	20	4	410	40	35	1	0	486	4a	1
22406.1	(b)	<sup>41</sup> Commercial Licensee Exceeding Speed Limit by more than 15 MPH in Non-Commercial Vehicle															4a	1	
22406.5		<sup>42</sup> Driving Tank Vehicle at Excessive Speed	500	500	350		250	250	100	100	4	2050	40	35	1	0	2126	4a	1
22407		<sup>40</sup> Posted Speed for Designated Vehicles	50	50	35		25	25	10	10	4	205	40	35	1	0	281	4a	1
22407		<sup>40</sup> Posted Speed for Designated Vehicles—In Excess of Speed Limit by 10 MPH or More	100	100	70		50	50	20	20	4	410	40	35	1	0	486	4a	1
22409		Speed Limit for Solid Tire Vehicle ≥ 26 MPH Over Limit	100	100	70		50	50	20	20	4	410	40	35	1	0	486	4a	1
22409		Speed Limit for Solid Tire Vehicle 16–25 MPH Over Limit	70	70	49		35	35	14	14	4	287	40	35	1	0	363	4a	1
22409		Speed Limit for Solid Tire Vehicle, 1–15 MPH Over Limit	35	40	28		20	20	7	8	4	158	40	35	1	0	234	4a	1
22410		Exceeding Speed Limit for Metal Tire Vehicles	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	1
22413		Violation of Speed Limit Set by Local Authority for Steep Grades															4a	1	
22450	(a)	Failure to Stop at Stop Sign	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	1
22450	(b)	<sup>44</sup> Failure to Stop at Stop Sign at Railroad Grade Crossing	100	100	70		50	50	20	20	4	410	40	35	1	0	486	4a	1

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				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
22451	(a,b)	<sup>44</sup> Failure to Stop for Train Signals/Closed Gates	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	1
22452	(b)	<sup>44</sup> Failure of Certain Vehicles to Stop at Railroad Crossings	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	1
22452	(c)	<sup>44</sup> Failure of Commercial Vehicle to Stop at Railroad Crossings	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	1
22454	(a)	<sup>45</sup> Passing School Bus With Flashing Signals	150	150	105		75	75	30	30	615	40	35	1	0	691	4a	1
22455	(a)	Vending From Vehicle Without Coming to a Complete Stop or Parking the Vehicle Lawfully	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22456	(d)	Failure to Equip Ice Cream Truck With Required Warning Sign	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
22456	(e)(1-3)	Vending From an Ice Cream Truck Under Prohibited Conditions	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22500	(i)	<sup>46</sup> Parking in Bus Loading Area	250	250	175		125	125	50	50	1025	40	35	1	0	1101	4a	0
22500	(l)	<sup>46</sup> Parking at Curb Constructed to Provide Wheelchair Accessibility	250	250	175		125	125	50	50	1025	40	35	1	0	1101	4a	0
22500	(m)	A Stopping Or Parking In Designated Public Transit Bus Lane	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22500.1		Stopping in Designated Fire Lane	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22504	(a)	Unincorporated Area Stopping	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22505	(b)	Unauthorized Stopping on State Highway Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22507.8	(a-c)	<sup>47</sup> Violation of Disabled Parking Provisions	250	250	175		125	125	50	50	1025	40	35	1	0	1101	4a	0
22511.1	(a)	<sup>47</sup> Infraction Violation for Parking/Standing in Space for Charging Electric Vehicle While Not Connected for Charging Vehicle	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0
22511.1	(a)	<sup>47</sup> Infraction Violation for Parking/Standing in Space for Charging Electric Vehicle While Not Connected for Charging Vehicle and Proof of Valid Zero-Emission Decal Possessed at Time of Violation But Not Displayed	25	30	21		15	15	5	6	117	40	35	1	0	193	4a	0
22511.1	(b)	<sup>47</sup> Infraction Violation for Obstructing, Blocking, or Barring Access to Space for Charging Electric Vehicle	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0
22511.1	(b)	<sup>47</sup> Infraction Violation for Obstructing, Blocking, or Barring Access to Space for Charging Electric Vehicle and Proof of Valid Zero-Emission Decal Possessed at Time of Violation But Not Displayed	25	30	21		15	15	5	6	117	40	35	1	0	193	4a	0
22515	(a,b)	Unattended Vehicles	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22516		Locking Vehicle With Person Inside Unable to Escape	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22517		Opening Door on Traffic Side When Unsafe	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22520.5	(a)	Vending on Freeway Right-of-Way Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22520.6	(a)	Unauthorized Activities at Highway Rest Area/Vista Point Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22522		Parking Near Sidewalk Access Ramp for Disabled	250	250	175		125	125	50	50	1025	40	35	1	0	1101	4a	0
22523	(a,b)	<sup>48</sup> Vehicle Abandonment Prohibited	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0
22526	(a,b)	<sup>49</sup> Blocking Intersection (Gridlock) Prohibited—A Stopping Violation Issued on a Notice to Appear	50	50	35		25	25	10	10	205	40	35	1	0	281	4a	0
22526	(c)	<sup>50</sup> Blocking Railroad or Rail Transit Crossing Due to Low Undercarriage (Gridlock) Prohibited—A Stopping Violation Issued on a Notice to Appear	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0
22526	(d)	Blocking Railroad or Rail Transit Crossing (Gridlock) Prohibited—A Stopping Violation Issued on a Notice to Appear	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22650	(a)	Unauthorized Removal of Unattended Vehicle From Highway	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22651.7	(b)	Immobilization of Vehicle by Unauthorized Person	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22658	(e)(2)	Property Owner, Owner's Agent, or Lessee Causing Unlawful Removal of Vehicle Parked on Property as Permitted	1000	1000	700		500	500	200	200	4100	40	35	1	0	4176	2a	0
22951		Parking Lot—Street and Alley Parking	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
22952	(a,b)	Vehicle Towing or Removal From Parking Lot	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
23109	(c)	<sup>51</sup> Engaging in or Abetting Exhibition of Speed Prohibited	75	80	56		40	40	15	16	322	40	35	1	0	398	4a	2
23111		<sup>52</sup> Throwing Lighted Substance on Highway Prohibited	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0
23112	(a,b)	<sup>52</sup> Dumping Material on Highway/Right-of-Way Prohibited	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0

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Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT-PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points
				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
23113	(a)	<sup>52</sup> Failure to Remove Material From Highway	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	0
23114	(a)	Spilling Load on Highway Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
23114	(b)	Aggregate Material Carried Improperly or Transported Without Required Equipment	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
23114	(e)	Transporting Uncovered Aggregate Material Upon Highway	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
23114	(f)	Failure to Provide Location for Compliance With Load Covering Requirements or to Cover Load Within Required Distance	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
23115	(a)	Rubbish Vehicle Cover Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
23116	(a)	Transportation of Persons Without Restraints Restricted	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
23116	(b)	Riding in or on the Back of Truck or Flatbed Motor Truck Being Driven on Highway	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
23117	(a)	<sup>53</sup> Transportation of Animals Without Restraints Restricted	50	50	35		25	25	10	10	205	40	35	1	0	281	4a	0
23120		Side Vision Obstructed by Temple Width of Glasses	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
23123	(a)	<sup>54</sup> Driving While Using a Wireless Telephone Not Configured for Hands-free Use	20	20	14		10	10	4	4	82	40	35	1	0	158	4a	0
23123.5	(a)	<sup>55</sup> Driving Motor Vehicle While Holding and Operating a Handheld Wireless Telephone or Electronic Wireless Communications Device	20	20	14		10	10	4	4	82	40	35	1	0	158	4a	0
23124	(b)	<sup>56</sup> Driving While a Minor and Using a Wireless Telephone or Electronic Wireless Communications Device	20	20	14		10	10	4	4	82	40	35	1	0	158	4a	0
23125	(a)	Driving School Bus or Transit Vehicle While Using a Wireless Phone	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
23128	(a)	Snow Mobile—Operation on Highway Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
23128	(b-d)	Snow Mobile—Negligent Operation, Pursuing Game, or Trespassing Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
23129		Unobstructed Camper Exit Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
23135		<sup>57</sup> Operation of Modified Motorized Bicycle Restricted	50	50	35		25	25	10	10	205	40	35	1	0	281	4a	0
23136	(a)	Minor (Under 21) Driving With Blood Alcohol Level of .01 or Greater	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	0
23140	(a)	<sup>58</sup> Minor (Under 21) Driving With Blood Alcohol Level of .05 or Greater	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	2
23154	(a)	Driving With Blood Alcohol Level of .01 or Greater While on Probation for Violation of VC 23152 or VC 23153	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	0
23220	(a)	Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product While Driving Off-Highway Prohibited	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	0
23220	(b)	Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product While Riding as a Passenger Off-Highway Prohibited	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	0
23221	(a)	Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product by Driver Prohibited	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	1
23221	(b)	Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product by Passenger Prohibited	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	0
23222	(a)	Possession of Open Container While Driving Prohibited	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	1
23222	(b)(1)	<sup>59</sup> Possession of Open Container of Cannabis by Driver	70	70	49		35	35	14	14	287	40	35	1	0	363	4a	1
23223	(a)	<sup>60</sup> Possession of Open Container by Driver Prohibited	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	0
23223	(b)	Possession of Open Container by Passenger Prohibited	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	0
23225	(a)(1)	<sup>60</sup> Storage of Open Container Restricted	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	0
23226	(a)	Storage by Driver of Open Container in Passenger Compartment Prohibited	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	0
23226	(b)	Storage by Passenger of Open Container in Passenger Compartment Prohibited	70	70	49		35	35	14	14	287	40	35	1	0	363	3a	0
23270	(a)	Unauthorized Towing on Bridge Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	1
23270	(b)	Exceeding Maximum Towing Fee Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0



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				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>				
23302	(a)(1)	Refusal to Pay Toll Charge Prohibited	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
23302	(a)(2)	Unauthorized Placement of Toll Transponder	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
23302	(a)(3)	Unauthorized Placement of Toll Transponder for Motorcycle	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
23302	(b)	Failure to Display Transponder or Toll Device on Vehicular Crossing or Toll Highway	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
23302	(c)	Failure to Possess Money, Transponder, or Toll Device, or to Have License Plates Attached as Required on Vehicular Crossing or Toll Highway	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
23302	(d)	Failure to Possess Transponder or Toll Device as Required on Vehicular Crossing or Toll Highway With Pay-by-Plate Payment	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
23330	(a,d)	Unauthorized Use of Vehicle Crossing—Animals/Vehicles	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
23330	(b)	Unauthorized Use of Vehicle Crossing—Bicycles	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
23330	(c)	Unauthorized Use of Vehicle Crossing— Overwidth Vehicles	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
23331		Unauthorized Use of Vehicle Crossing— Pedestrians	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
23333		<sup>61</sup> Vehicular Crossing—Unauthorized Stopping or Standing	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
23336		<sup>62</sup> Failure to Obey Posted Signs on Vehicle Crossings	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	1
23576	(a,b)	Driving Employer's Vehicle Without Notice of Ignition Interlock Device Restriction as Required by VC 23575	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
24002	(a)	Unlawful to Operate Unsafe Vehicle—Safety Hazard	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	1
24002	(b)	A Unlawful to Operate Vehicle Not Equipped as Provided	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	1
24002	(b)	B Unlawful to Operate Vehicle Not Equipped as Provided	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24002	(c)	Unlawful for Motor Carrier to Require Driver to Operate Vehicle without Training or Experience to Ensure Cargo is Properly Located, Distributed, and Secured	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	1
24002	(d)	Unlawful to Operate Vehicle without Familiarity of Securing Cargo	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	1
24002	(e)	Failure to Comply with Section 392.9 of Title 49 of the Code of Federal Regulations	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	1
24003	A	Vehicle With Unauthorized Lamps	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
24003	B	Vehicle With Unauthorized Lamps	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24004		Unlawful Operation After Notice of Unsafe Condition	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	1
24005		Sale or Transfer of Unlawful Equipment w/ Knowledge That Equipment Will be Used or Installed in a Vehicle	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
24005.5		Sale of Unapproved Materials for Use in Strapping Regulated Loads	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
24006		Sale of New Motor Vehicle Equipment Without Required Trademarks or Designations	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
24007	(a,b)	Sale by Retailer of Vehicle Failing to Qualify for Certificate of Compliance	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
24007.2		Failure to Install Exhaust-Control Device Free of Charge to Low-Income Senior Citizen as Required	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
24007.5	(a)(1)	Sale by Auctioneer or Public Agency of Vehicle Failing to Qualify for Certificate of Compliance	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
24007.5	(b)	Failure of Consignor to Provide Certificate of Compliance to Purchaser of Vehicle	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
24007.5	(g)	Failure of Auctioneer to Certify Compliance With DMV Standards and Deliver Bill of Sale	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
24008	A	Modification of Vehicle Road Clearance Restricted	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
24008	B	Modification of Vehicle Road Clearance Restricted	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24008.5	(a)	A Maximum Frame Height Defined	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0

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				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
24008.5	(a)	B	Maximum Frame Height Defined	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24009			Sale of New Truck, Tractor, or Bus Without Indication of Manufacturer's Name and Gross Vehicle Weight Rating as Required	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24010			Vehicle Renter Responsibility	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
24011	(a,b)		Sale of Vehicle or Equipment Regulated by Federal Safety Standards Without Certification of Vehicle or Equipment Compliance	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24012	A		Failure to Comply With CHP Lighting and Mounting Specifications	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24012	B		Failure to Comply With CHP Lighting and Mounting Specifications	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24013			Failure to Disclose Minimum Octane Number Upon Sale of New Motor Vehicle	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24013.5			Failure to Disclose Required Information Upon Sale of New Light Duty Truck	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24014	(a,b)		Motorcycles Required Pricing Information	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24015	(a)	A	Failure of Motorized Bicycle Equipment to Comply With Federal Safety Standards	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24015	(a)	B	Failure of Motorized Bicycle Equipment to Comply With Federal Safety Standards	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24015	(b)	A	Use of Motorized Bicycle on Highway Without Mirror, Horn, or Muffler as Required	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24015	(b)	B	Use of Motorized Bicycle on Highway Without Mirror, Horn, or Muffler as Required	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24016	(a)(2)		Illegal Operation of Motor on Electric Bicycle	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24016	(a)(2)		Illegal Operation of Motor on Electric Bicycle	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24016	(d)		Illegal Modification of Electric Bicycle	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24016	(d)		Illegal Modification of Electric Bicycle	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24017	(a)	A	Maintenance of Transit Bus Speedometer Required	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24017	(a)	B	Maintenance of Transit Bus Speedometer Required	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24019	(a)	A	Gross Motor Vehicle Weight with Illuminated Malfunction Indicator Light	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24019	(a)	B	Gross Motor Vehicle Weight with Illuminated Malfunction Indicator Light	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24019	(d)		Operation of Vehicle Found with Willfully Tampered Emission Controls	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24250	A		Lighting Equipment to Be Lighted During Darkness	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	1
24250	B		Lighting Equipment to Be Lighted During Darkness	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24252	(a-c)	A	Maintenance of Lamps and Devices Required	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24252	(a-c)	B	Maintenance of Lamps and Devices Required	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24253	(a)	A	Battery Requirements for Vehicle—Lighting Equipment	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24253	(a)	B	Battery Requirements for Vehicle—Lighting Equipment	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24253	(b)	A	Battery Requirements for Motorcycle—Lighting Equipment	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24253	(b)	B	Battery Requirements for Motorcycle—Lighting Equipment	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24255	(a,c)	A	Infrared Lighting System Equipment Violation	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24255	(a,c)	B	Infrared Lighting System Equipment Violation	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24255	(b)	A	Operation of Infrared Lighting System Without Use of Headlights	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
24255	(b)	B	Operation of Infrared Lighting System Without Use of Headlights	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24400	(a)	A	Headlamp Equipment Requirements	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
24400	(a)	B	Headlamp Equipment Requirements	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
24400	(b)		Failure to Operate Headlamps as Required During Darkness or Inclement Weather	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	1

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points	
24401	A	Failure to Dim Lights While Vehicle Is Parked or Standing on a Public Highway	25	30	21		5/10 15	5 15	20% 5	2 6	4 +	117	40	35	1	0	193	1a	0
24401	B	Failure to Dim Lights While Vehicle Is Parked or Standing on a Public Highway	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24402	(a,b)	Auxiliary Driving and Passing Lamps Specifications	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24402	(a,b)	B Auxiliary Driving and Passing Lamps Specifications	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24403	(a)	A Maximum Fog Lamps Not to Be Used in Place of Headlamps	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24403	(a)	B Maximum Fog Lamps Not to Be Used in Place of Headlamps	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24403	(b)	A Fog Lamps on Vehicle Improperly Mounted or Aimed	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24403	(b)	B Fog Lamps on Vehicle Improperly Mounted or Aimed	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24403	(c)	A Fog Lamps on Motorcycle Improperly Mounted or Aimed	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24403	(c)	B Fog Lamps on Motorcycle Improperly Mounted or Aimed	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24404	(a,b)	A Spotlamps–Number and Wattage Specified	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24404	(a,b)	B Spotlamps–Number and Wattage Specified	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24404	(c,e)	A Spotlamps–Direction Defined	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24404	(c,e)	B Spotlamps–Direction Defined	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24405	(a)	A Maximum Number of Lamps Allowed to Be Lighted	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24405	(a)	B Maximum Number of Lamps Allowed to Be Lighted	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24406	A	Use of Multiple Beams Restricted	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24406	B	Use of Multiple Beams Restricted	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24407	(a)	A High Beams–Adjustment Specified	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24407	(a)	B High Beams–Adjustment Specified	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24407	(b)	A Low Beams–Adjustment Specified	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24407	(b)	B Low Beams–Adjustment Specified	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24408	(a,b)	A High/Low Beam Indicator Required	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24408	(a,b)	B High/Low Beam Indicator Required	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24409	(a,b)	A Failure to Dim Multiple Beams Prohibited	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	1
24409	(a,b)	B Failure to Dim Multiple Beams Prohibited	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24410	(a)	A Single Beams–Adjustment/Intensity Specifications	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24410	(a)	B Single Beams–Adjustment/Intensity Specifications	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24411	A	Covering Auxiliary Lamps Required	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24411	B	Covering Auxiliary Lamps Required	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24600	(a-f)	A Tail Lamp Requirements and Specifications	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24600	(a-f)	B Tail Lamp Requirements and Specifications	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24601	A	License Plate Lamp Required	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24601	B	License Plate Lamp Required	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24602	(a,b)	A Fog Tail Lamp Requirements and Specifications	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24602	(a,b)	B Fog Tail Lamp Requirements and Specifications	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24603	(a-i)	A Stop Lamp Requirements and Specifications	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24603	(a-i)	B Stop Lamp Requirements and Specifications	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24604	(a)	A Lamps/Flag on Load Projecting to Rear Required	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	1
24604	(a)	B Lamps/Flag on Load Projecting to Rear Required	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24604	(b)	A Flag on Load Projecting to Rear Required for Wide Loads	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	1
24604	(b)	B Flag on Load Projecting to Rear Required for Wide Loads	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24605	(a)	A Tow Cars and Towed Vehicles–Lights Required	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24605	(a)	B Tow Cars and Towed Vehicles–Lights Required	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
24605	(b)	A Tow Cars and Towed Vehicles–Lights Required	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
24605	(b)	B Tow Cars and Towed Vehicles–Lights Required	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points
				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
24606	(a,b,d)	A Backup Lamp Requirements and Specifications	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24606	(a,b,d)	B Backup Lamp Requirements and Specifications	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24606	(c)	A Backup Lamps–When Not to Be Lighted	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24606	(c)	B Backup Lamps–When Not to Be Lighted	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24607	(a-d)	A Reflectors Required on Rear of Vehicle	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24607	(a-d)	B Reflectors Required on Rear of Vehicle	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24608	(a-d)	A Light Reflectors on Trucks/Trailers–Front and Sides	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24608	(a-d)	B Light Reflectors on Trucks/Trailers–Front and Sides	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24609	(a)	A Vehicle Reflector Requirements and Specifications	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24609	(a)	B Vehicle Reflector Requirements and Specifications	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24609	(b)	A School Bus Reflector Requirements and Specifications	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24609	(b)	B School Bus Reflector Requirements and Specifications	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24610	A	Truck Reflector Requirements and Specifications	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24610	B	Truck Reflector Requirements and Specifications	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24612	(a)	A Failure to Display Reflective Material on Trailer or Semitrailer as Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24612	(a)	B Failure to Display Reflective Material on Trailer or Semitrailer as Required	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24612	(c)	A Failure to Display Reflective Material on Trailer or Semitrailer as Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24612	(c)	B Failure to Display Reflective Material on Trailer or Semitrailer as Required	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24615	A	Slow-Moving Vehicle–Emblem Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24615	B	Slow-Moving Vehicle–Emblem Required	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24800	A	Driving With Only Parking Lights Prohibited	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
24800	B	Driving With Only Parking Lights Prohibited	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24950	A	Turn Signal Device Required–Towing Trailer	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24950	B	Turn Signal Device Required–Towing Trailer	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24951	(b,c)	A Turn Signals Required on Certain Vehicles	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24951	(b,c)	B Turn Signals Required on Certain Vehicles	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24952	A	Visibility Requirement of Signals	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24952	B	Visibility Requirement of Signals	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
24953	(a-d)	A Turn Signal Lamp Requirements	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
24953	(a-d)	B Turn Signal Lamp Requirements	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25100	(a-c, e,f)	A Clearance and Side Marker Lamp Requirements	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25100	(a-c, e,f)	B Clearance and Side Marker Lamp Requirements	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25102	A	Lamps on Sides of Vehicles–Specifications	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25102	B	Lamps on Sides of Vehicles–Specifications	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25102.5	(a)	A Lamps on Sides of School Buses–Specifications	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25102.5	(a)	B Lamps on Sides of School Buses–Specifications	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25103	(a,b)	A Lamp During Darkness on Load Projecting to Side	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	1
25103	(a,b)	B Lamp During Darkness on Load Projecting to Side	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25104	(a)	A Flag Required on Overwidth During Daylight Hours	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25104	(a)	B Flag Required on Overwidth During Daylight Hours	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25104	(b)	A Flag Required on Wide Load During Daylight Hours	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25104	(b)	B Flag Required on Wide Load During Daylight Hours	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25105	(a-c)	A Failure to Comply With Code Specifications for Courtesy Lamps, Door-Mounted Lamp, or Exterior Lamp	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMVAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points
				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
25105	(a-c)	B	Failure to Comply With Code Specifications for Courtesy Lamps, Door-Mounted Lamp, or Exterior Lamp	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25106	(a,b)	A	Side, Cowl, or Fender Flaps-Specifications	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25106	(a,b)	B	Side, Cowl, or Fender Flaps-Specifications	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25107		A	Cornering Lamps on Fenders	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25107		B	Cornering Lamps on Fenders	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25108	(a,b)	A	Pilot Indicator Specifications	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25108	(a,b)	B	Pilot Indicator Specifications	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25109		A	Running Lamps to Be Used Only When Vehicle Is Parked	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25109		B	Running Lamps to Be Used Only When Vehicle Is Parked	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25110	(b)	A	Improper Use of Utility Flood/Loading Lamps	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	0
25110	(b)	B	Improper Use of Utility Flood/Loading Lamps	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25250		A	Flashing Lights Restricted Unless Otherwise Permitted	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25250		B	Flashing Lights Restricted Unless Otherwise Permitted	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25251	(b)	A	Turn Signals Flashed as Warning When Vehicle Disabled	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25251	(b)	B	Turn Signals Flashed as Warning When Vehicle Disabled	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25251.2		A	Motorcycle Modulating Headlamp Prohibited During Darkness	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25251.2		B	Motorcycle Modulating Headlamp Prohibited During Darkness	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25252		A	Warning Lamps Required on Emergency Vehicles	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25252		B	Warning Lamps Required on Emergency Vehicles	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25252.5	(a,c)	A	Unauthorized Use of Flashing Emergency Headlamps	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25252.5	(a,c)	B	Unauthorized Use of Flashing Emergency Headlamps	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25253	(a)	A	Warning Lamps Required on Tow Trucks	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25253	(a)	B	Warning Lamps Required on Tow Trucks	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25253	(c)	A	Improper Display of Warning Lamps by Tow Truck	35	40	28	20	20	7	8	158	40	35	1	0	234	2a	1
25253	(c)	B	Improper Display of Warning Lamps by Tow Truck	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25254		A	Improper Use of Flashing Amber Warning Lights by Peace Officer Personnel	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25254		B	Improper Use of Flashing Amber Warning Lights by Peace Officer Personnel	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25257	(a)	A	Flashing Red Signal System Required on School Bus	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25257	(a)	B	Flashing Red Signal System Required on School Bus	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25257	(b)(1)	A	School Bus Manufactured After 9-1-92 Required to Be Equipped With Stop Signal Arm	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25257	(b)(1)	B	School Bus Manufactured After 9-1-92 Required to Be Equipped With Stop Signal Arm	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25257	(b)(2)	A	School Bus Manufactured After 7-1-93 Required to Be Equipped With Flashing Amber Light System	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25257	(b)(2)	B	School Bus Manufactured After 7-1-93 Required to Be Equipped With Flashing Amber Light System	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25257.2		A	Improper Use of the Amber Light Signal System, Flashing Red Light Signal System, or Stop Signal Arm by School Bus Transporting Developmentally Disabled Persons	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0
25257.2		B	Improper Use of the Amber Light Signal System, Flashing Red Light Signal System, or Stop Signal Arm by School Bus Transporting Developmentally Disabled Persons	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
25260.4		A	Improper Display of Flashing Amber Warning Lights in Connection With Hazardous Waste Spill Cleanup	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0

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 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA#	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points	
25260.4	B	Improper Display of Flashing Amber Warning Lights in Connection With Hazardous Waste Spill Cleanup	25	10/10	7		5/10	5	20%	2	4	40	35	1	0	25	4a	0	
25262	A	Use of Red Light on Armored Car Prohibited	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0	
25262	B	Use of Red Light on Armored Car Prohibited	25	0	0		0	0	0	0	0	0	0	0	0	25	4a	0	
25265	A	Improper Display of Flashing Amber Lights on Sanitary District Repair Vehicles	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0	
25265	B	Improper Display of Flashing Amber Lights on Sanitary District Repair Vehicles	25	0	0		0	0	0	0	0	0	0	0	0	25	4a	0	
25266	A	Improper Display of Flashing Amber Warning Lights by State-Owned Vehicles Engaged in Aqueduct, Levee, or Stream Measurement Work	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0	
25266	B	Improper Display of Flashing Amber Warning Lights by State-Owned Vehicles Engaged in Aqueduct, Levee, or Stream Measurement Work	25	0	0		0	0	0	0	0	0	0	0	0	25	4a	0	
25268	A	Use of Flashing Amber Warning Lights Restricted	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0	
25268	B	Use of Flashing Amber Warning Lights Restricted	25	0	0		0	0	0	0	0	0	0	0	0	25	4a	0	
25269	A	Misuse of Red Warning Light Prohibited	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0	
25269	B	Misuse of Red Warning Light Prohibited	25	0	0		0	0	0	0	0	0	0	0	0	25	4a	0	
25270	A	Improper Use of Warning Lamps on Pilot Car Prohibited	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0	
25270	B	Improper Use of Warning Lamps on Pilot Car Prohibited	25	0	0		0	0	0	0	0	0	0	0	0	25	4a	0	
25270.5	A	Improper Display of Flashing Amber Lights by Livestock-Herding Vehicles on Public Highways	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0	
25270.5	B	Improper Display of Flashing Amber Lights by Livestock-Herding Vehicles on Public Highways	25	0	0		0	0	0	0	0	0	0	0	0	25	4a	0	
25275	A	Improper Display of Amber Flashing Lights on Truck Tractor in the Absence of Unusual Traffic Hazard	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0	
25275	B	Improper Display of Amber Flashing Lights on Truck Tractor in the Absence of Unusual Traffic Hazard	25	0	0		0	0	0	0	0	0	0	0	0	25	4a	0	
25275.5	A	Unlawful Activation of Crime Alarm Lights	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0	
25275.5	B	Unlawful Activation of Crime Alarm Lights	25	0	0		0	0	0	0	0	0	0	0	0	25	4a	0	
25276	(a)	A	Improper Use of Warning Lamps on Vehicle for Transportation of Disabled Prohibited	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
25276	(a)	B	Improper Use of Warning Lamps on Vehicle for Transportation of Disabled Prohibited	25	0	0		0	0	0	0	0	0	0	0	25	4a	0	
25300	(a)	A	Warning Device on Disabled Vehicles Specified	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
25300	(a)	B	Warning Device on Disabled Vehicles Specified	25	0	0		0	0	0	0	0	0	0	0	25	4a	0	
25300	(b,c,e)	A	Warning Device on Disabled Vehicles Specified	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
25300	(b,c,e)	B	Warning Device on Disabled Vehicles Specified	25	0	0		0	0	0	0	0	0	0	0	25	4a	0	
25300	(d)(2)	A	Display on Warning Device Near Disabled Commercial Vehicle	70	70	49		35	35	14	14	4	35	1	0	363	3a	0	
25300	(d)(2)	B	Display on Warning Device Near Disabled Commercial Vehicle	25	0	0		0	0	0	0	0	0	0	0	25	4a	0	
25300	(d)(3)	A	Placement and Display of Warning Device Near Disabled Commercial Vehicle	70	70	49		35	35	14	14	4	35	1	0	363	3a	0	
25300	(d)(4)	A	Use of Flame Producing Emergency Signal Near Vehicles Transporting Explosives, Flammable Liquid, or Gas	70	70	49		35	35	14	14	4	35	1	0	363	3a	0	
25301	(a,b)	A	Display of Warning Devices on Utility Vehicles Specified	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
25301	(a,b)	B	Display of Warning Devices on Utility Vehicles Specified	25	0	0		0	0	0	0	0	0	0	0	25	4a	0	
25305	(a-c)	A	Use of Fusees Specified	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0
25305	(a-c)	B	Use of Fusees Specified	25	0	0		0	0	0	0	0	0	0	0	25	4a	0	
25350	A	Noncompliance With Vehicle Code Standards for Illuminated Identification Signs	25	30	21		15	15	5	6	4	40	35	1	0	193	1a	0	

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT-PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points
				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
25350	B	Noncompliance With Vehicle Code Standards for Illuminated Identification Signs	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25351	(a-c)	A Identification Lamp Specifications and Restrictions	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25351	(a-c)	B Identification Lamp Specifications and Restrictions	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25352	(a)	A Use of Unauthorized Device Affecting Traffic Signals	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25352	(a)	B Use of Unauthorized Device Affecting Traffic Signals	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25352	(b)	A Unauthorized Use of Device Affecting Traffic Signals	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25352	(b)	B Unauthorized Use of Device Affecting Traffic Signals	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25352	(c)	A Failure to Give Emergency Vehicles Priority in Changing Traffic Control Signals	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
25352	(c)	B Failure to Give Emergency Vehicles Priority in Changing Traffic Control Signals	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25353	A	Violation of Provisions for Transit Bus Illuminated Signs	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25353	B	Violation of Provisions for Transit Bus Illuminated Signs	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25400	(a-d)	A Specifications for Use of Diffused Light	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25400	(a-d)	B Specifications for Use of Diffused Light	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25401	A	Diffused Lights Resembling Signs Prohibited	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25401	B	Diffused Lights Resembling Signs Prohibited	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25452	A	Glaring Acetylene Lamps Prohibited	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25452	B	Glaring Acetylene Lamps Prohibited	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25500	(a)	A Use of Reflectorizing Material Restricted	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25500	(a)	B Use of Reflectorizing Material Restricted	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25650	A	Motorcycle Headlight Requirements	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25650	B	Motorcycle Headlight Requirements	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25650.5	A	Headlight Equipment for Post-1978 Motorcycles	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25650.5	B	Headlight Equipment for Post-1978 Motorcycles	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25651	(a,c)	A Headlamp Requirements on Motor-Driven Cycles	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25651	(a,c)	B Headlamp Requirements on Motor-Driven Cycles	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25803	(a,b)	A Lamp/Reflector Requirements--Certain Vehicles	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25803	(a,b)	B Lamp/Reflector Requirements--Certain Vehicles	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25803	(c)	A Lamp/Reflector/Flag Requirements--Load in Excess of 100-Inch Outside Width	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25803	(c)	B Lamp/Reflector/Flag Requirements--Load in Excess of 100-Inch Outside Width	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25805	A	Lamps on Forklift Trucks Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25805	B	Lamps on Forklift Trucks Required	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25950	(a,b)	A Color Requirements of Lights Visible to Front and Rear	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25950	(a,b)	B Color Requirements of Lights Visible to Front and Rear	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25951	A	Lamps Over 300 Candlepower--Restrictions	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25951	B	Lamps Over 300 Candlepower--Restrictions	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
25952	(a,b)	A Lamps and Reflectors Mounted on Loads Specified	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
25952	(a,b)	B Lamps and Reflectors Mounted on Loads Specified	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
26100	(a)	A Sale of Noncompliant Vehicle Equipment/Device	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
26100	(b)	A Use or Operation of Vehicle With Noncompliant Equipment	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
26100	(b)	B Use or Operation of Vehicle With Noncompliant Equipment	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
26101	(a)	A Sale of Device Intended to Modify Vehicle Lighting or Equipment Performance to Be Noncompliant	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0

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				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>				
26101	(b)	A	Use or Operation of Vehicle With Noncompliant Device Intended to Modify Lighting or Equipment Performance	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
26101	(b)	B	Use or Operation of Vehicle With Noncompliant Device Intended to Modify Lighting or Equipment Performance	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26301		A	Power Brakes Required on Vehicle Over 14,000 Pounds	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26301		B	Power Brakes Required on Vehicle Over 14,000 Pounds	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26301.5		A	Noncompliant Emergency Brake System	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26301.5		B	Noncompliant Emergency Brake System	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26302	(a-d)	A	Brake Requirements on Trailer Specified	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26302	(a-d)	B	Brake Requirements on Trailer Specified	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26303		A	Brake Requirements on Trailer Coaches/Camp Trailers	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26303		B	Brake Requirements on Trailer Coaches/Camp Trailers	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26304	(a,b)	A	Breakaway Device Required on Certain Vehicles	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26304	(a,b)	B	Breakaway Device Required on Certain Vehicles	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26307		A	Unlawful Towing of Forklift Lacking the Required Brakes	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26307		B	Unlawful Towing of Forklift Lacking the Required Brakes	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26311	(a)	A	Service Brakes Required-All Wheels on Certain Vehicles	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26311	(a)	B	Service Brakes Required-All Wheels on Certain Vehicles	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26311	(b)	A	Service Brakes for Adverse Road Conditions Specified	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26311	(b)	B	Service Brakes for Adverse Road Conditions Specified	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26311	(c)	A	Service Brake Required-Stopping Distance As Specified	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26311	(c)	B	Service Brake Required-Stopping Distance As Specified	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26450		A	Required Brake Systems Defined	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26450		B	Required Brake Systems Defined	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26451	(a-c)	A	Parking Brake Requirements Defined	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26451	(a-c)	B	Parking Brake Requirements Defined	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26452		A	Adequate Brakes After Engine Failure Required	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26452		B	Adequate Brakes After Engine Failure Required	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26453		A	Condition of Brakes to Be Maintained	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26453		B	Condition of Brakes to Be Maintained	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26454	(a,b)	A	Control and Stopping Requirements Specified	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26454	(a,b)	B	Control and Stopping Requirements Specified	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26456		A	Tests of Brake Performance Prohibited Over 25 MPH	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	1
26456		B	Tests of Brake Performance Prohibited Over 25 MPH	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26457		A	Stopping Ability of Certain Vehicles Specified	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26457		B	Stopping Ability of Certain Vehicles Specified	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26458	(a)	A	Braking System Required for Certain Vehicles/Combinations	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26458	(a)	B	Braking System Required for Certain Vehicles/Combinations	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26458.5		A	Unlawful Use of Secondary Brake Control in Absence of Service Brake System Failure	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	1
26458.5		B	Unlawful Use of Secondary Brake Control in Absence of Service Brake System Failure	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26502	(a)	A	Airbrake Requirements Specified	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26502	(a)	B	Airbrake Requirements Specified	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26503		A	Airbrake Safety Valve to Be Maintained in Good Condition	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
26503		B	Airbrake Safety Valve to Be Maintained in Good Condition	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26504		A	Failure to Comply With CHP Air Pressure Standards for Vehicles Equipped With Air Brakes	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1



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26504	B	Failure to Comply With CHP Air Pressure Standards for Vehicles Equipped With Air Brakes	25	0	0		5/10 0	5 0	20% 0	2 0	4 0	25 0	0 0	0 0	0 0	25	4a	0	
26505	A	Pressure Gauge Required	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	1 0
26506	(a)	Air Pressure Warning Device Required	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	1 0
26507	A	Check Valve Required	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	1 0
26508	(a-c, e-k,o)	A Compressed Air Brake System Requirements Specified	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	1 0
26508	(a-c, e-k,o)	B Compressed Air Brake System Requirements Specified	25	0	0		0 0	0 0	0 0	0 0	0 0	25 0	0 0	0 0	0 0	25	4a	0	
26520	A	Vacuum Gauge Required to Be Visible and Accurate at All Times	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	1 0
26521	A	Audible/Visible Power Brake System Warning Device Required	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	1 0
26522	A	Check Valve Required on Vacuum-Assisted Power Brake Systems	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	1 0
26700	(a)	A Adequate Windshield Required	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	0 0
26701	(a-e)	A Safety Glazing Material Requirements Specified	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	0 0
26703	(a,b)	A Specifications for Replacement of Safety Glazing Materials	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	0 0
26705	B	Sale of Motorcycle Windshield Without Safety Glazing Material	25	0	0		0 0	0 0	0 0	0 0	0 0	25 0	0 0	0 0	0 0	25	4a	0	
26706	(a,b)	A Self-Operating Windshield Wiper Required	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	0 0
26707	A	Condition/Use of Windshield Wipers to Be Maintained	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	0 0
26708	(a)(1)	A Unlawful Material on Vehicle Windshield/ Windows	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	0 0
26708	(a)(2)	A Unlawful Material on Vehicle Windshield/Windows Obstructing or Reducing View of Driver	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	0 0
26708	(a)(2)	B Unlawful Material on Vehicle Windshield/Windows Obstructing or Reducing View of Driver	25	0	0		0 0	0 0	0 0	0 0	0 0	25 0	0 0	0 0	0 0	25	4a	0	
26708.2	A	Use of Unauthorized Sun Screening Devices	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	0 0
26708.5	(a)	A Application of Material to Windows Restricted	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	0 0
26709	(a)(1)(2)	A Rearview Mirrors Required/One on Left Side	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	0 0
26710	(a)	A Defective Windshield/Rear Window Glass - Correction Required Within 48 Hours of Citation Issuance	25	30	21		15 0	15 0	5 0	6 0	4 0	117 25	40 0	35 0	1 0	0 0	193 25	1a 4a	0 0
26710	(a)	B Defective Windshield/Rear Window Glass - Correction Required Within 48 Hours of Citation Issuance	25	0	0		0 0	0 0	0 0	0 0	0 0	25 0	0 0	0 0	0 0	25	4a	0	

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMVAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points			
			10/10	7		5/10	5	20%	2	4		40	35	1	0						
26710	(b)	A	Operating any Motor Vehicle Described in Section 34500 Upon a Highway When the Condition of the Windshield Is Other Than Described in Section 393.60(c) of Title 49 of the Code of Federal Regulations			25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
26710	(b)	B	Operating any Motor Vehicle Described in Section 34500 Upon a Highway When the Condition of the Windshield Is Other Than Described in Section 393.60(c) of Title 49 of the Code of Federal Regulations			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26711		A	Failure to Provide Eyeshades to Bus or Trolley Drivers			25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
26711		B	Failure to Provide Eyeshades to Bus or Trolley Drivers			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
26712	(a)	A	Adequate Defroster Required on For-Hire Vehicles			25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
26712	(a)	B	Adequate Defroster Required on For-Hire Vehicles			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27000	(a)	A	Adequate Horn Required			25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27000	(a)	B	Adequate Horn Required			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27000	(b)	A	<sup>63</sup> Backing Alarm Required on Refuse or Garbage Trucks			150	150	105	75	75	30	30	4	615	40	35	1	0	691	4a	0
27000	(b)	B	Backing Alarm Required on Refuse or Garbage Trucks			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27000	(c)	A	<sup>63</sup> Rear View Camera Required for Refuse or Garbage Truck			150	150	105	75	75	30	30	4	615	40	35	1	0	691	4a	0
27000	(c)	B	Rear View Camera Required for Refuse or Garbage Truck			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27000	(d)(1)	A	Automatic Backup Alarm Required for Specified Construction Vehicles Transporting to and from a Mine or Construction Site			25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27000	(d)(1)	B	Automatic Backup Alarm Required for Specified Construction Vehicles Transporting to and From a Mine or Construction Site			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27001	(a)	A	Unnecessary Use of Horn Prohibited			35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	0
27002	(a)	A	Use of Siren by Unauthorized Personnel or in Noncompliance With CHP Standards			35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	0
27002	(a)	B	Use of Siren by Unauthorized Personnel or in Noncompliance With CHP Standards			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27003		A	Unlawful Use of Siren by Armored Car			35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	0
27007		A	Use of Audible Sound System Outside of Vehicle Restricted			35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	0
27150	(a)	A	Adequate Muffler Required to be Properly Maintained			25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27150	(a)	B	Adequate Muffler Required to be Properly Maintained			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27150	(b)	A	Adequate Muffler Required to Be Properly Maintained			25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27150	(b)	B	<sup>64</sup> Adequate Muffler Required to Be Properly Maintained			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27150.1		A	<sup>65</sup> Sale of Exhaust System Restricted			25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27150.3	(a)	A	<sup>66</sup> Modification of Exhaust System With a Whistle-tip			250	250	175	125	125	50	50	4	1025	40	35	1	0	1101	4a	0
27150.3	(a)	B	Modification of Exhaust System With a Whistle-tip			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27150.3	(b)	A	<sup>66</sup> Operation of Exhaust System With a Whistle-tip			250	250	175	125	125	50	50	4	1025	40	35	1	0	1101	4a	0
27150.3	(b)	B	Operation of Exhaust System With a Whistle-tip			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27150.3	(c)		<sup>67</sup> Engage in Business Installing Exhaust System Whistle-tip			1000	1000	700	500	500	200	200	4	4100	40	35	1	0	4176	4a	0
27151	(a)	A	Modification of Exhaust System Prohibited			25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27151	(a)	B	Modification of Exhaust System Prohibited, Other than Motorcycle			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27152		A	Exhaust Pipe Specifications			25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27152		B	Exhaust Pipe Specifications			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27153	(a,b)	A	Excessive Smoke, Fumes, etc., Defined			25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27153	(a,b)	B	Excessive Smoke, Fumes, etc., Defined			25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27153	(d)		Excessive Smoke, Fumes, etc., Defined with Willfully Tampered Emission Controls			25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27153.5	(a,b)	A	<sup>69</sup> Motor Vehicle Exhaust Standards Specified			250	250	175	125	125	50	50	4	1025	40	35	1	0	1101	4a	0

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				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
27153.5	(a,b)	B Motor Vehicle Exhaust Standards Specified	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27154	A	Gases/Fumes Should Not Penetrate Cab of Vehicle	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27154	B	Gases/Fumes Should Not Penetrate Cab of Vehicle	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27154.1	(a)	A Opening in Floor of Vehicle Allowing Penetration of Fumes or Fire	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27154.1	(a)	B Opening in Floor of Vehicle Allowing Penetration of Fumes or Fire	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27154.1	(b)	A Floor of Vehicle Permeated with Oil	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27154.1	(b)	B Floor of Vehicle Permeated with Oil	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27155	A	Proper Fuel Tank Cap Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27155	B	Proper Fuel Tank Cap Required	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27156	(a,b,c,f)	A <sup>70</sup> Air Pollution Control Device Required	50	50	35		25	25	10	10	205	40	35	1	0	281	4a	0
27156	(a,b,c,f)	B Air Pollution Control Device Required	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27158		Pollutant Emission Certificate Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27158.1	(a)	A Maintaining a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27158.1	(a)	B Maintaining a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27158.2	(a)	Presenting a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27158.2	(b)	Presenting a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate Not for That Vehicle	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
27158.5		Pollutant Emission Certificate Required (1955-65 Models)	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27200	(d,e)	Sale of a New Motor Vehicle Exceeding EPA's Maximum Noise Standards	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27302		Sale of Seatbelts Failing to Comply With CHP Standards	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27304	A	Seatbelt Not Installed in Driver Training Vehicle	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27304	A	Seatbelt Not Used in Driver Training Vehicle	25	30	21		15	15	5	6	117	40	35	1	0	193	4a	0
27304	B	Seatbelt Not Installed in Driver Training Vehicle	25	0	0		0	0	0	0	25	0	0	0	0	25	1a	0
27304	B	Seatbelt Not Used in Driver Training Vehicle	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27305	A	Safety Belts Required on Firefighting Vehicles	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27305	B	Safety Belts Required on Firefighting Vehicles	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27314	(a,b)	Failure to Provide Required Seatbelts Prior to Sale of Any Used Passenger Vehicle Dated 1972 to 1990	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27315	(d)(1,3,4)	A <sup>71</sup> Mandatory Use of Safety Belts Required	20	20	14		10	10	4	4	82	40	35	1	0	158	4a	0
27315	(e)	A <sup>71</sup> Mandatory Use of Safety Belts Required	20	20	14		10	10	4	4	82	40	35	1	0	158	4a	0
27315	(f)	A <sup>71</sup> Owner to Maintain Safety Belts in Working Condition	20	20	14		10	10	4	4	82	40	35	1	0	158	4a	0
27315	(f)	B Owner to Maintain Safety Belts in Working Condition	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27315.1	A	Noncompliance With CHP Seatbelt Regulations While in a Fully Enclosed Three-Wheeled Vehicle	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27315.1	B	Noncompliance With CHP Seatbelt Regulations While in a Fully Enclosed Three-D926 Wheeled Vehicle	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27318	(a-d)	<sup>72</sup> Safety Belts for Passengers on Buses	20	20	14		10	10	4	4	82	40	35	1	0	158	4a	0
27319	(a)	<sup>73</sup> Safety Belts for Drivers on Buses	20	20	14		10	10	4	4	82	40	35	1	0	158	4a	0
27319	(b)	A <sup>73</sup> Safety Belts for Drivers on Buses	20	20	14		10	10	4	4	82	40	35	1	0	158	4a	0
27319	(b)	B <sup>73</sup> Safety Belts for Drivers on Buses	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27360	(a)	A <sup>74</sup> Mandatory Use of Child Passenger Restraints in Rear Seat Required for Children Under 8 as Specified	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	1
27360	(b)	<sup>75</sup> Securing a Child Under Age 2 in a Rear-Facing Child Passenger Restraint System	100	100	70		50	50	20	20	410	40	35	1	0	486	4a	1

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27360.5	(a)	A	74	Mandatory Use of Safety Belt or Child Restraint System Required for Children 8 or Older, but Under 16, as Specified	100	100	70	5/10	5	20%	20	4	40	35	1	0	486	4a	1	
27363	(b)	A		Transportation of Child in Case of Life-Threatening Emergency in Vehicle or Emergency Vehicle With No Child Restraint System Without Use of Seatbelt	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	1
27363	(f)	A		Transportation of Child in Rear-Facing Child Passenger Restraint System in Front Seat of Vehicle With Active Frontal Airbag	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	1
27363.5	(a,b)			Failure of Hospital, Clinic, or Birthing Center to Provide Information About Child Passenger Restraint Requirements and Contact Information	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	0
27365	(a)(1)		76	Rental Agencies Required to Inform Customers About Child Restraint Requirements, Provide for Rental of Child Passenger Restraint System	100	100	70	50	50	20	20	4	410	40	35	1	0	486	4a	0
27368		A		Failure to Abide by Safety Standards and Regulations for Child Passengers in Fully Enclosed Three-Wheeled Vehicles	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
27368		B		Failure to Abide by Safety Standards and Regulations for Child Passengers in Fully Enclosed Three-Wheeled Vehicles	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27375	(a)	A	77	Violation of Door or Window Requirement for Modified Limousine	70	70	49	35	35	14	14	4	287	40	35	1	0	363	3a	0
27375	(a)	B	77	Violation of Door or Window Requirement for Modified Limousine	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27375	(b)			Failure of Limousine Driver to Unlock Rear Doors for Passengers to Open for Fire or Emergency	70	70	49	35	35	14	14	4	287	40	35	1	0	363	3a	0
27375	(c)(1)			Failure of Limousine Owner or Operator to Instruct Passengers on Vehicle Features and Communication With the Driver	70	70	49	35	35	14	14	4	287	40	35	1	0	363	3a	0
27375	(c)(2)			Failure of Limousine Owner or Operator to Disclose Whether the Limousine Meets Current Safety Requirements	70	70	49	35	35	14	14	4	287	40	35	1	0	363	3a	0
27375	(c)(3)			Failure of Limousine Owner or Operator to Disclose Whether the Limousine Is Exempt From Safety Requirements For Emergency Escape	70	70	49	35	35	14	14	4	287	40	35	1	0	363	3a	0
27400		A		Headsets, Ear Plugs, or Earphones In or Over Both Ears Prohibited	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27425	(a)	A		Charter Bus Emergency Lighting	70	70	49	35	35	14	14	4	287	40	35	1	0	363	3a	0
27450	(a-c)	A		Noncompliance With Minimum Tire Thickness Requirements	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27450	(a-c)	B		Noncompliance With Minimum Tire Thickness Requirements	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27452		A		Noncompliance With CHP Uniform Tire Thickness Requirements	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27452		B		Noncompliance With CHP Uniform Tire Thickness Requirements	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27453		A		Use of Noncompliant Dual Solid Rubber Tires	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27453		B		Use of Noncompliant Dual Solid Rubber Tires	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27454		A		Use of Tires Containing Prohibited Projections Beyond Tread of the Tire's Surface	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27454		B		Use of Tires Containing Prohibited Projections Beyond Tread of the Tire's Surface	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27455	(a)			Sale of Inner Tube That Is Noncompliant With CHP Inner Tube Standards	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27455	(b)			Installation of Inner Tube That Is Noncompliant With CHP Inner Tube Standards	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27459		A		Tire Chains or Snow Tires Required	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27459		B		Tire Chains or Snow Tires Required	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27459.5	(a,b)			Sale/Replacement of Noncompliant Tire Chains Prohibited	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27460		A		Four-Wheel-Drive Vehicles With Snow Tread Tires Allowed; Chains to Be Carried	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0

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				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>			
27460	B	Four-Wheel-Drive Vehicles With Snow Tread Tires Allowed; Chains to Be Carried	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27460.5		Knowingly Selling or Offering for Sale a Recut or regrooved tire for Noncommercial Use	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27461	A	Use of Recut or Regrooved Tires Prohibited	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27461	B	Use of Recut or Regrooved Tires Prohibited	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27465	(a)	Inadequate Tire Tread—Sale Prohibited	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27465	(b)	Inadequate Tire Tread—Use on Highway Prohibited	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27465	(b)	Inadequate Tire Tread—Use on Highway Prohibited	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27501	(a)	Sale or Installation of Nonconforming Pneumatic Tires	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27501	(b)	Operating With Nonconforming Pneumatic Tires	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27501	(b)	Operating With Nonconforming Pneumatic Tires	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27502		Sale of Tires That Fail to Comply With Noise Standards Articulated in VC 27503	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27600	A	Fenders and Mud Guards Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27600	B	Fenders and Mud Guards Required	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27602	(a)	Operation of a Motor Vehicle Containing Unauthorized Video Screen or TV Monitor Within Driver's Field of Vision	35	40	28		20	20	7	8	158	40	35	1	0	234	2a	0
27602	(a)	Operation of a Motor Vehicle Containing Unauthorized Video Screen or TV Monitor Within Driver's Field of Vision	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27603		Noncompliance With Repainting Requirement for Sale of Former School Bus if Sold for Purpose Other Than Transporting Pupils	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27605	A	Owning or Operating a Vehicle Painted to Resemble Law Enforcement Vehicle	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27605	B	Owning or Operating a Vehicle Painted to Resemble Law Enforcement Vehicle	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27606	(a)	Owning or Operating a Vehicle with a Light Bar to Resemble Law Enforcement Vehicle	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27606	(a)	Owning or Operating a Vehicle with a Light Bar to Resemble Law Enforcement Vehicle	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27700	(a)	A Tow Truck in Violation of Equipment Requirements	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27700	(a)	B Tow Truck in Violation of Equipment Requirements	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27800	A	Equipment for Motorcycle Passenger Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	1
27800	B	Equipment for Motorcycle Passenger Required	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27801	(a,b)	A Required Position of Equipment on Motorcycle	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	1
27801	(a,b)	B Required Position of Equipment on Motorcycle	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27802	(a)	Failure to Label Helmets With Certification of Federal Safety Standard Compliance	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27802	(b)	Sale of Safety Helmets That Fail to Comply With California DMV Requirements	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27803	(a)	A Operating/Riding Motorcycle, Motor-Driven Cycle, or Motorized Bicycle While Not Wearing Helmet as Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27803	(a)	B Operating/Riding Motorcycle, Motor-Driven Cycle, or Motorized Bicycle While Not Wearing Helmet as Required	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0
27803	(b)	A Operating/Riding Motorcycle, Motor-Driven Cycle, or Motorized Bicycle While Not Wearing Helmet as Required	25	30	21		15	15	5	6	117	40	35	1	0	193	1a	0
27803	(b)	B Operating/Riding Motorcycle, Motor-Driven Cycle, or Motorized Bicycle While Not Wearing Helmet as Required	25	0	0		0	0	0	0	25	0	0	0	0	25	4a	0

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Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMVAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points	
27803	(c)	A	Riding Motorcycle, Motor-Driven Cycle, or Motorized Bicycle as Passenger While Driver or Passenger Not Wearing Helmet as Required	25	30	21	5/10	5	20%	2	4	117	40	35	1	0	193	1a	0
27803	(c)	B	Riding Motorcycle, Motor-Driven Cycle, or Motorized Bicycle as Passenger While Driver or Passenger Not Wearing Helmet as Required	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27900	(a)	A	Placards With Identifying Name Required on Both Sides of Vehicle	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27900	(a)	B	Placards With Identifying Name Required on Both Sides of Vehicle	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27901		A	Name and Trademark Visibility Required on For-Hire Vehicle	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27901		B	Name and Trademark Visibility Required on For-Hire Vehicle	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27903	(a)	A	Placards Indicating Type of Hazardous Cargo Required	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27903	(a)	B	Placards Indicating Type of Hazardous Cargo Required	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27904		A	Pilot Cars Required to Display Company Name on Both Sides of Vehicle	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27904		B	Pilot Cars Required to Display Company Name on Both Sides of Vehicle	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27904.5		A	Failure to Display Identification Sign in Pilot Car as Required	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27904.5		B	Failure to Display Identification Sign in Pilot Car as Required	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27905		A	Unauthorized Display of Sign Containing the Words "Fire" or "Fire Department"	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27905		B	Unauthorized Display of Sign Containing the Words "Fire" or "Fire Department"	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27906	(a),(c)	A	Improper or Unauthorized Display of School Bus Sign	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27906	(a),(c)	B	Improper or Unauthorized Display of School Bus Sign	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27907		A	Failure to Display Identification Sign in Towing Vehicle as Required	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27907		B	Failure to Display Identification Sign in Towing Vehicle as Required	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27908		A	Failure to Display Identification Sign in Taxicab as Required	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27908		B	Failure to Display Identification Sign in Taxicab as Required	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
27909		A	Visible Signs Required on Vehicle Transporting Liquefied Petroleum or Natural Gas	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
27909		B	Visible Signs Required on Vehicle Transporting Liquefied Petroleum or Natural Gas	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
28000		A	Failure to Install Required Emergency Exits in Refrigerator Vans	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
28000		B	Failure to Install Required Emergency Exits in Refrigerator Vans	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
28053	(b)	A	Failure to Adjust Odometer or Notify of Adjustment as Required	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
28053	(b)	B	Failure to Adjust Odometer or Notify of Adjustment as Required	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
28053	(c)		Odometer Notice Affixed, Removed, or Altered With Intent to Defraud	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
28060	(a)		Sale of Recreational Vehicle or Camper Containing Cooking Equipment Without Fire Extinguisher	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
28060	(b)	A	Operation of Recreational Vehicle or Camper Containing Cooking Equipment Without Fire Extinguisher	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
28060	(b)	B	Operation of Recreational Vehicle or Camper Containing Cooking Equipment Without Fire Extinguisher	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
28062	(a)	A	Modified Limousine Not Equipped With Fire Extinguishers As Required	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
28062	(a)	B	Modified Limousine Not Equipped With Fire Extinguishers As Required	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
28071		A	Front and Rear Bumper Required on Passenger Vehicle	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
28071		B	Front and Rear Bumper Required on Passenger Vehicle	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
28080	(a)	A	Audible/Visible Camper Signaling Device Required	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
28080	(a)	B	Audible/Visible Camper Signaling Device Required	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
28080	(b)	A	Operating Camper Without Signaling Device Prohibited	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0

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 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points	
				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>				
28080	(b)	B	Operating Camper Without Signaling Device Prohibited	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
28085	(c)	A	Use of Theft Alarm That Emits the Sound of a Siren	25	30	21	15	15	5	6	117	40	35	1	0	193	1a	0	
28085	(c)	B	Use of Theft Alarm That Emits the Sound of a Siren	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
28100	A	Failure to Display, or Unauthorized Display of, Red Warning Flags on Pilot Cars	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0	
28100	B	Failure to Display, or Unauthorized Display of, Red Warning Flags on Pilot Cars	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
28101	A	Noncompliance With Pilot Car Design and Equipment Requirements	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0	
28101	B	Noncompliance With Pilot Car Design and Equipment Requirements	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
28102	A	Noncompliance With Vertical Clearance Measuring Device Requirements for Pilot Cars	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0	
28102	B	Noncompliance With Vertical Clearance Measuring Device Requirements for Pilot Cars	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
28103	A	Pilot Cars Required to Have Equipment in Working Order	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0	
28103	B	Pilot Cars Required to Have Equipment in Working Order	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
28150	(a,b)	A	Equipping Vehicle With or Possession of Radar Jamming Equipment	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
28150	(a,b)	B	Equipping Vehicle With or Possession of Radar Jamming Equipment	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
29001	A	Fifth Wheel Connecting Device Required	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1	
29001	B	Fifth Wheel Connecting Device Required	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
29002	A	Fifth Wheel Locking Device Required	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1	
29002	B	Fifth Wheel Locking Device Required	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
29003	(a-c)	A	Drawbar, Hitch, or Coupling Must Be Secure	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
29003	(a-c)	B	Drawbar, Hitch, or Coupling Must Be Secure	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
29004	(a) (1-3)	A	Safety Chain Secured for Towing	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
29004	(a) (1-3)	B	Safety Chain Secured for Towing	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
29004	(b)	A	Safety Connection of Insufficient Strength	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
29004	(b)	B	Safety Connection of Insufficient Strength	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
29004	(c)	A	Safety Chain or Device With Excess Slack	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
29004	(c)	B	Safety Chain or Device With Excess Slack	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
29004	(d)	A	Failure to Comply With Safety Chain Requirements for Semi-trailers With Fifth Wheel Kingpin Connecting Device	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
29004	(d)	B	Failure to Comply With Safety Chain Requirements for Semi-trailers With Fifth Wheel Kingpin Connecting Device	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
29005	A	Drawbar Length Defined	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0	
29005	B	Drawbar Length Defined	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
29006	(a)	A	Coupling of Towed Vehicles Defined	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
29006	(a)	B	Coupling of Towed Vehicles Defined	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
31301	(a)	A	Unlawful Transportation Through Caldecott Tunnel	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	1
31400	(a-c)	A	Equipment Required on Trucks Transporting Workers	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
31400	(a-c)	B	Equipment Required on Trucks Transporting Workers	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
31401	(d)	A	Rental or Use of Farm Labor Vehicle by Owner or Contractor Without CHP Inspection Per VC 31401(b)	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	0
31401	(d)	B	Rental or Use of Farm Labor Vehicle by Owner or Contractor Without CHP Inspection Per VC 31401(b)	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	
31401	(e)	A	Operation of Farm Labor Vehicle by Owner or Contractor Without CHP Inspection Certificate Per VC 31401(b)	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
31401	(e)	B	Operation of Farm Labor Vehicle by Owner or Contractor Without CHP Inspection Certificate Per VC 31401(b)	25	0	0	0	0	0	0	25	0	0	0	0	25	4a	0	

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				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>				
31405	(d)	A	Failure to Restrain All Passengers of Farm Labor Vehicles in Seatbelts	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
31405	(d)	B	Failure to Restrain All Passengers of Farm Labor Vehicles in Seatbelts	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
31406	(a)	A	Transportation of Passengers in a Farm Labor Vehicle With a Seating System That Is Noncompliant With CHP Standards	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
31406	(a)	B	Transportation of Passengers in a Farm Labor Vehicle With a Seating System That Is Noncompliant With CHP Standards	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
31406	(b)	A	Installation of Seat or Seating System in Farm Labor Vehicle That Is Noncompliant With CHP Standards	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
31406	(b)	B	Installation of Seat or Seating System in Farm Labor Vehicle That Is Noncompliant With CHP Standards	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
31407		A	Farm Labor Vehicle in Motion With Sharp Tool Unsecured or Blocking Aisle or Exit	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	1
31408		A	Failure to Light Both Headlamps on Farm Labor Vehicles During Operation	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
31408		B	Failure to Light Both Headlamps on Farm Labor Vehicles During Operation	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
31409		A	Failure of Public Transit System Operated for Transporting Farm Workers and/or any Farm Worker Transportation Program to Comply With Farm Labor Vehicle Regulations	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
31409		B	Failure of Public Transit System Operated for Transporting Farm Workers and/or any Farm Worker Transportation Program to Comply With Farm Labor Vehicle Regulations	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
31540	(b)	A	Regulations Governing Transportation of Tank Containers Specified	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
31540	(b)	B	Regulations Governing Transportation of Tank Containers Specified	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
31560			Unlawful Transportation of Waste Tires	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	1
34501	(c)		Multiple Safety Violations on Tour Bus	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	0
34501.2	(b,c)		Driving Hours and Duty Status Limitations	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	1
34501.4			Failure to Produce Complete Driver's Logbook for the Last 24-hour Period	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	0
34501.8			Failure to Display CHP Certificate of Inspection on Paratransit Vehicle	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
34505.8	(a)	A	Charter Bus Trip Safety Briefing	70	70	49	35	35	14	14	4	287	40	35	1	0	363	3a	0
34506.3		<sup>78</sup>	Failure to Comply With Rules/Regulations--Driving Logs	150	150	105	75	75	30	30	4	615	40	35	1	0	691	4a	1
34506.3		A	Failure to Comply With Rules/Regulations--Other Safety/Maintenance Items	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	1
34506.3		B	Failure to Comply With Rules/Regulations--Other Safety/Maintenance Items	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
34507		A	Display of Distinctive Identification Symbol Required	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
34507		B	Display of Distinctive Identification Symbol Required	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
34507.5	(a,b,g,h)	A	Failure to Display Carrier Identification Number	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
34507.5	(a,b,g,h)	B	Failure to Display Carrier Identification Number	25	0	0	0	0	0	0	0	25	0	0	0	0	25	4a	0
34510			Display of Shipping Papers on Demand Required	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
34517	(a)		Operation of Commercial Vehicle From Another Country Restricted	1000	1000	700	500	500	200	200	4	4100	40	35	1	0	4176	4a	0
34518	(a)	<sup>79</sup>	Violation of Foreign Motor Carrier and Private Foreign Motor Carrier Registration and Operation Requirements and Limitations	1000	1000	700	500	500	200	200	4	4100	40	35	1	0	4176	4a	0
34518	(b) (1-3)	<sup>79</sup>	Violation of Motor Carrier Registration and Operation Requirements	1000	1000	700	500	500	200	200	4	4100	40	35	1	0	4176	4a	0
35100	(a)		Outside Width of Vehicle or Load Exceeding 102 Inches	25	30	21	15	15	5	6	4	117	40	35	1	0	193	1a	0
35100.5			Operation of Cotton Module Mover in Violation of Width Standards Set by the County Board of Supervisors	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2a	0



**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMVAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points	
				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>				
35101		Failure to Comply With CHP Width Standards of Vehicles Equipped With Pneumatic Tires	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35102		Carrying a Load of Loosely Loaded Agricultural Products on Racks More Than 120 Inches Wide	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35104	(a,b)	Special Vehicles More Than 120 Inches Wide	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35109		Motor Vehicle With Lights, Mirrors, or Other Devices Extending Beyond 10 Inches From Side of Vehicle	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35110		Motor Vehicle With Door Handles, Hinges, Cable Cinchers, Chain Binders, Aerodynamic Devices, and/or Placard Holders Extending Beyond 3 Inches of Side of Vehicle	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35111		Operating Passenger Vehicle With Load Exceeding Permissible Width Beyond Fenders	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35250		Height Limits of Vehicle/Load Defined	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
35251	(a)	Hydraulic Boom or Mast Must Be Secured in Transit	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
35252	(a-c)	Failure to Use Vertical Clearance Measuring Device as Required	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35400	(a)	Overlength-Single Vehicle Specifications	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
35400	(e)(1)	Improper or Unsafe Mounting of Bicycle on Bus	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
35401	(a)	Overlength-Vehicle Combination Specifications	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
35401	(b)	Overlength-Vehicle Combination Specifications	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
35401.9		Overlength - Driveaway-Towaway Combination	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35406	(a,b)	Front Projections Defined	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
35407	(a-d)	Noncompliance With Boom and Mast Regulations	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35408		Installation of Front Bumper Projecting More Than 2 Feet Forward From Frontmost Part of Vehicle	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35409	(a)	Use of Dismountable Photo or Motion Picture Device Extending Over 5 Feet in Front of the Cab Structure of Vehicle	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35409	(b)	Use of Unauthorized Dismountable Platform for Purpose of Making Instructional Safe Driving Motion Pictures	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35410		Rear Projections Defined	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
35411		Noncompliance With Maximum Length and Load Standards	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35550	(a-c)	<sup>80</sup> Maximum Weight on Single Axle or Wheels					[See Overweight Chart]											4a	0
35551	(a,b)	<sup>80</sup> Computation of Allowable Gross Weight (Overweight)					[See Overweight Chart]											4a	0
35551.5		<sup>80</sup> Violation of Gross Weight Computation Method Prescribed for Combinations Containing Trailer/Semitrailer by Less Than 4,500 Pounds					[See Overweight Chart]											4a	0
35552		<sup>80</sup> Failure to Comply With Log Transportation Standards of the Christensen-Belotti Act	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35554	(a)(1)	Weight in Excess of 20,500 Pounds on a Bus Axle					[See Overweight Chart]											4a	0
35554	(c)	Operation of Transit Bus in Excess of Specified Weight Limit					[See Overweight Chart]											4a	0
35554	(1,2)																		
35554	(d)	Operation of Articulated or Zero-emission Transit Bus in Excess of Specified Weight Limit					[See Overweight Chart]											4a	0
35554	(1-4)																		
35554	(f)	Failure to Provide Required Information for Operation of Articulated Transit Bus	250	250	175		125	125	50	50	4	1025	40	35	1	0	1101	2a	0
35554	(h)	Operation of Transit Bus in Excess of Federal Weight Limit					[See Overweight Chart]											4a	0
35554	(i)	Weight in Excess of 20,000 Pounds on One Axle Without Four Wheels					[See Overweight Chart]											4a	0
35600		<sup>80</sup> Noncompliance With Solid Tire Gross Weight Limitation Standards by Less Than 4,501 Pounds					[See Overweight Chart]											4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points	
				<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>				
35601		<sup>80</sup> Noncompliance With Metal Tire Gross Weight Limitation Standards by Less Than 4,501 Pounds					[See Overweight Chart]										4a	0	
35655	(a)	<sup>80</sup> Operation of Vehicle on Highway Containing Load Exceeding Maximum Weight Highway Is Designed to Sustain by Less Than 4,501 Pounds					[See Overweight Chart]										4a	0	
35712		<sup>80</sup> Violation of County Ordinance Prohibiting Commercial Vehicles Exceeding Certain Weight Limitations by Less Than 4,501 Pounds in Residential Area					[See Overweight Chart]										4a	0	
35753	(a)	<sup>80</sup> Operation of Vehicle Over Bridge, Causeway, Viaduct, Trestle, or Dam in Vehicle Containing Load Exceeding the Maximum Weight the Structures Will Safely Sustain by Less Than 4,501 Pounds					[See Overweight Chart]										4a	0	
35783		Failure to Present Valid Permit Upon Request	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
35783.5		Warning Signs Must Be Removed or Covered When Operating Without a Load	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
36300		Operating a Farm Tractor Drawing Trailer of Produce Without Valid Driver's License	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
36400		Operating Vehicle Designed Exclusively for Moving Implements of Husbandry at a Speed of More Than 35 MPH	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	1
36508		Moving New Implement of Husbandry at Speed Over 25 MPH Without "Slow Moving Vehicle Emblem" Displayed as Required	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
36510		Operating Implements of Husbandry Vehicles at Speed Beyond That Safely Required to Stop Within 32 Feet	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
36600		Transporting Implements of Husbandry That Exceed the Width Limitation of 120 Inches More Than 25 Miles From Their Point of Origin	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
36605		Noncompliance With Width Limitations Imposed on Trailers and Semi-trailers Not Used in the Exclusive Transportation of Implements of Husbandry	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
36606	(a)	Noncompliance With the Automatic Bale Wagon Width Limitation of 120 Inches	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
36705		Operation of Automatic Bale Wagon Exceeding 96 Inches in Width, or Carrying a Load in Excess of 100 Inches During Darkness	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	1
38010	(a)	A Failure to Display Identification Plate or Device	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
38010	(a)	B Failure to Display Identification Plate or Device	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
38020		Registration Required for Off-Highway Vehicle/Riding in Violation of Season Prohibited	50	50	35		25	25	10	10	4	205	40	35	1	0	281	4a	0
38026.5	(b)(1)	Operation of Off-Highway Vehicle on Highway	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	40
38026.5	(b)(2-5)	A Operation of Off-Highway Vehicle on Highway	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
38026.5	(b)(2-5)	B Operation of Off-Highway Vehicle on Highway	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
38205	A	Failure to Transfer Ownership As Required	25	30	21		15	15	5	6	4	117	40	35	1	0	193	1a	0
38205	B	Failure to Transfer Ownership As Required	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
38300		Unlawful to Disobey Specified Sign, Signal, or Traffic Control Device	35	40	28		20	20	7	8	4	158	40	35	1	0	234	2a	0
38301		<sup>81</sup> Unlawful to Violate Off-Highway Vehicle Operation Regulations	50	50	35		25	25	10	10	4	205	40	35	1	0	281	4a	0
38301.3		<sup>82</sup> Unlawful Entry of Motor Vehicle Into Federal or State Wilderness Area	150	150	105		75	75	30	30	4	615	40	35	1	0	691	4a	0
38301.5		Violation of Local Ordinance Prohibiting Entry Into Mountain Fire District	150	150	105		75	75	30	30	4	615	40	35	1	0	691	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points	
38304.1		Knowingly Allowing Child to Operate Off-Highway Vehicle in Violation of Vehicle Code Section 38304	35	40	28		5/10 20	5 20	20% 7	2 8	4 +	158	40	35	1	0	234	4a	0
38305		Driving Off-Highway Vehicle at Unsafe Speed	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
38330	A	Unlawful to Operate Vehicle That Is Unsafe, Not Equipped as Required for an Off-Highway Vehicle, or Not Safely Loaded	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
38330	B	Unlawful to Operate Vehicle That Is Unsafe, Not Equipped as Required for an Off-Highway Vehicle, or Not Safely Loaded	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
38366	(a)	Vehicle with Spark Arrester not in Effective Working Order	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
38366	(b) A	Vehicle with Spark Arrester not in Effective Working Order	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
38366	(b) B	Vehicle with Spark Arrester not in Effective Working Order	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
38375	(a) A	Off-Highway Motor Vehicle Equipped With Siren	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
38375	(a) B	Off-Highway Motor Vehicle Equipped With Siren	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
38375	(b)	Use of Siren While Driving an Off-Highway Motor Vehicle	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
38390	A	Operating or Maintaining in a Condition of Readiness an Off-Highway Vehicle Without Proper Emission Control Equipment	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
38390	B	Operating or Maintaining in a Condition of Readiness an Off-Highway Vehicle Without Proper Emission Control Equipment	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
38503	A	Conditions of Minor Operating All-Terrain Vehicle	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
38503	B	Conditions of Minor Operating All-Terrain Vehicle	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
38504.1	(a)	<sup>83</sup> Allowing Child Under 14 Years of Age to Operate an All-Terrain Vehicle Without Safety Training/Supervision/Safety Certificate Required Under VC 38504	125	130	91		65	65	25	26	+	527	40	35	1	0	603	4a	0
38505	A	Operating or Riding All-Terrain Vehicle While Not Wearing Safety Helmet as Required	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
38505	B	Operating or Riding All-Terrain Vehicle While Not Wearing Safety Helmet as Required	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
38506		Carrying Passenger on All-Terrain Vehicle on Public Lands	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	1
38600		<sup>84</sup> Operating a Recreational Off-Highway Vehicle by Person Under 16 Years of Age That Is Unsupervised by an Authorized Adult, on Public Lands	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
38601	A	Operating or Riding in Recreational Off-Highway Vehicle on Public Land by Person While Not Wearing Safety Helmet as Required	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
38601	B	Operating or Riding in Recreational Off-Highway Vehicle on Public Land by Person While Not Wearing Safety Helmet as Required	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
38602	A	<sup>84</sup> Operating or Riding in Recreational Off-Highway Vehicle by Person While Not Wearing Safety Belt or Harness as Required, on Public Lands	25	30	21		15	15	5	6	+	117	40	35	1	0	193	1a	0
38602	B	<sup>84</sup> Operating or Riding in Recreational Off-Highway Vehicle by Person While Not Wearing Safety Belt or Harness as Required, on Public Lands	25	0	0		0	0	0	0	0	25	0	0	0	0	25	4a	0
38603	(a)	<sup>84</sup> Operating a Recreational Off-Highway Vehicle With a Model Year of 2014 or Later While Allowing a Passenger to Ride in Seat Location Not Provided by Manufacturer, on Public Lands	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0
38603	(b)	<sup>84</sup> Operating a Recreational Off-Highway Vehicle With a Model Year of 2013 or Earlier While Allowing a Passenger to Ride in Seat Location That Is Not Contained Inside of the Rollover Protection Structure, on Public Lands	35	40	28		20	20	7	8	+	158	40	35	1	0	234	2a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT-PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points	
38604	(a)	<sup>84</sup> Operating a Recreational Off-Highway Vehicle While Allowing a Passenger to Ride Who Cannot Grasp Handhold When Belted or Harnessed as Required, on Public Lands	35	40	7	28	5/10 20	5 20	20%	2 8	4 158	40	35	35	1	0	234	2a	0
38604	(c)	Recreational Off-Highway Vehicle With Handhold That Interferes With Passenger Exit From the Vehicle	25	30	21		15	15	5	6 4	117	40	35	35	1	0	193	2a	0
39002	(b)	<sup>90</sup> Illegal to Tamper With/Destroy Bicycle Identification	25	30	21		15	15	5	6 4	117	40	35	35	1	0	193	1a	0
40001	(a,b)	Owner's Responsibility [Bail should be in accordance with the bail on the underlying offense.]		0	0		0	0	0	0 0	0	0	0	0	0	0	0		
40151	(a)	Failure to Bring Lighting Equipment Into Compliance or Comply With Removal Order Within 24 Hours of Inspection	25	30	21		15	15	5	6 4	117	40	35	35	1	0	193	1a	0
40151	(b)	Failure to Bring Lighting Equipment Into Compliance or Comply With Removal Order Within 48 Hours of Inspection	25	30	21		15	15	5	6 4	117	40	35	35	1	0	193	1a	0
40508	(a,b)	Violation of Promise to Appear, Promise to Pay	25	30	21		15	15	5	6 4	117	40	35	35	1	0	193	4a	0
42005	(i)	<sup>91</sup> Failure to Attend Court-Ordered TVS	35	40	28		20	20	7	8 4	158	40	35	35	1	0	234	4a	0

**Notes**

A Violation cited on a notice to appear as not eligible for correction. (VC 40303.5, VC 40522, and VC 40610.) A citing officer may issue a noncorrectable notice to appear for an equipment, driver's license, or registration offense that is potentially eligible for correction if the officer determines that the violation presents an immediate safety hazard, there is evidence of fraud or persistent neglect, or the violator does not agree to, or cannot, promptly correct the violation. (See California Highway Patrol v. Superior Court (2008) 158 Cal.App.4th 726 [riding a motorcycle without wearing any helmet presents an "immediate safety hazard" when an officer makes that determination and issues a noncorrectable citation].) If a citation does not indicate that an offense is eligible for correction under VC 40522, a court may presume that the offense is cited as noncorrectable. (See also id. at p. 740 [a court may infer from the type of citation issued that the officer did or did not find disqualifying circumstances].)

B Violation cited on a notice to appear as eligible for correction. (VC 40303.5, VC 40522, and VC 40610.) A potentially eligible equipment, driver's license, or registration offense may be cited as correctable on a notice to appear unless the citing officer determines that the violation presents an immediate safety hazard, there is evidence of fraud or persistent neglect, or the violator does not agree to, or cannot, promptly correct the violation. (See California Highway Patrol v. Superior Court (2008) 158 Cal.App.4th 726 [riding a motorcycle without wearing any helmet presents an "immediate safety hazard" when an officer makes that determination and issues a noncorrectable citation].)

<sup>1</sup> Per VC 28(c): "Any person failing to notify the city police department, sheriff's department, or campus police department as required by this section is guilty of an infraction, and shall be fined a minimum of \$300, and up to \$500."

<sup>2</sup> Minimum fine set by VC 42001.1.

<sup>3</sup> Minimum fine set by VC 42001.8. (See VC 40152 regarding proof for adjudication.)

<sup>4</sup> Per VC 4461.3, a city or county may adopt an ordinance or resolution to assess an additional penalty of \$100.

<sup>5</sup> Per VC 4463(e): Fine "... not less than \$100 and not more than \$250 for a first offense ... ."

<sup>6</sup> Per VC 5201.1(d): "punishable by a fine of \$250 per item sold or per violation."

<sup>x1</sup> Per VC 10852.5(c): "A violation of this section is punishable as an infraction by a fine, as follows:  
 (1) For a first offense, by a fine of one thousand dollars (\$1,000).  
 (2) For a second offense, by a fine of two thousand dollars (\$2,000).  
 (3) For a third or subsequent offense, by a fine of four thousand dollars (\$4,000)."  
 See related misdemeanor Business and Professions section 21610.

<sup>x2</sup> Per VC 40000.10: "A violation of subdivision (a) of Section 12500 shall be punished as follows:  
 (a) Except as provided in subdivision (b), as an infraction by a fine of one hundred dollars (\$100) for a first or second violation.  
 (b) As a misdemeanor or an infraction as prescribed by Section 19.8 of the Penal Code if a person has a prior driver's license suspension or revocation for a violation of subdivision (c) of Section 192 of the Penal Code, subdivision (e) of Section 12809, or of Section 13353, 13353.1, 13353.2, 23103, 23104, 23105, 23109, 23152, 23153, or 23154.  
 (c) As a misdemeanor or an infraction as prescribed by Section 19.8 of the Penal Code for a third or subsequent violation."

<sup>7</sup> Per VC 19.8: VC 12500 charged as an infraction is subject to fine "... not to exceed \$250 ... ."

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
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			10/10		7		5/10	5	20%	2	4	40	35	1	0			
8		Per VC 12814.6(e)(1): "the court shall impose one of the following: (A) Not less than eight <sup>8</sup> hours nor more than 16 hours of community service for a first offense ... (B) A fine of not more than \$35 for first offense ... "																
9		Per VC 14601.1(e), VC 14601.1 applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Zberg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with VC 38000)) applies as to off-highway motor vehicles, as described in VC 38001. Per PC 19.8: VC 14601.1(a) charged as an infraction is subject to fine "...not to exceed \$250 ... "																
10		Per VC 14606(d): "operative on January 30, 2014."																
11		Per VC 14611: "a fine of not less than \$5,000 nor more than \$10,000."																
12		Per VC 15309.5(b): "A first conviction under this section is punishable as either an infraction or a misdemeanor ... . A second or subsequent conviction is punishable as a misdemeanor ... ."																
13		VC 15620(b) permits the court to reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged and the court, instead, refers the defendant to a community education program that includes education on the dangers of leaving young children unattended in motor vehicles, and provides certification of completion. Upon completion of that program, the defendant shall provide that certification to the court.																
14		Per VC 16025(b): "... fine not to exceed \$250 ... ."																
15		Per VC 16029(a): "...fine of not less than \$100 and not more than \$200 for first conviction. Per VC 16029(e): "(1) Except as provided in this subdivision, the court shall impose a fine that is greater than the minimum fine specified in subdivision (a) or (b), and may not reduce that fine to the minimum fine authorized under those provisions, unless the defendant has presented the court with evidence of financial responsibility, as defined in Section 16020, for the vehicle. In no event may the court impose a fine that is less than the minimum specified in subdivision (a) or (b), or impose a fine that exceeds the maximum fine authorized under those subdivisions. ... (2) Notwithstanding any other provisions of law, the imposition of the fine required under subdivision (a) or (b) is mandatory upon conviction of a violation of subdivision (a) of Section 16028 and may not be waived, suspended, reduced below the minimum fines, unless the court in its discretion reduces or waives the fine based on the defendant's ability to pay."																
16		Per VC 21070: "punishable as an infraction ... ." Per VC 42001.19: "a person convicted of a violation of Section 21070 is punishable as follows: (a) For a violation involving bodily injury, by a fine of \$70."																
17		Per VC 21070: "punishable as an infraction ... ." Per VC 42001.19: "a person convicted of a violation of Section 21070 is punishable as follows: ... (b) For a violation involving great bodily injury, as defined in Section 12022.7 of the Penal Code, by a fine of \$95."																
x3		Per VC 210207.5 (c): "The Department of Parks and Recreation may prohibit the operation of an electric bicycle or any class of electric bicycle on any bicycle path or trail within the department's jurisdiction."																
18		This code section also pertains to offenses that may be cited as a parking violation.																
19		Under VC 21212(d), a first charge under VC 21212(a) shall be dismissed when the person charged alleges in court, under oath, that the charge against the person is the first charge against that person under VC 21212(a), unless it is established in court that the charge is not the first charge against that person.																
20		Senate Bill 543; Stats: 2020, ch. 280																
21		Per VC 407.5(a), "A "motorized scooter" is any two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard, and is powered by an electric motor. This device may also be designed to be powered by human propulsion. For purposes of this section, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, or a motorized bicycle or moped, as defined in Section 406, is not a motorized scooter."																
22		Per VC § 21296(c): a conviction for a violation of this section shall be punished by a fine of not more than \$250."																
23		AB 974; Stats: 2021, ch. 175- Per 21300"(e) A charge under this section shall be dismissed when the person charged alleges in court, under oath, that the charge against the person is the first charge against that person under this section, unless it is otherwise established in court that the charge is not the first charge against the person. (f) (1) Except as provided in subdivision (e), a violation of this section is an infraction punishable by a fine of not more than twenty-five dollars (\$25). (2) The parent or legal guardian having control or custody of an unemancipated minor whose conduct violates this section shall be jointly and severally liable with the minor for the amount of the fine imposed pursuant to this subdivision."																
24		Per VC 42001.15: "... fine of one hundred dollars."																
25		VC 42001.15 sets fine of \$100 for violations of 21453(a),(c).																
27		Per VC 21464: "(e) Any willful violation of subdivision (a), (b), or (c) that does not result in injury to, or the death of, a person is punishable by a fine of not more than \$5,000. ... (f) The court shall allow the offender to perform community service designated by the court in lieu of all or part of any fine imposed under this section."																
28		Per Department of Motor Vehicles Court Information Memo 17-01, violations of this offense in a commercial vehicle carry 1.5 DMV points																
29		Per VC 42001.11: "fine of not less than \$100 nor more than \$150."																
30		Per VC 21712 (e): "fine of \$100" for a violation of VC 21712(c) or (d).																
31		Per VC 42001.16: "fine of \$100 ... ."																
x2		Per VC 21760(f): "operative on September 16, 2014."																
33		Per VC 42001.12: "fine of not less than \$100 ... ."																
34		Per VC 21809(b): "fine of not more than \$50."																
35		Per VC 42001.17: "fine of \$100."																
x4		For additional definitions of pedestrian responsibility, see VC 21456.																
36		Violation expanded to include activity on expressway. Per VC 1803(b)(6), a violation by a pedestrian or by a person on a bicycle or motorized scooter is not reportable to DMV.																
37		Violation of VC 21451(a,b), VC 21453(b), VC 21950(a), or VC 21952 and causing bodily injury. VC 21971 serves as a citing section when cited in tandem with the primary offense to charge the additional element of causing bodily injury. Per VC 42001.18: "every person convicted of an infraction for a violation of Section 21971 shall be punished as follows: (a) For the first infraction, by a fine of \$220."																

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surchage*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points	
			10/10		7		5/10	5	20%	2	4	40	35	1	0				
	38	Per VC 22348(b)(1), a first violation is punishable by a fine "not to exceed \$500."																	
	39	For definitions of prima facie speed, see VC 22352.																	
	40	Per VC 42000.5: ... fine not exceeding \$100 for a first conviction, except that if the person has exceeded the specified speed limit by 10 miles per hour or more, the fine shall not exceed \$200.																	
	41	VC 42000.5 specifies fine amounts for designated vehicles.																	
	42	Per Vehicle Code section 22406.1, a violation of subdivision (b) "is a 'serious traffic violation,' as defined in subdivision (p) of Section 15210, and is subject to the sanctions provided under Section 15306 or 15308, in addition to any other penalty provided by law."																	
	43	Per VC 22406.5: "fine not less than \$500 ..."																	
	44	Per VC 42001.16(a)(1), for a first infraction: "fine of \$100 ..."																	
	45	Per VC 22454.5: " ... fine of not less than \$150 ..."																	
	46	Per VC 42001.5: "(a) ... fine of not less than \$250. (b) No part of any fine imposed under this section may be suspended, except that the court may suspend that portion of the fine above \$100." GC 70372(b) imposes an additional state court construction penalty of \$4.50. Per GC 76000: "(b) In each authorized county, provided that the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of \$2.50 shall be included in the total penalty, fine, or forfeiture. Except as provided in subdivision (c), for each parking case collected in the courts of the county, the county treasurer shall place in each authorized fund \$2.50. (c) The county treasurer shall deposit \$1 of every \$2.50 collected pursuant to subdivision (b) into the general fund of the county. (d) The authority to impose the \$2.50 penalty authorized by subdivision (b) shall be reduced to \$1 as of the date of transfer of responsibility for facilities from the county to the Judicial Council pursuant to Article 3 (commencing with Section 70321) of Chapter 5.1, except as money is needed to pay for construction provided for in Section 76100 and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council."																	
	47	Per VC 42001.6: "Every person convicted of an infraction for a violation of Section 22511.1 is punishable by a fine of \$100. No part of any fine imposed shall be suspended, except the court may suspend that portion of the fine above \$25 for a violation of Section 22511.1 if the person convicted possessed at the time of the offense, but failed to display, a valid zero-emission vehicle decal identification issued pursuant to subdivision (a) of Section 5205.5. The fine may be paid in installments if the court determines that the defendant is unable to pay the entire amount in one payment." GC 70372(b) imposes an additional state court construction penalty of \$4.50 penalty. GC 76000.3 imposes a \$3 penalty on every fine imposed for a parking infraction violation. Per GC 76000: "(b) In each authorized county, provided that the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of \$2.50 shall be included in the total penalty, fine, or forfeiture. Except as provided in subdivision (c), for each parking case collected in the courts of the county, the county treasurer shall place in each authorized fund \$2.50. (c) The county treasurer shall deposit \$1 of every \$2.50 collected pursuant to subdivision (b) into the general fund of the county. (d) The authority to impose the \$2.50 penalty authorized by subdivision (b) shall be reduced to \$1 as of the date of transfer of responsibility for facilities from the county to the Judicial Council pursuant to Article 3 (commencing with Section 70321) of Chapter 5.1, except as money is needed to pay for construction provided for in Section 76100 and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council."																	
	48	Per VC 22523(c): "... fine not less than \$100 ..."																	
	49	Per VC 42001.1: "For a first conviction, a fine of not less than \$50 nor more than \$100." These code sections also pertain to offenses that may be cited as a parking violation.																	
	50	Per VC 42001.16(a)(1), for a first infraction: "fine of \$100 ..."																	
	51	Per PC 19.8: VC 23109(c) charged as an infraction is subject to fine "... not to exceed \$250 ..."																	
	52	Per VC 42001.7: "... fine not less than \$100 ... " "The court shall in addition to the fines imposed ... order the offender to pick up litter or clean up graffiti at time and place within the jurisdiction of the court ... " pursuant to VC 42001.7(b).																	
	53	Per VC 42001.4: "...fine of not less than \$50 nor more than \$100."																	
	54	Per VC 23123.5(d): "fine of \$20 for a first offense and \$50 for each subsequent offense." Assem. Bill 487; Stats. 2020, ch. 603. Per Vehicle Code section 12810.3, "Notwithstanding subdivision (f) of Section 12810, a violation point shall be given only for a conviction of a violation of subdivision (a) of Section 23123, subdivision (a) of Section 23123.5, or subdivision (b) of Section 23124, occurring on or after July 1, 2021, that occurs within 36 months of a prior conviction for the same offense."																	
	55	Per Vehicle Code section 12810.3, "Notwithstanding subdivision (f) of Section 12810, a violation point shall be given only for a conviction of a violation of subdivision (a) of Section 23123, subdivision (a) of Section 23123.5, or subdivision (b) of Section 23124, occurring on or after July 1, 2021, that occurs within 36 months of a prior conviction for the same offense."																	
	56	Per VC 23124(c): "fine of \$20 for a first offense and \$50 for each subsequent offense." Assem. Bill 487; Stats. 2020, ch. 603. Per Vehicle Code section 12810.3, "Notwithstanding subdivision (f) of Section 12810, a violation point shall be given only for a conviction of a violation of subdivision (a) of Section 23123, subdivision (a) of Section 23123.5, or subdivision (b) of Section 23124, occurring on or after July 1, 2021, that occurs within 36 months of a prior conviction for the same offense."																	
	57	Set per VC 42001.9.																	
	58	Per VC 42001.25: "fine of \$100 ... " For defendants at least 18 years of age who are convicted of a first violation of VC 23140, VC 23502(a) requires a court order to attend a licensed driving-under-the-influence program.																	
	59	Per VC 23222(b): " ... fine of not more than \$100."																	
	60	Per VC 40000.20: a third or subsequent violation relating to "a driver of any vehicle used to provide transportation services on a prearranged services, operating under a valid certificate or permit pursuant to the Passenger Charter-party Carriers' Act (Chapter 8 (commencing with Section 5351) of Division 2 of the public Utilities Code), is a misdemeanor.																	
	61	This code section also pertains to offenses that may be cited as a parking violation.																	
	62	When a violation of speeding is alleged, refer to the Speed Chart.																	

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points
				10/10	7		5/10	5	20%	2	4	40	35	1	0			
63		Per VC 42001.20(a): "... fine of \$150." Per VC 42001.20(b): a second offense within one year is punishable by "a fine not exceeding \$200." Per VC 42001.20: a violation occurring within one year of two or more prior violations is punishable by "a fine not exceeding \$250."																
64		VC 27150.2 requires that a station providing referee functions under H&S 44036 only issue a certificate of compliance for vehicular exhaust systems for vehicles that have received a citation for violation of VC 27150 or VC 27151.																
65		Per PC 19.8: VC 27150.1 charged as an infraction is subject to fine "... not to exceed \$250 ... ."																
66		Per VC 42001(c): " ... fine of \$250 ... ."																
67		Per VC 42001(c): " ... fine of \$1,000 ... ."																
68		VC 27150.2 requires that a station providing referee functions under H&S 44036 issue a certificate of compliance for vehicular exhaust systems only for vehicles that have received a citation for violation of VC 27150 or VC 27151.																
69		Per VC 42001.2: "... fine not less than \$250 ... ."																
70		Per VC 42001.14: "... fine not less than \$50 or more than \$100." Per VC 27156(d): "If the court finds that a person has willfully violated this section, the court shall impose the maximum fine ... ." Per PC 7: "willfully" implies "... simply a purpose or willingness to commit the act, or make the omission referred to." Under VC 27156 (g) a notice to appear or complaint issued for violation of VC 27156 must require proof of correction pursuant to VC 40150 or proof of exemption pursuant to 40001.1 or 4000.2.																
71		Per VC 27315(h): "... fine of not more than \$20 for a first offense and \$50 for each subsequent offense. In lieu of the fine and any penalty assessment or court costs, the court, pursuant to Section 42005, may order that a person convicted of a first offense attend a school for traffic violators or another court-approved program in which the proper use of safety belts is demonstrated."																
72		Per VC 27318 (i) the offense is "punishable by a fine of not more than twenty dollars (\$20) for a first offense, and a fine of not more than fifty dollars (\$50) for each subsequent offense"																
73		Per VC 27319 (c) the offense is "punishable by a fine of not more than twenty dollars (\$20) for a first offense, and a fine of not more than fifty dollars (\$50) for each subsequent offense"																
74		Per VC 27360.6(a): "(1) ... a first offense is punishable by a fine of \$100, except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged, and the court, instead, refers the defendant to a community education program that includes, but is not limited to, education on the proper installation and use of a child passenger restraint system for children of all ages, and provides certification to the court of completion of that program. Upon completion of the program, the defendant shall provide proof of participation in the program. If an education program on the proper installation and use of a child passenger restraint system is not available within 50 miles of the residence of the defendant, the requirement to participate in that program shall be waived. If the fine is paid, waived, or reduced, the court shall report the conviction to the department pursuant to Section 1803. (2) The court may require a defendant described under paragraph (1) to attend an education program that includes demonstration of proper installation and use of a child passenger restraint system and provides certification to the court that the defendant has presented for inspection a child passenger restraint system that meets applicable federal safety standards."																
75		Vehicle Code section 27360.6(a)(1) states, "For a conviction under Section 27360 or 27360.5, a first offense is punishable by a fine of one hundred dollars (\$100), except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged..."																
76		Set per VC 27365(c).																
77		Per VC 27375(a)(1)(d): For modified limousines modified prior to July 1, 2015, the requirements of VC 27375(a) apply on and after January 1, 2017. Per VC 27375(d): "(1) Except as provided in paragraph (2), subdivision (a) shall not apply to any limousine manufactured before 1970 that has an active charter-party carrier (TCP) number that was issued by the commission as of August 15, 2013. (2) Subdivision (a) shall not apply to any limousine manufactured before 1970 if it was modified after August 15, 2013."																
78		Per VC 42001.3.																
79		Per VC 34518(c): "fine of \$1,000."																
80		Per VC 40000.23: "Violation ... a misdemeanor and not an infraction ... except where the amount of excess weight is less than 4,501 pounds."																
81		Per VC 42001.10: "... fine not less than \$50 ... ."																
82		Per VC 38301.3(a): A first offense is "punishable by a fine not exceeding \$150."																
83		Per VC 38504.1(b)(1): for a first conviction "... the court shall either impose a fine of \$125 or order the person to take or retake and complete an all-terrain safety training course pursuant to VC 38501."																
84		Senate Bill 785; Stats. 2020. Ch. 469.																
90		For a violation of any ordinance or resolution adopted pursuant to VC 39002(a), per VC 39011 the fine shall not exceed \$10.																
91		Per PC 19.8: VC 42005 charged as an infraction is subject to a fine "... not to exceed \$250 ... ."																

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

**OVERWEIGHT CHART (Per VC 42030) <sup>1</sup>**

Pounds of Excess Weight	Base Fine	State PA*	County PA*/10	DNA PA*	Court Const. PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **
		10/10	7 5/10		5 P		2	4		40	35	1	0	
0–1,000	20	20	14	10	10	4	4	4	82	40	35	1	0	158
1,001–1,500	30	30	21	15	15	6	6	4	123	40	35	1	0	199
1,501–2,000	40	40	28	20	20	8	8	4	164	40	35	1	0	240
2,001–2,500	55	60	42	30	30	11	12	4	240	40	35	1	0	316
2,501–3,000	85	90	63	45	45	17	18	4	363	40	35	1	0	439
3,001–3,500	105	110	77	55	55	21	22	4	445	40	35	1	0	521
3,501–4,000	125	130	91	65	65	25	26	4	527	40	35	1	0	603
4,001–4,500	145	150	105	75	75	29	30	4	609	40	35	1	0	685

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

4,501–5,000	175	180	126	90	90	35	36	4	732	40	35	1	0	808
5,001–6,000	\$0.04 each pound over limit													
6,001–7,000	\$0.06 each pound over limit													
7,001–8,000	\$0.08 each pound over limit													
8,001–10,000	\$0.15 each pound over limit													
10,001 and over	\$0.20 each pound over limit													

**Calculate Base Bail from the amount specified for over 5,001 pounds for each pound of excess weight and then calculate the Added Penalties and Surcharge to determine the Total Bail.**

<sup>1</sup> Per VC 35551(f)(1), “A near-zero-emission or zero-emission vehicle may exceed the weight limits on the power unit by up to 2,000 pounds” Assem. Bill 2061 (Stats. 2018, ch. 580). Per VC 42030(d): Court may exercise discretion with respect to the imposition of the fine under this section if any applicable local permit was obtained prior to the court hearing and, at the time of issuance of the notice to appear, the motor carrier was transporting construction equipment or materials and a valid extra-legal load permit from the Department of Transportation was in effect. Per VC 40000.23: "Violation ... a misdemeanor and not an infraction ... except in case of weight violations where the amount of excess weight is less than 4,501 pounds."



**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

*WEIGHT CHART (Per VC 42030.1) <sup>1</sup>*

Pounds in Excess of Declared Gross Vehicle Weight	Base	State	County	DNA	Court	Surcharge*	EMS	EMAT PA*	Fine	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **
	Fine	PA*	PA*/10	PA*	Facility Const. PA*/10		PA*/10		Surcharge & PA Subtotal					
		<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>	
1,001–1,500	250	250	175	125	125	50	50	4	1025	40	35	1	0	1101
1,501–2,000	300	300	210	150	150	60	60	4	1230	40	35	1	0	1306
2,001–2,500	350	350	245	175	175	70	70	4	1435	40	35	1	0	1511
2,501–3,000	400	400	280	200	200	80	80	4	1640	40	35	1	0	1716
3,001–3,500	450	450	315	225	225	90	90	4	1845	40	35	1	0	1921
3,501–4,000	500	500	350	250	250	100	100	4	2050	40	35	1	0	2126
4,001–4,500	550	550	385	275	275	110	110	4	2255	40	35	1	0	2331
4,501–5,000	600	600	420	300	300	120	120	4	2460	40	35	1	0	2536
5,001–6,000	700	700	490	350	350	140	140	4	2870	40	35	1	0	2946
6,001–7,000	800	800	560	400	400	160	160	4	3280	40	35	1	0	3356
7,001–8,000	900	900	630	450	450	180	180	4	3690	40	35	1	0	3766
8,001–10,000	1000	1000	700	500	500	200	200	4	4100	40	35	1	0	4176
10,001 and over	2000	2000	1400	1000	1000	400	400	4	8200	40	35	1	0	8276

<sup>1</sup> VC 42030.1 establishes fines for violations of declared gross or combined gross vehicle weight limits, including VC 4000.6(d).

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

**SPEED CHART**

**(FOR ALL SPEED LIMITS)**

<b>MPH Over Limit</b>	<b>Base Fee</b>	<b>State PA*</b>	<b>County PA*/10</b>	<b>DNA PA*</b>	<b>Court Facility Const. PA*/10</b>	<b>Surcharge* Surcharge*</b>	<b>EMS PA*/10</b>	<b>EMAF PA*</b>	<b>Fine Surcharge &amp; PA Subtotal</b>	<b>Court OPS</b>	<b>Conv. Assess</b>	<b>Night Court</b>	<b>TAP Fee</b>	<b>Total Bail **</b>
		<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>	
1-15	35	40	28	20	20	7	8	4	158	40	35	1	0	234
16-25	70	70	49	35	35	14	14	4	287	40	35	1	0	363
26 and over	100	100	70	50	50	20	20	4	410	40	35	1	0	486

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA#	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	Total Bail **	
				<b>10/10</b>		<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>	
20		Unlawful to Make False Statements	100	100		70	50	50	20	20	4	410	40	30	1	481
31		Unlawful to Give False Information to Officer	100	100		70	50	50	20	20	4	410	40	30	1	481
1808.1	(b)	<sup>1</sup> Employer's Failure to Participate in DMV Pull-Notice System	300	300		210	150	150	60	60	4	1230	40	30	1	1301
1808.1	(f)	<sup>2</sup> Employment of Driver After Notice of Disqualifying Action by DMV	300	300		210	150	150	60	60	4	1230	40	30	1	1301
1808.45		Unauthorized Disclosure of DMV Records	1000	1000		700	500	500	200	200	4	4100	40	30	1	4171
2468	(a)	<sup>3</sup> Failure of Licensed Renderer to Keep Written Records of Inedible Kitchen Grease	1000	1000		700	500	500	200	200	4	4100	40	30	1	4171
2468	(b)	<sup>3</sup> Refusal of Licensed Renderer or Registered Transporter to Exhibit Required Record or Destruction of Required Record	1000	1000		700	500	500	200	200	4	4100	40	30	1	4171
2800	(a)	<sup>4</sup> Refusal to Obey Peace Officer	50	50		35	25	25	10	10	4	205	40	30	1	276
2800	(b)(1)	<sup>4</sup> Refusal to Comply With Peace Officer's Out-of-Service Order	200	200		140	100	100	40	40	4	820	40	30	1	891
2800	(b)(2)	<sup>4</sup> Refusal of Driver Transporting Hazardous Materials to Comply With Peace Officer's Out-of-Service Order	200	200		140	100	100	40	40	4	820	40	30	1	891
2800	(b)(3)	<sup>4</sup> Refusal of Driver of Vehicle Designed to Transport 16 or more People to Comply With Peace Officer's Out-of-Service Order	200	200		140	100	100	40	40	4	820	40	30	1	891
2800	(c)	<sup>4</sup> Refusal to Comply With U.S. Secretary of DOT's Out-of-Service Order	200	200		140	100	100	40	40	4	820	40	30	1	891
2800	(d)	<sup>4</sup> Refusal to Comply With Out-of-Service Order by Specified Persons	200	200		140	100	100	40	40	4	820	40	30	1	891
2800	(e)	<sup>4</sup> Refusal of Driver of Commercial Vehicle to Comply With inspection	200	200		140	100	100	40	40	4	820	40	30	1	891
2800.1	(a,b)	Fleeing Peace Officer Prohibited	500	500		350	250	250	100	100	4	2050	40	30	1	2121
2800.2	(a)	Fleeing Peace Officer—Reckless Driving With Disregard for Safety Involved	1000	1000		700	500	500	200	200	4	4100	40	30	1	4171
2800.3		<sup>5</sup> Fleeing Peace Officer/Causing Injury	5000	5000		3500	2500	2500	1000	1000	4	20500	40	30	1	20571
2800.4		<sup>6</sup> Driving Opposite to Direction of Lawfully Moving Traffic While Fleeing Peace Officer	3000	3000		2100	1500	1500	600	600	4	12300	40	30	1	12371
2801		<sup>4</sup> Refusal to Obey Firefighter Prohibited	50	50		35	25	25	10	10	4	205	40	30	1	276
2803	(a)	<sup>4</sup> Refusal to Adjust Unsafe or Unlawful Load	50	50		35	25	25	10	10	4	205	40	30	1	276
2803	(b)	<sup>4</sup> Failure to Submit Weight Certificate or Bill of Lading to Officer	50	50		35	25	25	10	10	4	205	40	30	1	276
2813		Commercial Vehicle Inspection Required	25	30		21	15	15	5	6	4	117	40	30	1	188
4461	(b)	<sup>8</sup> Improper Use of Disabled Person Placard	250	250		175	125	125	50	50	4	1025	40	30	1	1096
4461	(c)	<sup>9</sup> Improper Display/Presentation of Disabled Person Placard	250	250		175	125	125	50	50	4	1025	40	30	1	1096
4461	(d)	<sup>9</sup> Improper Use of Special Identification Plate	250	250		175	125	125	50	50	4	1025	40	30	1	1096
4462.5		Unlawful Display of Evidence of Registration With Intent to Avoid Compliance	150	150		105	75	75	30	30	4	615	40	30	1	686
4463	(b)(1-3)	<sup>10</sup> Unlawful Forgery, Passing, Possession, or Sale of Disabled Person Placard With Fraudulent Intent	500	500		350	250	250	100	100	4	2050	40	30	1	2121
4463	(c)	<sup>11</sup> Unlawful Display of Forged, Counterfeit, or False Disabled Person Placard With Fraudulent Intent	250	250		175	125	125	50	50	4	1025	40	30	1	1096
5753	(a-d)	<sup>12</sup> Failure of Commercial Dealer to Deliver Certificate of Ownership and Registration Card to Transferee	150	150		105	75	75	30	30	4	615	40	30	1	686
5753	(f)	<sup>13</sup> Failure of Licensed Dealer Upon Written Request to Disclose Pertinent Information Regarding Payment or Documents Required for Release	150	150		105	75	75	30	30	4	615	40	30	1	686

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**  
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Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA#	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	Total Bail **
				<b>10/10</b>		<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>30</b>	<b>1</b>	
5901	(a)	<sup>14</sup> Failure of Dealer or Lessor-Retailer to Provide Notice of Transfer to DMV Within 5 Calendar Days of Sale	150	150	105	75	75	30	30	4	615	40	30	1	686
5901	(b)	<sup>14</sup> Failure to Record Actual Mileage on DMV Notice of Transfer Form	150	150	105	75	75	30	30	4	615	40	30	1	686
5901	(c)	<sup>14</sup> Noncompliance With Mileage Recording Requirement by Person Other Than Dealer in Possession of Vehicle	150	150	105	75	75	30	30	4	615	40	30	1	686
8802		<sup>14</sup> Failure to Return Evidence of Registration to DMV Upon Cancellation, Suspension, or Revocation When Committed With Intent to Defraud	300	300	210	150	150	60	60	4	1230	40	30	1	1301
8804		<sup>15</sup> Failure by California Resident to Pay California Registration Fees While Registering Vehicle in a Foreign Jurisdiction and Operating Vehicle in California	150	150	105	75	75	30	30	4	615	40	30	1	686
10501	(a)	<sup>16</sup> False Report of Vehicle Theft With Intent to Deceive	300	300	210	150	150	60	60	4	1230	40	30	1	1301
10750	(a)	<sup>17</sup> Unauthorized Alteration of Vehicle Numbers or Identification Marks	200	200	140	100	100	40	40	4	820	40	30	1	891
10751	(a)	<sup>18</sup> Knowing Purchase, Sale, or Possession of Vehicle With Removed, Defaced, Altered, or Destroyed Registration or Identification Numbers	300	300	210	150	150	60	60	4	1230	40	30	1	1301
10851	(a)	<sup>13</sup> Driving or Taking Vehicle Without Consent of Owner With Intent to Deprive Owner of Title or Possession of Vehicle	1500	1500	1050	750	750	300	300	4	6150	40	30	1	6221
10851.5		<sup>20</sup> Theft of Binder Chains	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
10852		<sup>17</sup> Injuring or Tampering With Vehicle or Contents Without Consent of Owner	300	300	210	150	150	60	60	4	1230	40	30	1	1301
10853		<sup>17</sup> Climbing Onto, Attempting to Manipulate, or Tampering With Unattended Vehicle With Intent to Commit Malicious Injury, Mischief, or Crime	500	500	350	250	250	100	100	4	2050	40	30	1	2121
10854		<sup>22</sup> Tampering With, Driving, or Removing Any Part of Vehicle by Bailee	300	300	210	150	150	60	60	4	1230	40	30	1	1301
11500	(a)(1)	<sup>23</sup> Conducting Business as Automobile Dismantler Without Valid Permit/ License and Official Place of Business	250	250	175	125	125	50	50	4	1025	40	30	1	1096
11520	(a)	<sup>24</sup> Failure of Licensed Auto Dismantler to Provide Required Notice to DMV and DOJ Within Required Time	150	150	105	75	75	30	30	4	615	40	30	1	686
11700		<sup>24</sup> Acting as Dealer, Remanufacturer, Manufacturer, Transporter, or Distributor Without a Valid License	250	250	175	125	125	50	50	4	1025	40	30	1	1096
11713	(a-d)	<sup>24</sup> False Advertising by Dealer	250	250	175	125	125	50	50	4	1025	40	30	1	1096
11713	(e)	<sup>24</sup> Engage in Business Without Required Bond	250	250	175	125	125	50	50	4	1025	40	30	1	1096
11713	(f)	<sup>24</sup> Engage in Business Without Maintaining Established Place of Business	250	250	175	125	125	50	50	4	1025	40	30	1	1096
11713	(g)	<sup>24</sup> Failure to Include Fee for Licensing and Transfer of Title as Added Cost in Selling Price	250	250	175	125	125	50	50	4	1025	40	30	1	1096
11713	(h)	<sup>24</sup> Employ or Fail to Report Unlicensed Salesperson	250	250	175	125	125	50	50	4	1025	40	30	1	1096
11713	(i)	<sup>24</sup> Deliver Vehicle for Operation on California Highways That Fails to Meet Code Requirements	250	250	175	125	125	50	50	4	1025	40	30	1	1096
11713	(j)	<sup>24</sup> Permit or Engage in the Unauthorized Use of Special Plates	250	250	175	125	125	50	50	4	1025	40	30	1	1096
11713	(k)	<sup>24</sup> Falsely Advertise That No Down Payment Is Necessary	250	250	175	125	125	50	50	4	1025	40	30	1	1096
11713	(l)	<sup>24</sup> Failure to Pay Full Sales Tax Due to IRS	250	250	175	125	125	50	50	4	1025	40	30	1	1096

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				<b>10/10</b>		<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>30</b>	<b>1</b>		
11713	(m)	<sup>24</sup> Permit Unauthorized Use of Dealer's License by Non-dealer	250	250		175	125	125	50	50	4	1025	40	30	1	1096
11713	(n)	<sup>24</sup> Permit Unauthorized Use of Dealer's License by Non-dealer	250	250		175	125	125	50	50	4	1025	40	30	1	1096
11713	(o)	<sup>24</sup> Disconnecting or Resetting Odometer by Dealer	250	250		175	125	125	50	50	4	1025	40	30	1	1096
11713	(p)	<sup>24</sup> Acceptance of Deposit by Licensee Without Availability of Vehicle As Required	250	250		175	125	125	50	50	4	1025	40	30	1	1096
11713	(q)	<sup>24</sup> Consignment of New Vehicle for Sale to Another Dealer	250	250		175	125	125	50	50	4	1025	40	30	1	1096
11713	(r)	<sup>24</sup> Display of Vehicle for Sale at Place Not Authorized by DMV for Dealer	250	250		175	125	125	50	50	4	1025	40	30	1	1096
11713	(s)	<sup>24</sup> Advertisement of Vehicle by Dealer Using Photo With Different Year, Make, Make, or Model	250	250		175	125	125	50	50	4	1025	40	30	1	1096
11713	(t)	<sup>24</sup> Failure of Dealer to Disclose in Ad Previous Use of Vehicle	250	250		175	125	125	50	50	4	1025	40	30	1	1096
11713.17	(a,b)	<sup>24</sup> Violation by Dealer, Manufacturer, or Distributor of Requirements for Securing Front License on Vehicle	150	150		105	75	75	30	30	4	615	40	30	1	686
11725	(a)	<sup>24</sup> Removal of Vehicle to Foreign Jurisdiction for Registration	150	150		105	75	75	30	30	4	615	40	30	1	686
11725	(b)	<sup>24</sup> Failure to Remove License Plates From Vehicle If Known That Vehicle Is to Be Exported to Foreign Jurisdiction	150	150		105	75	75	30	30	4	615	40	30	1	686
11800		<sup>24</sup> Conduct of Business as Vehicle Salesperson Without Valid License	250	250		175	125	125	50	50	4	1025	40	30	1	1096
12110	(a)	<sup>25</sup> Providing or Requesting a Commission, Gift, or Compensation Consideration of Arranging or Requesting the Services of a Tow Truck	1000	1000		700	500	500	200	200	4	4100	40	30	1	4171
12110	(c)	<sup>25</sup> Exchange of Valuable Consideration Between Towing Service or Employee of Towing Service and Repair Shop or Employee of Repair Shop for the Delivery or Arranging of Delivery of a Vehicle for Storage or Repair	1000	1000		700	500	500	200	200	4	4100	40	30	1	4171
12500	(a)	<sup>x1</sup> Unlawful to Drive Unless Licensed	100	100		70	50	50	20	20	4	410	40	30	1	481
12515	(b)	Minor Under 21 Employed to Drive in Interstate Commerce or Carry Hazardous Materials	200	200		140	100	100	40	40	4	820	40	30	1	891
12517	(a)(2)	<sup>24</sup> Operation of School Bus Without Certificate in Possession While Transporting Pupils	250	250		175	125	125	50	50	4	1025	40	30	1	1096
12517	(b)	<sup>24</sup> Operation of School Pupil Activity Bus Without Certificate in Possession While Transporting Pupils	250	250		175	125	125	50	50	4	1025	40	30	1	1096
12517.45	(a)	Unlawful Operation of Specified Vehicle Transporting Pupils	250	250		175	125	125	50	50	4	1025	40	30	1	1096
12519	(a)	Unlawful to Drive Without Farm Labor Vehicle License	80	80		56	40	40	16	16	4	328	40	30	1	399
12951	(b)	Refusal to Present License to Officer	50	50		35	25	25	10	10	4	205	40	30	1	276
13004	(a-g)	Identification Card—Unlawful Use	50	50		35	25	25	10	10	4	205	40	30	1	276
13004.1	(a)	<sup>27</sup> Manufacture/Sale of Fraudulent ID	250	250		175	125	125	50	50	4	1025	40	30	1	1096
14601	(a)	<sup>28</sup> Driving While Suspended or Revoked	300	300		210	150	150	60	60	4	1230	40	30	1	1301
14601.1	(a)	<sup>28</sup> Driving While Suspended or Revoked for Offenses Not Relating to Driving Ability	300	300		210	150	150	60	60	4	1230	40	30	1	1301
14601.2	(a,b)	<sup>29</sup> Driving While Suspended or Revoked for Driving Under Influence of Alcohol/Drugs	500	500		350	250	250	100	100	4	2050	40	30	1	2121

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				<b>10/10</b>		<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>30</b>	<b>1</b>	
14601.3	(a)	<sup>30</sup> Accumulation of Driver Record History by Habitual Traffic Offender During Period of License Suspension or After Revocation	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
14601.4	(a)	<sup>31</sup> Causing Bodily Injury While Driving With Suspended License	500	500	350	250	250	100	100	4	2050	40	30	1	2121
14601.5	(a,b)	<sup>32</sup> Driving When Privilege Suspended or Revoked for Refusing Chemical Test or Driving With Excessive Blood Alcohol	500	500	350	250	250	100	100	4	2050	40	30	1	2121
14602.6	(g)(4)	Knowingly Releasing Impounded Vehicle Prior to End of Impoundment Period	2000	2000	1400	1000	1000	400	400	4	8200	40	30	1	8271
14604	(a)	<sup>24</sup> Knowingly Allow Another to Drive Vehicle Without Valid Driver's License	150	150	105	75	75	30	30	4	615	40	30	1	686
14610	(a)(1-8)	Unlawful Use of License Defined	100	100	70	50	50	20	20	4	410	40	30	1	481
14610.1	(a)	<sup>34</sup> Manufacture/Sale of Fraudulent ID/Driver's License Prohibited	250	250	175	125	125	50	50	4	1025	40	30	1	1096
15309.5	(a)(1)	<sup>35</sup> Sell, Offer, Distribute, or Use Crib Sheet or Device for Commercial Driver's License Examination	350	350	245	175	175	70	70	4	1435	40	30	1	1506
15309.5	(a)(2)	<sup>35</sup> Impersonate or Allow Impersonation of Applicant for Commercial Driver's License Examination	350	350	245	175	175	70	70	4	1435	40	30	1	1506
15309.5	(a)(3)	<sup>35</sup> Provide or Use Unauthorized Assistance During Commercial Driver's License Examination	350	350	245	175	175	70	70	4	1435	40	30	1	1506
15501		<sup>24</sup> Presentation of False Driver's License by Minor	150	150	105	75	75	30	30	4	615	40	30	1	686
16030	(a)	<sup>37</sup> False Evidence of Financial Responsibility	750	750	525	375	375	150	150	4	3075	40	30	1	3146
16560	(a,b)	Violation of Interstate Highway Carrier Requirements	300	300	210	150	150	60	60	4	1230	40	30	1	1301
20001	(a)	<sup>38</sup> Duty to Stop When Involved in Accident With Injury or Death	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
20002	(a,b)	Hit and Run—Property Damage	300	300	210	150	150	60	60	4	1230	40	30	1	1301
20003		<sup>39</sup> Failure to Provide Required Information or Render Necessary Assistance to Occupants of Struck Vehicle With Accident Resulting in Injury or Death	250	250	175	125	125	50	50	4	1025	40	30	1	1096
21200.5		Bicyclist Riding Under the Influence	150	150	105	75	75	30	30	4	615	40	30	1	686
21464	(d)	<sup>40</sup> Willful Interference With Traffic Device or Willful Use, Possession, or Distribution of Traffic Interference Device That Results in Injury or Death	5000	5000	3500	2500	2500	1000	1000	4	20500	40	30	1	20571
21651	(b)	<sup>39</sup> Driving Wrong Way on Divided Highway	80	80	56	40	40	16	16	4	328	40	30	1	399
21651	(c)	<sup>42</sup> Willfully Driving Wrong Way on Divided Highway and Causing Injury or Death	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
21655.9	(c)	<sup>43</sup> Operate or Own Vehicle That Displays Low-Emission Decal Not Issued for the Vehicle	250	250	175	125	125	50	50	4	1025	40	30	1	1096
21702	(a,b)	<sup>44</sup> Limitation on Driving Hours	100	100	70	50	50	20	20	4	410	40	30	1	481
21713		Armored Car Without License	90	90	63	45	45	18	18	4	369	40	30	1	440
21963		Blind Pedestrians Right-of-Way	500	500	350	250	250	100	100	4	2050	40	30	1	2121
22406.1	(a)	<sup>45</sup> Maximum Speed for Commercial Vehicles—In Excess of Speed Limit by 15 MPH or More	300	300	210	150	150	60	60	4	1230	40	30	1	1301
22513	(a)(1)	Illegal Stop by Tow Truck on Highway	100	100	70	50	50	20	20	4	410	40	30	1	481
22513	(a)(2-4)	Failure to Possess Required Information for Stop of Tow Truck on Highway	100	100	70	50	50	20	20	4	410	40	30	1	481

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				<b>10/10</b>		<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>30</b>	<b>1</b>	
22513	(b)	<sup>46</sup> Failure to Maintain or Provide Required Information for Stop of Tow Truck on Highway	250	250		175	125	125	50	50	1025	40	30	1	1096
22513	(c)(1,2)	<sup>46</sup> Failure to Provide Written Estimate as Required for Tow Services	250	250		175	125	125	50	50	1025	40	30	1	1096
22513	(d)(1,3)	<sup>46</sup> Illegal Fee Charged for Tow or Storage Services	250	250		175	125	125	50	50	1025	40	30	1	1096
22513	(d)(4)	<sup>46</sup> Failure to Provide or Maintain Required Information for Tow or Storage Services	250	250		175	125	125	50	50	1025	40	30	1	1096
22513.1	(a)(1)	Failure to Maintain Required Information for Tow and Storage of Vehicle	150	150		105	75	75	30	30	615	40	30	1	686
22513.1	(b)	<sup>47</sup> Business Taking Possession Of A Vehicle From A Tow Truck After Hours	250	250		175	125	125	50	50	1025	40	30	1	1096
22513.1	(b) (c)	<sup>48</sup> Failure to Maintain and Provide Required Information for Tow and Storage of Vehicle	250	250		175	125	125	50	50	1025	40	30	1	1096
22658	(g)(1)(B)	<sup>49</sup> Failure of Tow Company or Driver on Request by Owner or Owner's Agent to Release Vehicle Not Yet in Transit	250	250		175	125	125	50	50	1025	40	30	1	1096
22658	(i)(1)(B)	<sup>50</sup> Failure to Make Rate Approved by CHP Available for Inspection Within 24 Hours of Request	1000	1000		700	500	500	200	200	4100	40	30	1	4171
22658	(j)(2)	<sup>50</sup> Charging Excessive Rate for Towing Service or Storage	1000	1000		700	500	500	200	200	4100	40	30	1	4171
22658	(k)(1,2)	<sup>50</sup> Refusal of Credit Card by Storage Facility for Payment of Charges for Towed Vehicle	1000	1000		700	500	500	200	200	4100	40	30	1	4171
22658	(l)	<sup>50</sup> Violation by Tow Company of Requirements for Removal of Vehicle From Private Property	1000	1000		700	500	500	200	200	4100	40	30	1	4171
22658	(m)(1)	<sup>49</sup> Failure of Tow Company to Provide Notice of Removal of Vehicle As Required	250	250		175	125	125	50	50	1025	40	30	1	1096
23103	(a,b)	<sup>52</sup> Reckless Driving	145	150		105	75	75	29	30	609	40	30	1	680
23104	(a)	<sup>53</sup> Reckless Driving--Bodily Injury	350	350		245	175	175	70	70	1435	40	30	1	1506
23104	(b)	<sup>54</sup> Reckless Driving--Great Bodily Injury	500	500		350	250	250	100	100	2050	40	30	1	2121
23105	(a)	<sup>55</sup> Reckless Driving--Specific Injury	750	750		525	375	375	150	150	3075	40	30	1	3146
23109	(a)	<sup>56</sup> Engaging in Speed Contests Prohibited	360	360		252	180	180	72	72	1476	40	30	1	1547
23109	(b)	<sup>57</sup> Abetting Speed Contest Prohibited	100	100		70	50	50	20	20	410	40	30	1	481
23109	(c)	<sup>57</sup> Engaging in or Abetting Exhibition of Speed Prohibited	100	100		70	50	50	20	20	410	40	30	1	481
23109	(d)	<sup>57</sup> Placing Barricades or Obstructions Prohibited	100	100		70	50	50	20	20	410	40	30	1	481
23109	(e)(2)	<sup>58</sup> Engaging in Speed Contest and Causing Bodily Injury	500	500		350	250	250	100	100	2050	40	30	1	2121
23109.1		<sup>59</sup> Engaging in Speed Contest--Specific Injury	750	750		525	375	375	150	150	3075	40	30	1	3146
23110	(a)	Throwing Substance at Vehicle Prohibited	250	250		175	125	125	50	50	1025	40	30	1	1096
23112.5	(a)	Hazardous Materials--Notification of Agency Required	2000	2000		1400	1000	1000	400	400	8200	40	30	1	8271
23118	(f)(4)	Release of Impounded Vehicle by Legal Owner or Agent Prior to End of Impoundment Period	2000	2000		1400	1000	1000	400	400	8200	40	30	1	8271
23127		Motor Vehicle on Riding/Hiking Trails Prohibited	50	50		35	25	25	10	10	205	40	30	1	276
23152	(a,b)	<sup>60</sup> Driving Under Influence of Alcohol	390	390		273	195	195	78	78	1599	40	30	1	1670
23152	(c)	<sup>60</sup> Driving While Addicted to Drug	390	390		273	195	195	78	78	1599	40	30	1	1670
23152	(d)	<sup>60</sup> Driving Commercial Vehicle Under Influence of Alcohol	450	450		315	225	225	90	90	1845	40	30	1	1916

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
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Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surcharge*	EMS PA*/ 10	EMAT PA#	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	Total Bail **
				<b>10/10</b>		<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>
23152	(e)	Driving a Motor Vehicle When a Passenger for Hire Is a Passenger in the Vehicle at the Time of the Offense with a .04 or Higher BAC.	390	390	273	195	195	78	78	4	1599	40	30	1	1670
23152	(f)	Driving Under Influence of Drug	390	390	273	195	195	78	78	4	1599	40	30	1	1670
23152	(g)	Driving Under Influence of Alcohol and Drug	390	390	273	195	195	78	78	4	1599	40	30	1	1670
23153	(a,b)	<sup>61</sup> Driving Under Influence of Alcohol While Causing Injury	500	500	350	250	250	100	100	4	2050	40	30	1	2121
23153	(d)	<sup>61</sup> Driving Commercial Vehicle Under Influence of Alcohol While Causing Injury	500	500	350	250	250	100	100	4	2050	40	30	1	2121
23153	(e)	Driving a Motor Vehicle When a Passenger for Hire Is a Passenger in the Vehicle at the Time of the Offense with a .04 or Higher BAC and Causing Injury.	500	500	350	250	250	100	100	4	2050	40	30	1	2121
23153	(f)	<sup>61</sup> Driving Under Influence of Drug While Causing Injury	500	500	350	250	250	100	100	4	2050	40	30	1	2121
23153	(g)	<sup>61</sup> Driving Under Influence of Alcohol and Drug While Causing Injury	500	500	350	250	250	100	100	4	2050	40	30	1	2121
23224	(a,b)	<sup>63</sup> Possession of Alcohol by Minor Prohibited	100	100	70	50	50	20	20	4	410	40	30	1	481
23247	(a-e)	<sup>64</sup> Unlawful to Rent/Loan Vehicle; Solicit Someone to Engage Required Interlock Device; Blow Into Device/Start; Tamper With Vehicle Requiring Interlock Device	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
23253		Failure to Obey CHP or DOT Officers at Vehicle Crossing	50	50	35	25	25	10	10	4	205	40	30	1	276
23332		Trespass on Vehicular Crossing Prohibited	50	50	35	25	25	10	10	4	205	40	30	1	276
23573	(i)	<sup>65</sup> Willful Failure to Install Ignition Interlock Device Within Required 30 Days	500	500	350	250	250	100	100	4	2050	40	30	1	2121
24002.5	(a)	<sup>66</sup> Unlawful Operation of a Farm Labor Vehicle	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
24011.3	(a)	<sup>67</sup> Passenger Vehicle Manufacturer Willfully Fails to Affix Bumper Strength Notice or Willfully Misstates Information in the Notice	200	200	140	100	100	40	40	4	820	40	30	1	891
24011.3	(c)(2)	<sup>68</sup> Willful Defacement, Alteration, or Removal of New Vehicle Bumper Strength Notice Prior to Delivery of the Vehicle	200	200	140	100	100	40	40	4	820	40	30	1	891
27150.1		<sup>69</sup> Sale of Exhaust Systems Restricted	50	50	35	25	25	10	10	4	205	40	30	1	276
27317	(a)	<sup>70</sup> Manufacture or Sell Counterfeit or Nonfunctioning Airbag	500	500	350	250	250	100	100	4	2050	40	30	1	2121
27317	(b)	<sup>70</sup> Sell or Install Device That Disables a Vehicle's Counterfeit Airbag Indicator	500	500	350	250	250	100	100	4	2050	40	30	1	2121
27362	(a)	<sup>71</sup> Sale of Nonapproved Child Restraint System Prohibited	200	200	140	100	100	40	40	4	820	40	30	1	891
28050		<sup>68</sup> Advertisement, Sale, Use, or Installation of Device Causing Motor Vehicle Odometer to Register Mileage Other Than True Mileage Driven	200	200	140	100	100	40	40	4	820	40	30	1	891
28050.5		<sup>68</sup> Operation of Motor Vehicle Knowing the Odometer Is Disconnected or Nonfunctional With Intent to Defraud	200	200	140	100	100	40	40	4	820	40	30	1	891
28051		<sup>68</sup> Disconnecting, Turning Back, or Resetting Odometer of Motor Vehicle	200	200	140	100	100	40	40	4	820	40	30	1	891
28051.5		<sup>68</sup> Advertisement, Sale, or Use of Device Designed for Purpose of Turning Back or Resetting Odometer of Motor Vehicle to Reduce Mileage Indicated	200	200	140	100	100	40	40	4	820	40	30	1	891
28150	(d)	<sup>68</sup> Possession of Four or More Radar Jamming Devices	200	200	140	100	100	40	40	4	820	40	30	1	891
31303	(b-e)	Violating Requirements for Transportation of Hazardous Waste	300	300	210	150	150	60	60	4	1230	40	30	1	1301
31401	(b)	Farm Labor Buses and Trucks—Inspection Required	500	500	350	250	250	100	100	4	2050	40	30	1	2121



**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**  
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Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA#	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	Total Bail **
				<b>10/10</b>		<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>30</b>	<b>1</b>	
31401	(d)	<sup>73</sup> Willful Rental or Use by Owner or Contractor of Farm Labor Vehicle Without CHP Inspection per VC 31401(b)	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
31402	(a)	<sup>74</sup> Operation of Unsafe Farm Labor Vehicle Prohibited	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
31403		Mechanic Certification of Farm Labor Vehicle Required	500	500	350	250	250	100	100	4	2050	40	30	1	2121
31602	(a-c)	Transportation of Explosives—License, Routes to Be Used, Stopping Specified	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
31607	(a)	Inspection of Vehicle Required	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
31609		Record of Inspection Required	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
31610	(a-e)	Proper Equipment, Maintenance of Vehicle Required	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
31611		Proper Maps of Route of Vehicle Required	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
31612		Carry and Display Shipping Instructions	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
31613		Prohibited Explosive Cargoes Defined	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
31614	(a,b,d,e,h)	Transport Explosives Through Local Route; Congested Areas; With Unenclosed, Uncovered Loads; While Smoking or With Open Flame	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
31614	(c,g)	Loading Explosives Without Motor Stopped, Brakes Set; Vehicle Transporting Explosives Left Unattended	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
31614	(f,i)	Driving With Explosives in Vehicle Near/Through Fires in Passenger Vehicle	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
32000.5	(a)	Hazardous Materials Transportation—Company Unlicensed	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
32000.5	(d)	Fireworks Transportation—Failure to Carry License or Present as Required	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
32001	(c)	Hazardous Material—Motor Carrier Directing Transportation Unlawfully	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
32002	(a)	Violations of Division 14.1 Regulations	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
32002	(b)	<sup>75</sup> Unlicensed Transportation of Hazardous Materials	2000	2000	1400	1000	1000	400	400	4	8200	40	30	1	8271
33000		<sup>76</sup> Violation of Shipment Regulations for the Transportation of Radioactive Materials	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
34100		Illegal Operation of Tank Vehicle Transporting Hazardous Waste or Flammable and Combustible Liquids on a Public Highway	1000	1000	700	500	500	200	200	4	4100	40	30	1	4171
34501	(e)	Operation of Bus Without Current Inspection by CHP	200	200	140	100	100	40	40	4	820	40	30	1	891
34501.12	(b)	<sup>77</sup> Unlawful Operation of Vehicle by Motor Carrier Without Submitting Required Inspection Information	100	100	70	50	50	20	20	4	410	40	30	1	481
34501.12	(d)	<sup>77</sup> Unlawful Operation of Vehicle by Motor Carrier	100	100	70	50	50	20	20	4	410	40	30	1	481
34501.3	(a)	<sup>78</sup> Unlawful Scheduling of Runs by Motor Carriers	200	200	140	100	100	40	40	4	820	40	30	1	891
34505	(a-c)	<sup>79</sup> Violation of Tour Bus Inspection and Repair Requirements	200	200	140	100	100	40	40	4	820	40	30	1	891
34505.5	(a-c)	<sup>79</sup> Violation of Motor Carrier Vehicle Inspection and Repair Requirements	200	200	140	100	100	40	40	4	820	40	30	1	891
34505.9	(a)(4)(D)	<sup>79</sup> Violation of Intermodal Roadability Inspection Program	200	200	140	100	100	40	40	4	820	40	30	1	891
34506	(a)	<sup>80</sup> Driver's Hours of Service	500	500	350	250	250	100	100	4	2050	40	30	1	2121
34506	(b)	<sup>79</sup> Failure to Comply With Specified Regulation of Hazardous Material Transportation	200	200	140	100	100	40	40	4	820	40	30	1	891
34506	(c)	<sup>79</sup> Failure to Comply With Specified Regulation of School Buses	200	200	140	100	100	40	40	4	820	40	30	1	891
34506	(d)	<sup>79</sup> Failure to Comply With Specified Regulation of Youth Buses	200	200	140	100	100	40	40	4	820	40	30	1	891
34506	(e)	<sup>79</sup> Failure to Comply With Specified Regulation of Tour Buses	200	200	140	100	100	40	40	4	820	40	30	1	891
34506	(f)	<sup>79</sup> Failure to Comply With Specified Regulation of Described Vehicles	200	200	140	100	100	40	40	4	820	40	30	1	891

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**  
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				<b>10/10</b>		<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>30</b>	<b>1</b>	
34506	(g)	<sup>79</sup> Failure to Comply With Specified Regulation of School Pupil Activity Buses	200	200	140	100	100	40	40	4	820	40	30	1	891
34620	(a-c)	Failure to comply with motor carrier permit and licensing	200	200	140	100	100	40	40	5	820	40	30	1	891
34623	(h)	<sup>82</sup> Motor Carrier of Property Operating Vehicle While Permit Suspended	200	200	140	100	100	40	40	4	820	40	30	1	891
34623	(i)(1)	<sup>82</sup> Motor Carrier of Property With Suspended Permit Allowing Any Vehicles Subject to Suspension Based on Failure to Maintain to Be Operated by Another Carrier	500	500	350	250	250	100	100	4	2050	40	30	1	2121
34623	(i)(2)	<sup>79</sup> Motor Carrier of Property Knowingly Utilizing a Vehicle From a Motor Carrier Whose Permit Is Suspended Based on a Failure to Maintain Any Vehicle	300	300	210	150	150	60	60	4	1230	40	30	1	1301
34690		Violation of Private Carriers of Passengers Registration Act	100	100	70	50	50	20	20	4	410	40	30	1	481
35550	(a)	<sup>79</sup> Maximum Weight on Single Axle or Wheels			[See Overweight Chart]										
35551	(a,b)	<sup>79</sup> Computation of Allowable Gross Weight			[See Overweight Chart]										
35551.5	(b-d)	<sup>79</sup> Violation of Gross Weight Computation Method Prescribed for Combinations Containing Trailer/Semitrailer by More Than 4,500 Pounds			[See Overweight Chart]										
35554	(a)(1)	<sup>79</sup> Gross Weight More Than 20,500 Pounds on Any One Axle of a Bus and More Than 4,500 Pounds Over Weight Limit			[See Overweight Chart]										
35554	(c)	<sup>79</sup> Operation of Transit Bus in Excess of Federal Weight Limit and More Than 4,500 Pounds Over Weight Limit			[See Overweight Chart]										
35600		<sup>79</sup> Noncompliance With Solid Tire Gross Weight Limitation Standards by More Than 4,500 Pounds			[See Overweight Chart]										
35601		<sup>79</sup> Noncompliance With Metal Tire Gross Weight Limitation Standards by More Than 4,500 Pounds			[See Overweight Chart]										
35655	(a)	<sup>79</sup> Operation of Vehicle on Highway Containing Load Exceeding Maximum Weight Highway Is Designed to Sustain by More Than 4,500 Pounds			[See Overweight Chart]										
35712		<sup>79</sup> Violation of County Ordinance Prohibiting Commercial Vehicles Exceeding Certain Weight Limitations by More Than 4,500 Pounds in Residential Area			[See Overweight Chart]										
35753	(a)	<sup>79</sup> Operation of Vehicle Over Bridge, Causeway, Viaduct, Trestle, or Dam in Vehicle Containing Load Exceeding the Maximum Weight the Structures Will Safely Sustain by More Than 4,500 Pounds			[See Overweight Chart]										
35784	(a)	Failure to Obey Permit Terms and Designated Route for Extra-legal Load	100	100	70	50	50	20	20	4	410	40	30	1	481
35784	(b)	<sup>84</sup> Violation of Special Permit Requirements	150	150	105	75	75	30	30	4	615	40	30	1	686
35784	(c)	Extra-legal Load Not on Designated Route	100	100	70	50	50	20	20	4	410	40	30	1	481
35784.5	(a)	<sup>85</sup> Transportation of Extra-legal Load Without Permit	150	150	105	75	75	30	30	4	615	40	30	1	686
35785	(b)	Violation of Single Saw Log Hauling Speed Limit of 15 MPH Over Bridge or Causeway or 25 MPH on Highway	150	150	105	75	75	30	30	4	615	40	30	1	686
35786	(b)	<sup>86</sup> Operation of Truck Booster Power Unit in Noncompliance With Route Specifications and Time Limitations Set by Permit	100	100	70	50	50	20	20	4	410	40	30	1	481

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				<b>10/10</b>		<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>30</b>	<b>1</b>	
35790	(g)	<sup>86</sup> Failure to Carry Appropriate Permits, Certificates, and Notices Required for Movement of Manufactured Homes	100	100		70	50	50	20	20	410	40	30	1	481
35790	(h)	<sup>87</sup> Violation of Terms, Conditions, or Limitations Specified in Manufactured-Home Transportation Permits	100	100		70	50	50	20	20	410	40	30	1	481
38316	(a)	<sup>87</sup> Reckless Driving of Off-Highway Motor Vehicle	150	150		105	75	75	30	30	615	40	30	1	686
38317		<sup>88</sup> Reckless Driving of Off-Highway Motor Vehicle Causing Injury	300	300		210	150	150	60	60	1230	40	30	1	1301
38318	(a)	<sup>89</sup> Throwing Substance at Off-Highway Motor Vehicle	300	300		210	150	150	60	60	1230	40	30	1	1301
38318.5		<sup>89</sup> Malicious Removal or Alteration of Markers or Signs	300	300		210	150	150	60	60	1230	40	30	1	1301
38319		<sup>90</sup> Operation of Off-Highway Motor Vehicle Likely to Cause Damage	300	300		210	150	150	60	60	1230	40	30	1	1301
40001	(c)	<sup>90</sup> Violation by Employer of Out-of-Service Order	300	300		210	150	150	60	60	1230	40	30	1	1301
40001	(d)	<sup>91</sup> Employer Allows, Permits, Requires, or Authorizes Driver to Operate Commercial Motor Vehicle in Violation of Railroad-Highway Grade Crossing Statute or Regulation	2000	2000		1400	1000	1000	400	400	8200	40	30	1	8271
40005		<sup>92</sup> Employer Undertakes Responding to Employee Driver's Citation and Inaction by Employer Results in Issuance of Warrant for Employee	200	200		140	100	100	40	40	820	40	30	1	891
40008	(a)	<sup>93</sup> Violation of Section 21701 or 21703 With Intent to Capture Physical Impression of Another Person for Commercial Purpose	750	750		525	375	375	150	150	3075	40	30	1	3146
40008	(a)	<sup>93</sup> Violation of Section 23103 With Intent to Capture Physical Impression of Another Person for Commercial Purpose	750	750		525	375	375	150	150	3075	40	30	1	3146
40008	(b)	<sup>94</sup> Violation of Section 21701 or 21703 With Intent to Capture Physical Impression of Another Person for Commercial Purpose and Causing Endangerment of Minor	1500	1500		1050	750	750	300	300	6150	40	30	1	6221
40008	(b)	<sup>94</sup> Violation of Section 23103 With Intent to Capture Physical Impression of Another Person for Commercial Purpose and Causing Endangerment of Minor	1500	1500		1050	750	750	300	300	6150	40	30	1	6221
40504	(b)	Signing Written Promise to Appear With False Name	250	250		175	125	125	50	50	1025	40	30	1	1096
40508	(a-c)	Violation of Promise to Appear, Promise to Pay	50	50		35	25	25	10	10	205	40	30	1	276
40519	(c)	<sup>92</sup> Failure to Appear at Time of Trial After Pleading Not Guilty in Writing	50	50		35	25	25	10	10	205	40	30	1	276
40614		Use of Fictitious Name Prohibited	100	100		70	50	50	20	20	410	40	30	1	481
40616		Violation of Promise to Correct	100	100		70	50	50	20	20	410	40	30	1	481
42005	(i)	Failure to Attend Court-Ordered TVS	75	80		56	40	40	15	16	322	40	30	1	393

**California Code of Regulations, Title 13, Article 3**  
**HAZARDOUS MATERIALS TRANSPORTATION**

1160.4	(e)	Inspection by Department	200	200		140	100	100	40	40	820	40	30	1	891
1160.4	(g)	Hazardous Material Transportation License Not in Vehicle	100	100		70	50	50	20	20	410	40	30	1	481
1161	(a,b)	Shipping Papers	100	100		70	50	50	20	20	410	40	30	1	481
1162	(a,c)	Placards	100	100		70	50	50	20	20	410	40	30	1	481
1162.1		Fire Extinguishers	100	100		70	50	50	20	20	410	40	30	1	481
1163	(a,b)	Shipment Preparation, Unauthorized Packing	100	100		70	50	50	20	20	410	40	30	1	481
1163	(d)	Leaking Package	200	200		140	100	100	40	40	820	40	30	1	891

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				<b>10/10</b>		<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>30</b>	<b>1</b>	
1163	(e)	Maintenance of Containers	100	100		70	50	50	20	20	4	40	30	1	481
1163.1		Prohibited Transportation	300	300		210	150	150	60	60	4	40	30	1	1301
1164		Vehicle Loading	200	200		140	100	100	40	40	4	40	30	1	891
1166		Reporting of Accident	300	300		210	150	150	60	60	4	40	30	1	1301

**Notes**

- <sup>1</sup> Per VC 40000.6(a): "a misdemeanor and not an infraction."
- <sup>2</sup> Per VC 40000.6(b): "a misdemeanor and not an infraction." Per VC 1808.1(f): "punished by confinement in a county jail for not more than six months, by a fine of not more than \$1,000, or by both that confinement and fine."
- <sup>3</sup> Per VC 2468(c)(1): "For a first offense, by a fine of not less than \$1,000 ... ."
- <sup>4</sup> Per VC 42002.1, "A person convicted of a misdemeanor violation of Section 2800, 2801, or 2803, insofar as it affects a failure to stop and submit to inspection of equipment or for an unsafe condition endangering a person, shall be punished as follows:
  - (a) By a fine not exceeding fifty dollars (\$50) or imprisonment in the county jail not exceeding five days.
  - (b) For a second conviction within a period of one year, a fine not exceeding one hundred dollars (\$100) or imprisonment in the county jail not exceeding 10 days, or both that fine and imprisonment.
  - (c) For a third or a subsequent conviction within a period of one year, a fine not exceeding five hundred dollars (\$500) or imprisonment in the county jail not exceeding six months, or both that fine and imprisonment."
- <sup>5</sup> Per VC 2800.3(a): "fine of not less than \$2,000 nor more than \$10,000 ... ."
- <sup>6</sup> Fine "not less than \$1,000 nor more than \$10,000."
- <sup>8</sup> Per VC 4461.3 a city or county may adopt an additional penalty of \$100. PC 1465.6 requires imposition of an assessment equal to 10 percent of the fine imposed.
- <sup>9</sup> Per VC 4461.3 a city or county may adopt an additional penalty of \$100. PC 1465.6 requires imposition of an assessment equal to 10 percent of the fine imposed. VC 4461.5 authorizes a civil penalty of not more than \$1,500 in addition to or instead of any fine imposed.
- <sup>10</sup> VC 4463.3 authorizes a civil penalty of not more than \$1,500 in addition to or instead of any fine imposed. Per VC 4463(b): "A person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in a county jail for six months, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000), or both that fine and imprisonment, which penalty shall not be suspended: (1) Forges, counterfeits, or falsifies a disabled person placard or a comparable placard relating to parking privileges for disabled persons provided for by a foreign jurisdiction, or forges, counterfeits, or falsifies a disabled person placard with intent to represent it as issued by the department. (2) Passes, or attempts to pass, as true and genuine, a false, forged, or counterfeit disabled person placard knowing it to be false, forged, or counterfeited. (3) Acquires, possesses, sells, or offers for sale a genuine or counterfeit disabled person placard."
- <sup>11</sup> Per VC 4463(c): "A person who, with fraudulent intent, displays or causes or permits to be displayed a forged, counterfeited, or false disabled person placard, ... is guilty of a misdemeanor punishable by imprisonment in a county jail for six months, a fine of not less than \$250 and not more than \$1,000, or both that fine and imprisonment, which penalty shall not be suspended." PC 1465.6 requires imposition of an assessment equal to 10 percent of the fine imposed.
- <sup>12</sup> Per VC 40000.7: "Violation ... a misdemeanor and not an infraction ... when committed by a dealer or any person while a dealer within the last 12 months." Per VC 5753(e), failure of licensed dealer to comply with subdivisions (c) and (d) shall result in payment to the transferee of \$25 per day for each day that the requirements of subdivisions (c) and (d) remain unsatisfied, not to exceed a maximum payment of \$2,500. If the legal owner or lessor fails to pay this amount within 60 days following written demand by the transferee, the amount shall be trebled, not to exceed a maximum payment of \$7,500, and the transferee shall be entitled to costs and reasonable attorney's fees incurred in any court action brought to collect the payment. The right to recover these payments is cumulative with and is not in substitution or derogation of any remedy otherwise available at law or equity.

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA#	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	Total Bail **
			10	10		7	5	20%	2	4	40	30		1	

<sup>13</sup> Per VC 10851(a): "... punished by imprisonment in a county jail for not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal Code or by a fine of not more than \$5,000, or by both the fine and imprisonment."

<sup>14</sup> Per VC 40000.7: "Violation ... a misdemeanor, and not an infraction ... when committed by a dealer or any person while a dealer within the last 12 months."

<sup>15</sup> Per VC 40000.7: "Violation ... a misdemeanor and not an infraction."

<sup>16</sup> Per VC 40000.7: "Violation ... is a misdemeanor and not an infraction ... when committed by any person with intent to defraud."

<sup>17</sup> Per VC 40000.9: "Violation ... a misdemeanor and not an infraction."

<sup>18</sup> Per VC 40000.9: "Violation ... a misdemeanor and not an infraction." VC 10751 authorizes seizure, impoundment, sale, or destruction of vehicle.

<sup>20</sup> Per VC 10851.5: "any person who is a party or accessory to or an accomplice in an unauthorized taking or stealing is guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than six months or by a fine of not less than \$1,000 or by both such fine and imprisonment."

<sup>22</sup> Per VC 10854: "fine of not exceeding \$1,000 or imprisonment in the county jail for not exceeding 1 year or by both."

<sup>23</sup> Per VC 11500(b)(2) "Notwithstanding Section 42002, a person convicted of a first violation of subdivision (a) shall be punished by a fine of not less than two hundred fifty dollars (\$250). A person convicted of a second separate violation of subdivision (a) shall be punished by a fine of not less than five hundred dollars (\$500). A person convicted of a third or subsequent violation of subdivision (a) shall be punished by a fine of not less than one thousand dollars (\$1,000)"

<sup>24</sup> Per VC 40000.11: "Violation ... a misdemeanor and not an infraction."

<sup>25</sup> Per VC 12110(d)(1): "... fine of not more than \$5,000 ... ."

<sup>21</sup> *Per Vehicle Code section 40000.10, "A violation of subdivision (a) of Section 12500 shall be punished as follows:*  
*(a) Except as provided in subdivision (b), as an infraction by a fine of one hundred dollars (\$100) for a first or second violation.*  
*(b) As a misdemeanor or an infraction as prescribed by Section 19.8 of the Penal Code if a person has a prior driver's license suspension or revocation for a violation of subdivision (c) of Section 192 of the Penal Code, subdivision (e) of Section 12809, or of Section 13353, 13353.1, 13353.2, 23103, 23104, 23105, 23109, 23152, 23153, or 23154.*  
*(c) As a misdemeanor or an infraction as prescribed by Section 19.8 of the Penal Code for a third or subsequent violation."*

<sup>27</sup> Per VC 13004.1(b): "(1) ... fine of not less than \$250 and not more than \$1,000 and 24 hours of community service to be served when the person is not employed or is not attending school. No part of the fine or community service shall be suspended or waived. (2) In lieu of the penalties imposed under paragraph (1), the court, in its discretion, may impose a jail term of up to one year and a fine of up to \$1,000. In exercising its discretion the court shall consider the extent of the defendant's commercial motivation for the offense."

<sup>28</sup> Per VC 14601(f), VC 14601 applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with VC 38000)) applies as to off-highway motor vehicles, as described in VC 38001. Fine of \$300 to \$1,000 set per VC 14601(b)(1). VC 14601(e) requires that, except in the interest of justice, when the court finds it would be inappropriate, the court shall, pursuant to VC 23575, require a person convicted of violating VC 14601(a), when the prosecution agrees to a plea of guilty or nolo contendere to a charge of violating VC 14601 in satisfaction of, or as a substitute for, an original charge of a violation of VC 14601.2, to install, for a period not to exceed three years, a certified ignition interlock device on any vehicle the person owns or operates.

<sup>29</sup> Per VC 14601.2(j), VC 14601.2 applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with VC 38000)) applies as to off-highway motor vehicles, as described in VC 38001. Fine of \$300 to \$1,000 set per VC 14601.2(d)(1). VC 14601.2(h) requires that, pursuant to VC 23575, the court shall require a person convicted of a violation of VC 14601.2 to install a certified ignition interlock device on a vehicle the person owns or operates.

<sup>30</sup> Per VC 14601.3(f), VC 14601.3 applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with VC 38000)) applies as to off-highway motor vehicles, as described in VC 38001. Per VC 14601.3(e): "Any person convicted under this section of being an habitual traffic offender shall be punished as follows: (1) Upon first conviction, by imprisonment in the county jail for 30 days and by a fine of \$1,000. (2) Upon second conviction or any subsequent offense within seven years of a prior conviction under this section, by imprisonment in the county jail for 180 days and by a fine of \$2,000. (3) Any habitual traffic offender . . . who is convicted of a violation of Section 14601.2 shall be punished by imprisonment in the county jail for 180 days and by a fine of \$2,000. The penalty in this paragraph shall be consecutive to that imposed for the violation of any other law."

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surcharge*	EMS PA*/ 10	EMAT PA#	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	Total Bail **
			10/10			7	5/10	5	20%	2	4	40	30	1	
31		Per VC 14601.4(d), VC 14601.4 applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with VC 38000)) applies as to off-highway motor vehicles, as described in VC 38001. Per 14601.4(b): "A person convicted under this section shall be imprisoned in the county jail and shall not be released upon work release, community service, or any other release program before the minimum period of imprisonment prescribed in Section 14601.2 is served." VC 14601.4(c) requires that, except in the interest of justice, when the court finds it would be inappropriate, the court shall, pursuant to VC 23575, require a person who is convicted of violating VC 14601.4 after the prosecution agrees to a plea of guilty or nolo contendere to a charge of violating VC 14601.4 in satisfaction of, or as a substitute for, an original charge of a violation of VC 14601.2 to install, for a period not to exceed three years, a certified ignition interlock device on a vehicle the person owns or operates.													
32		Per VC 14601.5(h), VC 14601.5 applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with VC 38000)) applies as to off-highway motor vehicles, as described in VC 38001. Fine of \$300 to \$1,000 set per VC 14601.5(d)(1). VC 14601.5(g) requires that, except in the interest of justice, when the court finds it would be inappropriate, the court shall, pursuant to VC 23575, require a person who is convicted of violating VC 14601.5(a) or VC 14601.5(b) after the prosecution agrees to a plea of guilty or nolo contendere to a charge of violating VC 14601.5(a) or VC 14601.5(b) in satisfaction of, or as a substitute for, an original charge of a violation of VC 14601.2 to install, for a period not to exceed three years, a certified ignition interlock device on a vehicle the person owns or operates.													
34		Per VC 14610.1(b): "(1) ... fine of not less than \$250 and not more than \$1,000 and 24 hours of community service to be served when the person is not employed or is not attending school. No part of the fine or community service shall be suspended or waived. (2) In lieu of the penalties imposed under paragraph (1), the court, in its discretion, may impose a jail term of up to one year and a fine of up to \$1,000. In exercising its discretion the court shall consider the extent of the defendant's commercial motivation for the offense."													
35		Per VC 15309.5(b): "A first conviction under this section is punishable as either an infraction or a misdemeanor . . . . A second or subsequent conviction is punishable as a misdemeanor . . . ."													
37		Per VC 16030: "... punishable by a fine not exceeding \$750 or imprisonment in the county jail not exceeding 30 days, or by both ... ." Court shall suspend or restrict the driver's license for one year of persons convicted of this offense.													
38		Per VC 20001(b)(1): "... punished by imprisonment in the state prison, or in a county jail for not more than one year, or by a fine of not less than \$1,000 nor more than \$10,000, or by both that imprisonment and fine."													
39		Per VC 40000.13: "Violation ... a misdemeanor and not an infraction."													
40		Per VC 21464: "(d) Any willful violation of subdivision (a), (b), or (c) that results in injury to, or the death of a person is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or by imprisonment in a county jail for a period of not more than six months, and by a fine of not less than \$5,000 nor more than \$10,000. ... (f) The court shall allow the offender to perform community service designated by the court in lieu of all or part of any fine imposed under this section."													
42		Per VC 40000.13: "Violation ... a misdemeanor and not an infraction." Per VC 21651(c): "Punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or imprisonment in a county jail for a period of not more than six months."													
43		Per VC 21655.9(eg): "This section is repealed as of September 30, 2025."													
44		Per VC 21702(e).													
45		A "serious traffic violation" as defined in VC 15210 and subject to sanctions under VC 15306 or VC 15308. Per VC 15306: "No driver may operate a commercial motor vehicle for a period of 60 days if the person is convicted, on or after January 1, 1992, of a serious traffic violation involving a commercial motor vehicle and the offense occurred within three years of a separate offense of a serious traffic violation which resulted in a conviction." Per VC 15308: "No person may operate a commercial motor vehicle for a period of 120 days if the person is convicted, on or after January 1, 1992, of a serious traffic violation involving a commercial motor vehicle and the offense occurred within three years of two or more separate offenses of serious traffic violations which resulted in convictions."													
46		Per VC 22513(e): ". . . punishable by a fine of not more than \$2,500, or by imprisonment in a county jail for not more than three months, or by both that fine and imprisonment."													
47		Per VC 22513.1 (e) "A person who willfully violates this section is guilty of a misdemeanor, and is punishable by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment in a county jail for not more than three months, or by both that fine and imprisonment."													
48		Per VC 22513.1(c) (e): ". . . punishable by a fine of not more than \$2,500, or by imprisonment in a county jail for not more than three months, or by both that fine and imprisonment."													
49		Per VC 40000.15: "Violation ... a misdemeanor and not an infraction."													
50		Per VC 40000.15: "Violation ... a misdemeanor and not an infraction." Sen. Bill 752 (Stats. 2013, ch. 605). Per VC 22658(j)(2): "punishable by a fine of not more than \$2,500, or by imprisonment in a county jail for not more than three months, or by both that fine and imprisonment."													
52		Per VC 23103(c): "Except as provided in section 40008, ... punished by imprisonment in a county jail for not less than five days nor more than 90 days or by a fine of not less than \$145 nor more than \$1,000, or by both that fine and imprisonment, except as provided in Section 23104 or 23105."													

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA#	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	Total Bail **
				10/10		7	5/10	5	20%	2	4	40	30	1	

<sup>53</sup> Per VC 23104(a): "imprisonment in the county jail for not less than 30 days nor more than six months or by a fine of not less than \$220 nor more than \$1,000, or by both the fine and imprisonment" for reckless driving causing bodily injury.

<sup>54</sup> Per VC 23104(b): "Any person convicted of reckless driving which proximately causes great bodily injury, as defined in Section 12022.7 of the Penal Code, to any person other than the driver, who previously has been convicted of a violation of Section 23103, 23104, 23109, 23152, or 23153, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, by imprisonment in the county jail for not less than 30 days nor more than six months or by a fine of not less than \$220 nor more than \$1,000 or by both the fine and imprisonment."

<sup>55</sup> Per VC 23105(a): Reckless driving causing loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of a bodily member or organ, a wound requiring extensive suturing, a serious disfigurement, brain injury, or paralysis is "punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or imprisonment in a county jail for not less than 30 days nor more than six months, or by a fine of not less than \$220 nor more than \$1,000, or by both that fine and imprisonment."

<sup>56</sup> Per VC 23109(e)(1): "A person convicted of a violation of subdivision (a) shall be punished by imprisonment in a county jail for not less than 24 hours nor more than 90 days or by a fine of not less than \$355 nor more than \$1,000, or by both that fine and imprisonment. The person shall also be required to perform 40 hours of community service."

<sup>57</sup> Per VC 23109(i), "(1) A person who violates subdivision (b), (c), or (d) shall upon conviction of that violation be punished by imprisonment in a county jail for not more than 90 days, by a fine of not more than five hundred dollars (\$500), or by both that fine and imprisonment.  
 (2) (A) Commencing July 1, 2025, the court may order the privilege to operate a motor vehicle suspended for 90 days to six months for a person who violates subdivision (c), as provided in subparagraph (B) of paragraph (8) of subdivision (a) of Section 13352, only if the violation occurred as part of a sideshow. For purposes of this section, "sideshow" is defined as an event in which two or more persons block or impede traffic on a highway, or in an offstreet parking facility, for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators.  
 (B) The person's privilege to operate a motor vehicle may be restricted for 90 days to six months to necessary travel to and from that person's place of employment and, if driving a motor vehicle is necessary to perform the duties of the person's employment, restricted to driving in that person's scope of employment.  
 (C) If the court is considering suspending or restricting the privilege to operate a motor vehicle pursuant to this paragraph, the court shall also consider whether a medical, personal, or family hardship exists that requires a person to have a driver's license for such limited purpose as the court deems necessary to address the hardship. This subdivision does not interfere with the court's power to grant probation in a suitable case.

<sup>58</sup> Per VC 23109(e)(2): "punishable by imprisonment in a county jail for not less than 30 days nor more than six months or by a fine of not less than \$500 nor more than \$1000, or by both the fine and imprisonment."

<sup>59</sup> Per VC 23109.1(a): a speed contest causing loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of a bodily member or organ, a wound requiring extensive suturing, a serious disfigurement, brain injury, or paralysis is "punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or imprisonment in a county jail for not less than 30 days nor more than six months, or by a fine of not less than \$500 nor more than \$1,000, or by both that fine and imprisonment."

<sup>60</sup> Per PC 1463.14(b), the county board of supervisors may authorize an additional penalty in the amount equal to the cost of testing, less \$50 deposited with the county treasurer per PC 1463.14(a). \$390 minimum base fine per VC 23536 and VC 23538. The "Total Bail" must be distributed in accordance with statutory distribution pursuant to PC 1463.001, 1463.14, 1463.16, 1463.18, 1464, and 1465.7; GC 70372, 70375, 76000, 76000.5, 76104.6, and 76104.7; and the accounting guidelines contained in Chapter 5, "Revenue Distribution," of the California State Controller's Manual of Accounting and Auditing Guidelines for Trial Courts.

<sup>61</sup> Base fine for first offense per VC 23554 and VC 23556. Per PC 1463.14(b), the county board of supervisors may authorize an additional penalty in the amount equal to the cost of testing, less \$50 deposited with the county treasurer per PC 1463.14(a).

<sup>63</sup> Per VC 23224(e): "Any person convicted for a violation of subdivision (a) or (b) ... shall be punished upon conviction by a fine of not more than \$1,000 or by imprisonment in the county jail for not more than six months, or by both the fine and imprisonment."

<sup>64</sup> Per VC 23247(f): Punishment shall be imprisonment for not more than six months or by a fine of not more than \$5,000 or both.

<sup>65</sup> Per VC 23573(i): "... punished by imprisonment in the county jail for not more than six months or by a fine of not more than \$5,000 or by both that fine and imprisonment."

<sup>66</sup> Per VC 40000.15: "Violation ... a misdemeanor and not an infraction." Per VC 24002.5(b): "... a fine of not less than \$1,000 and not more than \$5,000 ... . No part of any fine imposed ... may be suspended."

<sup>67</sup> Per VC 40000.15: "Violation ... a misdemeanor and not an infraction." Per VC 24011.3(c)(1): "fine of not more than \$500."

<sup>68</sup> Per VC 40000.15: "Violation ... a misdemeanor and not an infraction."

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surcharge*	EMS PA*/ 10	EMAT PA#	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	Total Bail **
			10/10			7	5/10	5	20%	2	4	40	30	1	
69		Vehicle Code section 27150.1 authorizes citation as a misdemeanor. Penal Code sections 17 and 19.8 allow charging VC 27150.1 as an infraction with a fine of up to \$250.													
70		VC 27317 limits fine amount to \$5,000. Per VC 27317 (c), a violation of subdivision (a) or (b) is a misdemeanor punishable by a fine of up to five thousand dollars (\$5,000) or by imprisonment in a county jail for up to one year, or by both the fine and imprisonment.													
71		Per VC 27362(a)(1): "... fine not exceeding \$400 ... ."													
73		Per VC 31404: "Any person who operates, or any owner or farm labor contractor who knowingly allows the operation of, a farm labor vehicle in violation of subdivision (b) or (d) of Section 31401 or Section 31402 or 31403 is guilty of a misdemeanor. When a person has been convicted of willfully violating those provisions, the person shall, in addition, be fined not less than \$1,000 for each violation, and no part of the fine may be suspended. If passengers are in the vehicle at the time of the violation, the person shall, in addition, be fined \$500 for each passenger, not to exceed a total of \$5,000 for each violation, and no part of this fine may be suspended. As used in this section, the terms 'knowingly' and 'willfully' have the same meaning as prescribed in Section 7 of the Penal Code."													
74		Per VC 31402(b): "... fine of not less than \$1,000 and not more than \$5,000 ... . No part of any fine imposed ... may be suspended."													
75		Per VC 32002(b): "... a violation of this subdivision shall be punished ... by a fine of not less than \$2,000 ... ."													
76		Per VC 40000.19: "Violation ... a misdemeanor and not an infraction."													
77		Per VC 40000.22(a): A violation of "subdivision (b) or (d) of Section 34501.12 ... relating to applications for inspections is a misdemeanor and not an infraction. ... (c)This section shall become operative on January 1, 2016 ... ."													
78		Per VC 40000.21: Violation "... a misdemeanor and not an infraction." Per VC 34501.3(c) : "For a violation of paragraph (2) of subdivision (a), a first offense is punishable by a fine of not more than \$1,000; a second offense by a fine of not more than \$2,500, and a third or subsequent offense by a fine of not more than \$5,000."													
79		Per VC 40000.21: Violation "... a misdemeanor and not an infraction."													
80		Per VC 42001.3(b).													
82		Per VC 40000.22(b): Violation "... a misdemeanor and not an infraction."													
84		Per VC 35784, the penalty for violation is as follows: "(e) A violation of equipment requirements contained in Division 12 (commencing with Section 24000), by any person operating a pilot car shall not be considered a violation of any terms or conditions of a special permit under subdivision (a); (f) (1) Any person convicted of a violation of the terms and conditions of a special permit shall be punished by a fine not exceeding \$500 or by imprisonment in the county jail for a period not exceeding six months, or by both that fine and imprisonment. (2) In addition, if the violation involves weight in excess of that authorized by the permit, an additional fine shall be levied as specified in Section 42030 on the amount of weight in excess of the amount authorized by the permit."													
85		Per VC 35784.5(a): "Any person convicted of transporting an extralegal load on a highway, or causing or directing the operation of or driving on a highway any vehicle or combination of vehicles for which a permit is required pursuant to this article, without having obtained a permit issued in accordance with this article, shall be punished by a fine not exceeding \$500 or by imprisonment in the county jail for a period not exceeding six months, or by both that fine and imprisonment. (b) If the violation involves excess weight, an additional fine shall be levied as specified in Section 42030 on the amount of weight in excess of that authorized pursuant to this chapter."													
86		Fine specified by VC 42030. Per VC 40000.23: "Violation ... a misdemeanor and not an infraction."													
87		Per VC 38316(b): "... fine of not less than \$50 ... ."													
88		Fine of: "... not less than \$100 nor more than \$1,000 ... ."													
89		Fine of: "... not more than \$1,000 ... ."													
90		Per VC 4000.24, violation is: "... a misdemeanor and not an infraction ... ."													
91		Fine of "... not more than \$10,000."													
92		Per VC 40000.25: "Violation ... a misdemeanor and not an infraction."													
93		Per VC 40008(a): "... shall be punished by imprisonment in a county jail for not more than six months and by a fine of not more than \$2,500."													
94		Per VC 40008(b): "... shall be punished by imprisonment in a county jail for not more than one year and by a fine of not more than \$5,000."													



**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42009  
 VIOLATIONS COMMITTED IN HIGHWAY CONSTRUCTION OR MAINTENANCE AREA  
 (\*See Preface, Sections III and IV.C.2) (\*\*See Preface, Section IV)  
 (Vehicle Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	EMAT-PA*	Fine Surcharg e & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
21367	(b,c)	I	Failure to Obey Traffic Control/Devices at Construction Site	70	10/10	7	5/10	5	20%	2	4	287	40	35	1	0	363	2b	1
21451	(a,b)	I	"Green" Signal-Vehicular Responsibilities	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21453	(a,c)	I	"Red" Signal-Vehicular Responsibilities	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	1
21453	(b)	I	"Red" Signal-Vehicular Responsibilities With Right Turn	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21454	(c)	I	Lane Use-Red Control Signals	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	1
21454	(d)	I	Lane Use-Flashing Yellow Control Signals	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21455		I	Traffic Control Signal at Other Than Intersection	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21457	(a)	I	Actions Required at Flashing Red Signals	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	1
21457	(b)	I	Actions Required at Flashing Yellow Signals	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21460	(a-c)	I	Improper Turn Over Double Lines Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21460.5	(c)	I	Improper Turn From Two-Way Left-Turn Lane	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21461	(a)	I	Driver Failure to Obey Signs/Signals	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21462	(a)	I	Disobedience of Driver or Streetcar Motormanist to Traffic Control Signals	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21464	(a)	I	Unauthorized Interference With Traffic Device Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	0
21464	(b)	I	Unauthorized Use of Traffic Interference Device	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	0
21464	(c)	I	Unauthorized Possession of Traffic Interference Device	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	0
21464	(e)	I	Willful Interference With Traffic Device or Willful Use, Possession, or Distribution of Traffic Interference Device That Does Not Result in Injury	535	540	378	270	270	107	108	4	2208	40	35	1	0	2284	4b	0
21466.5		I	Light Impairing Driver's Vision Prohibited	35	40	28	20	20	7	8	4	158	40	35	1	0	234	1b	0
21650		I	Failure to Keep to Right Side of Road	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1

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Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge* /10	EMS PA*	EMAT-PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
21651	(a)	I Driving Across Dividing Section on Freeway Prohibited	70	10/10	49	5/10	35	5	20%	2	4	40	35	1	0	363	2b	1
21652		I Improperly Entering Highway From Service Road	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21654	(a)	I Slow-Moving Vehicles–Keep to Right Edge of Roadway	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21655	(b)	I Failure to Use Designated Lanes	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21655.5	(b)	I Improper Use of Preferential Lanes	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	0
21655.8	(a)	I Driving Over Double Lines of Preferential Lanes	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	1
21656		I Failure of Slow-Moving Vehicles to Turn Out	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21657		I Driving Against One-Way Traffic Patterns	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21658	(a,b)	I Lane Straddling/Failure to Use Specified Lanes	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21659		I Unsafe Driving on Three-Lane Highway	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21660		I Failure of Approaching Vehicles to Pass to the Right	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21661		I Right-of-Way Rule–Narrow Grades	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21662	(a,b)	I Mountains–Keep to Right–Use Horn	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21663		I Driving on Sidewalk Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21664		I Failure to Use Designated Freeway On-/Off-ramp Properly	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21700		I Load/Passengers Not to Obstruct Driver's View	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21703		I Following Too Closely Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21704	(a)	I Trucks/Trailers Following Too Closely Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21705		I Caravans Following Too Closely Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21706		I Following Emergency Vehicles Too Closely Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1

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Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge* /10	EMS PA*	EMAT-PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
21706.5 (b)	I	Operation of Vehicle in Unsafe Manner in an Emergency Incident Zone	105	110	77	55	55	20%	2	4	445	40	35	1	0	521	4b	1
21707	I	Driving Within 300 Feet of Fire Areas Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21708	I	Running Over Unprotected Fire/Chemical Hose Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	0
21709	I	Driving Within Safety Zone Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21710	I	Coasting in Neutral on Downgrade Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	0
21711	I	Whipping or Swerving Towed Vehicle Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21712 (a)	I	Allowing Riding on Portion of Vehicle Not Designed for Passenger Use Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21712 (b)	I	Unlawful Riding on Vehicle Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	0
21712 (c)	I	Driver Permitting Riding in Trunk of Vehicle	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	1
21712 (d)	I	Riding in Trunk of Vehicle	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	0
21712 (g)	I	Towing Trailer Coach, Camp Trailer, or Trailer Carrying Vessel That Contains Passenger	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21712 (h)	I	Driving While Towing Person Riding on Motorcycle, Motorized Bicycle, Bicycle, Coaster, Roller Skates, Sled, Skis, or Toy Vehicle	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21714 (a)	I	Use of Three-Wheeled Vehicle in HOV Lane	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21714 (b)	I	Use of Three-Wheeled Vehicle in Lane Adjacent to Striping or Area Between Two or More Vehicles Traveling in Adjacent Traffic Lanes	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21715 (a,b)	I	Exceeding Passenger Vehicle Towing Combination Limits	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21720	I	Unlawful Operation of Pocket Bike	35	40	28	20	20	7	8	4	158	40	35	1	0	234	2b	0

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Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge* /10	EMS PA*	EMAT-PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
				<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>	<b>1</b>	<b>0</b>				
21750	I	Overtaking and Passing Unsafely	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21751	I	Passing Without Sufficient Clearance	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21752	(a,b,d)	I Driving Left of Center Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21752	(c)	I Driving Left of Center–Within 100 Feet or When Traversing Railroad Grade Crossing–Prohibited	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	1
21753	I	Failure to Yield to Overtaking Vehicle	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21754	(a-e)	I Improper Passing on Right Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21755	I	Unsafe Passing on Right Shoulder	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21758	I	Unsafe Passing on Grades Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21760	(b) +	I Overtaking or Passing Bicycle Unsafely	70	70	49	35	35	14	14	4	287	40	35	1	0	363	4b	1
21760	(b) +	I Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle Unsafely	255	260	182	130	130	51	52	4	1060	40	35	1	0	1136	4b	1
21760	(c) +	I Overtaking or Passing Bicycle at Distance of Less Than Three Feet, <i>Move Over Slow Down Exception</i>	70	70	49	35	35	14	14	4	287	40	35	1	0	363	4b	1
21760	(c) +	I Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle at Distance of Less Than Three Feet	255	260	182	130	130	51	52	4	1060	40	35	1	0	1136	4b	1
21760	(d) +	I Overtaking or Passing Bicycle Without Slowing to Reasonable Speed	70	70	49	35	35	14	14	4	287	40	35	1	0	363	4b	1
21760	(d) +	I Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle Without Slowing to Reasonable Speed	255	260	182	130	130	51	52	4	1060	40	35	1	0	1136	4b	1
21800	(a-c)	I Violation of Right-of-Way/Uncontrolled Intersection	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21800	(d)(1,2)	I Violation of Right-of-Way/Controlled Intersection With Inoperative Control Signals	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21801	(a,b)	I Violation of Right-of-Way–Left Turn	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1

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Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT-PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
				<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>	<b>1</b>	<b>0</b>				
21802	(a,b)	I Violation of Right-of-Way--Entering Through Highway	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21803	(a,b)	I Violation of "Yield" Sign	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21804	(a,b)	I Entering Highway From Alley or Driveway	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21806	(a,b)	I Failure to Yield to Emergency Vehicle	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	1
21807		I Driving Authorized Emergency Vehicle Without Due Regard for Safety of Persons and Property	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
21809	(a)	I Failure to Slow Down or Change Lane When Approaching and Passing Stationary Emergency Vehicle or Tow Truck Displaying Specific Lights	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22100	(a,b)	I Turn at Intersection From Wrong Position	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22100.5		I U-Turn at Controlled Intersection	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22101	(d)	I Violating Special Traffic Control Markers	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22102		I Illegal U-Turn in Business District	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22103		I Illegal U-Turn in Residential District	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22104		I Illegal U-Turn Near Fire Station	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22105		I Illegal U-Turn on Highway Without Unobstructed View	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22106		I Unsafe Starting or Backing on Highway	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22107		I Unsafe Turn or Lane Change Prohibited	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22108		I Signal Required Before Turning or Changing Lanes	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22109		I Sudden Stopping Without Signaling	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22110	(a,b)	I Hand/Lamp Signal Not Given	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22348	(b)	I Speeding Over 100 MPH Prohibited	235	240	168	120	120	47	48	4	978	40	35	1	0	1054	4b	2
22348	(c)	I Failure of Vehicles Subject to VC 22406 to Use Designated Lane	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22349	(a)	I Exceeding Maximum Speed Limit of 65 MPH															4b	1
																		[See Speed Chart]

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				10/10		7	5/10	5	20%	2	4	40		1	0			
22349	(b)	I Exceeding Maximum Speed Limit of 55 MPH on a Two-Lane Undivided Highway															4b	1
22350		I Unsafe Speed for Prevailing Condition															4b	1
22351	(a,b)	I Driving in Excess of Prima Facie Speed Limits Established in VC 22352															4b	1
22352	(a)(1)	I Operating Vehicle in Excess of 15 MPH at Railroad Crossing															4b	1
22352	(a)(2)	I Operating Vehicle in Excess of 15 MPH at Freeway Intersection With No Clear Field of Vision															4b	1
22352	(a)(3)	I Operating Vehicle in Excess of 15 MPH on Any Alley															4b	1
22352	(b)(1)	I Operation Vehicle in Excess of 25 MPH in Business District															4b	1
22352	(b)(2)	I Operating Vehicle in Excess of 25 MPH by School															4b	1
22352	(b)(3)	I Operating Vehicle in Excess of 25 MPH by Senior Center															4b	1
22354		I Failure to Abide by Speed Limits Set by the State Department of Transportation (DOT) on State Highways															4b	1
22355		I Failure to Abide by Variable Speed Limits Set by the State Department of Transportation (DOT)															4b	1
22357		I Violation of Prima Facie Local Speed Limit															4b	1
22358		I Violation of Local Speed Limit															4b	1
22358.3		I Violation of Local Speed Limit on Narrow Street															4b	1
22358.4		I Violation of Prima Facie Local Speed Limit															4b	1
22360		I Violation of Local Speed Limits Between Business and Residence Districts															4b	1

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				<b>10/10</b>		<b>7 5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>		<b>1</b>	<b>0</b>			
22361	I	Violation of Speed Limit on Multiple Lane Highways															4b	1
22362	I	Violation of Speed Limit Surrounding Special Work Crews															4b	1
22363	I	Violation of DOT or Local Speed Limit Set for Snow or Ice															4b	1
22364	I	Violation of Speed Limit Set by DOT on State Highways															4b	1
22406 (a)	I	Truck or Tractor 1–9 MPH Over 55 MPH Limit	85	90	63	45	45	17	18	4	363	40	35	1	0	439	4b	1
22406 (a)	I	Truck or Tractor 10 MPH or More Over 55 MPH Limit	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	1
22407	I	Posted Speed for Designated Vehicles–In Excess of Speed Limit by 10 MPH or More	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	1
22409	I	Speed Limit for Solid Tire Vehicle															4b	1
22410	I	Exceeding Speed Limit for Metal Tire Vehicles	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22413	I	Violation of Speed Limit Set by Local Authority for Steep Grades															4b	1
22450 (a)	I	Failure to Stop at Stop Sign	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	1
22450 (b)	I	Failure to Stop at Stop Sign at Railroad Grade Crossing	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	1
22451 (a,b)	I	Failure to Stop for Train Signals/Closed Gates	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	1
22452 (b)	I	Failure of Certain Vehicles to Stop at Railroad Crossings	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	1
22452 (c)	I	Failure of Commercial Vehicle to Stop at Railroad Crossings	135	140	98	70	70	27	28	4	568	40	35	1	0	644	4b	1
22454 (a)	I	Passing School Bus With Flashing Signals	185	190	133	95	95	37	38	4	773	40	35	1	0	849	4b	1
22455 (a)	I	Vending From Vehicle Without Coming to a Complete Stop or Parking the Vehicle Lawfully	70	70	49	35	35	14	14	4	287	40	35	1	0	363	2b	0

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22456	(e)(1-3)	I	Vending From an Ice Cream Truck Under Prohibited Conditions	70	10/10	49	5/10	35	5	20%	2	4	40	35	1	0	363	2b	0
23109	(c)	<sup>2</sup>	I Engaging In/Abetting Exhibition of Speed Prohibited	110	110	77	55	55	22	22	4	451	40	35	1	0	527	2b	2
23154	(a)	I	Driving With Blood Alcohol Level of .01 or Greater While on Probation for Violation of VC 23152 or VC 23153	105	110	77	55	55	21	22	4	445	40	35	1	0	521	3b	0
23220	(a)	I	Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product While Driving Off-Highway Prohibited	105	110	77	55	55	21	22	4	445	40	35	1	0	521	3b	0
23221	(a)	I	Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product by Driver Prohibited	105	110	77	55	55	21	22	4	445	40	35	1	0	521	3b	1
23221	(b)	I	Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product by Passenger Prohibited	105	110	77	55	55	21	22	4	445	40	35	1	0	521	3b	0
23222	(a)	I	Possession of Open Container While Driving Prohibited	105	110	77	55	55	21	22	4	445	40	35	1	0	521	3b	1
23222	(b)	I	Possession of Open Container of Cannabis by Driver	105	110	77	55	55	21	22	4	445	40	35	1	0	521	3b	1
23223	(a)	<sup>3</sup>	I Possession of Open Container by Driver Prohibited	105	110	77	55	55	21	22	4	445	40	35	1	0	521	3b	0
23223	(b)	<sup>3</sup>	I Possession of Open Container by Passenger Prohibited	105	110	77	55	55	21	22	4	445	40	35	1	0	521	3b	0
23225	(a)(1)	<sup>3</sup>	I Storage of Open Container Restricted	105	110	77	55	55	21	22	4	445	40	35	1	0	521	3b	0
23226	(a)	I	Storage by Driver of Open Container in Passenger Compartment Prohibited	105	110	77	55	55	21	22	4	445	40	35	1	0	521	3b	0
23226	(b)	I	Storage by Passenger of Open Container in Passenger Compartment Prohibited	105	110	77	55	55	21	22	4	445	40	35	1	0	521	3b	0
22406.1		M	Maximum Speed for Commercial Vehicles– In Excess of Speed Limit by 15 MPH or More	600	600	420	300	300	120	120	4	2460	40	30	1		2531		1.5
23103	(a,b)	M	Reckless Driving	290	290	203	145	145	58	58	4	1189	40	30	1		1260		2
23104	(a)	M	Reckless Driving–Bodily Injury	700	700	490	350	350	140	140	4	2870	40	30	1		2941		2



**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42009  
 VIOLATIONS COMMITTED IN HIGHWAY CONSTRUCTION OR MAINTENANCE AREA  
 (\*See Preface, Sections III and IV.C.2) (\*\*See Preface, Section IV)  
 (Vehicle Code)**

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	EMAT PA*	Fine Surcharg & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
				<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>		<b>1</b>	<b>0</b>			
23104	(b)	M Reckless Driving--Great Bodily Injury	1000	1000	700	500	500	200	200	4	4100	40	30	1		4171	2	
23105	(a)	M Reckless Driving--Specific Injury	1500	1500	1050	750	750	300	300	4	6150	40	30	1		6221	2	
23109	(a)	M Engaging in Speed Contests Prohibited	720	720	504	360	360	144	144	4	2952	40	30	1		3023	2	
23109	(b)	M Abetting Speed Contest Prohibited	200	200	140	100	100	40	40	4	820	40	30	1		891	1	
23109	(c)	M Engage In/Abet Exhibition of Speed Prohibited	200	200	140	100	100	40	40	4	820	40	30	1		891	2	
23109	(d)	M Placing Barricades or Obstructions Prohibited	200	200	140	100	100	40	40	4	820	40	30	1		891	1	
23109	(e)(2) <sup>4</sup>	M Engaging in Speed Contest and Causing Bodily Injury	1000	1000	700	500	500	200	200	4	4100	40	30	1		4171	2	
23109.1		M Engaging in Speed Contest--Specific Injury	1500	1500	1050	750	750	300	300	4	6150	40	30	1		6221	2	
23152	(a,b)	M Driving Under Influence of Alcohol	780	780	546	390	390	156	156	4	3198	40	30	1		3269	2	
23152	(c)	M Driving While Addicted to Drug	780	780	546	390	390	156	156	4	3198	40	30	1		3269	2	
23152	(d)	M Driving Commercial Vehicle Under Influence of Alcohol	900	900	630	450	450	180	180	4	3690	40	30	1		3761	3	
23152	(e)	Driving a Motor Vehicle When a Passenger for Hire Is a Passenger in the Vehicle at the Time of the Offense with a .04 or Higher BAC.	780	780	546	390	390	156	156	4	3198	40	30	1		3269	2	
23152	(f)	M Driving Under Influence of Drug	780	780	546	390	390	156	156	4	3198	40	30	1		3269	2	
23152	(g)	M Driving Under Influence of Alcohol and Drug	780	780	546	390	390	156	156	4	3198	40	30	1		3269	2	
23153	(a,b)	M Driving Under Influence of Alcohol While Causing Injury	1000	1000	700	500	500	200	200	4	4100	40	30	1		4171	2	
23153	(d)	M Driving Commercial Vehicle Under Influence of Alcohol While Causing Injury	1000	1000	700	500	500	200	200	4	4100	40	30	1		4171	3	
23153	(e)	Driving a Motor Vehicle When a Passenger for Hire Is a Passenger in the Vehicle at the Time of the Offense with a .04 or Higher BAC and Causing Injury.	1000	1000	700	500	500	200	200	4	4100	40	30	1		4171	2	

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42009  
 VIOLATIONS COMMITTED IN HIGHWAY CONSTRUCTION OR MAINTENANCE AREA  
 (\*See Preface, Sections III and IV.C.2) (\*\*See Preface, Section IV)  
 (Vehicle Code)**

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA*	EMAT PA*	Fine Surcharg & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
				<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>	<b>1</b>	<b>0</b>				
23153	(f)	M Driving Under Influence of Drug While Causing Injury	1,000	1,000	700.00	500	500	200	200	4	4100	40	30	1		4,171.00	2	
23153	(g)	M Driving Under Influence of Alcohol and Drug While Causing Injury	1,000	1,000	700.00	500	500	200	200	4	4100	40	30	1		4,171.00	2	
23224	(a,b)	M Possession of Alcohol by Minor Prohibited	200	200	140.00	100	100	40	40	4	820	40	30	1		891.00	0	

**Notes**

<sup>1</sup> Per VC 21760(f): "operative on September 16, 2014."

<sup>2</sup> Per PC 19.8: VC 23109(c) charged as an infraction is subject to fine "... not to exceed \$250 ... ."

<sup>3</sup> Per VC 40000.20: a third or subsequent violation relating to "a driver of any vehicle used to provide transportation services on a prearranged services, operating under a valid certificate or permit pursuant to the Passenger Charter-party Carriers' Act (Chapter 8 (commencing with Section 5351) of Division 2 of the public Utilities Code), is a misdemeanor.

<sup>4</sup> Per VC 23109(e)(2): "punishable by imprisonment in a county jail for not less than 30 days nor more than six months or by a fine of not less than \$500 nor more than \$1000, or by both the fine and imprisonment."

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
 (\*See Preface, Sections III and IV.C.2) (\*\*See Preface, Section IV)  
 (Vehicle Code)

**ENHANCED PENALTY SPEED CHART AMOUNTS PER VEHICLE CODE SECTION 42009**  
**VIOLATIONS COMMITTED IN HIGHWAY CONSTRUCTION OR MAINTENANCE AREA**  
**(FOR ALL SPEED LIMITS)**

MPH Over Limit	Bail	State PA*	County PA*/10	DNA PA*	Court Facility Const. PA*/10	Surcharge*	EMS PA*/10	<del>EMAT-PA*</del>	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	Total Bail **
		10/10	7	5/10	5	20%	2	4		40	35	1	0	
1-15	\$70	\$70	\$49	\$35	\$35	\$14	\$14	<del>\$4</del>	\$287	\$40	\$35	\$1	\$0	\$363
16-25	\$105	\$110	\$77	\$55	\$55	\$21	\$22	<del>\$4</del>	\$445	\$40	\$35	\$1	\$0	\$521
26 and over <sup>1</sup>	\$135	\$140	\$98	\$70	\$70	\$27	\$28	<del>\$4</del>	\$568	\$40	\$35	\$1	\$0	\$644

<sup>1</sup> Per VC 42000.5: "Every person convicted of an infraction for a violation of Section 22350, 22406, or 22407 while operating a bus, motor truck, or truck tractor having three or more axles, or any motor truck or truck tractor drawing any other vehicle, shall be punished by a fine not exceeding \$100 for a first conviction, except that if a person has exceeded the specified speed limit by 10 miles per hour or more, the fine shall not exceed \$200 for a first conviction and not exceeding \$300 for a second or subsequent conviction."

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT–DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	Base Fine	County		Court		Surcharge*	EMS PA*	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
				State PA*	PA* /10	DNA PA*	PA* /10											
				<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>		<b>1</b>	<b>0</b>			
21650	I	Failure to Keep to Right Side of Road	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21651 (a)	I	Driving Across Dividing Section on Freeway Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21652	I	Improperly Entering Highway From Service Road	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21654 (a)	I	Slow-Moving Vehicles Keep to Right Edge of Roadway	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21655 (b)	I	Failure to Use Designated Lanes	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21655.5 (b)	I	Improper Use of Preferential Lanes	135	100	70	50	50	27	20	4	452	40	35	1	0	528	4b	0
21655.8 (a)	I	Driving Over Double Lines of Preferential Lanes	135	100	70	50	50	27	20	4	452	40	35	1	0	528	4b	1
21656	I	Failure of Slow-Moving Vehicles to Turn Out	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21657	I	Driving Against One-Way Traffic Patterns	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21658 (a,b)	I	Lane Straddling/Failure to Use Specified Lanes	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21659	I	Unsafe Driving on Three-Lane Highway	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21660	I	Failure of Approaching Vehicles to Pass to the Right	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21661	I	Right-of-Way Rule–Narrow Grades	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21662 (a,b)	I	Mountains–Keep to Right–Use Horn	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21663	I	Driving on Sidewalk Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21664	I	Failure to Use Designated Freeway On-/Off-ramp Properly	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21700	I	Load/Passengers Not to Obstruct Driver's View	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21703	I	Following Too Closely Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21704 (a)	I	Trucks/Trailers Following Too Closely Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21705	I	Caravans Following Too Closely Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	Base Fine	State PA*	County PA* /10	DNA PA* /10	Court PA* /10	Surcharge*	EMS PA* /10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
				<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>1</b>	<b>0</b>					
21706	I	Following Emergency Vehicles Too Closely Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21706.5 (b)	I	Operation of Vehicle in Unsafe Manner in an Emergency Incident Zone	105	70	49	35	35	21	14	4	329	40	35	1	0	405	2b	1
21707	I	Driving Within 300 Feet of Fire Areas Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21708	I	Running Over Unprotected Fire/Chemical Hose Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	0
21709	I	Driving Within Safety Zone Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21710	I	Coasting in Neutral on Downgrade Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	0
21711	I	Whipping or Swerving Towed Vehicle Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21712 (a)	I	Allowing Riding on Portion of Vehicle Not Designed for Passenger Use Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21712 (c)	I	Driver Permitting Riding in Trunk of Vehicle	135	100	70	50	50	27	20	4	452	40	35	1	0	528	4b	1
21712 (d)	I	Riding in Trunk of Vehicle	135	100	70	50	50	27	20	4	452	40	35	1	0	528	4b	0
21712 (g)	I	Towing Trailer Coach, Camp Trailer, or Trailer Carrying Vessel That Contains Passenger	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21712 (h)	I	Driving While Towing Person Riding on Motorcycle, Motorized Bicycle, Bicycle, Coaster, Roller Skates, Sled, Skis, or Toy Vehicle	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21714 (a)	I	Use of Three-Wheeled Vehicle in HOV Lane	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21714 (b)	I	Use of Three-Wheeled Vehicle in Lane Adjacent to Striping or Area Between Two or More Vehicles Traveling in Adjacent Traffic Lanes	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21715 (a,b)	I	Exceeding Passenger Vehicle Towing Combination Limits	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	Base Fine	County			Court PA* /10	Surcharge* /10	EMS PA* /10	EMAT-PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
				State PA*	PA* /10	DNA PA* /10												
				<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>	<b>40</b>	<b>1</b>	<b>0</b>					
21716	I	Golf Cart Operation Restricted	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	0
21717	I	Turning Across Bicycle Lane	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21720	I	Unlawful Operation of Pocket Bike	35	30	21	0	15	7	0	4	108	40	35	1	0	184	1b	0
21750	I	Overtaking and Passing Unsafely	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21751	I	Passing Without Sufficient Clearance	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21752 (a,b,d)	I	Driving Left of Center Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21752 (c)	I	Driving Left of Center-Within 100 Feet or When Traversing Railroad Grade Crossing-Prohibited	135	100	70	50	50	27	20	4	452	40	35	1	0	528	4a	1
21753	I	Failure to Yield to Overtaking Vehicle	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21754	I	Improper Passing on Right Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21755	I	Unsafe Passing on Right Shoulder	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21758	I	Unsafe Passing on Grades Prohibited	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
21760 (b)	+	Overtaking or Passing Bicycle Unsafely	70	40	28	20	20	14	8	4	200	40	35	1	0	276	4b	1
21760 (b)	+	Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle Unsafely	255	220	154	110	110	51	44	4	944	40	35	1	0	1020	4b	1
21760 (c)	+	Overtaking or Passing Bicycle at Distance of Less Than Three Feet, <i>Move Over Slow Down Exception</i>	70	40	28	20	20	14	8	4	200	40	35	1	0	276	4b	1
21760 (c)	+	Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle at Distance of Less Than Three Feet	255	220	154	110	110	51	44	4	944	40	35	1	0	1020	4b	1
21760 (d)	+	Overtaking or Passing Bicycle Without Slowing to Reasonable Speed	70	40	28	20	20	14	8	4	200	40	35	1	0	276	4b	1
21760 (d)	+	Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle Without Slowing to Reasonable Speed	255	220	154	110	110	51	44	4	944	40	35	1	0	1020	4b	1
22348 (b)	I	Speeding Over 100 MPH Prohibited	235	200	140	100	100	47	40	4	862	40	35	1	0	938	4b	2
22348 (c)	I	Failure of Vehicles Subject to VC 22406 to Use Designated Lane	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
 VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	Base Fine	County		Court		Surcharge* /10	EMS PA* /10	EMAT PA* 4	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess Night Court	TAP Fee	Total Bail **	Category	DMV Points
				State PA* /10	DNA PA* /10	PA* /10	PA* /10										
22349 (a)	I	Exceeding Maximum Speed Limit of 65 MPH	10/10	7	5/10	5	20%	2	4	40	1	0				4b	1
22349 (b)	I	Exceeding Maximum Speed Limit of 55 MPH on a Two-Lane Undivided Highway														4b	1
22350	I	Unsafe Speed for Prevailing Conditions														4b	1
22351 (a,b)	I	Driving in Excess of Prima Facie Speed Limits Established in VC 22352														4b	1
22352 (a)(1)	I	Operating Vehicle in Excess of 15 MPH at Railroad Crossing														4b	1
22352 (a)(2)	I	Operating Vehicle in Excess of 15 MPH at Freeway Intersection With No Clear Field of Vision														4b	1
22352 (a)(3)	I	Operating Vehicle in Excess of 15 MPH on Any Alley														4b	1
22352 (b)(1)	I	Operation Vehicle in Excess of 25 MPH in Business District														4b	1
22352 (b)(2)	I	Operating Vehicle in Excess of 25 MPH by School														4b	1
22352 (b)(3)	I	Operating Vehicle in Excess of 25 MPH by Senior Center														4b	1
22354	I	Failure to Abide by Speed Limits Set by the State Department of Transportation (DOT) on State Highways														4b	1
22355	I	Failure to Abide by Variable Speed Limits Set by the State Department of Transportation (DOT)														4b	1
22356 (b)	I	Exceeding Maximum Speed Limit of 70 MPH Where Posted														4b	1
22357	I	Violation of Prima Facie Local Speed Limit														4b	1
22358	I	Violation of Local Speed Limit														4b	1

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
 VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	Base Fine	State PA*	County PA* /10	DNA PA* /10	Court PA* /10	Surcharge*	EMS PA* /10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
			10/10		7	5/10	5	20%	2	4		40		1	0			
22358.3	I	Violation of Local Speed Limit on Narrow Street															4b	1
22358.4	I	Violation of Prima Facie Local Speed Limit															4b	1
22360	I	Violation of Local Speed Limits Between Business and Residence Districts															4b	1
22361	I	Violation of Speed Limit on Multiple Lane Highways															4b	1
22362	I	Violation of Speed Limit Surrounding Special Work Crews															4b	1
22363	I	Violation of DOT or Local Speed Limit Set for Snow or Ice															4b	1
22364	I	Violation of Speed Limit Set by DOT on State Highways															4b	1
22400 (a,b)	I	Minimum Speed Law-Impeding Traffic Flow	70	40	28	20	20	14	8	4	200	40	35	1	0	276	2b	1
22405 (a)	I	Exceeding Maximum Posted Speeds on Bridge or in Tube or Tunnel															4b	1
22406 (a)	I	Truck or Tractor 1-9 MPH Over 55 MPH Limit	85	50	35	25	25	17	10	4	247	40	35	1	0	323	4b	1
22406 (a)	I	Truck or Tractor 10 MPH or More Over 55 MPH Limit	135	100	70	50	50	27	20	4	452	40	35	1	0	528	4b	1
22406 (b-f)	I	Maximum Speed for Designated Vehicles	85	50	35	25	25	17	10	4	247	40	35	1	0	323	4b	1
22406 (b-f)	I	Maximum Speed for Designated Vehicles-In Excess of Speed Limit by 10 MPH or More	135	100	70	50	50	27	20	4	452	40	35	1	0	528	4b	1
22406.5	I	Driving Tank Vehicle at Excessive Speed	535	500	350	250	250	107	100	4	2092	40	35	1	0	2168	4b	1
22407	I	Posted Speed for Designated Vehicles	85	50	35	25	25	17	10	4	247	40	35	1	0	323	4b	1
22407	I	Posted Speed for Designated Vehicles-In Excess of Speed Limit by 10 MPH or More	135	100	70	50	50	27	20	4	452	40	35	1	0	528	4b	1
22409	I	Speed Limit for Solid Tire Vehicle															4b	1



**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	Base Fine	State PA*	County PA* /10	DNA PA* /10	Court PA* /10	Surchage* /10	EMS PA* /10	EMAT PA*	Fine Surchage & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
22410	I	Exceeding Speed Limit for Metal Tire Vehicle	70	40	10/10	7 5/10	5	20%	2	4	40	40	35	1	0	276	2b	1
22413	I	Violation of Speed Limit Set by Local Authority for Steep Grades															4b	1
23109 (c)	I	Engage in/Abet Exhibition of Speed Prohibited	110	80	56	40	40	22	16	4	364	40	35	1	0	440	2b	2
23154 (a)	I	Driving With Blood Alcohol Level of .01 or Greater While on Probation for Violation of VC 23152 or VC 23153	105	70	49	35	35	21	14	4	329	40	35	1	0	405	3b	0
23220 (a)	I	Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product While Driving Off-Highway Prohibited	105	70	49	35	35	21	14	4	329	40	35	1	0	405	3b	0
23221 (a)	I	Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product by Driver Prohibited	105	70	49	35	35	21	14	4	329	40	35	1	0	405	3b	1
23221 (b)	I	Drinking Alcoholic Beverage, Smoking or Ingesting Marijuana Product by Passenger Prohibited	105	70	49	35	35	21	14	4	329	40	35	1	0	405	3b	0
23222 (a)	I	Possession of Open Container While Driving Prohibited	105	70	49	35	35	21	14	4	329	40	35	1	0	405	3b	1
23222 (b)	I	Possession of Open Container of Cannabis by Driver	105	70	49	35	35	21	14	4	329	40	35	1	0	405	3b	1
23223 (a)	<sup>2</sup> I	Possession of Open Container by Driver Prohibited	105	70	49	35	35	21	14	4	329	40	35	1	0	405	3b	0
23223 (b)	I	Possession of Open Container by Passenger Prohibited	105	70	49	35	35	21	14	4	329	40	35	1	0	405	3b	0
23225 (a)(1)	<sup>2</sup> I	Storage of Open Container While Driving Restricted	105	70	49	35	35	21	14	4	329	40	35	1	0	405	3b	0
23226 (a)	I	Storage by Driver of Open Container in Passenger Compartment Prohibited	105	70	49	35	35	21	14	4	329	40	35	1	0	405	3b	0
23226 (b)	I	Storage by Passenger of Open Container in Passenger Compartment Prohibited	105	70	49	35	35	21	14	4	329	40	35	1	0	405	3b	0

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT–DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	Base Fine	State PA*	County PA* /10	DNA PA* /10	Court PA* /10	Surchage* /10	EMS PA* /10	EMAT PA*	Fine Surchage & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
22406.1	M	Maximum Speed for Commercial Vehicles–In Excess of Speed Limit by 15 MPH or More	600	300	10/10	7 5/10	5	20%	2	4	1590	40	30	1	0	1661		2
23103 (a,b)	M	Reckless Driving	290	150	105	75	75	58	30	4	783	40	30	1		854		2
23104 (a)	M	Reckless Driving–Bodily Injury	700	350	245	175	175	140	70	4	1855	40	30	1		1926		2
23104 (b)	M	Reckless Driving–Great Bodily Injury	1000	500	350	250	250	200	100	4	2650	40	30	1		2721		2
23105 (a)	M	Reckless Driving–Specific Injury	1500	750	525	375	375	300	150	4	3975	40	30	1		4046		2
23109 (a)	M	Engaging in Speed Contests Prohibited	720	360	252	180	180	144	72	4	1908	40	30	1		1979		2
23109 (b)	M	Abetting Speed Contest Prohibited	200	100	70	50	50	40	20	4	530	40	30	1		601		1
23109 (c)	M	Engage In/Abet Exhibition of Speed Prohibited	200	100	70	50	50	40	20	4	530	40	30	1		601		2
23109 (d)	M	Placing Barricades or Obstructions Prohibited	200	100	70	50	50	40	20	4	530	40	30	1		601		1
23109 (e)	M	Engaging in Speed Contest and Causing Bodily Injury	1000	500	350	250	250	200	100	4	2650	40	30	1		2721		1
23109.1	M	Engaging in Speed Contest–Specific Injury	1500	750	525	375	375	300	150	4	3975	40	30	1		4046		2
23152 (a,b)	M	Driving Under Influence of Alcohol	780	390	273	195	195	156	78	4	2067	40	30	1		2138		2
23152 (c)	M	Driving While Addicted to Drug	780	390	273	195	195	156	78	4	2067	40	30	1		2138		2
23152 (d)	M	Driving Commercial Vehicle Under Influence of Alcohol	900	450	315	225	225	180	90	4	2385	40	30	1		2456		3
23152 (e)	M	Driving a Motor Vehicle When a Passenger for Hire Is a Passenger in the Vehicle at the Time of the Offense with a .04 or Higher BAC.	780	390	273	195	195	156	78	4	2067	40	30	1		2138		2
23152 (f)	M	Driving Under Influence of Drug	780	390	273	195	195	156	78	4	2067	40	30	1		2138		2
23152 (g)	M	Driving Under Influence of Alcohol and Drug	780	390	273	195	195	156	78	4	2067	40	30	1		2138		2
23153 (a,b)	M	Driving Under Influence of Alcohol While Causing Injury	1000	500	350	250	250	200	100	4	2650	40	30	1		2721		2
23153 (d)	M	Driving Commercial Vehicle Under Influence of Alcohol While Causing Injury	1000	500	350	250	250	200	100	4	2650	40	30	1		2721		3

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	Base Fine	County			Court PA*	Surcharge*	EMS PA*	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **	Category	DMV Points
				State PA*	PA* /10	DNA PA*												
23153 (e)	M	Driving a Motor Vehicle When a Passenger for Hire Is a Passenger in the Vehicle at the Time of the Offense with a .04 or Higher BAC and Causing Injury.	1000	10/10	7	5/10	5	20%	2	4	2650	40	30	1	0	2721		2
23153 (f)	M	Driving Under Influence of Drug While Causing Injury	1000	500	350	250	250	200	100	4	2650	40	30	1		2721		2
23153 (g)	M	Driving Under Influence of Alcohol and Drug While Causing Injury	1000	500	350	250	250	200	100	4	2650	40	30	1		2721		2
23224 (a,b)	M	Possession of Alcohol by Minor Prohibited	200	100	70	50	50	40	20	4	530	40	30	1		601		0

<sup>+</sup> Per VC 21760(f): "operative on September 16, 2014."

<sup>2</sup> Per VC 40000.20: a third or subsequent violation relating to "a driver of any vehicle used to provide transportation services on a prearranged services, operating under a valid certificate or permit pursuant to the Passenger Charter-party Carriers' Act (Chapter 8 (commencing with Section 5351) of Division 2 of the public Utilities Code), is a misdemeanor.

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
 (\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)  
 (Vehicle Code sections)

**ENHANCED PENALTY SPEED CHART AMOUNTS PER VEHICLE CODE SECTION 42010 <sup>1</sup>**  
**VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**  
**(FOR ALL SPEED LIMITS)**

MPH Over Limit	Bail	State PA*	County PA*/10	DNA PA*	Court Facility Const. PA*/10	Surcharge* Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **
		<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0</b>	
1-15	70	40	28	20	20	14	8	4	200	40	35	1	0	276
16-25	105	70	49	35	35	21	14	4	329	40	35	1	0	405
26 and over <sup>2</sup>	135	100	70	50	50	27	20	4	452	40	35	1	0	528

<sup>1</sup> Per VC 42010(d)(2), any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed per VC 42010.

<sup>2</sup> Per VC 42000.5: "... if a person has exceeded the specified speed limit by 10 miles per hour or more, the fine shall not exceed \$200 for a first conviction ... ."

**BOATING BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surcharge*	EMS PA*/ 10	EMAT PA* 4	Fine Surcharg e & PA Subtotal	Court OPS Conv.	Assess Night Court	Total Bail **
					10/10	7	5/10	5	20%	2			40	0	1
<b>(Harbors and Navigation Code)</b>															
131	<sup>1</sup>	M	Obstructing Navigable Waters	250	250	175	125	125	50	50		1025	40	30	1095
133	<sup>2</sup>	M	Discharging Oil	250	250	175	125	125	50	50		1025	40	30	1095
300	<sup>3</sup>	M	Willful Damage to or Setting Adrift a Vessel Under 10 Tons	250	250	175	125	125	50	50		1025	40	30	1095
301	<sup>3</sup>	M	Willful Damage to or Setting Adrift a Vessel of 10 Tons or More	500	500	350	250	250	100	100		2050	40	30	2120
303	<sup>3</sup>	M	Damage to or Setting Adrift Log/Lumber Raft	250	250	175	125	125	50	50		1025	40	30	1095
307	(a)	<sup>4</sup>	I Mooring to or Hanging on With a Vessel to Buoy or Beacon	50	50	35	25	25	10	10		205	40	35	280
307	(b)	<sup>3</sup>	M Removing, Damaging, or Destroying Buoy or Beacon	250	250	175	125	125	50	50		1025	40	30	1095
308		<sup>3</sup>	M Mooring to or Damaging Federal Buoy or Beacon	500	500	350	250	250	100	100		2050	40	30	2120
505.5	(b-c)	<sup>6</sup>	M Obtaining Possession of Vessel by Fraud, Trick, or Device	250	250	175	125	125	50	50		1025	40	30	1095
525	(a)	<sup>7</sup>	I Abandonment of Vessel	1000	1000	700	500	500	200	200		4100	40	35	4175
571		<sup>8</sup>	M Unlawful Taking or Possession of Wrecked Property	250	250	175	125	125	50	50		1025	40	30	1095
652	(c)	<sup>9</sup>	I Vessel Does Not Meet Standards	50	50	35	25	25	10	10		205	40	35	280
652	(d)	<sup>10</sup>	M Failure to Obey Termination Order	250	250	175	125	125	50	50		1025	40	30	1095
652.5	(c)	<sup>11</sup>	I Blue Light–Unauthorized Use	50	50	35	25	25	10	10		205	40	35	280
652.5	(d)	<sup>11</sup>	I Failure to Yield to Blue Light or Siren	50	50	35	25	25	10	10		205	40	35	280
652.5	(e)	<sup>11</sup>	I Failure of Cable Ferry Operator to Provide Clear Course for Law Enforcement	50	50	35	25	25	10	10		205	40	35	280
654	(b)	<sup>9</sup>	I Improper Mufflers/Use of Cutouts	50	50	35	25	25	10	10		205	40	35	280
654.05	(a)(1- 3)	<sup>9</sup>	I Motorized Vessel–Noise Level	50	50	35	25	25	10	10		205	40	35	280
654.06		<sup>9</sup>	I Motorized Vessel for Sale–Noise Level	50	50	35	25	25	10	10		205	40	35	280

**BOATING BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*Preface, Section IV)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surcharg* %	EMS PA*/ 10	EMAT PA* 4	Fine Surcharg & PA Subtotal	Court OPS Conv.	Assess Night Court	Total Bail **	
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>	<b>0</b>	<b>1</b>	
655	(a)	13 I	Reckless or Negligent Operation by Riding on Bow, Gunwale, or Transom of Vessel Propelled by Machinery	50	50	35	25	25	10	10		205	40	35	280	
655	(a)	10 M	Reckless or Negligent Operation	300	300	210	150	150	60	60		1230	40	30	1300	
655	(b)	15 M	Reckless or Negligent Operation—Under Influence of Liquor or Drugs	650	650	455	325	325	130	130		2665	40	30	2735	
655	(c)	15 M	Operation of Recreation Vessel or Manipulation of Skis/Aquaplane If Blood Alcohol .08 or More	500	500	350	250	250	100	100		2050	40	30	2120	
655	(d)	15 M	Operation of Vessel Other Than Recreational Vessel If Blood Alcohol .04 or More	300	300	210	150	150	60	60		1230	40	30	1300	
655	(e)	15 M	Operation of Vessel/Manipulation of Water Skis/Aquaplane and Addicted to Drug	300	300	210	150	150	60	60		1230	40	30	1300	
655	(f)	16 M	Operation of Vessel/Manipulation of Water Skis/Aquaplane While Under Influence of Alcohol or Any Drug	250	250	175	125	125	50	50		1025	40	30	1095	
655.05		10 M	Violation of 24-hour Nonoperation of Vessel Order	250	250	175	125	125	50	50		1025	40	30	1095	
655.2	(a)	18 I	Power Boats—Speed Restrictions	50	50	35	25	25	10	10		205	40	35	280	
655.3		19 I	Equipment on Vessels	50	50	35	25	25	10	10		205	40	35	280	
655.3		19 M	Use of Vessels	75	80	56	40	40	15	16		322	40	30	392	
655.4		20 M	Crew Member Under Influence of Liquor/Drugs Causes Death/Serious Injury	400	400	280	200	200	80	80		1640	40	30	1710	
655.7	(a-d)	21 I	Operation of Personal Watercraft	50	50	35	25	25	10	10		205	40	35	280	
656	(a)	10 M	Hit and Run/Assist at Collision	300	300	210	150	150	60	60		1230	40	30	1300	
656	(d)	10 M	Accident or Collision Report Required	200	200	140	100	100	40	40		820	40	30	890	
656.1		10 M	Operator of Vessel Involved in Accident Resulting in Property Damage	250	250	175	125	125	50	50		1025	40	30	1095	
656.2		23 M	Operator of Vessel Involved in Accident Resulting in Personal Injury	1000	1000	700	500	500	200	200		4100	40	30	4170	

**BOATING BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surcharg* Surcharge*	EMS PA*/ 10	EMAT PA*	Fine Surcharg e & PA Subtotal	Court OPS Conv.	Assess Night Court	Total Bail **	
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>	<b>0</b>	<b>1</b>	
656.3		23 M	Operator of Vessel Involved in Accident Resulting in Death or Disappearance	2000	2000	1400	1000	1000	400	400		8200	40	30	8270	
658	(a)	24 I	Operation of Vessels Towing Persons on Water Skis or Aquaplanes—Requirement for Person 12 Years of Age or Older to Be Aboard in Addition to Driver	80	80	56	40	40	16	16		328	40	30	398	
658	(b)	24 I	Prohibited Hours	80	80	56	40	40	16	16		328	40	30	398	
658	(d)	10 M	Cause Collision	400	400	280	200	200	80	80		1640	40	30	1710	
658	(e)	10 M	Dangerous Operation	400	400	280	200	200	80	80		1640	40	30	1710	
658.3	(a)	21 I	Children Under 13 Years Required to Wear Personal Flotation Device	50	50	35	25	25	10	10		205	40	35	280	
658.5	(a)	27 I	Person Under 16 Years of Age Operating a Motor Vessel as Prohibited	50	50	35	25	25	10	10		205	40	35	280	
658.5	(b)	27 I	Person Under 16 Years of Age Operating a Vessel as Prohibited	50	50	35	25	25	10	10		205	40	35	280	
658.5	(d)	27 I	Permitting Person Under 16 Years of Age to Operate a Vessel as Prohibited	50	50	35	25	25	10	10		205	40	35	280	
658.7	(a)	I	Ski Flag Requirement	15	20	14	10	10	3	4		76	40	35	151	
659		21 I	Unlawful Marking of Waters	50	50	35	25	25	10	10		205	40	35	280	
660	(b)	10 M	Violation of Special Rules and Regulations	250	250	175	125	125	50	50		1025	40	30	1095	
660	(c)(1)	10 M	Violation of Local Emergency Rules and Regulations	250	250	175	125	125	50	50		1025	40	30	1095	
663.6		10 M	Vessel to Stop on Lawful Order	300	300	210	150	150	60	60		1230	40	30	1300	
665		10 M	Violation of Promise to Appear	100	100	70	50	50	20	20		410	40	30	480	
673		21 I	Boat Livery Recordkeeping	50	50	35	25	25	10	10		205	40	35	280	
674		21 I	Livery Boat Equipment Requirements	50	50	35	25	25	10	10		205	40	35	280	
678.11	A	31 I	Operation of Vessel on Water Without Certification Card (First Offense)	35	40	28	20	20	7	8		158	40	35	233	
678.11	B	31 I	Operation of Vessel on Water Without Certification Card (First Offense)	25	0	0	0	0	0	0		25	0	0	25	

**BOATING BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surchage* Surchage*	EMS PA*/ 10	EMAT PA* 4	Fine Surcharg e & PA Subtotal	Court OPS Conv.	Assess Night Court	Total Bail **	
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>			<b>40</b>	<b>0</b>	<b>1</b>	
678.15	(b)(2)	<sup>31</sup> I	Operation of Vessel on Water Without Certification Card (Second Offense)	50	50	35	25	25	10	10		205	40	35	280	
678.15	(b)(3)	<sup>31</sup> I	Operation of Vessel on Water Without Certification Card (Three or More Offenses)	100	100	70	50	50	20	20		410	40	35	485	
681	(a)	<sup>32</sup> I	Operation or Idling of Motorized Vessel While Person Is Teak Surfing, Platform Dragging, or Bodysurfing Behind the Vessel	50	50	35	25	25	10	10		205	40	35	280	
681	(b)	<sup>32</sup> I	Operation or Idling of Motorized Vessel While Person Is on or Holding Onto Swim Platform, Swim Deck, Swim Step, or Swim Ladder of the Vessel	50	50	35	25	25	10	10		205	40	35	280	
754		<sup>21</sup> I	Record of Stored Vessels	50	50	35	25	25	10	10		205	40	35	280	
759.14		M	For-Hire Vessel Company Failure to Procure Insurance	100	100	70	50	50	20	20		410	40	30	480	
761		M	License Required–For-Hire Vessel	100	100	70	50	50	20	20		410	40	30	480	
780	(a)	<sup>34</sup> M	Illegal Discharge of Sewage	300	300	210	150	150	60	60		1230	40	30	1300	
780	(b)(1-2)	<sup>35</sup> I	Illegal Discharge of Sewage in No-discharge Area	150	150	105	75	75	30	30		615	40	35	690	
780	(b)(1-2)	<sup>36</sup> M	Illegal Discharge of Sewage in No-discharge Area	300	300	210	150	150	60	60		1230	40	30	1300	
<b>(California Code of Regulations, Title 13)</b>																
190.00	(a,b)	A	I	Number Display	25	30	21	15	15	5	6	117	40	35	192	
190.00	(a)	B	I	Number Display	25	0	0	0	0	0	0	25	0	0	0	25
190.01		A	I	Registration Stickers	25	30	21	15	15	5	6	117	40	35	192	
190.01		B	I	Registration Stickers	25	0	0	0	0	0	0	25	0	0	0	25
190.08	(c)		I	Dealer Number Display	25	30	21	15	15	5	6	117	40	35	192	
190.15			I	Hull Identification Numbers	25	30	21	15	15	5	6	117	40	35	192	
<b>(California Code of Regulations, Title 14)</b>																
6555-6575			I	Equipment Requirements	35	40	28	20	20	7	8	158	40	35	233	



**BOATING BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surcharge* Surcharge*	EMS PA*/ 10	EMAT-PA* 4	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess Night Court	Total Bail **	
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>	<b>0</b>	<b>1</b>	
6576		I	Use of Liquefied Petroleum Gas	35	40	28	20	20	7	8		158	40	35	233	
6600.1	37	I	Pilot Rules/Rules of the Road	50	50	35	25	25	10	10		205	40	35	280	
6692		I	Visual Distress Signals Required	35	40	28	20	20	7	8		158	40	35	233	
6695	38	I	Blinding Lights	50	50	35	25	25	10	10		205	40	35	280	
7003		I	Unlawful Placement of Diver Precaution Markers	50	50	35	25	25	10	10		205	40	35	280	
7008	(c)	I	Diver Markers–Precaution	50	50	35	25	25	10	10		205	40	35	280	
7008	(d)	I	Diver Markers–Improper Display	25	30	21	15	15	5	6		117	40	35	192	
7009	(c)	I	Ski Flag–Precaution	50	50	35	25	25	10	10		205	40	35	280	
7009	(d)	I	Ski Flag–Improper Display	25	30	21	15	15	5	6		117	40	35	192	
7504	(a)	M	For-Hire Operator's License Terms and Conditions of Use	100	100	70	50	50	20	20		410	40	30	480	
7504	(b)	M	For-Hire Operator's License Terms and Conditions of Use–Change of Address	35	40	28	20	20	7	8		158	40	30	228	
7504	(c)	M	For-Hire Operator's License Terms and Conditions of Use–Possession	35	40	28	20	20	7	8		158	40	30	228	
<b>(Vehicle Code)</b>																
9850	A	39	I	Numbering of Undocumented Vessel	25	30	21	15	15	5	6	117	40	35	1	193
9850	B	39	I	Numbering of Undocumented Vessel	25	0	0	0	0	0	0	25	0	0	0	25
9853	(a)	40	I	Application for/Display of Number	25	30	21	15	15	5	6	117	40	35	1	193
9853.2	A	39	I	Number Display/Certificate of Number	25	30	21	15	15	5	6	117	40	35	1	193
9853.2	B	39	I	Number Display/Certificate of Number	25	0	0	0	0	0	0	25	0	0	0	25
9853.3		39	I	Retention of Certificate	25	30	21	15	15	5	6	117	40	35	1	193
9853.4	(b)		I	Display of Registration Other than Vessel for which it Was Issued	25	30	21	15	15	5	6	117	40	35	1	193
9853.8		42	I	Illegal Operation of Vessel Without Required Numbering or in Noncompliance With Emission Standards	250	250	175	125	125	50	50	1025	40	35	1	1101
9855		39	I	Change of Ownership	25	30	21	15	15	5	6	117	40	35	1	193

**BOATING BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surchage* Surchage*	EMS PA*/ 10	EMAT-PA*	Fine Surcharg e & PA Subtotal	Court OPS Conv.	Assess Night Court	Total Bail **	
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>4</b>		<b>40</b>	<b>0</b>	<b>1</b>	
9864	39 I		Wrecking/Junking/Destruction/Abandonment of Undocumented Vessel	25	30	21	15	15	5	6	4	117	40	35	1	193
9865	39 I		Change of Address	25	30	21	15	15	5	6	4	117	40	35	1	193
9866	39 I		Display of Other Numbers	25	30	21	15	15	5	6	4	117	40	35	1	193
9871	39 I		Hull Identification Number	25	30	21	15	15	5	6	4	117	40	35	1	193
9872	40 M		Defacing, Destroying, or Altering Hull Identification Number	80	80	56	40	40	16	16	4	328	40	30	1	399

**Notes**

<sup>A</sup> Violation cited on a notice to appear as not eligible for correction. (VC 40303.5, VC 40522, and VC 40610.) A citing officer may issue a noncorrectable notice to appear for an equipment, driver's license, or registration offense that is potentially eligible for correction if the officer determines that the violation presents an immediate safety hazard, there is evidence of fraud or persistent neglect, or the violator does not agree to, or cannot, promptly correct the violation.

<sup>B</sup> Violation cited on a notice to appear as eligible for correction. (VC 40303.5, VC 40522, and VC 40610.) A potentially eligible equipment, driver's license, or registration offense may be cited as correctable on a notice to appear unless the citing officer determines that the violation presents an immediate safety hazard, there is evidence of fraud or persistent neglect, or the violator does not agree to, or cannot, promptly correct the violation.

<sup>1</sup> Per H&N 131(b): Fine: "... not to exceed \$1,000 ... ."

<sup>2</sup> Per H&N 133(c): Fine: "... not to exceed \$1,000 ... ."

<sup>3</sup> Per H&N 309: Fine: "... not to exceed \$1,000 ... ."

<sup>4</sup> Per H&N 307(a): Fine "... not more than \$100."

<sup>6</sup> Per H&N 505.5(d): Fine: "... not to exceed \$1,000 ... ."

<sup>7</sup> Per H&N 525(c): Fine: "... not less than \$1,000 nor more than \$3,000."

<sup>8</sup> Per H&N 571(b): Fine: "... not to exceed \$1,000 ... ."

<sup>9</sup> Per H&N 668 (a): Fine "... not more than \$250."

<sup>10</sup> Per H&N 668(b)(3)(A): Fine "... not more than \$1,000."

**BOATING BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surchage* Surchage*	EMS PA*/ 10	EMAT PA* 4	Fine Surcharg e & PA Subtotal	Court OPS Conv.	Assess Night Court	Total Bail **
					10/10	7	5/10	5	20%	2		40	0	1	
	11		Per H&N 668(b)(4): Fine "... not more than \$100."												
	13		Per H&N 668(b)(3)(B): Fine "... not more than \$250."												
	15		Per H&N 668(e) or 668(f): Fine "... not more than \$1,000."												
	16		Per H&N 668(g) or 668(h): Fine "... not less than \$250 or more than \$5,000."												
	18		Per H&N 668(b)(5): Fine "... not more than \$100."												
	19		Per H&N 668(b)(1)(A): Fine "... not more than \$100."												
	20		Per H&N 668(e): Fine "... not more than \$1,000."												
	21		Per H&N 668(a): Fine "... not more than \$250."												
	23		Per H&N 668(c)(1): Fine "... not less than \$1,000 or more than \$10,000 ... ." Per H&N 668(c)(2): "In imposing the minimum fine ... the court shall take into consideration the defendant's ability to pay the fine and, in the interests of justice for reasons stated in the record, may reduce the amount of that minimum fine to less than the amount otherwise required by this subdivision."												
	24		Per H&N 668(b)(2): Fine "... not more than \$200."												
	27		Per H&N 668(d): Fine "... not more than \$100."												
	31		Added in 2014 by SB 941, requires boaters to carry certification cards. Fines for 1st (not more than \$100), 2nd (not more than \$250), and 3rd+ (not more than \$500) offenses set by Har &Nav 678.15.												
	32		Per H&N 681(g): Fine of "... up to \$100."												
	34		Per H&N 780(c): Fine: "... not to exceed \$1,000 ... ."												
	35		Per H&N 780(b): "The first violation of this subdivision is an infraction punishable by a fine of up to \$500."												
	36		Per H&N 780(b): "A second or subsequent violation of this subdivision by any one person is a misdemeanor." Per H&N 780(c): Fine: "... not to exceed \$1,000 ... ."												
	37		Per H&N 668(b)(1)(C): Fine "... not more than \$100."												
	38		Per H&N 668(b)(1)(B): Fine "... not more than \$100."												
	39		Per VC 9875, VC 42001(a): Fine "... not exceeding \$100." <del>Per GC 76000.10(e)(1): "... penalty of \$4 shall be imposed upon every conviction of a violation of the Vehicle Code ... ."</del>												
	40		<del>Per GC 76000.10(e)(1): "... penalty of \$4 shall be imposed upon every conviction of a violation of the Vehicle Code ... ."</del>												
	42		Per VC 9853.8(b): "fine of \$250." <del>Per GC 76000.10(e)(1): "... penalty of \$4 shall be imposed upon every conviction of a violation of the Vehicle Code ... ."</del>												

**FORESTRY BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(Public Resources Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
4154		M	Failure to Obey Summons to Suppress Forest Fire	150	150	105	75	75	30	30	615	40	30	685
4165	(a-e)	M	Unlawful Conduct at Forest Fire	150	150	105	75	75	30	30	615	40	30	685
4255	(a)	M	Smoking or Building Fires in Hazardous Fire Area	100	100	70	50	50	20	20	410	40	30	480
4291	(a)	I	Clearance, etc., Required Around Structure	100	100	70	50	50	20	20	410	40	35	485
4292		M	Clearance Required–Power Pole	100	100	70	50	50	20	20	410	40	30	480
4293	(a-c)	M	Clearance Required–Power Line	100	100	70	50	50	20	20	410	40	30	480
4297	<sup>1</sup>	M	Violation of Proclamation Closing Area to Hunting and Fishing	200	200	140	100	100	40	40	820	40	30	890
4331		M	Permit and Tools Required for Smoking and Building Campfires on National Forest Lands	100	100	70	50	50	20	20	410	40	30	480
4373 /4374	<sup>2</sup>	M	Clearance Required–Solid Waste Facility	100	100	70	50	50	20	20	410	40	30	480
4421		M	Burning Lands of Another	100	100	70	50	50	20	20	410	40	30	480
4422	(a,b)	M	Allowing Fire to Escape	150	150	105	75	75	30	30	615	40	30	685
4423		M	Permit Required for Burning	100	100	70	50	50	20	20	410	40	30	480
4423.2	(b)	M	Violation of Terms of Restricted Temporary Burning Permit	250	250	175	125	125	50	50	1025	40	30	1095
4423.5		M	Restricted Use of Fire	100	100	70	50	50	20	20	410	40	30	480
4426		M	Setting Backfire Without Supervision	150	150	105	75	75	30	30	615	40	30	685
4427	(a,b)	M	Clearance and Tool Requirements	100	100	70	50	50	20	20	410	40	30	480
4428	(a-c)	M	Tool Box and Seal Requirements for Industrial Operations	100	100	70	50	50	20	20	410	40	30	480
4429		M	Tools for Industrial and Agricultural Camps	100	100	70	50	50	20	20	410	40	30	480
4430		M	Force Pump/Water Requirement for Steam-Operated Equipment, etc.	100	100	70	50	50	20	20	410	40	30	480

**FORESTRY BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(Public Resources Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
4431		M	Tool Requirement–Portable Gasoline-Powered Tools	100	100	70	50	50	20	20	410	40	30	480
4432		M	Neglecting a Campfire	100	100	70	50	50	20	20	410	40	30	480
4433		M	Permit Required for Campfire	100	100	70	50	50	20	20	410	40	30	480
4435		M	Causing Fire With Equipment	150	150	105	75	75	30	30	615	40	30	685
4436		M	Refusing to Fight Forest Fire	100	100	70	50	50	20	20	410	40	30	480
4437		M	Flammable Mill Waste–Disposal Required	100	100	70	50	50	20	20	410	40	30	480
4438		M	Burning Mill Waste in Enclosed Device, Permit/Clearance Required	100	100	70	50	50	20	20	410	40	30	480
4439		M	Mill Waste–Open Burning Permit and Clearance Required	100	100	70	50	50	20	20	410	40	30	480
4440	(a,b)	M	Flammable Forest Product Residue Accumulation–Clearance Required	100	100	70	50	50	20	20	410	40	30	480
4442	(a,b)	M	Spark Arrester Required, Internal Combustion Engines	100	100	70	50	50	20	20	410	40	30	480
4442.5		M	Spark Arrester Required, Public Notice Required for Sales, Lease, and Rent	100	100	70	50	50	20	20	410	40	30	480
4442.6	(a)	<sup>3</sup> I	Sell, Offer to Sell, Lease, or Rent Specified Equipment With Internal Combustion Engine Without Required Warning Label	100	100	70	50	50	20	20	410	40	35	485
4442.6	(b)	<sup>3</sup> I	Manufacture of Specified Equipment With Internal Combustion Engine Without Attaching Required Warning Label	100	100	70	50	50	20	20	410	40	35	485
4443		M	Internal Combustion Engines–Handheld, Portable, and Multiposition; Construction Requirements for Use	100	100	70	50	50	20	20	410	40	30	480
4445		M	Tracer Ammunition, Restricted Use	150	150	105	75	75	30	30	615	40	30	685
4446	(a-c)	M	Incinerator Standards	100	100	70	50	50	20	20	410	40	30	480

**FORESTRY BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(Public Resources Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Total Bail **
5008.10 (b,c)	I		Smoking or Disposing of Cigarette or Cigar Waste on a State Beach	25	<b>10/10</b> 30	<b>7</b> 21	<b>5/10</b> 15	<b>5</b> 15	<b>20%</b> 5	<b>2</b> 6	<b>117</b>	<b>40</b>	<b>0</b> 35	<b>192</b>

**Notes**

- <sup>1</sup> Per PRC 4299: " ... punished by a fine of not less than \$100 nor more than \$2,000 or by imprisonment in the county jail for not less than 10 days nor more than 90 days or both that fine and imprisonment."
- <sup>2</sup> Per PRC 4376: "A person who maintains a solid waste facility in violation of this chapter is guilty of a misdemeanor, and shall be punished for a first conviction by a fine of not to exceed \$500, and, for a second or subsequent conviction within five years of a prior conviction of a violation of this chapter, by a fine not less than \$250 or more than \$1,000 or imprisonment in the county jail for a period not to exceed 30 days, or both that fine and imprisonment. Each and every day of violation is a separate and distinct offense."
- <sup>3</sup> Per PRC 4442.6(c): "... an infraction punishable by a fine of not more than \$100."

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
<b>(Fish and Game Code)</b>														
<b>GENERAL LICENSE PROVISIONS</b>														
1052	(a-f)	M	Unlawful Use of License or Tag	200	200	140	100	100	40	40	820	40	30	890
1054		M	False Statement to Obtain License	200	200	140	100	100	40	40	820	40	30	890
1054.2		M	License, Tag, Stamp, or Permit Requirement	200	200	140	100	100	40	40	820	40	30	890
1054.2	<sup>1</sup>	M	License, Tag, Stamp, or Permit Requirement – Trophy Deer, Elk, Antelope, or Big Horn Sheep	5000	5000	3500	2500	2500	1000	1000	20500	40	30	20570
1059	(a)	<sup>2</sup> M	Failure of License Agent to Account for Licenses, Stamps, Tags, or Fees	300	300	210	150	150	60	60	1230	40	30	1300
<b>TAKING AND POSSESSING</b>														
2000	(a)	M	Unlawful Taking or Possessing of Fish or Wildlife	200	200	140	100	100	40	40	820	40	30	890
2001	(a-c)	M	Unlawful Possession After Season	200	200	140	100	100	40	40	820	40	30	890
2001	(a, c)	<sup>3</sup> M	Unlawful Possession of Trophy Deer, Elk, Antelope, or Bighorn Sheep After Season	5000	5000	3500	2500	2500	1000	1000	20500	40	30	20570
2001	(b)	<sup>4</sup> M	Unlawful Possession of Wild Turkey After Season	2000	2000	1400	1000	1000	400	400	8200	40	30	8270
2002		M	<i>Unlawfully Possessing a Bird, Mammal, Fish, Reptile, Amphibian, or Part of any of Those Animals, Taken in Violation of this Code or a Regulation Adopted Pursuant to this Code</i>	200	200	140	100	100	40	40	820	40	30	890
2004		M	Property Damage While Hunting or Fishing	200	200	140	100	100	40	40	820	40	30	890
2005	(a-c)	M	Unlawful Use of Artificial Light	300	300	210	150	150	60	60	1230	40	30	1300
2005	(a-c)	<sup>3</sup> M	Unlawful Use of Artificial Light to Assist in Taking of Trophy Deer, Elk, Antelope, or Bighorn Sheep	5000	5000	3500	2500	2500	1000	1000	20500	40	30	20570

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
2005	(a, c)	4 M	Unlawful Use of Artificial Light to Assist in Taking of Wild Turkey	2000	2000	1400	1000	1000	400	400	8200	40	30	8270
2006	(a)	M	Loaded Gun in Vehicle	100	100	70	50	50	20	20	410	40	30	480
2010	(a)	M	Unlawful Possession or Use of a Shotgun	100	100	70	50	50	20	20	410	40	30	480
2011.5		7 M	Unlawful Removal of Hunting Dog Collar	200	200	140	100	100	40	40	820	40	30	890
2012		M	Failure to Show License, Equipment, or Game	100	100	70	50	50	20	20	410	40	30	480
2015	(a)	M	Unlawful Possession of Bird, Fish, Etc., in Restaurant or Eating Establishment	300	300	210	150	150	60	60	1230	40	30	1300
2016		M	Trespass While Hunting	200	200	140	100	100	40	40	820	40	30	890
2018		M	Unlawful Posting or Destruction of Signs	200	200	140	100	100	40	40	820	40	30	890
2024	(c,d)	8 M	Unlawful Removal and Commercialization of Dudleya Value under \$250	1000	1000	700	500	500	200	200	4100	40	30	4170
2024	(c,d)	8 M	Unlawful Removal and Commercialization of Dudleya Value over \$250	5000	5000	3500	2500	2500	1000	1000	20500	40	30	20570
2080		M	Importing/Taking/Possessing Any Rare or Endangered Animal	300	300	210	150	150	60	60	1230	40	30	1300

**INFORMATION, TRANSPORTATION, AND SHELTERING OF RESTRICTED LIVE WILD ANIMALS**

2118		M	Unlawful Possession of Prohibited Species	500	500	350	250	250	100	100	2050	40	30	2120
2121		M	Allowing a Legally Imported Wild Animal to Escape	200	200	140	100	100	40	40	820	40	30	890
2361		M	Importation of Salmon	200	200	140	100	100	40	40	820	40	30	890
2576		M	Capturing or Transporting for Sale, or Selling Wild Rodents	100	100	70	50	50	20	20	410	40	30	480

**METHODS OF TAKING**

3000		M	Hunting During Closed Hours	200	200	140	100	100	40	40	820	40	30	890
3001		M	Hunting While Intoxicated	350	350	245	175	175	70	70	1435	40	30	1505
3002		M	Shooting From Boat, Vehicle, or Airplane	200	200	140	100	100	40	40	820	40	30	890



**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
3003	(a)	<sup>7</sup> M	Unlawful Hunting With a Gun or Device Accessed Via an Internet Connection	350	350	245	175	175	70	70	1435	40	30	1505
3003	(b)(1)	<sup>7</sup> M	Owning or Operating Online Shooting Range, Site, or Gallery	350	350	245	175	175	70	70	1435	40	30	1505
3003	(b)(2)	<sup>7</sup> M	Create, Maintain, or Utilize Internet Web Site or Service by Other Means for Purpose of Online Hunting	350	350	245	175	175	70	70	1435	40	30	1505
3003	(c)	<sup>7</sup> M	Possession or Confinement of Bird or Mammal for Online Hunting	350	350	245	175	175	70	70	1435	40	30	1505
3003	(d)	<sup>7</sup> M	Import or Export of Bird or Mammal Killed by Online Hunting	350	350	245	175	175	70	70	1435	40	30	1505
3004	(a)	<sup>7</sup> M	Shooting Within 150 Yards of Dwelling	150	150	105	75	75	30	30	615	40	30	685
3004	(b)	<sup>7</sup> M	Unlawful Discharge of Firearm, Arrow, or Crossbow Bolt Across a Public Road or Way	150	150	105	75	75	30	30	615	40	30	685
3004.5	(a)(1)	<sup>10</sup> I	Use of Unlawful Rifle or Pistol Ammunition	500	500	350	250	250	100	100	2050	40	35	2125
3005		M	Taking Birds or Mammals With Unlawful Devices	150	150	105	75	75	30	30	615	40	30	685
3012		M	Use of Amplified Animal Sounds to Assist in Taking	100	100	70	50	50	20	20	410	40	30	480
<b>DOMESTICATED GAME BREEDING</b>														
3200		M	License for Breeding	100	100	70	50	50	20	20	410	40	30	480
<b>GENERAL PROVISIONS</b>														
3501		M	Unlawful Driving of Game Birds	100	100	70	50	50	20	20	410	40	30	480
3503	<sup>11</sup>	M	Taking, Possessing, or Destroying the Nest or Eggs of Any Birds	400	400	280	200	200	80	80	1640	40	30	1710

**FULLY PROTECTED BIRDS**

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
3511	(a)(1)	M	Taking or Possession of Fully Protected Birds	500	500	350	250	250	100	100	2050	40	30	2120
<b>NONGAME BIRDS</b>														
3800	<sup>11</sup>	M	Taking of One Nongame Bird	400	400	280	200	200	80	80	1640	40	30	1710
3800		M	(Each Additional Nongame Bird)	100	100	70	50	50	20	20	410	0	0	410
<b>GAME MAMMALS</b>														
3960	(b)	M	Unlawful to Allow Dog to Pursue Big Game Mammal During Closed Season; Protected, Rare, or Endangered Mammal; Bear or Bobcat; or Any Mammal in Game Refuge or Ecological Reserve	400	400	280	200	200	80	80	1640	40	30	1710
<b>TRAPPING PROVISIONS</b>														
4004	(a, c-f)	<sup>12</sup> M	Trapping Violations	150	150	105	75	75	30	30	615	40	30	685
4004	(b)	<sup>12</sup> M	Setting or Maintaining Trap Without Required Identifying Mark	300	300	210	150	150	60	60	1230	40	30	1300
<b>TAKING DEER</b>														
4304	(a)	M	Waste of Game Meat	150	150	105	75	75	30	30	615	40	30	685
4304	(a)	<sup>13</sup> M	Waste of Trophy Deer, Elk, Antelope, or Big Horn Sheep Meat	5000	5000	3500	2500	2500	1000	1000	20500	40	30	20570
4304	(a)	<sup>13</sup> M	Waste of Trophy Turkey Meat	2000	2000	1400	1000	1000	400	400	8200	40	30	8270
4330		M	No Deer License Tag	150	150	105	75	75	30	30	615	40	30	685
4330		<sup>13</sup> M	No License Tag for Trophy Deer, Elk, Antelope, or Big Horn Sheep	5000	5000	3500	2500	2500	1000	1000	20500	40	30	20570
4330		<sup>13</sup> M	No License Tag for Trophy Turkey	2000	2000	1400	1000	1000	400	400	8200	40	30	8270
4336	(a,b)	M	Untagged Deer	150	150	105	75	75	30	30	615	40	30	685

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
<b>BURRO</b>														
4600	(a)	M	Unlawful Killing or Capture of Undomesticated Burro	300	300	210	150	150	60	60	1230	40	30	1300
<b>WILD PIG</b>														
4657	(a)	M	Wild Pig License Tag Violation	150	150	105	75	75	30	30	615	40	30	685
<b>FULLY PROTECTED MAMMALS</b>														
4700	(a)(1)	<sup>14</sup> M	Taking or Possession of Fully Protected Mammal	5000	5000	3500	2500	2500	1000	1000	20500	40	30	20570
<b>BEAR</b>														
4753		M	Bear Tag License Violation	150	150	105	75	75	30	30	615	40	30	685
4758		<sup>15</sup> M	Sale or Purchase of Bear Meat or Parts	3250	3250	2275	1625	1625	650	650	13325	40	30	13395
4758		<sup>16</sup> M	Possession of Three or More Bear Gall Bladders	10000	10000	7000	5000	5000	2000	2000	41000	40	30	41070
<b>FULLY PROTECTED REPTILES AND AMPHIBIANS</b>														
5000		M	Selling, Purchasing, Harming, Possessing, Transporting, or Shooting Desert Tortoise	300	300	210	150	150	60	60	1230	40	30	1300
5050	(a)(1)	M	Taking or Possession of Fully Protected Reptile or Amphibian	500	500	350	250	250	100	100	2050	40	30	2120
<b>FISH - GENERAL PROVISIONS</b>														
5508		<sup>17</sup> M	Fish of Indeterminate Size	250	250	175	125	125	50	50	1025	40	30	1095
5508		M	(For Each Additional Fish)	20	20	14	10	10	4	4	82	0	0	82
<b>FULLY PROTECTED FISH</b>														
5515	(a)	M	Taking or Possession of Fully Protected Fish	500	500	350	250	250	100	100	2050	40	30	2120

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
5517	(a)(1-4)	M	<i>Taking of any White Shark, Use of Shark Bait, Share Lure, or Shark Chum to Attract a White Shark</i>	200	200	140	100	100	40	40	820	40	30	890
5521-5521.5	(a)	<sup>18</sup> M	Taking, Possessing, or Landing Abalone for Commercial or Recreational Purposes From Designated Waters	15000	15000	10500	7500	7500	3000	3000	61500	40	30	61570
<b>WATER POLLUTION - GENERAL PROVISIONS</b>														
5650		<sup>19</sup> M	Depositing/Permitting to Pass Into Waters Deleterious Materials	500	500	350	250	250	100	100	2050	40	30	2120
5652	(a)	M	Littering Within 150 Feet of Water	100	100	70	50	50	20	20	410	40	30	480
<b>FISH PLANTING AND PROPAGATION</b>														
6400		<sup>20</sup> M	Unlawful Placing of Fish, Animal, or Plant in Waters	15000	15000	10500	7500	7500	3000	3000	61500	40	30	61570
<b>SPORT FISHING - GENERAL PROVISIONS</b>														
7121		M	Unlawful Sale or Purchase of Fish	2000	2000	1400	1000	1000	400	400	8200	40	30	8270
7121		<sup>21</sup> M	Unlawful Sale or Purchase of Abalone	15000	15000	10500	7500	7500	3000	3000	61500	40	30	61570
<b>SPORT FISHING LICENSES</b>														
7145	(a)	<sup>22</sup> I	Fishing Without a License	100	100	70	50	50	20	20	410	40	35	485
7145	(a)	I	-With Proof of Valid License to Court	25	30	21	15	15	5	6	117	40	35	192
<b>COMMERCIAL SALMON TROLLERS ENHANCEMENT AND RESTORATION</b>														
7860		<sup>23</sup> M	No Commercial Fishing Stamps for Salmon	200	200	140	100	100	40	40	820	40	30	890
8603		M	Unlawful Use of Net, Trap, or Line	400	400	280	200	200	80	80	1640	40	30	1710

**COMMERCIAL FISHING - NETS**

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
8670	24	M	Unlawful Use or Possession of Net for Taking Certain Fish	400	400	280	200	200	20%	2	1640	40	30	1710
<b>GILL AND TRAMMEL NETS</b>														
8685.5		M	Prohibited Use of Gill Nets to Take Certain Fish	2000	2000	1400	1000	1000	400	400	8200	40	30	8270
8685.6		M	Prohibited Possession/Sale of Fish Taken With Gill Net	2000	2000	1400	1000	1000	400	400	8200	40	30	8270
8685.7		M	Prohibited Purchase of Fish Taken by Gill Net	2000	2000	1400	1000	1000	400	400	8200	40	30	8270
<b>REFUGES</b>														
10500	(a-g)	24	M Acts Unlawful in Refuge	500	500	350	250	250	100	100	2050	40	30	2120
<b>GENERAL PROVISIONS</b>														
12003.1	(a)	25	M Unlawful Taking of Animal	250	250	175	125	125	50	50	1025	40	30	1095
12012	(a)	26	M Illegal Poaching of Wildlife for Profit	10000	10000	7000	5000	5000	2000	2000	41000	40	30	41070
12013	(a)	26	M Taking or Possessing More than Three Times the Bag or Possession Limit	10000	10000	7000	5000	5000	2000	2000	41000	40	30	41070
12013.5	(a)	27	M Violation Committed With Use of Signal Emitting Device for Taking of Bear for Purpose of Selling or Trafficking in Bear Parts	10000	10000	7000	5000	5000	2000	2000	41000	40	30	41070
<b>AQUACULTURE</b>														
15202		M	Placement of Prohibited Species in Designated Waters	3000	3000	2100	1500	1500	600	600	12300	40	30	12370
15509		M	Violation of Established Aquatic Quarantine	3000	3000	2100	1500	1500	600	600	12300	40	30	12370
<b>(California Code of Regulations, Title 14)</b>														
1.17	28	I	Excess of Bag Limit–Fish	100	100	70	50	50	20	20	410	40	35	485

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
1.17		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
1.17		M	Excess of Bag Limit–Fish	250	250	175	125	125	50	50	1025	40	30	1095
1.17		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
1.62	28	I	Undersize Fish	100	100	70	50	50	20	20	410	40	35	485
1.62		I	(For Each Undersize Fish)	20	20	14	10	10	4	4	82	0	0	82
1.62		M	Undersize Fish	250	250	175	125	125	50	50	1025	40	30	1095
1.62		M	(For Each Undersize Fish)	20	20	14	10	10	4	4	82	0	0	82
1.74	28	I	Sport Fishing Report Card and Tagging Requirements	100	100	70	50	50	20	20	410	40	35	485
1.74	29	M	Sport Fishing Report Card and Tagging Requirements	300	300	210	150	150	60	60	1230	40	30	1300
2	28	I	Fishing Methods–With 2 Poles	100	100	70	50	50	20	20	410	40	35	485
2		I	–With Net	150	150	105	75	75	30	30	615	40	35	690
2		M	Fishing Methods–With 2 Poles	200	200	140	100	100	40	40	820	40	30	890
2		M	–With Net	300	300	210	150	150	60	60	1230	40	30	1300
2.1	28	I	Fishing Methods–Hooks	100	100	70	50	50	20	20	410	40	35	485
2.1		M	Fishing Methods–Hooks	200	200	140	100	100	40	40	820	40	30	890
5.8	28	I	White Sturgeon	250	250	175	125	125	50	50	1025	40	35	1100
5.8		I	(For Each Over-Limit or Illegal Size Fish)	50	50	35	25	25	10	10	205	0	0	205
5.8	29	M	White Sturgeon	500	500	350	250	250	100	100	2050	40	30	2120
5.8		M	(For Each Over-Limit or Illegal Size Fish)	100	100	70	50	50	20	20	410	0	0	410
7.40	28	I	Hatchery Trout, Hatchery Steelhead and Salmon Waters with Special Regulations	100	100	70	50	50	20	20	410	40	35	485
7.40	29	M	Hatchery Trout, Hatchery Steelhead and Salmon Waters with Special Regulations	300	300	210	150	150	60	60	1230	40	30	1300
7.50	28	I	Trout Waters with Special Fishing Regulations	100	100	70	50	50	20	20	410	40	35	485
7.50	29	M	Trout Waters with Special Fishing Regulations	300	300	210	150	150	60	60	1230	40	30	1300
27.6	34	I	Fin Fish Limits	100	100	70	50	50	20	20	410	40	35	485
27.6		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.6		M	Fin Fish Limits	250	250	175	125	125	50	50	1025	40	30	1095

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
27.6		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.65		I	Filleting of Fish on Vessels	100	100	70	50	50	20	20	410	40	35	485
27.65		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.65		M	Filleting of Fish on Vessels	250	250	175	125	125	50	50	1025	40	30	1095
27.65		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.7		I	Trout in the Ocean	100	100	70	50	50	20	20	410	40	35	485
27.7		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.7		M	Trout in the Ocean	250	250	175	125	125	50	50	1025	40	30	1095
27.7		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.75		I	Salmon Closures	100	100	70	50	50	20	20	410	40	35	485
27.75		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.75		M	Salmon Closures	250	250	175	125	125	50	50	1025	40	30	1095
27.75		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.8		I	Salmon	100	100	70	50	50	20	20	410	40	35	485
27.8		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.8		M	Salmon	250	250	175	125	125	50	50	1025	40	30	1095
27.8		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.85		I	Striped Bass	100	100	70	50	50	20	20	410	40	35	485
27.85		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.85		M	Striped Bass	250	250	175	125	125	50	50	1025	40	30	1095
27.85		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.9		I	White Sturgeon	250	250	175	125	125	50	50	1025	40	35	1100
27.9		I	(For Each Over-Limit or Illegal Size Fish)	50	50	35	25	25	10	10	205	0	0	205
27.9		M	White Sturgeon	500	500	350	250	250	100	100	2050	40	30	2120
27.9		M	(For Each Over-Limit or Illegal Size Fish)	100	100	70	50	50	20	20	410	0	0	410
27.91	<sup>34</sup>	I	Green Sturgeon	100	100	70	50	50	20	20	410	40	35	485
27.91		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.91	<sup>34</sup>	M	Green Sturgeon	250	250	175	125	125	50	50	1025	40	30	1095
27.91		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
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Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
27.92		I	White Sturgeon Reporting and Tagging Requirements for Ocean Waters	100	100	70	50	50	20	20	410	40	35	485
27.92		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.92		M	White Sturgeon Reporting and Tagging Requirements for Ocean Waters	300	300	210	150	150	60	60	1230	40	30	1300
27.92		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.95		I	Sturgeon Closure	100	100	70	50	50	20	20	410	40	35	485
27.95		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
27.95		M	Sturgeon Closure	250	250	175	125	125	50	50	1025	40	30	1095
27.95		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28		I	Grunion, California	100	100	70	50	50	20	20	410	40	35	485
28		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28		M	Grunion, California	250	250	175	125	125	50	50	1025	40	30	1095
28		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.05		I	Garibaldi	100	100	70	50	50	20	20	410	40	35	485
28.05		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.05		M	Garibaldi	250	250	175	125	125	50	50	1025	40	30	1095
28.05		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.06		I	White Shark	100	100	70	50	50	20	20	410	40	35	485
28.06		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.06		M	White Shark	250	250	175	125	125	50	50	1025	40	30	1095
28.06		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.1		I	Giant (Black) Sea Bass	100	100	70	50	50	20	20	410	40	35	485
28.1		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.1		M	Giant (Black) Sea Bass	250	250	175	125	125	50	50	1025	40	30	1095
28.1		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.12		I	Gulf Grouper and Broomtail Grouper	100	100	70	50	50	20	20	410	40	35	485
28.12		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.12		M	Gulf Grouper and Broomtail Grouper	250	250	175	125	125	50	50	1025	40	30	1095
28.12		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82



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					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
28.15		I	Halibut, California	100	100	70	50	50	20	20	410	40	35	485
28.15		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.15		M	Halibut, California	250	250	175	125	125	50	50	1025	40	30	1095
28.15		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.2		I	Halibut, Pacific	100	100	70	50	50	20	20	410	40	35	485
28.2		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.2		M	Halibut, Pacific	250	250	175	125	125	50	50	1025	40	30	1095
28.2		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.25		I	Barracuda, California	100	100	70	50	50	20	20	410	40	35	485
28.25		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.25		M	Barracuda, California	250	250	175	125	125	50	50	1025	40	30	1095
28.25		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.26		I	California Sheephead	100	100	70	50	50	20	20	410	40	35	485
28.26		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.26		M	California Sheephead	250	250	175	125	125	50	50	1025	40	30	1095
28.26		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.27		I	Lingcod	100	100	70	50	50	20	20	410	40	35	485
28.27		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.27		M	Lingcod	250	250	175	125	125	50	50	1025	40	30	1095
28.27		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.28		I	Cabazon	100	100	70	50	50	20	20	410	40	35	485
28.28		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.28		M	Cabazon	250	250	175	125	125	50	50	1025	40	30	1095
28.28		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.29		I	Kelp Greenling, Rock Greenling	100	100	70	50	50	20	20	410	40	35	485
28.29		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.29		M	Kelp Greenling, Rock Greenling	250	250	175	125	125	50	50	1025	40	30	1095
28.29		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.3		I	Kelp Bass, Barred Sand Bass, and Spotted Sand Bass	100	100	70	50	50	20	20	410	40	35	485

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
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Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
28.3		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.3		M	Kelp Bass, Barred Sand Bass, and Spotted Sand Bass	250	250	175	125	125	50	50	1025	40	30	1095
28.3		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.32		I	Pacific Bonito	100	100	70	50	50	20	20	410	40	35	485
28.32		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.32		M	Pacific Bonito	250	250	175	125	125	50	50	1025	40	30	1095
28.32		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.35		I	White Seabass	100	100	70	50	50	20	20	410	40	35	485
28.35		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.35		M	White Seabass	250	250	175	125	125	50	50	1025	40	30	1095
28.35		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.37		I	Yellowtail	100	100	70	50	50	20	20	410	40	35	485
28.37		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.37		M	Yellowtail	250	250	175	125	125	50	50	1025	40	30	1095
28.37		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.38	<sup>34</sup>	I	Tunas	100	100	70	50	50	20	20	410	40	35	485
28.38		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.38	<sup>34</sup>	M	Tunas	250	250	175	125	125	50	50	1025	40	30	1095
28.38		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.4		I	Broadbill Swordfish	100	100	70	50	50	20	20	410	40	35	485
28.4		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.4		M	Broadbill Swordfish	250	250	175	125	125	50	50	1025	40	30	1095
28.4		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.41	<sup>34</sup>	I	Sixgill Shark, Sevengill Shark	100	100	70	50	50	20	20	410	40	35	485
28.41		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.41	<sup>34</sup>	M	Sixgill Shark, Sevengill Shark	250	250	175	125	125	50	50	1025	40	30	1095
28.41		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.42	<sup>34</sup>	I	Shortfin Mako Shark, Thresher Shark, and Blue Shark	100	100	70	50	50	20	20	410	40	35	485

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
28.42		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.42	<sup>34</sup>	M	Shortfin Mako Shark, Thresher Shark, and Blue Shark	250	250	175	125	125	50	50	1025	40	30	1095
28.42		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.45		I	Surf Smelt (Night Smelt, Day Fish, Whitebait Smelt)	100	100	70	50	50	20	20	410	40	35	485
28.45		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.45		M	Surf Smelt (Night Smelt, Day Fish, Whitebait Smelt)	250	250	175	125	125	50	50	1025	40	30	1095
28.45		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.47	<sup>34</sup>	I	Petrals Sole and Starry Flounder	100	100	70	50	50	20	20	410	40	35	485
28.47		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.47	<sup>34</sup>	M	Petrals Sole and Starry Flounder	250	250	175	125	125	50	50	1025	40	30	1095
28.47		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.48	<sup>34</sup>	I	Pacific Sanddab, Rock Sole, Sand Sole, Butter Sole, Curlfin Sole, Rex Sole, and Flathead Sole	100	100	70	50	50	20	20	410	40	35	485
28.48		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.48	<sup>34</sup>	M	Pacific Sanddab, Rock Sole, Sand Sole, Butter Sole, Curlfin Sole, Rex Sole, and Flathead Sole	250	250	175	125	125	50	50	1025	40	30	1095
28.48		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.49	<sup>34</sup>	I	Southern Shark, Dover Sole, English Sole, Arrowtooth Flounder, Spiny Dogfish, Skates, Ratfish, Grenadiers, Finescale Codling, Pacific Cod, Pacific Whiting, Sablefish and Thornyheads	100	100	70	50	50	20	20	410	40	35	485
28.49		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
28.49	34	M	Soupfish Shark, Dover Sole, English Sole, Arrowtooth Flounder, Spiny Dogfish, Skates, Ratfish, Grenadiers, Finescale Codling, Pacific Cod, Pacific Whiting, Sablefish and Thornyheads	250	250	175	125	125	20%	2	1025	40	30	1095
28.49		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.5		I	Marlin	100	100	70	50	50	20	20	410	40	35	485
28.5		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.5		M	Marlin	250	250	175	125	125	50	50	1025	40	30	1095
28.5		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.54		I	California Scorpionfish (Sculpin)	100	100	70	50	50	20	20	410	40	35	485
28.54		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.54		M	California Scorpionfish (Sculpin)	250	250	175	125	125	50	50	1025	40	30	1095
28.54		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.55		I	Rockfish (Sebastes)	100	100	70	50	50	20	20	410	40	35	485
28.55		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.55		M	Rockfish (Sebastes)	250	250	175	125	125	50	50	1025	40	30	1095
28.55		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.56		I	Leopard Shark	100	100	70	50	50	20	20	410	40	35	485
28.56		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.56		M	Leopard Shark	250	250	175	125	125	50	50	1025	40	30	1095
28.56		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.58		I	Ocean Whitefish	100	100	70	50	50	20	20	410	40	35	485
28.58		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.58		M	Ocean Whitefish	250	250	175	125	125	50	50	1025	40	30	1095
28.58		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.59		I	Surfperch	100	100	70	50	50	20	20	410	40	35	485
28.59		I	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82
28.59		M	Surfperch	250	250	175	125	125	50	50	1025	40	30	1095
28.59		M	(For Each Over-Limit Fish)	20	20	14	10	10	4	4	82	0	0	82

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
28.6		I	Herring Eggs	100	100	70	50	50	20	20	410	40	35	485
28.6		I	(For Each Pound Over Limit)	20	20	14	10	10	4	4	82	0	0	82
28.6		M	Herring Eggs	250	250	175	125	125	50	50	1025	40	30	1095
28.6		M	(For Each Pound Over Limit)	20	20	14	10	10	4	4	82	0	0	82
28.65		I	Fin Fish—General Gear Restrictions	100	100	70	50	50	20	20	410	40	35	485
28.65		M	Fin Fish—General Gear Restrictions	250	250	175	125	125	50	50	1025	40	30	1095
28.7		I	Weight, Power Driven Gurdies, or Power Driven Winches	100	100	70	50	50	20	20	410	40	35	485
28.7		M	Weight, Power Driven Gurdies, or Power Driven Winches	250	250	175	125	125	50	50	1025	40	30	1095
28.75		I	Baited Traps for Shiner Surfperch, Pacific Staghorn Sculpin, and Longjaw Mudsuckers	100	100	70	50	50	20	20	410	40	35	485
28.75		M	Baited Traps for Shiner Surfperch, Pacific Staghorn Sculpin, and Longjaw Mudsuckers	250	250	175	125	125	50	50	1025	40	30	1095
28.8		I	Dip Nets and Hawaiian-Type Throw Nets	100	100	70	50	50	20	20	410	40	35	485
28.8		M	Dip Nets and Hawaiian-Type Throw Nets	250	250	175	125	125	50	50	1025	40	30	1095
28.85		I	Beach Nets	100	100	70	50	50	20	20	410	40	35	485
28.85		M	Beach Nets	250	250	175	125	125	50	50	1025	40	30	1095
28.9		I	Diving, Spearfishing	100	100	70	50	50	20	20	410	40	35	485
28.9		M	Diving, Spearfishing	250	250	175	125	125	50	50	1025	40	30	1095
28.91		I	Slurp Guns	100	100	70	50	50	20	20	410	40	35	485
28.91		M	Slurp Guns	250	250	175	125	125	50	50	1025	40	30	1095
28.95		I	Spears, Harpoons, and Bow and Arrow Fishing Tackle	100	100	70	50	50	20	20	410	40	35	485
28.95		M	Spears, Harpoons, and Bow and Arrow Fishing Tackle	250	250	175	125	125	50	50	1025	40	30	1095
29		I	Gear Used in Taking Grunion	100	100	70	50	50	20	20	410	40	35	485
29		M	Gear Used in Taking Grunion	250	250	175	125	125	50	50	1025	40	30	1095
29.05		I	Invertebrates—General	100	100	70	50	50	20	20	410	40	35	485
29.05		M	Invertebrates—General	250	250	175	125	125	50	50	1025	40	30	1095

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
29.1		I	Invertebrates-General	100	100	70	50	50	20	20	410	40	35	485
29.1		M	Invertebrates-General	250	250	175	125	125	50	50	1025	40	30	1095
29.15		I	Abalone	100	100	70	50	50	20	20	410	40	35	485
29.15		I	(For Each Over-Limit Abalone)	20	20	14	10	10	4	4	82	0	0	82
29.15		M	Abalone	250	250	175	125	125	50	50	1025	40	30	1095
29.15		M	(For Each Over-Limit Abalone)	20	20	14	10	10	4	4	82	0	0	82
29.16	34	I	Abalone Report Card and Tagging Requirements	100	100	70	50	50	20	20	410	40	35	485
29.16	34	M	Abalone Report Card and Tagging Requirements	250	250	175	125	125	50	50	1025	40	30	1095
29.2		I	Clams-General	100	100	70	50	50	20	20	410	40	35	485
29.2		I	(For Each Over-Limit Clam)	20	20	14	10	10	4	4	82	0	0	82
29.2		M	Clams-General	250	250	175	125	125	50	50	1025	40	30	1095
29.2		M	(For Each Over-Limit Clam)	20	20	14	10	10	4	4	82	0	0	82
29.25		I	Gaper Clams and Washington Clams	100	100	70	50	50	20	20	410	40	35	485
29.25		I	(For Each Over-Limit Clam)	20	20	14	10	10	4	4	82	0	0	82
29.25		M	Gaper Clams and Washington Clams	250	250	175	125	125	50	50	1025	40	30	1095
29.25		M	(For Each Over-Limit Clam)	20	20	14	10	10	4	4	82	0	0	82
29.3		I	Geoduck Clams	100	100	70	50	50	20	20	410	40	35	485
29.3		I	(For Each Over-Limit Clam)	20	20	14	10	10	4	4	82	0	0	82
29.3		M	Geoduck Clams	250	250	175	125	125	50	50	1025	40	30	1095
29.3		M	(For Each Over-Limit Clam)	20	20	14	10	10	4	4	82	0	0	82
29.35		I	Littleneck Clams, Soft-Shell Clams, Chiones, Northern Quahogs, and Cockles	100	100	70	50	50	20	20	410	40	35	485
29.35		I	(For Each Over-Limit Clam)	20	20	14	10	10	4	4	82	0	0	82
29.35		M	Littleneck Clams, Soft-Shell Clams, Chiones, Northern Quahogs, and Cockles	250	250	175	125	125	50	50	1025	40	30	1095
29.35		M	(For Each Over-Limit Clam)	20	20	14	10	10	4	4	82	0	0	82
29.4		I	Pismo Clams	100	100	70	50	50	20	20	410	40	35	485
29.4		I	(For Each Over-Limit Clam)	20	20	14	10	10	4	4	82	0	0	82

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
29.4		M	Pismo Clams	250	250	175	125	125	50	50	1025	40	30	1095
29.4		M	(For Each Over-Limit Clam)	20	20	14	10	10	4	4	82	0	0	82
29.45		I	Razor Clams	100	100	70	50	50	20	20	410	40	35	485
29.45		I	(For Each Over-Limit Clam)	20	20	14	10	10	4	4	82	0	0	82
29.45		M	Razor Clams	250	250	175	125	125	50	50	1025	40	30	1095
29.45		M	(For Each Over-Limit Clam)	20	20	14	10	10	4	4	82	0	0	82
29.55		I	Mussels	100	100	70	50	50	20	20	410	40	35	485
29.55		I	(For Each Over-Limit Mussel)	20	20	14	10	10	4	4	82	0	0	82
29.55		M	Mussels	250	250	175	125	125	50	50	1025	40	30	1095
29.55		M	(For Each Over-Limit Mussel)	20	20	14	10	10	4	4	82	0	0	82
29.6		I	Rock Scallops	100	100	70	50	50	20	20	410	40	35	485
29.6		M	Rock Scallops	250	250	175	125	125	50	50	1025	40	30	1095
29.65		I	Speckled (Bay) Scallops	100	100	70	50	50	20	20	410	40	35	485
29.65		M	Speckled (Bay) Scallops	250	250	175	125	125	50	50	1025	40	30	1095
29.7		I	Squid	100	100	70	50	50	20	20	410	40	35	485
29.7		M	Squid	250	250	175	125	125	50	50	1025	40	30	1095
29.71		I	Moon Snails	100	100	70	50	50	20	20	410	40	35	485
29.71		M	Moon Snails	250	250	175	125	125	50	50	1025	40	30	1095
29.8		I	Crustacean Gear Restrictions	100	100	70	50	50	20	20	410	40	35	485
29.8		M	Crustacean Gear Restrictions	250	250	175	125	125	50	50	1025	40	30	1095
29.85		I	Crabs	100	100	70	50	50	20	20	410	40	35	485
29.85		I	(For Each Over-Limit Crab)	20	20	14	10	10	4	4	82	0	0	82
29.85		M	Crabs	250	250	175	125	125	50	50	1025	40	30	1095
29.85		M	(For Each Over-Limit Crab)	20	20	14	10	10	4	4	82	0	0	82
29.86		I	Bay Shrimp (Grass Shrimp)	100	100	70	50	50	20	20	410	40	35	485
29.86		M	Bay Shrimp (Grass Shrimp)	250	250	175	125	125	50	50	1025	40	30	1095
29.87		I	Ghost Shrimp and Blue Mud Shrimp	100	100	70	50	50	20	20	410	40	35	485
29.87		M	Ghost Shrimp and Blue Mud Shrimp	250	250	175	125	125	50	50	1025	40	30	1095
29.88		I	Coonstripe Shrimp	100	100	70	50	50	20	20	410	40	35	485
29.88		M	Coonstripe Shrimp	250	250	175	125	125	50	50	1025	40	30	1095

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
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Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
29.9		I	Spiny Lobsters	100	100	70	50	50	20	20	410	40	35	485
29.9		I	(For Each Over-Limit Lobster)	20	20	14	10	10	4	4	82	0	0	82
29.9		M	Spiny Lobsters	250	250	175	125	125	50	50	1025	40	30	1095
29.9		M	(For Each Over-Limit Lobster)	20	20	14	10	10	4	4	82	0	0	82
29.91	<sup>34</sup>	I	Spiny Lobster Report Card Requirements	100	100	70	50	50	20	20	410	40	35	485
29.91	<sup>34</sup>	M	Spiny Lobster Report Card Requirements	250	250	175	125	125	50	50	1025	40	30	1095
30		I	Kelp-General	100	100	70	50	50	20	20	410	40	35	485
30		M	Kelp-General	250	250	175	125	125	50	50	1025	40	30	1095
30.1		I	Prohibited Marine Plant Species	100	100	70	50	50	20	20	410	40	35	485
30.1		M	Prohibited Marine Plant Species	250	250	175	125	125	50	50	1025	40	30	1095
100	<sup>29</sup>	M	Abalone-Unlawful Taking for Commercial Purposes	15000	15000	10500	7500	7500	3000	3000	61500	40	30	61570
106-182.1		M	Violation of Commercial Fishing Regulations	200	200	140	100	100	40	40	820	40	30	890
251		M	Prohibition on Pursuing or Shooting Birds and Mammals from Motor Driven Air or Land Vehicles	200	200	140	100	100	40	40	820	40	30	890
257.5	<sup>34</sup>	M	Hunting Over Bait	200	200	140	100	100	40	40	820	40	30	890
257.5	<sup>34</sup>	M	Hunting Over Bait – Trophy Deer, Elk, Antelope, or Big Horn Sheep	5000	5000	3500	2500	2500	1000	1000	20500	40	30	20570
257.5	<sup>34</sup>	M	Hunting Over Bait – Trophy Turkey	2000	2000	1400	1000	1000	400	400	8200	40	30	8270
300		M	Pheasants-Season and Area	200	200	140	100	100	40	40	820	40	30	890
300		M	(For Each Over-Limit Bird)	20	20	14	10	10	4	4	82	0	0	82
307	<sup>29</sup>	I	Tree Squirrels-Season and Area	100	100	70	50	50	20	20	410	40	35	485
307		I	(For Each Over-Limit Animal)	20	20	14	10	10	4	4	82	0	0	82
307		M	Tree Squirrels-Season and Area	200	200	140	100	100	40	40	820	40	30	890
307		M	(For Each Over-Limit Animal)	20	20	14	10	10	4	4	82	0	0	82
308	<sup>28</sup>	I	Rabbits-Season and Area	100	100	70	50	50	20	20	410	40	35	485
308		I	(For Each Over-Limit Animal)	20	20	14	10	10	4	4	82	0	0	82
308	<sup>29</sup>	M	Rabbits-Season and Area	200	200	140	100	100	40	40	820	40	30	890
308		M	(For Each Over-Limit Animal)	20	20	14	10	10	4	4	82	0	0	82



**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
310		M	Shooting Hours–Small Game Animal	200	200	140	100	100	40	40	820	40	30	890
310.5		M	Shooting Hours–Game Birds	200	200	140	100	100	40	40	820	40	30	890
311	28	I	Weapons or Methods Authorized	100	100	70	50	50	20	20	410	40	35	485
311	28	M	Weapons or Methods Authorized	200	200	140	100	100	40	40	820	40	30	890
352		M	Shooting Hours–Big Game	200	200	140	100	100	40	40	820	40	30	890
353		M	Methods–Big Game	200	200	140	100	100	40	40	820	40	30	890
360	(a,b)	M	Deer–Season and Area	500	500	350	250	250	100	100	2050	40	30	2120
360	(c)	M	(For Each Over-Limit Deer)	200	200	140	100	100	40	40	820	0	0	820
365	(a,b)	M	Bear–Season and Area	500	500	350	250	250	100	100	2050	40	30	2120
365	(c)	M	(For Each Over-Limit Bear)	250	250	175	125	125	50	50	1025	0	0	1025
365	(e)	M	Method of Take	250	250	175	125	125	50	50	1025	40	30	1095
502	(a)	M	Migratory Waterfowl–Season and Area	200	200	140	100	100	40	40	820	40	30	890
502	(b)	M	(For Each Over-Limit Bird)	20	20	14	10	10	4	4	82	0	0	82
550	(d)	39 I	Failure to Obtain Special Use Permit for Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(d)	39 M	Failure to Obtain Special Use Permit for Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(g)	39 I	Destruction of Natural Resources on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(g)	M	Destruction of Natural Resources on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(h)	39 I	Unlawful Fishing on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(h)	39 M	Unlawful Fishing on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(k)	39 I	Unlawful Introduction of Species on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(k)	39 M	Unlawful Introduction of Species on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(l)	39 I	Unlawful Feeding of Wildlife on Department Lands	100	100	70	50	50	20	20	410	40	35	485

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
550	(l)	<sup>39</sup> M	Unlawful Feeding of Wildlife on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(m)	<sup>39</sup> I	Unlawful Bringing of Pets onto Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(m)	<sup>39</sup> M	Unlawful Bringing of Pets onto Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(n)	<sup>39</sup> I	Unlawful Use of Dogs on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(n)	<sup>39</sup> M	Unlawful Use of Dogs on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(o)	I	Unlawful Use of Horses on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(o)	<sup>39</sup> M	Unlawful Use of Horses on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(p)	<sup>39</sup> I	Unlawful Camping on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(p)	M	Unlawful Camping on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(q)	<sup>39</sup> I	Unlawful Use of Fires on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(q)	<sup>39</sup> M	Unlawful Use of Fires on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(r)	<sup>39</sup> I	Hazardous Substance Deposit on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(r)	<sup>39</sup> M	Hazardous Substance Deposit on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(s)	<sup>39</sup> I	Unauthorized Farming or Grazing on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(s)	<sup>39</sup> M	Unauthorized Farming or Grazing on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(t)	<sup>39</sup> I	Vandalism on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(t)	<sup>39</sup> M	Vandalism on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(u)	<sup>39</sup> I	Tampering with Signs or Markers on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(u)	<sup>39</sup> M	Tampering with Signs or Markers on Department Lands	200	200	140	100	100	40	40	820	40	30	890

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
550	(v)	<sup>39</sup> I	Littering on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(v)	<sup>39</sup> M	Littering on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(w)	<sup>39</sup> M	Possession and Use of Fireworks on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(w)	<sup>39</sup> I	Possession and Use of Fireworks on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(x)	<sup>39</sup> I	Possession and Use of Alcohol, Marijuana and Controlled Substances on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(x)	<sup>39</sup> M	Possession and Use of Alcohol, Marijuana and Controlled Substances on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(y)	<sup>39</sup> I	Unlawful Operation of Motor Vehicles on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(y)	<sup>39</sup> M	Unlawful Operation of Motor Vehicles on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(z)	<sup>39</sup> I	Unlawful Use of Boats and Swimming on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(z)	<sup>39</sup> M	Unlawful Use of Boats and Swimming on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(aa)	<sup>39</sup> I	Unauthorized Use of Aircraft on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(aa)	<sup>39</sup> M	Unauthorized Use of Aircraft on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(bb)	<sup>39</sup> I	Unauthorized Bike Riding on Department Lands	100	100	70	50	50	20	20	410	40	35	485
550	(bb)	<sup>39</sup> M	Unauthorized Bike Riding on Department Lands	200	200	140	100	100	40	40	820	40	30	890
550	(cc)	<sup>39</sup> I	Unlawful Possession and Use of Firearms or Archery Equipment on Department Lands	100	100	70	50	50	20	20	410	40	35	485

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
550	(cc)	<sup>39</sup> M	Unlawful Possession and Use of Firearms or Archery Equipment on Department Lands	200	200	140	100	100	40	40	820	40	30	890
506	(a)	M	Waterfowl–Shooting	200	200	140	100	100	40	40	820	40	30	890
507		<sup>28</sup> I	Waterfowl–Method of Take	100	100	70	50	50	20	20	410	40	35	485
507		<sup>28</sup> M	Waterfowl–Method of Take	200	200	140	100	100	40	40	820	40	30	890
700	(a)	<sup>41</sup> M	Fishing License in Possession	100	100	70	50	50	20	20	410	40	30	480
700	(b)	M	Hunting License in Possession	200	200	140	100	100	40	40	820	40	30	890
700	(b)	M	Hunting License in Possession–Without Proof of Correction	300	300	210	150	150	60	60	1230	40	30	1300

**Notes**

- <sup>1</sup> Per F&G 12013.3 (a)(6). Per F&G 12002.2(c), "If a person is charged with a violation of Section 7145 or of a regulation requiring a license to be displayed, and produces in court a lifetime sport fishing license issued in his or her name pursuant to Section 7149.2, and if the taking was otherwise lawful, in terms of season, limit, time, and area, the court may dismiss the charge."
- <sup>2</sup> Per F&G 12002(b): "... fine of not more than \$2,000, imprisonment in a county jail for not more than one year, or both the fine and imprisonment."
- <sup>3</sup> Per F&G 12013.3(a): "... fine of not less than \$5,000, nor more than \$40,000 ... ."
- <sup>4</sup> Per F&G 12013.3(a): "... fine of not less than \$2,000, nor more than \$5,000 ... ."
- <sup>7</sup> Per F&G 12002(a): "... fine of not more than \$1,000, imprisonment in a county jail for not more than six months, or by both that fine and imprisonment."
- <sup>8</sup> ~~AB 223; Stats. 2021; ch. 370.~~ Per F&G 2024 (f)(1): "For a first conviction, where the total value is two hundred fifty dollars (\$250) or more, the offense shall be a misdemeanor punishable by a fine of not less than five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000), imprisonment in the county jail for not more than six months, or by both the fine and imprisonment. (2) For a second or subsequent conviction, the offense shall be a misdemeanor punishable by a fine of not less than ten thousand dollars (\$10,000) and not more than five hundred thousand dollars, (\$500,000), imprisonment in the county jail for not more than six months, or by both the fine and imprisonment."

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
	<sup>10</sup>		Per F&G 3004.5 "A person who violates any provision of this section is guilty of an infraction punishable by a fine of \$500." Per F&G 3004.5(g), a second or subsequent offense shall be punished by a fine not less than \$1,000 or more than \$5,000.											
	<sup>11</sup>		Per F&G 12002(c), except as specified in F&G 12001 and 12010: "... a fine of not more than \$5,000."											
	<sup>12</sup>		Per F&G 12002(a): "... punishment for a violation of this code that is a misdemeanor is a fine of not more than \$1,000, imprisonment in the county jail for not more than six months, or by both the fine and imprisonment." Per F&G 12002(b): punishment for a violation of subdivision (b) of Section 4004 is "... a fine of not more than \$2,000, imprisonment in the county jail for not more than one year, or both the fine and imprisonment"											
	<sup>13</sup>		Per F&G 12013.3(a): "fine of not less than \$5,000, nor more than \$40,000."											
	<sup>14</sup>		Per F&G 12003.2: "fine of not more than \$25,000 per unlawful taking, imprisonment in the county jail for the period prescribed in sections 12002 or 12008, or both the fine and imprisonment."											
	<sup>15</sup>		Per F&G 12005(a): "punishment for each violation of Section 4758 shall include both of the following: (1) A fine of \$250 for each bear part. (2) An additional fine of not more than \$5,000, imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county jail for not more than one year, or both that fine and imprisonment."											
	<sup>16</sup>		Per F&G 12005(c)(1), punishment for each violation of section 4758 that includes the possession of three or more bear gall bladders is punishable by both a fine of \$250 for each bear part, as required by F&G 12005(a)(1), and an additional fine of not more than \$10,000 dollars, imprisonment in a county jail for not more than one year, or both that fine and imprisonment. Per F&G 12005(c)(1)(B)(2): "If probation is granted, or execution or imposition of sentence is suspended, it shall be a condition thereof that the minimum term of three months shall be served in a county jail."											
	<sup>17</sup>		Per F&G 12003.1: punishment "... not less than \$250 ... ."											
	<sup>18</sup>		Per F&G 12009(a): "... except as provided in Section 12006.6, the punishment for a violation of any provision of Section 5521 or 5521.5 ... is a fine of not less than \$15,000 or more than \$40,000 and imprisonment in the county jail for a period not to exceed one year. The court shall permanently revoke any commercial fishing license, commercial fishing permit, or sport fishing license issued by the department." Per F&G 12006.6: "... in addition to Section 12009, and notwithstanding the type of fishing license or permit held, if any person is convicted of a violation of Section 5521 or 5521.5, and the offense occurs in an area closed to the taking of abalone for commercial purposes, and the person takes or possesses more than 12 abalone at one time or takes abalone in excess of the annual bag limit, that person shall be punished by ... A fine of not less than \$15,000 or more than \$40,000."											
	<sup>19</sup>		Per F&G 12002(b): "... fine of not more than \$2,000, imprisonment in a county jail for not more than one year, or both the fine and imprisonment."											
	<sup>20</sup>		Per F&G 12023: "... punishable by all of the following: (1) Imprisonment in the county jail for not less than six months or more than one year, a fine of not more than \$50,000 for each violation, or both that imprisonment and fine ... ."											

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **	
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>		
21	Per F&G 12009(a): "... except as provided in Section 12006.6, the punishment for a violation ... of Section 7121, involving abalone, is a fine of not less than \$15,000 or more than \$40,000 and imprisonment in the county jail for a period not to exceed one year. The court shall permanently revoke any commercial fishing license, commercial fishing permit, or, sport fishing license issued by the department." Per F&G 12006.6: "... in addition to Section 12009, and notwithstanding the type of fishing license or permit held, if any person is convicted of a violation of Section 5521 or 5521.5, and the offense occurs in an area closed to the taking of abalone for commercial purposes, and the person takes or possesses more than 12 abalone at one time or more than 100 abalone during a calendar year, that person shall be punished by ... A fine of not less than \$15,000 or more than \$40,000."														
22	Per F&G 12002.2(a): " ... fine of not less than \$100 or more than \$1,000 for a first offense. If a person is convicted of a violation of Section 7145 or of a regulation requiring a license to be displayed within five years of a separate offense resulting in a conviction of a violation of Section 7145 or of a regulation requiring a license to be displayed, that person shall be punished by a fine of not less than two hundred fifty dollars (\$250) or more than one thousand dollars (\$1,000) ." Per F&G 12002.2(b), a court may reduce the fine for conviction to \$25 with proof of a license valid at time of arrest. Per F&G 12002.2(c), "If a person is charged with a violation of Section 7145 or of a regulation requiring a license to be displayed, and produces in court a lifetime sport fishing license issued in his or her name pursuant to Section 7149.2, and if the taking was otherwise lawful, in terms of season, limit, time, and area, the court may dismiss the charge."														
23	Per F&G 7863, the section shall remain in effect until 1/1/19.														
24	Per F&G 12002(b): "... fine of not more than \$2,000, imprisonment in the county jail for not more than one year, or both the fine and imprisonment."														
25	Per F&G 12003.1(a): "... not less than \$500 and imprisonment in county jail for not less than 30 days for a second subsequent violation."														
26	Per F&G 12012(a): "... fine of not less than \$5,000, nor more than \$40,000 ... ." Per F&G 12012 (b), "If a person is convicted of a second or subsequent violation of subdivision (a), that person shall be punished by a fine of not less than ten thousand dollars (\$10,000) nor more than fifty thousand dollars (\$50,000), or imprisonment in the county jail for not more than one year, or by both that fine and imprisonment."														
27	Per F&G 12013.5(a): "fine of \$10,000 per bear part."														
28	Per F&G 12000(b): " ... infraction punishable by a fine of not less than \$100 and not to exceed \$1,000 ... ."														

**FISH AND GAME BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	

<sup>29</sup> Per F&G 12000: "(a) Except as expressly provided otherwise in this code, any violation of this code, or of any rule, regulation, or order made or adopted under this code, is a misdemeanor. (b) Notwithstanding subdivision (a), any person who violates any of the following statutes or regulations is guilty of an infraction punishable by a fine of not less than \$100 or more than \$1,000, or of a misdemeanor: (1) Section 2009. (2) Subdivision (a) of Section 6596. (3) Section 7149.8. (4) Sections 1.14, 1.17, 1.62, 1.63, and 1.74 of Title 14 of the California Code of Regulations. (5) Sections 2.00 to 5.95, inclusive, and 7.00 to 8.00, inclusive, of Title 14 of the California Code of Regulations. (6) Sections 27.56 to 30.10, inclusive, of Title 14 of the California Code of Regulations. (7) Sections 40 to 43, inclusive, of Title 14 of the California Code of Regulations. (8) Section 251.7 of Title 14 of the California Code of Regulations. (9) Sections 307, 308, and 311 to 313, inclusive, of Title 14 of the California Code of Regulations. (10) Sections 505, 507 to 510, inclusive, and 550 to 553, inclusive, of Title 14 of the California Code of Regulations. (10)(11) Sections 630 to 630.5, inclusive, of Title 14 of the California Code of Regulations. (12) Section 632 of Title 14 of the California Code of Regulations, except if either of the following apply: (A) The person who violates the regulation holds a commercial fishing license issued pursuant to Article 3 (commencing with Section 7850) of Chapter 1 of Part 3 of Division 6 or a commercial passenger fishing boat license issued pursuant to Article 5 (commencing with Section 7920) of Chapter 1 of Part 3 of Division 6. (B) The violation of the regulation occurred within two years of a prior violation of the regulation that resulted in a conviction."

<sup>34</sup> Per F&G 12000(b)(6) a person who violates Sections 27.56 to 30.10 of Title 14 of the California Code of Regulations is guilty of an infraction punishable by a fine of not less than one hundred dollars (\$100) and not to exceed one thousand dollars (\$1,000), or of a misdemeanor.

<sup>39</sup> Per F&G 12000(b): "... a person who violates any of the following statutes or regulations is guilty of an infraction punishable by a fine of not less than one hundred dollars (\$100) and not to exceed one thousand dollars (\$1,000), or of a misdemeanor: (1)...(10) Sections ... 550 to 553, inclusive, of Title 14 of the California Code of Regulations."

<sup>41</sup> Per F&G 12002.2(b), a court may reduce the fine for conviction to \$25 with proof of a license valid at time of arrest. Per F&G 12002.2(c), "If a person is charged with a violation of Section 7145 or of a regulation requiring a license to be displayed, and produces in court a lifetime sport fishing license issued in his or her name pursuant to Section 7149.2, and if the taking was otherwise lawful, in terms of season, limit, time, and area, the court may dismiss the charge."

**PUBLIC UTILITIES BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(Public Utilities Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>30</b>	
1038.5		M	Identification of Equipment, Passenger Stage Corporations	200	200	140	100	100	40	40	820	40	30	890
4669		M	Failure to Secure Liability Insurance Protection by For-Hire Vessel Operator	450	450	315	225	225	90	90	1845	40	30	1915
5371		M	Operations as a Charter-Party Carrier Without Certificate or Permit	450	450	315	225	225	90	90	1845	40	30	1915
5385		M	Identification of Equipment, Charter-Party Carrier of Passengers	200	200	140	100	100	40	40	820	40	30	890
5386		M	Advertising as a Charter-Party Carrier of Passengers Without Stating Identification Symbol	450	450	315	225	225	90	90	1845	40	30	1915
5386.5		M	Charter-Party Carrier of Passengers Advertising Its Services as a Taxicab	450	450	315	225	225	90	90	1845	40	30	1915
5387	(a)	M	Charter-Party Carrier Operating Without Permit, Vehicle Identification, and Accident Liability Protection	450	450	315	225	225	90	90	1845	40	30	1915
5411		<sup>4</sup> M	Violation of Charter-Party Carrier Order, Decision, Rule, Regulation, Direction, Demand, Requirement, or Operating Permit or Certificate	1000	1000	700	500	500	200	200	4100	40	30	4170
5411.3		<sup>5</sup> M	Display of Improper Vehicle Identifying Symbol	750	750	525	375	375	150	150	3075	40	30	3145
5412		<sup>6</sup> M	Violation of Charter-Party Carrier Order, Decision, Rule, Regulation, Direction, Demand, Requirement, or Operating Permit or Certificate by Corporation or Person	450	450	315	225	225	90	90	1845	40	30	1915
5412.2	(a)	M	Operating as a Charter-Party Carrier of Passengers or Taxicab Without Valid Certificate/Permit	750	750	525	375	375	150	150	3075	40	45	3160



**PUBLIC UTILITIES BAIL AND PENALTY SCHEDULE**  
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**(Public Utilities Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>30</b>	
5414.5		M	Advertising as a Charter-Party Carrier of Passengers Without Certificate or Permit	450	450	315	225	225	90	90	1845	40	46	1931
5513	(a)	M	Failure to Secure Required Liability Insurance Protection by Hot Air Balloon Operator	450	450	315	225	225	90	90	1845	40	47	1932
5513	(b)	M	Operating as a Hot Air Balloon Operator Without a Local Permit When Required	1000	1000	700	500	500	200	200	4100	40	48	4188
99170	(a)(1)	<sup>7</sup> I	Operation of or Interference with a Transit District's Vehicles	35	40	28	20	20	7	8	158	40	35	233
99170	(a)(2)	<sup>7</sup> I	Interference with Transit Operator	35	40	28	20	20	7	8	158	40	35	233
99170	(a)(3)	<sup>7</sup> I	Extending Body from Transit District's Vehicles	35	40	28	20	20	7	8	158	40	35	233
99170	(a)(4)	<sup>7</sup> I	Throwing Objects from Transit District's Vehicle	35	40	28	20	20	7	8	158	40	35	233
99170	(a)(5)	<sup>7</sup> I	Behavior Causing Injury to Person or Property	35	40	28	20	20	7	8	158	40	35	233
99170	(a)(6)	<sup>7</sup> I	Violating Safety or Security Instruction	35	40	28	20	20	7	8	158	40	35	233
99170	(a)(7)	<sup>7</sup> I	Providing False Information to Transit District Employee or Obstructing Issuance of Citation	35	40	28	20	20	7	8	158	40	35	233
99170	(a)(8)	<sup>7</sup> I	Violating Rules Regarding Boarding Transit Vehicles with Bicycles	35	40	28	20	20	7	8	158	40	35	233

**Notes**

<sup>1</sup> Per PU 5311(b): " ... fine of not more than \$10,000 ... ."

<sup>2</sup> Per PU 5311(a): " ... fine of not more than \$2,500... ."

<sup>3</sup> Per PU 5311(a): "for a willful violation ... fine of not more than \$10,000 ... ."

**PUBLIC UTILITIES BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(Public Utilities Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Cony. Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>30</b>

<sup>4</sup> Per PU 5411: "... fine of not less than \$1,000 and not more than \$5,000 ... ."

<sup>5</sup> Per PU 5411.3: "... fine of not more than \$2,500 ... ."

<sup>6</sup> Per PU 5412: "... fine of not more than \$2,000 ... ."

<sup>7</sup> Per PUC section 99170 "(a) A person shall not do [1-8] with respect to the property, facilities, or vehicles of a transit district: district or the property, facilities, or vehicles upon which the San Francisco Bay Area Rapid Transit District owes policing responsibilities to a local government pursuant to an operations and maintenance agreement or similar interagency agreement." Per 99170 (c) A violation of this section is an infraction under Section 19.8 of the Penal Code punishable by a fine not exceeding seventy-five dollars (\$75), and a violation by a person after a second conviction is punishable by a fine not exceeding two hundred fifty dollars (\$250) or by community service that does not conflict with the violator's hours of school attendance or employment for a total time not to exceed 48 hours over a period not to exceed 60 days.

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(California Code of Regulations, Title 14)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surcharge* Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
4302		I	Payment of Fee for Use of Facilities Required	135	140	98	70	70	27	28	568	40	35	643
4302		M	Payment of Fee for Use of Facilities Required	75	80	56	40	40	15	16	322	40	30	392
4304		I	No Aircraft Landing or Takeoff Without Authorization	100	100	70	50	50	20	20	410	40	35	485
4304		M	No Aircraft Landing or Takeoff Without Authorization	250	250	175	125	125	50	50	1025	40	30	1095
4305	(a)	I	No Hunting or Fishing in a State Park	50	50	35	25	25	10	10	205	40	35	280
4305	(a)	M	No Hunting or Fishing in a State Park	250	250	175	125	125	50	50	1025	40	30	1095
4305	(b)	I	No Taking, Killing, or Injuring Wildlife in a State Park	100	100	70	50	50	20	20	410	40	35	485
4305	(b)	M	No Taking, Killing, or Injuring Wildlife in a State Park	250	250	175	125	125	50	50	1025	40	30	1095
4305	(e)	I	No Feeding of Posted Wildlife	50	50	35	25	25	10	10	205	40	35	280
4305	(e)	M	No Feeding of Posted Wildlife	75	80	56	40	40	15	16	322	40	30	392
4306		I	No Collecting/Destroying Vegetation in a State Park	50	50	35	25	25	10	10	205	40	35	280
4306		M	No Collecting/Destroying Vegetation in a State Park	100	100	70	50	50	20	20	410	40	30	480
4307		I	No Destruction of Geological Features in a State Park + Damages	50	50	35	25	25	10	10	205	40	35	280
4307		M	No Destruction of Geological Features in a State Park + Damages	100	100	70	50	50	20	20	410	40	30	480
4308		I	No Destruction of Archaeological Features in a State Park + Damages	100	100	70	50	50	20	20	410	40	35	485
4308		M	No Destruction of Archaeological Features in a State Park + Damages	250	250	175	125	125	50	50	1025	40	30	1095
4310		I	No Littering in a State Park	50	50	35	25	25	10	10	205	40	35	280
4310		<sup>1</sup> M	No Littering in a State Park	100	100	70	50	50	20	20	410	40	30	480
4311	(a)	I	No Fires Except in Appropriate Stove/Fireplaces	50	50	35	25	25	10	10	205	40	35	280
4311	(a)	M	No Fires Except in Appropriate Stove/Fireplaces	100	100	70	50	50	20	20	410	40	30	480
4311	(b)	I	No Unsafe Fires	100	100	70	50	50	20	20	410	40	35	485

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(California Code of Regulations, Title 14)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surcharge* Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>40</b>	<b>0</b>	
4311	(b)	M	No Unsafe Fires	500	500	350	250	250	100	100	2050	40	30	2120
4311	(c)	I	No Fire or Smoking Where Posted	100	100	70	50	50	20	20	410	40	35	485
4311	(c)	M	No Fire or Smoking Where Posted	250	250	175	125	125	50	50	1025	40	30	1095
4312	(a,b,d )	I	No Dog or Animal Running Loose	35	40	28	20	20	7	8	158	40	35	233
4312	(a,b,d )	M	No Dog or Animal Running Loose	75	80	56	40	40	15	16	322	40	30	392
4312	(c)	I	Keeping Noisy, Vicious, or Dangerous Dogs or Animals	100	100	70	50	50	20	20	410	40	35	485
4312	(c)	M	Keeping Noisy, Vicious, or Dangerous Dogs or Animals	250	250	175	125	125	50	50	1025	40	30	1095
4312	(e)	I	No Dogs or Cats in Area Unless on a Leash	50	50	35	25	25	10	10	205	40	35	280
4312	(e)	M	No Dogs or Cats in Area Unless on a Leash	100	100	70	50	50	20	20	410	40	30	480
4312	(f)	I	No Animals in a Unit Except Under Control	35	40	28	20	20	7	8	158	40	35	233
4312	(f)	M	No Animals in a Unit Except Under Control	75	80	56	40	40	15	16	322	40	30	392
4312	(h)	I	No Grazing Without Authorization + \$30 Per Head	50	50	35	25	25	10	10	205	40	35	280
4312	(h)	M	No Grazing Without Authorization + \$30 Per Head	100	100	70	50	50	20	20	410	40	30	480
4313		I	No Weapons or Traps Except Where Authorized	100	100	70	50	50	20	20	410	40	35	485
4313		M	No Weapons or Traps Except Where Authorized	250	250	175	125	125	50	50	1025	40	30	1095
4314		I	No Fireworks Allowed	50	50	35	25	25	10	10	205	40	35	280
4314		M	No Fireworks Allowed	100	100	70	50	50	20	20	410	40	30	480
4316		I	No Photography/Filming for Commercial Purposes Without Authorization	100	100	70	50	50	20	20	410	40	35	485
4316		M	No Photography/Filming for Commercial Purposes Without Authorization	500	500	350	250	250	100	100	2050	40	30	2120
4317		I	No Juvenile Shall Violate Posted Curfew Hours	35	40	28	20	20	7	8	158	40	35	233
4317		M	No Juvenile Shall Violate Posted Curfew Hours	75	80	56	40	40	15	16	322	40	30	392
4318		I	No Loitering About Park Restrooms, Showers, etc.	100	100	70	50	50	20	20	410	40	35	485

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(California Code of Regulations, Title 14)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA	PA*	Court PA*/1 0	Surcharge* Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
4318		M	No Loitering About Park Restrooms, Showers, etc.	250	250	175		125	125	50	50	1025	40	30	1095
4319		I	No Dangerous Recreational Activities	35	40	28		20	20	7	8	158	40	35	233
4319		M	No Dangerous Recreational Activities	75	80	56		40	40	15	16	322	40	30	392
4320	(a)	I	Observation of Quiet Hours Required	50	50	35		25	25	10	10	205	40	35	280
4320	(a)	M	Observation of Quiet Hours Required	100	100	70		50	50	20	20	410	40	30	480
4320	(b)	I	No Outside Machinery Operated Without Permission	50	50	35		25	25	10	10	205	40	35	280
4320	(b)	M	No Outside Machinery Operated Without Permission	100	100	70		50	50	20	20	410	40	30	480
4320	(c)	I	No Noisy Disturbance During Specified Hours	35	40	28		20	20	7	8	158	40	35	233
4320	(c)	M	No Noisy Disturbance During Specified Hours	75	80	56		40	40	15	16	322	40	30	392
4321		I	Restrictions on Assembly	50	50	35		25	25	10	10	205	40	35	280
4321		M	Restrictions on Assembly	100	100	70		50	50	20	20	410	40	30	480
4322		I	No Nudity Except Where Authorized	50	50	35		25	25	10	10	205	40	35	280
4322		M	No Nudity Except Where Authorized	100	100	70		50	50	20	20	410	40	30	480
4323	(a)	I	Restrictions on Recreational Equipment	35	40	28		20	20	7	8	158	40	35	233
4323	(a)	M	Restrictions on Recreational Equipment	75	80	56		40	40	15	16	322	40	30	392
4323	(b)	I	Restrictions on Food Storage	50	50	35		25	25	10	10	205	40	35	280
4323	(b)	M	Restrictions on Food Storage	100	100	70		50	50	20	20	410	40	30	480
4323	(c)	I	Restrictions on Tents on Beaches	35	40	28		20	20	7	8	158	40	35	233
4323	(c)	M	Restrictions on Tents on Beaches	75	80	56		40	40	15	16	322	40	30	392
4324	(a-c)	I	Requirements for Sanitation	50	50	35		25	25	10	10	205	40	35	280
4324	(a-c)	M	Requirements for Sanitation	100	100	70		50	50	20	20	410	40	30	480
4326		I	Violation of Posted Orders/Special Permits Prohibited	50	50	35		25	25	10	10	205	40	35	280
4326		M	Violation of Posted Orders/Special Permits Prohibited	100	100	70		50	50	20	20	410	40	30	480
4330		I	Restrictions for Use of Pesticides	100	100	70		50	50	20	20	410	40	35	485
4330		M	Restrictions for Use of Pesticides	500	500	350		250	250	100	100	2050	40	30	2120
4331		I	No Soliciting Without Authorization	50	50	35		25	25	10	10	205	40	35	280
4331		M	No Soliciting Without Authorization	100	100	70		50	50	20	20	410	40	30	480

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(California Code of Regulations, Title 14)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA	PA*	Court PA*/1 0	Surcharge* Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
4333		I	Restriction of Glass Containers Except as Authorized	50	50	35		25	25	10	10	205	40	35	280
4333		M	Restriction of Glass Containers Except as Authorized	100	100	70		50	50	20	20	410	40	30	480
4351		I	Restrictions in State Wilderness/Natural Preserves	100	100	70		50	50	20	20	410	40	35	485
4351		M	Restrictions in State Wilderness/Natural Preserves	500	500	350		250	250	100	100	2050	40	30	2120
4352		I	No Off-Highway Vehicles/Snowmobiles Unless Authorized	50	50	35		25	25	10	10	205	40	35	280
4352		M	No Off-Highway Vehicles/Snowmobiles Unless Authorized	100	100	70		50	50	20	20	410	40	30	480
4353		I	No Violations of Posted Speed Limits				[See Speed Chart]						40	35	75
4353		M	No Violations of Posted Speed Limits				[See Speed Chart]						40	30	70
4354		I	No Vehicle Operations That Endanger Persons/Animals	50	50	35		25	25	10	10	205	40	35	280
4354		M	No Vehicle Operations That Endanger Persons/Animals	100	100	70		50	50	20	20	410	40	30	480
4355		I	Restrictions on Vehicle Operation	50	50	35		25	25	10	10	205	40	35	280
4355		M	Restrictions on Vehicle Operation	75	80	56		40	40	15	16	322	40	30	392
4357		I	License Requirements to Operate Vehicle	50	50	35		25	25	10	10	205	40	35	280
4357		M	License Requirements to Operate Vehicle	75	80	56		40	40	15	16	322	40	30	392
4359	(b)	I	No Horses/Pack Animals Except in Designated Areas	50	50	35		25	25	10	10	205	40	35	280
4359	(b)	M	No Horses/Pack Animals Except in Designated Areas	75	80	56		40	40	15	16	322	40	30	392
4359	(c)	I	No Riding Horses/Pack Animals in Reckless Manner	50	50	35		25	25	10	10	205	40	35	280
4359	(c)	M	No Riding Horses/Pack Animals in Reckless Manner	100	100	70		50	50	20	20	410	40	30	480
4359	(e)	I	Gate Requirements When Riding	35	40	28		20	20	7	8	158	40	35	233
4359	(e)	M	Gate Requirements When Riding	75	80	56		40	40	15	16	322	40	30	392

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(California Code of Regulations, Title 14)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surcharge* Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
4360		I	Regulations for Operation of Bicycles	50	50	35	25	25	10	10	205	40	35	280
4360		M	Regulations for Operation of Bicycles	75	80	56	40	40	15	16	322	40	30	392
4451	(a)	I	Camping in Designated Areas Only	35	40	28	20	20	7	8	158	40	35	233
4451	(a)	M	Camping in Designated Areas Only	75	80	56	40	40	15	16	322	40	30	392
4452		I	Limits on Number Occupying Camp Sites; per Extra	35	40	28	20	20	7	8	158	40	35	233
4452		M	Limits on Number Occupying Camp Sites; per Extra	75	80	56	40	40	15	16	322	40	30	392
4453		I	Camping Fees Due at Certain Times	35	40	28	20	20	7	8	158	40	35	233
4453		M	Camping Fees Due at Certain Times	75	80	56	40	40	15	16	322	40	30	392
4454		I	Occupancy Authorized Only After Fees Are Paid	35	40	28	20	20	7	8	158	40	35	233
4454		M	Occupancy Authorized Only After Fees Are Paid	75	80	56	40	40	15	16	322	40	30	392
4455		I	Camping Time Limits—Days per Year	35	40	28	20	20	7	8	158	40	35	233
4455		M	Camping Time Limits—Days per Year	75	80	56	40	40	15	16	322	40	30	392
4456		I	Vacating Campsite Requirements	35	40	28	20	20	7	8	158	40	35	233
4456		M	Vacating Campsite Requirements	75	80	56	40	40	15	16	322	40	30	392
4457		I	No Camping in Day-Use Areas Unless Authorized	35	40	28	20	20	7	8	158	40	35	233
4457		M	No Camping in Day-Use Areas Unless Authorized	75	80	56	40	40	15	16	322	40	30	392
4458		I	Nighttime Closure Requirements	50	50	35	25	25	10	10	205	40	35	280
4458		M	Nighttime Closure Requirements	100	100	70	50	50	20	20	410	40	30	480
4501	(a)	I	Hunting Requirements—Picacho State Recreational Area	100	100	70	50	50	20	20	410	40	35	485
4501	(a)	M	Hunting Requirements—Picacho State Recreational Area	250	250	175	125	125	50	50	1025	40	30	1095
4501	(b)	I	Hunting Requirements—Auburn State Recreational Area	100	100	70	50	50	20	20	410	40	35	485
4501	(b)	M	Hunting Requirements—Auburn State Recreational Area	250	250	175	125	125	50	50	1025	40	30	1095
4501	(c)	I	Hunting Requirements—San Luis Reservoir State Recreational Area	100	100	70	50	50	20	20	410	40	35	485

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(California Code of Regulations, Title 14)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surcharge* Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>40</b>	<b>0</b>	
4501	(c)	M	Hunting Requirements–San Luis Reservoir State Recreational Area	250	250	175	125	125	50	50	1025	40	30	1095
4501	(d)	I	Hunting Requirements–Providence Mountain State Recreational Area	100	100	70	50	50	20	20	410	40	35	485
4501	(d)	M	Hunting Requirements–Providence Mountain State Recreational Area	250	250	175	125	125	50	50	1025	40	30	1095
4501	(e)	I	Hunting Requirements–Lake Oroville State Recreational Area	100	100	70	50	50	20	20	410	40	35	485
4501	(e)	M	Hunting Requirements–Lake Oroville State Recreational Area	250	250	175	125	125	50	50	1025	40	30	1095
4501	(f)	I	Hunting Requirements–Lake Perris State Recreational Area	100	100	70	50	50	20	20	410	40	35	485
4501	(f)	M	Hunting Requirements–Lake Perris State Recreational Area	250	250	175	125	125	50	50	1025	40	30	1095
4501	(g)	I	Hunting Requirements–Harry A. Merlo State Recreation Area	100	100	70	50	50	20	20	410	40	35	485
4501	(g)	M	Hunting Requirements–Harry A. Merlo State Recreation Area	250	250	175	125	125	50	50	1025	40	30	1095
4501	(h)	I	Hunting Requirements–Franks Tract State Recreational Area	100	100	70	50	50	20	20	410	40	35	485
4501	(h)	M	Hunting Requirements–Franks Tract State Recreational Area	250	250	175	125	125	50	50	1025	40	30	1095
4600	(a)	I	Restrictions–San Simeon Historical Monument–Tours	35	40	28	20	20	7	8	158	40	35	233
4600	(a)	M	Restrictions–San Simeon Historical Monument–Tours	75	80	56	40	40	15	16	322	40	30	392
4600	(b)	I	Restrictions–San Simeon Historical Monument–Objects + Damages	35	40	28	20	20	7	8	158	40	35	233
4600	(b)	M	Restrictions–San Simeon Historical Monument–Objects + Damages	75	80	56	40	40	15	16	322	40	30	392
4600	(c)	I	Restrictions–San Simeon Historical Monument–Food + Damages	35	40	28	20	20	7	8	158	40	35	233



**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(California Code of Regulations, Title 14)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA	PA*	Court PA*/1 0	Surcharge* Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
4600	(c)	M	Restrictions–San Simeon Historical Monument–Food + Damages	75	80	56		40	40	15	16	322	40	30	392
4600	(d)	I	Restrictions–San Simeon Historical Monument–Cameras	35	40	28		20	20	7	8	158	40	35	233
4600	(d)	M	Restrictions–San Simeon Historical Monument–Cameras	75	80	56		40	40	15	16	322	40	30	392
4601	(a)	I	Restrictions–Torrey Pines, Point Lobos State Reserves, and Penasquitos Marsh Natural State Recreational Areas–Picnics	35	40	28		20	20	7	8	158	40	35	233
4601	(a)	M	Restrictions–Torrey Pines, Point Lobos State Reserves, and Penasquitos Marsh Natural State Recreational Areas–Picnics	75	80	56		40	40	15	16	322	40	30	392
4601	(b)	I	Restrictions–Torrey Pines, Point Lobos State Reserves, and Penasquitos Marsh Natural State Recreational Areas–Designated Trails	35	40	28		20	20	7	8	158	40	35	233
4601	(b)	M	Restrictions–Torrey Pines, Point Lobos State Reserves, and Penasquitos Marsh Natural State Recreational Areas–Designated Trails	75	80	56		40	40	15	16	322	40	30	392
4603	(a)	I	Restrictions–Angel Island State Park– Boat Docking	100	100	70		50	50	20	20	410	40	35	485
4603	(a)	M	Restrictions–Angel Island State Park–Boat Docking	250	250	175		125	125	50	50	1025	40	30	1095
4604		I	Restrictions–Carrizo Impact Area	100	100	70		50	50	20	20	410	40	35	485
4604		M	Restrictions–Carrizo Impact Area	500	500	350		250	250	100	100	2050	40	30	2120
4608		I	Restrictions–Mt. San Jacinto State Wilderness	50	50	35		25	25	10	10	205	40	35	280
4608		M	Restrictions–Mt. San Jacinto State Wilderness	100	100	70		50	50	20	20	410	40	30	480
4609	(b)	I	Restrictions–Pismo Dunes State Vehicular Recreational Area–Towing	50	50	35		25	25	10	10	205	40	35	280
4609	(b)	M	Restrictions–Pismo Dunes State Vehicular Recreational Area–Towing	100	100	70		50	50	20	20	410	40	30	480
4609	(b)(3)	I	Restrictions–Pismo Dunes–Off-Highway Vehicles	50	50	35		25	25	10	10	205	40	35	280

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(California Code of Regulations, Title 14)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surcharge* Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>40</b>	<b>0</b>	
4609	(b)(3)	M	Restrictions–Pismo Dunes–Off-Highway Vehicles	100	100	70	50	50	20	20	410	40	30	480
4609	(b)(4)	I	Restrictions–Pismo Dunes–Safety Equipment	50	50	35	25	25	10	10	205	40	35	280
4609	(b)(4)	M	Restrictions–Pismo Dunes–Safety Equipment	100	100	70	50	50	20	20	410	40	30	480
4610	(a)	I	Unlicensed Driver Off-Highway Requirements	50	50	35	25	25	10	10	205	40	35	280
4610	(a)	M	Unlicensed Driver Off-Highway Requirements	100	100	70	50	50	20	20	410	40	30	480
4610	(b)	I	Unlicensed Driver Off-Highway Capabilities	50	50	35	25	25	10	10	205	40	35	280
4610	(b)	M	Unlicensed Driver Off-Highway Capabilities	100	100	70	50	50	20	20	410	40	30	480
4611	(c)	I	Rockhounding–Commercial Restrictions	50	50	35	25	25	10	10	205	40	35	280
4611	(c)	M	Rockhounding–Commercial Restrictions	100	100	70	50	50	20	20	410	40	30	480
4611	(d)	I	Rockhounding–Maximum Take Allowed 15 Pounds per Day	50	50	35	25	25	10	10	205	40	35	280
4611	(d)	M	Rockhounding–Maximum Take Allowed 15 Pounds per Day	100	100	70	50	50	20	20	410	40	30	480
4611	(e)	I	Rockhounding–Use of Tools	50	50	35	25	25	10	10	205	40	35	280
4611	(e)	M	Rockhounding–Use of Tools	100	100	70	50	50	20	20	410	40	30	480
4611	(f)	I	Rockhounding–Prohibited in Swimming/Boating Areas	50	50	35	25	25	10	10	205	40	35	280
4611	(f)	M	Rockhounding–Prohibited in Swimming/Boating Areas	100	100	70	50	50	20	20	410	40	30	480
4611	(g)	I	Rockhounding–Areas for Collecting Limited	50	50	35	25	25	10	10	205	40	35	280
4611	(g)	M	Rockhounding–Areas for Collecting Limited	100	100	70	50	50	20	20	410	40	30	480
4611	(h)	I	Rockhounding–Indian Artifact Removal Prohibited	50	50	35	25	25	10	10	205	40	35	280
4611	(h)	M	Rockhounding–Indian Artifact Removal Prohibited	100	100	70	50	50	20	20	410	40	30	480
4611	(i)	I	Rockhounding–Panning for Gold	50	50	35	25	25	10	10	205	40	35	280
4611	(i)	M	Rockhounding–Panning for Gold	100	100	70	50	50	20	20	410	40	30	480
4612		I	Restrictions–Crystal Cove Historic District	100	100	70	50	50	20	20	410	40	35	485
4612		M	Restrictions–Crystal Cove Historic District	500	500	350	250	250	100	100	2050	40	30	2120
4613	(a)	I	Restrictions–CA State Railroad Museum–Capacities	35	40	28	20	20	7	8	158	40	35	233
4613	(a)	M	Restrictions–CA State Railroad Museum–Capacities	75	80	56	40	40	15	16	322	40	30	392

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
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Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA	PA*	Court PA*/1 0	Surcharge* Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
4613	(b)	I	Restrictions–CA State Railroad Museum–Photography	35	40	28		20	20	7	8	158	40	35	233
4613	(b)	M	Restrictions–CA State Railroad Museum–Photography	75	80	56		40	40	15	16	322	40	30	392
4613	(c)	I	Restrictions–CA State Railroad Museum–Artifacts + Damages	35	40	28		20	20	7	8	158	40	35	233
4613	(c)	M	Restrictions–CA State Railroad Museum–Artifacts + Damages	75	80	56		40	40	15	16	322	40	30	392
4613	(d)	I	Restrictions–CA State Railroad Museum–Climbing + Damages	35	40	28		20	20	7	8	158	40	35	233
4613	(d)	M	Restrictions–CA State Railroad Museum–Climbing + Damages	75	80	56		40	40	15	16	322	40	30	392
4613	(e)	I	Restrictions–CA State Railroad Museum–Food/Drink + Damages	35	40	28		20	20	7	8	158	40	35	233
4613	(e)	M	Restrictions–CA State Railroad Museum–Food/Drink + Damages	75	80	56		40	40	15	16	322	40	30	392
4650		I	No Swimming Except in Designated Areas	50	50	35		25	25	10	10	205	40	35	280
4650		M	No Swimming Except in Designated Areas	100	100	70		50	50	20	20	410	40	30	480
4651		I	No Boating/Water Skiing in Designated Swimming Areas	100	100	70		50	50	20	20	410	40	35	485
4651		M	No Boating/Water Skiing in Designated Swimming Areas	500	500	350		250	250	100	100	2050	40	30	2120
4656		I	No Diving Allowed	50	50	35		25	25	10	10	205	40	35	280
4656		M	No Diving Allowed	100	100	70		50	50	20	20	410	40	30	480
4657		I	No Boat Launching Where Posted	50	50	35		25	25	10	10	205	40	35	280
4657		M	No Boat Launching Where Posted	100	100	70		50	50	20	20	410	40	30	480
4658		I	No Exceeding Posted Speed Limits in Boats	50	50	35		25	25	10	10	205	40	35	280
4658		M	No Exceeding Posted Speed Limits in Boats	100	100	70		50	50	20	20	410	40	30	480
4659		I	Speed Restrictions for Nighttime Boat Operation	50	50	35		25	25	10	10	205	40	35	280
4659		M	Speed Restrictions for Nighttime Boat Operation	100	100	70		50	50	20	20	410	40	30	480
4660	(a)	I	Vessel Overnight Stay Prohibited Except Where Permitted	50	50	35		25	25	10	10	205	40	35	280

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(California Code of Regulations, Title 14)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/1 0	Surcharge* Surcharge*	EMS PA*/ 10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>		<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>	<b>40</b>	<b>0</b>	
4660	(a)	M	Vessel Overnight Stay Prohibited Except Where Permitted	100	100	70	50	50	20	20	410	40	30	480
4660	(b)	I	Vessel Restrictions Apply if Posted	50	50	35	25	25	10	10	205	40	35	280
4660	(b)	M	Vessel Restrictions Apply if Posted	100	100	70	50	50	20	20	410	40	30	480
4660	(c)	I	Abandoned Vessels Must Be Removed by Registered Owner of Notification	50	50	35	25	25	10	10	205	40	35	280
4660	(c)	M	Abandoned Vessels Must Be Removed by Registered Owner of Notification	100	100	70	50	50	20	20	410	40	30	480
4661		I	Restrictions for Disposal of Waste From Boats	50	50	35	25	25	10	10	205	40	35	280
4661		M	Restrictions for Disposal of Waste From Boats	100	100	70	50	50	20	20	410	40	30	480
4662	(a)	I	Vessel Inspection Requirements—Any Time	50	50	35	25	25	10	10	205	40	35	280
4662	(a)	M	Vessel Inspection Requirements—Any Time	100	100	70	50	50	20	20	410	40	30	480
4662	(b)	I	Vessel Inspection Requirements—Continued Use	35	40	28	20	20	7	8	158	40	35	233
4662	(b)	M	Vessel Inspection Requirements—Continued Use	75	80	56	40	40	15	16	322	40	30	392
4664	(a)	I	Restrictions on Underwater Activities—Entry Areas	35	40	28	20	20	7	8	158	40	35	233
4664	(a)	M	Restrictions on Underwater Activities—Entry Areas	75	80	56	40	40	15	16	322	40	30	392
4700		I	Requirements for Runaway Snow Skis	35	40	28	20	20	7	8	158	40	35	233
4700		M	Requirements for Runaway Snow Skis	75	80	56	40	40	15	16	322	40	30	392
4701		I	Winter Sports Allowed Only in Designated Areas	50	50	35	25	25	10	10	205	40	35	280
4701		M	Winter Sports Allowed Only in Designated Areas	100	100	70	50	50	20	20	410	40	30	480

**Notes**

<sup>1</sup> Per PR 5008.7: fine of "not less than \$100 nor more than \$1,000" for violation of any rule or regulation adopted by the Department of Parks and Recreation prohibiting the leaving, depositing, dropping, or scattering of bottles, broken glass, ashes, wastepaper, cans, or other rubbish in a state park.

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(California Code of Regulations, Title 14)

***SPEED CHART***

***(FOR ALL SPEED LIMITS)***

<b>MPH Over Limit</b>	<b>Base Fine</b>	<b>State PA*</b>	<b>County PA*/10</b>	<b>DNA PA*</b>	<b>Court Facility Const. PA*/10</b>	<b>Surcharge*</b>	<b>EMS PA*/1 0</b>	<b>Fine Surcharge &amp; PA Subtotal</b>	<b>Court OPS</b>	<b>Conv. Assess</b>	<b>Total Bail **</b>
		<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>35</b>	
1-15	35	40	28	20	20	7	8	158	40	35	233
16-25	70	70	49	35	35	14	14	287	40	35	362
26 and over	100	100	70	50	50	20	20	410	40	35	485

**BUSINESS LICENSING BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(Business and Professions Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
725	(a)	<sup>1</sup> M	Excessive Prescribing or Administering of Drugs or Treatment	100	100	70	50	50	20%	20	410	40	30	480
2225.5	(c)	<sup>2</sup> M	Multiple Failures of Licensee or Health-Care Facility to Comply With Court Order to Enforce Subpoena Mandating Release of Records	1500	1500	1050	750	750	300	300	6150	40	30	6220
2570.3		<sup>3</sup> M	License Required to Practice Occupational Therapy	500	500	350	250	250	100	100	2050	40	30	2120
2630		<sup>4</sup> I	License Required to Operate as a Physical Therapist	250	250	175	125	125	50	50	1025	40	35	1100
2630		<sup>5</sup> M	License Required to Operate as a Physical Therapist	500	500	350	250	250	100	100	2050	40	30	2120
2903		<sup>6</sup> I	License Required to Operate as a Psychologist	250	250	175	125	125	50	50	1025	40	35	1100
2903		<sup>4</sup> M	License Required to Operate as a Psychologist	1000	1000	700	500	500	200	200	4100	40	30	4170
3535	(a)	<sup>8</sup> M	Violation by Physician or Surgeon of Physician's Assistant Employment Requirements	300	300	210	150	150	60	60	1230	40	30	1300
3660	(a,b)	<sup>4</sup> I	License Required to Claim to Be or Practice as a Naturopathic Doctor	250	250	175	125	125	50	50	1025	40	35	1100
3660	(a,b)	<sup>10</sup> M	License Required to Claim to Be or Practice as a Naturopathic Doctor	1500	1500	1050	750	750	300	300	6150	40	30	6220
3760		<sup>4</sup> I	Unauthorized Practice or Use of Title in Providing Respiratory Care	250	250	175	125	125	50	50	1025	40	35	1100
3760		<sup>12</sup> M	Unauthorized Practice or Use of Title in Providing Respiratory Care	1000	1000	700	500	500	200	200	4100	40	30	4170
3761		<sup>4</sup> I	License Required to Provide Respiratory Care	250	250	175	125	125	50	50	1025	40	35	1100
3761		<sup>12</sup> M	License Required to Provide Respiratory Care	500	500	350	250	250	100	100	2050	40	30	2120
4825		<sup>4</sup> I	License Required to Practice Veterinary Medicine	250	250	175	125	125	50	50	1025	40	35	1100
4825		<sup>16</sup> M	License Required to Practice Veterinary Medicine	500	500	350	250	250	100	100	2050	40	30	2120
4980		<sup>4</sup> I	License Required to Practice as a Marriage, Family, and Child Counselor	250	250	175	125	125	50	50	1025	40	35	1100
4980		<sup>18</sup> M	License Required to Practice as a Marriage, Family, and Child Counselor	1000	1000	700	500	500	200	200	4100	40	30	4170
4996		<sup>4</sup> I	License Required to Practice as a Clinical Social Worker	250	250	175	125	125	50	50	1025	40	35	1100
4996		M	License Required to Practice as a Clinical Social Worker	500	500	350	250	250	100	100	2050	40	30	2120
5536	(a,b)	<sup>4</sup> I	License Required to Operate as an Architect	250	250	175	125	125	50	50	1025	40	35	1100

**BUSINESS LICENSING BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

**(Business and Professions Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
6451	20	I	Unsupervised Performance of Services for Consumer by Paralegal	500	500	350	250	250	100	100	2050	40	35	2125
6452	20	I	Unlawful Advertisement by Paralegal	500	500	350	250	250	100	100	2050	40	35	2125
6704	(a)	I	License Required to Operate as an Engineer	250	250	175	125	125	50	50	1025	40	35	1100
6704	(a)	21	M License Required to Operate as an Engineer	500	500	350	250	250	100	100	2050	40	30	2120
6980.10		21	I License Required to Operate as a Locksmith	250	250	175	125	125	50	50	1025	40	35	1100
6980.10		22	M License Required to Operate as a Locksmith	10000	10000	7000	5000	5000	2000	2000	41000	40	30	41070
7028	(a)	23	M License Required to Operate as a Contractor	1500	1500	1050	750	750	300	300	6150	40	30	6220
7028.16		24	M Contractor License Required to Repair Damage From Natural Disaster	1000	1000	700	500	500	200	200	4100	40	30	4170
7317		4	I License Required to Operate as a Barber or Cosmetologist or to Perform Electrolysis	250	250	175	125	125	50	50	1025	40	35	1100
7317		26	M License Required to Operate as a Barber or Cosmetologist or to Perform Electrolysis	500	500	350	250	250	100	100	2050	40	30	2120
7502		4	I License Required to Operate a Repossession Agency	250	250	175	125	125	50	50	1025	40	35	1100
7502		28	M License Required to Operate a Repossession Agency	5000	5000	3500	2500	2500	1000	1000	20500	40	30	20570
7592		4	I License Required to Provide Service as an Alarm Company Operator	250	250	175	125	125	50	50	1025	40	35	1100
7592		30	M License Required to Provide Service as an Alarm Company Operator	1000	1000	700	500	500	200	200	4100	40	30	4170
7617		4	I License Required to Operate as a Funeral Director	250	250	175	125	125	50	50	1025	40	35	1100
7617		32	M License Required to Operate as a Funeral Director	500	500	350	250	250	100	100	2050	40	30	2120
7637.1		33	M License Required to Operate as a Cemetery Broker or Salesperson	500	500	350	250	250	100	100	2050	40	30	2120
7641		4	I License Required to Operate as an Embalmer	250	250	175	125	125	50	50	1025	40	35	1100
7641		32	M License Required to Operate as an Embalmer	500	500	350	250	250	100	100	2050	40	30	2120
7673.1		36	M Storage of Cremated Remains in a Reckless Manner	1500	1500	1050	750	750	300	300	6150	40	30	6220
7713.2		37	M License Required to Engage in Activities of a Crematory Manager for a Licensed Crematory	500	500	350	250	250	100	100	2050	40	30	2120
7872	(a)	4	I License Required to Operate as a Geologist	250	250	175	125	125	50	50	1025	40	35	1100
7872	(a)	39	M License Required to Operate as a Geologist	500	500	350	250	250	100	100	2050	40	30	2120
8016		4	I License Required to Operate as a Shorthand Reporter	250	250	175	125	125	50	50	1025	40	35	1100

**BUSINESS LICENSING BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Business and Professions Code)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
8016	41	M	License Required to Operate as a Shorthand Reporter	500	500	350	250	250	100	100	2050	40	30	2120
8550	42	M	License Required to Practice Structural Pest Control	500	500	350	250	250	100	100	2050	40	30	2120
8725	4	I	License Required to Operate as a Land Surveyor	250	250	175	125	125	50	50	1025	40	35	1100
8725	44	M	License Required to Operate as a Land Surveyor	500	500	350	250	250	100	100	2050	40	30	2120
9840	4	I	License Required to Operate as an Electronic or Appliance Repair Dealer	250	250	175	125	125	50	50	1025	40	35	1100
9840	46	M	License Required to Operate as an Electronic or Appliance Repair Dealer	500	500	350	250	250	100	100	2050	40	30	2120
9884.6	47	M	License Required to Operate as an Automotive Repair Dealer	250	250	175	125	125	50	50	1025	40	30	1095
10085.5 (a)	48	M	Advance Fee for Loan Secured Before Borrower Becomes Obligated to Complete Loan	3000	3000	2100	1500	1500	600	600	12300	40	30	12370
10085.6 (a)	49	M	Advance Fee to Provide Services for Loan Modification or Forbearance	3000	3000	2100	1500	1500	600	600	12300	40	30	12370
10147.6 (a)	50	M	Offering Services for Loan Modification or Forbearance Services Without Making Required Written Disclosure	3000	3000	2100	1500	1500	600	600	12300	40	30	12370
17550.1 (a) 9	51	M	Violation of Provision Regulating Sellers of Travel	3000	3000	2100	1500	1500	600	600	12300	40	30	12370
19049	4	I	License Required to Operate as a Furniture, Bedding, and Thermal Insulation Manufacturer, Wholesaler, Distributor, Retailer, or Rehabilitator	250	250	175	125	125	50	50	1025	40	35	1100
19049	53	M	License Required to Operate as a Furniture, Bedding, and Thermal Insulation Manufacturer, Wholesaler, Distributor, Retailer, or Rehabilitator	500	500	350	250	250	100	100	2050	40	30	2120
19277	54	M	Violation of Household Goods Carriers Act	100	100	70	50	50	20	20	410	40	35	485
19277.1	55	M	Improper Identifying Symbol on Vehicle of Household Goods Carrier	100	100	70	50	50	20	20	410	40	35	485
19278		M	Willful Violation of Household Goods Carriers Act	100	100	70	50	50	20	20	410	40	35	485
19279.3		M	Advertising Household Goods without Permit	100	100	70	50	50	20	20	410	40	35	485
21804	56	M	Failure to Permanently Mark Optical Disc (Identification Mark)	5000	5000	3500	2500	2500	1000	1000	20500	40	30	20570



**BUSINESS LICENSING BAIL AND PENALTY SCHEDULE**  
**(\*See Preface, Section III) (\*\*See Preface, Section IV)**  
**(Business and Professions Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
21805		M	Purchase or Sale of Optical Disc With Identification Mark Removed or False Mark	3000	3000	2100	1500	1500	600	600	12300	40	30	12370
21806		M	Destroying Optical Disc Identification Mark	3000	3000	2100	1500	1500	600	600	12300	40	30	12370
22972	(a,b)	<sup>57</sup> M	License Required for Retailer to Sell Cigarettes or Tobacco Products	1500	1500	1050	750	750	300	300	6150	40	30	6220
22975	(a)	<sup>57</sup> M	License Required for Wholesaler or Distributor to Engage in Sale of Cigarettes or Tobacco Products	1500	1500	1050	750	750	300	300	6150	40	30	6220
22979.2 1		<sup>57</sup> M	License Required for Manufacturer or Importer of Tobacco Products to Engage in Sale of Tobacco Products	1500	1500	1050	750	750	300	300	6150	40	30	6220
23300		<sup>58</sup> M	Sale of Alcoholic Beverage Without a License	1000	1000	700	500	500	200	200	4100	40	30	4170
25612.5	(c)(9)	<sup>59</sup> I	Failure of Licensed Retailer to Create and Label "Adults Only" Area for Sale or Rental of Video Recordings of Harmful Matter	100	100	70	50	50	20	20	410	40	35	485
25623	(b)	<sup>60</sup> I	Sale of Powdered Alcohol	35	40	28	20	20	7	8	158	40	35	233
25623.5	(b)	<sup>61</sup> I	Possession of Powdered Alcohol	125	130	91	65	65	25	26	527	40	35	602
25658	(a)	<sup>62</sup> M	Furnishing an Alcoholic Beverage to a Minor	1000	1000	700	500	500	200	200	4100	40	30	4170
25658	(b)	<sup>63</sup> M	Purchase of Alcohol, or Consumption of Alcohol, in On-sale Premises by Someone Under 21	250	250	175	125	125	50	50	1025	40	30	1095
25658	(c)	<sup>64</sup> M	Furnishing an Alcoholic Beverage to a Minor (Great Bodily Injury or Death)	1000	1000	700	500	500	200	200	4100	40	30	4170
25658	(d)	<sup>65</sup> M	On-sale Licensee Knowingly Permits a Person Under the Age of 21 to Consume Alcohol in the On-sale Premises	250	250	175	125	125	50	50	1025	40	30	1095
25662	(a)	M	Possession of Alcoholic Beverage by Person under the Age of 21 in a Public Place	250	250	175	125	125	50	50	1025	40	30	1095
26140	(a)(1)	<sup>66</sup> M	Sale of Cannabis or Cannabis Products to a Person Under 21 Years of Age	1000	1000	700	500	500	200	200	4100	40	30	4170
26140	(c)	<sup>66</sup> M	Sale of Cannabis or Cannabis Products to a Minor Without Proof of Medical Need	1000	1000	700	500	500	200	200	4100	40	30	4170

**BUSINESS LICENSING BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

**(Business and Professions Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surchage* Surchage%	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	

**Notes**

- <sup>1</sup> Per B&P 733: "fine of not less than \$100 nor more than \$600 ... ."
- <sup>2</sup> Multiple acts by a licensee ... shall be punishable by a fine not to exceed \$5,000, or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Multiple acts by a health care facility ... shall be punishable by a fine not to exceed \$5,000, and reported to the State Department of Health Services and shall be considered as grounds for disciplinary action with respect to licensure, including suspension or revocation of the license or certificate.
- <sup>3</sup> Per B&P 2570.23: "fine of not more than \$5,000 ... ."
- <sup>4</sup> Per B&P 146(d), a violation charged as an infraction under B&P 146(c) is subject to a fine of not less than \$250 and not more than \$1,000. No portion of the minimum fine may be suspended by the court unless as a condition of that suspension the defendant is required to submit proof of a current valid license, registration, or certificate for the profession or vocation which was the basis for his or her conviction.
- <sup>5</sup> Per B&P 2670, a misdemeanor violation is punishable by a fine not exceeding \$1,000 or imprisonment in a county jail not exceeding 6 months, or by both.
- <sup>6</sup> Per B&P 2970, a misdemeanor violation is punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$2,000, or by both.
- <sup>8</sup> Per B&P 3535(b): "fine not to exceed \$1,000 ... ."
- <sup>10</sup> Per B&P 3664: " ... fine of not more than \$5,000 ... ."
- <sup>12</sup> Per B&P 3763, a misdemeanor violation is punishable by a fine not exceeding \$1,000 or imprisonment in a county jail not exceeding 6 months, or by both.
- <sup>16</sup> Per B&P 4831, a misdemeanor violation is punishable by a fine not less than \$500, nor more than \$2,000, or imprisonment in a county jail for not less than 30 days nor more than one year, or by both the fine and imprisonment.
- <sup>18</sup> Per B&P 4983, a misdemeanor violation is punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$2,500, or by both.
- <sup>20</sup> Per B&P 6455: "fine of up to \$2,500 as to each consumer with respect to whom a violation occurs."
- <sup>21</sup> Per B&P 146(e), a violation charged as an infraction under B&P 146(c) is subject to a fine of not less than \$250 and not more than \$1,000. No portion of the minimum fine may be suspended by the court unless as a condition of that suspension the defendant is required to submit proof of a current valid license, registration, or certificate for the profession or vocation that was the basis for his or her conviction.
- <sup>22</sup> A misdemeanor violation per B&P 6980.13 is punishable by a fine of \$10,000, or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.
- <sup>23</sup> Per B&P 7028: Fine " ... not exceeding \$5,000 ... ."

**BUSINESS LICENSING BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

**(Business and Professions Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
				<b>10/10</b>		<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	
24			Per B&P 7028.16: Fine "... up to \$10,000, or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, or for two or three years, or by both that fine and imprisonment, or by a fine up to \$1,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment."											
26			A misdemeanor violation per B&P 7317 is punishable under PC 19 by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding.											
28			Per B&P 7502.1, a misdemeanor violation is punishable by a fine of \$5,000, or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.											
30			Per B&P 7592.2, a misdemeanor violation is punishable by a fine of \$1,000, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.											
32			A misdemeanor violation per B&P 7715 is punishable under PC 19 by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both.											
33			Per B&P 7637.6: ". . . punished by a fine not to exceed \$5,000."											
36			Per B&P 7673.1: ". . . punishable by imprisonment in a county jail not exceeding one year or by a fine not to exceed \$5,000, or by both that fine and imprisonment."											
37			Per B&P 7713.3: ". . . a misdemeanor . . . to cremate human remains . . . without a valid, unexpired crematory license."											
39			Per B&P 7872, a misdemeanor violation is punishable by a fine of not more than \$1,000, or by imprisonment not to exceed 3 months, or by both fine and imprisonment.											
41			A misdemeanor violation per B&P 8019 is punishable under PC 19 by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both.											
42			Per B&P 8553, a misdemeanor violation is punishable by a fine of not less than \$50, nor more than \$5,000, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.											
44			A misdemeanor violation per B&P 8792 is punishable under PC 19 by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both.											
46			Per B&P 9850, a misdemeanor violation is punishable by a fine not exceeding \$1,000, or by imprisonment not exceeding six months, or by both such fine and imprisonment.											
47			Assem. Bill 1560 (Stats. 2001, ch. 357) amended B&P 145 and B&P 145.5 to delete B&P 9884.6 from the list of offenses that are infractions.											
48			Per B&P 10085.5(c): "punishable by a fine not exceeding \$10,000, by imprisonment in the county jail for a term not to exceed six months, or by both that fine and imprisonment, or if by a corporation, the violation is punishable by a fine not to exceed \$50,000."											
49			Per B&P 10085.6(b): Fine " ... not exceeding \$10,000 ... or if by a corporation, the violation is punishable by a fine not exceeding \$50,000."											
50			Per B&P 10147.6 (c): Fine " ... not exceeding \$10,000 ... ."											
51			Violation punishable "by a fine of not more than \$10,000, by imprisonment in a county jail for not more than one year, or by both ... ."											
53			Per B&P 19220, a misdemeanor violation is punishable by a fine of not less than \$500 nor more than \$1,500 or by imprisonment for not less than three nor more than six months or by both such fine and imprisonment.											

**BUSINESS LICENSING BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

**(Business and Professions Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surchage* Surcharge*	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS Conv.	Assess	Total Bail **
					<b>10/10</b>	<b>7</b>	<b>5/10</b>	<b>5</b>	<b>20%</b>	<b>2</b>		<b>40</b>	<b>0</b>	

<sup>54</sup> Per B&P 19277. (a) Every household goods carrier and every officer, director, agent, or employee of any household goods carrier who violates or who fails to comply with, or who procures, aids, or abets any violation by any household goods carrier of any provision of this chapter or any rule or regulation administered by the bureau pursuant to this chapter, or of any operating permit issued to any household goods carrier, or who procures, aids, or abets any household goods carrier in its failure to obey, observe, or comply with any such rule, regulation, or operating permit, is guilty of a misdemeanor, and is punishable by a fine of not more than two thousand five hundred dollars (\$2,500) or by imprisonment in the county jail for not more than three months, or both. If a violation is willful, each willful violation is punishable by a fine of not more than ten thousand dollars (\$10,000) or by imprisonment in the county jail for not more than one year, or both. If the violation involves operating or holding oneself out as a household goods carrier without a permit, the fine shall be not less than one thousand dollars (\$1,000). (b) Any person who violates subdivision (a) of Section 19237, is guilty of a misdemeanor, and is punishable by a fine of not more than ten thousand dollars (\$10,000), by imprisonment in the county jail for not more than one year, or both, for each violation.

<sup>55</sup> Per B&P 19277.1. Every household goods carrier, and every officer, director, agent, or employee of a household goods carrier, who displays on any vehicle any identifying symbol other than the symbol prescribed by the bureau pursuant to Section 19236 or who fails to remove an identifying symbol when required by the bureau, is guilty of a misdemeanor and is punishable by a fine of not more than one thousand dollars (\$1,000), by imprisonment in the county jail for not more than one year, or both.

<sup>56</sup> Per B&P 21804: " ... fine of not less than \$500 and not more than \$25,000 for a first offense."

<sup>57</sup> Per B&P 22981: " ... fine not to exceed \$5,000 ... ."

<sup>58</sup> Per B&P 25617: "... fine of not more than \$1,000..."

<sup>59</sup> Per B&P 25612.5(c)(9), failure to create and label the "adults only" area is an infraction punishable by a fine of not more than \$100.

<sup>60</sup> B&P 25623 sets the level of crime as an infraction and limits the base fine to \$500."

<sup>61</sup> B&P 25623.5 sets the level of crime as an infraction and the base fee at \$125.

<sup>62</sup> Per B&P 25658(e)(2): "fine of \$1,000, no part of which shall be suspended, and the person shall be required to perform not less than 24 hours of community service during hours when the person is not attending school."

<sup>63</sup> Per B&P 25658(e)(1): "fine of \$250, no part of which shall be suspended, or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed and is not attending school, or a combination of fine and community service as determined by the court."

<sup>64</sup> Per B&P 25658(e)(3): "punished by imprisonment in a county jail for a minimum term of six months not to exceed one year, by a fine of \$1,000, or by both imprisonment and fine."

<sup>65</sup> Per B&P 25658(e)(1): "fine of \$250, no part of which shall be suspended, or the person shall be required to perform not less than 24 hours or more than 36 hours of community service during hours when the person is not employed and is not attending school, or a combination of fine and community service as determined by the court."

<sup>66</sup> As recommended by the Bureau of Cannabis Control, the classification and base fine for Business and Professions Code section 26140 follow that of section 25658(a), Furnishing An Alcoholic Beverage to a Minor, a misdemeanor with a base fine of \$1,000 per statute.

County Reference Worksheet

	<b>Court Facility Construction PA GC 70372 (amended to \$5 for all counties)</b>	<b>County PA GC 76000(a) GC 76000(e)</b>	<b>EMS PA GC 76000.5</b>	<b>Night Court VC 42006</b>	<b>CAP FEE VC 11205.2</b>
<b>If County Amounts Are Different From The Amount Listed in This Row, Insert the Applicable Amount to Recalculate All Tables:</b>	<b>5</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>0</b>

## RULES COMMITTEE ACTION REQUEST FORM

**Rules Committee Meeting Date:** 11/16/22

**Rules Committee action requested** [Choose from drop down menu below]:

**Submit to JC (without circulating for comment)**

**Title of proposal:** Telephone Appearances: Conforming Rules of Court to Senate Bill 233

*Proposed rules, forms, or standards (include amend/revise/adopt/approve):*

Amend California Rules of Court, rules 3.55, 3.670, and 10.815

*Committee or other entity submitting the proposal:*

Judicial Council staff, Deborah C. Brown, Chief Counsel, Michael I. Giden, Principal Managing Attorney

*Staff contact (name, phone and e-mail):* Michael I. Giden, 415-865-7977

*Identify project(s) on the committee's annual agenda that is the basis for this item:*

Annual agenda approved by Rules Committee on (date): n/a

Project description from annual agenda: n/a

**Out of Cycle:** *If requesting September 1 effective date or out of cycle, explain why:*

Need to conform three rules to statutory changes that become effective January 1, 2023

**Additional Information for Rules Committee:** (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

**Additional Information for JC Staff** (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.).

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 22-202*

For business meeting on December 2, 2022

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**Title**

Telephone Appearances: Conforming Rules of Court to Senate Bill 233

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Rules of Court, rules 3.55, 3.670, and 10.815

**Recommended by**

Judicial Council staff  
Deborah C. Brown, Chief Counsel  
Michael I. Giden, Principal Managing Attorney  
Legal Services

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2023

**Date of Report**

November 9, 2022

**Contact**

Deborah C. Brown,  
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Michael I. Giden,  
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### Executive Summary

In consultation with the chairs of the Judicial Council's internal committees and representative members of the Chief Justice's Ad Hoc Workgroup on Post-Pandemic Initiatives, Judicial Council staff recommend amending three rules of court to conform them to statutory changes that will become effective January 1, 2023. Senate Bill 233 (Stats. 2022, ch. 979) repeals statutes that, among other provisions, required the Judicial Council to set specified uniform, statewide fees for telephone appearances and enter into one or more master agreements with a vendor to provide telephone appearances. The proposed amendments to the rules would make them consistent with these statutory changes and will also maintain legal authority for telephone appearance fees that do not to exceed the cost of providing this service.

### Recommendation

Judicial Council staff recommend that the Judicial Council, effective January 1, 2023, amend California Rules of Court, rules 3.55, 3.670, and 10.815 to be consistent with SB 233 and to

maintain legal authority for telephone appearance fees that do not exceed the cost of providing the service pending any further action the Legislature may take.

The text of the proposed rule amendments is attached at pages 7–12.

### **Relevant Previous Council Action**

Since the 1980s, the Judicial Council and the Legislature have been developing statutes and rules to permit parties to appear by telephone in various types of civil court proceedings.<sup>1</sup>

Relevant to this proposal are the council’s 2011 amendments to rule 3.670 of the California Rules of Court,<sup>2</sup> which were made in response to Senate Bill 857 (Stats. 2010, ch. 720), the 2010 judicial branch–related budget trailer bill. Among other provisions, that bill required the Judicial Council to (1) enter into one or more master agreements with a vendor or vendors to provide for telephone appearances in civil cases<sup>3</sup> and (2) establish specific statewide, uniform telephone appearance fees in civil cases.<sup>4</sup> Senate Bill 857 also added a provision that a party who received a fee waiver could not be charged a fee for a telephone appearance, but also provided a court or vendor a lien on a judgment in the amount of the fee that they would have received.<sup>5</sup> These fees were authorized only for civil proceedings. Fees were not authorized in criminal proceedings.

Consistent with the mandates in SB 857, the council’s 2011 amendments to rule 3.670

- amended subdivision (i) to limit courts to providing telephone appearances in civil proceedings either directly or through an agreement with a vendor under a statewide master agreement;<sup>6</sup>
- added subdivision (j) to establish the amounts of the statutorily mandated telephone appearance fees in civil cases;<sup>7</sup> and
- added subdivision (k) to reflect that a party who has received a fee waiver must not be charged the fees for telephone appearances, a party must advise the vendor or the court

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<sup>1</sup> Judicial Council of Cal., Staff Rep., *Telephone Appearances: Fees and Revenues* (June 20, 2011), p. 2, <https://www.courts.ca.gov/documents/20110624item9.pdf>.

<sup>2</sup> All further references to rules are to the California Rules of Court.

<sup>3</sup> Gov. Code, § 72010(a).

<sup>4</sup> Code Civ. Proc., § 367.6(a).

<sup>5</sup> Code Civ. Proc., § 367.6(b).

<sup>6</sup> Rule 3.670(i), as amended effective July 1, 2011. (See Staff Rep., *supra* note 1, at p. 18.) The rule also permitted a court to continue to use a vendor under an agreement between the court and vendor that was entered into before July 1, 2011, and had not expired or been subject to cancellation, a provision later deleted from the rule, effective July 1, 2013.

<sup>7</sup> Rule 3.670(j), as amended effective July 1, 2011. (See Staff Rep., *supra* note 1, at pp. 18–19.) The rule set the fees at the following rates: a telephone appearance fee of \$78, a late request fee of \$30, and a cancellation fee of \$5.



that he or she has received a fee waiver from the court, and that the court or vendor is entitled to a lien on any judgment in the amount the party would have paid.<sup>8</sup>

Since the council amended rule 3.670 in 2011, it has amended the rule on four more occasions, often updating the amount of the telephone appearance fee as the council issued requests for proposals that resulted in new master agreements.

## **Analysis/Rationale**

### **Background**

#### ***Remote proceedings and emergency rule 3***

On April 6, 2020, to address the public health issues caused by the COVID-19 pandemic, the Judicial Council adopted emergency rule 3, which provided that courts could require that judicial proceedings and court operations be conducted remotely. Unlike the authority in Code of Civil Procedure section 367.5, which was limited to telephone appearances, emergency rule 3 expanded the authority for the use of remote technology to include “the use of video, audio, and telephonic means for remote appearances.”<sup>9</sup>

#### ***Statutory authority for remote proceedings***

##### ***(Senate Bill 241 and Code of Civil Procedure Section 367.75)***

After 18 months of courts conducting civil proceedings remotely under the authority of emergency rule 3, the Legislature passed a bill (Sen. Bill 241)<sup>10</sup> that enacted a statute (Code Civ. Proc., § 367.75) that explicitly authorized courts to conduct civil proceedings through the use of remote technology. The Judicial Council promptly adopted a new rule, amended other rules, and provided necessary forms to implement the statute.<sup>11</sup> Though it did not define “remote technology,” nothing in SB 241 indicated that it should exclude the use of telephones for remote appearances. Accordingly, rule 3.672 states that for purposes of the rule, the term “is meant to be interpreted broadly” and means “technology that provides for the transmission of video and audio signals or audio signals alone” including “a computer, tablet, telephone, cellphone, or other electronic or communications device.”<sup>12</sup> Consistent with the understanding that telephone appearances under Code of Civil Procedure section 367.5 and rule 3.670 were included within

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<sup>8</sup> Rule 3.670(k), as amended effective July 1, 2011. (See Staff Rep., *supra* note 1, pp. 19–20.)

<sup>9</sup> Emergency rule 3(a)(3), as adopted April 6, 2022, <https://jcc.legistar.com/View.ashx?M=F&ID=8234474&GUID=79611543-6A40-465C-8B8B-D324F5CAE349>.

<sup>10</sup> Stats. 2021, ch. 214.

<sup>11</sup> Judicial Council of Cal., Circulating Order No. CO-21-05 (Dec. 28, 2021) <https://jcc.legistar.com/View.ashx?M=A&ID=918636&GUID=BFA5B7E4-6AD9-42AA-BA44-3CCE361CDD7F>. The council also amended emergency rule 3 effective January 1, 2022, to remove civil proceedings from the scope of that rule. This was intended to make the rule consistent with the newly enacted statute (Code Civ. Proc., § 367.75), which would govern remote proceedings in civil proceedings. (Judicial Council of Cal., Internal Com. Rep., *Emergency Rule on Use of Technology for Remote Appearances* (Oct. 28, 2021), <https://jcc.legistar.com/View.ashx?M=F&ID=9943235&GUID=2151CCEB-D89E-4F7F-8D3C-01BD74D9C5E6>.)

<sup>12</sup> Rule 3.672(c)(8).

the broader category of remote appearances, the council suspended those provisions of rule 3.670 relating to telephone appearances to the extent they were inconsistent with Code of Civil Procedure section 367.75 and rule 3.672.<sup>13</sup> For the same reason, the council revoked three forms that related solely to telephone appearances.<sup>14</sup>

***Senate Bill 233—Repeal of standalone telephone appearance statutes***

Following its enactment of a statute on remote civil proceedings under SB 241, the Legislature passed SB 233 to repeal the four statutes<sup>15</sup> related exclusively to telephone appearances. Although SB 241 maintained much of the authority for telephone appearances and even expanded on it—covering a broader range of proceedings and technological platforms—the bill did not clarify whether it superseded the existing telephonic appearance framework or provide direction on how the two statutory frameworks could be reconciled.<sup>16</sup> Senate Bill 233 was “intended to eliminate the confusion and duplicative efforts caused by the simultaneous telephonic and remote appearance frameworks by repealing the standalone telephonic appearance statutes.”<sup>17</sup>

With the enactment of SB 233, and the repeal of Code of Civil Procedure section 367.6 and Government Code sections 72010 and 72011, the Judicial Council will no longer be required to enter into one or more master agreements with a vendor or vendors to provide for telephone appearances in civil cases. Courts will no longer be required to use only those vendors with whom the Judicial Council has a master agreement or to provide for telephone services directly. In addition, the Judicial Council will no longer be required to establish specific statewide, uniform telephone appearance fees in civil cases.

**Rule amendments**

***Rule 3.55***

Rule 3.55 identifies the costs that must be waived upon granting an application for an initial fee waiver. Paragraph (7) identifies fees for telephone appearances as one of the costs that must be waived. The council already determined that the fee for any remote appearance would be subject to a fee waiver,<sup>18</sup> so the inclusion of fees for telephone appearance may remain in the rule, but the proposal would delete the reference to Code of Civil Procedure section 367.5, as that statute will be repealed effective January 1, 2023.

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<sup>13</sup> Rule 3.670(b); Circulating Order No. CO-21-05, *supra* note 11, at pp. 11–12.

<sup>14</sup> Circulating Order No. CO-21-05, *supra* note 11, at pp. 11–12.

<sup>15</sup> Code Civ. Proc., §§ 367.5, 367.6; Gov. Code, §§ 72010, 72011.

<sup>16</sup> Sen. Judiciary Com., Analysis of Sen. Bill No. 233 (2021–2022 Reg. Sess.) as amended June 16, 2022, p. 5, [https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=202120220SB233](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB233).

<sup>17</sup> *Ibid.*

<sup>18</sup> Rule 3.672(k).

### ***Rule 3.670***

The proposed amendments to rule 3.670, chiefly the revocation of subdivisions (j) and (k), are intended to make the California Rules of Court consistent with the repeal of the statutes requiring the council to enter into a master agreement with one or more vendors to provide telephone appearance services and to set certain fees for telephone appearances. There is no need to revoke other subdivisions at this time, as they are consistent with legal authorities for remote appearances (i.e., Code of Civil Procedure section 367.75 and rule 3.672) or they have been suspended for the time period in which section 367.75 is currently in place.<sup>19</sup>

Other proposed amendments to rule 3.670 include re-lettering the subdivisions to reflect the revocation of subdivisions (j) and (k); amending subdivision (l)(1) (Fee waivers) to remove references to subdivision (k) of the rule and Code of Civil Procedure section 367.6; and amending subdivision (m) (Title IV-D proceedings) to delete paragraph (2) on vendor fees and update a cross-reference to a re-lettered subdivision in the rule.

### ***Rule 10.815***

Senate Bill 241 did not address the fees that may be charged for a remote appearance. At the time, however, Code of Civil Procedure section 367.6 provided authority to charge for telephone appearances and Government Code section 70630 provided authority to “charge a reasonable fee to cover the costs of permitting parties to appear by videoconferencing.” Now that Code of Civil Procedure section 367.6 is being repealed, there is no statutory provision addressing the fee for a telephone appearance.

Where it has not set a civil fee by statute, the Legislature has authorized the Judicial Council to approve “a reasonable fee not to exceed the costs of providing the service or product.”<sup>20</sup> The council exercises this approval authority through rule 10.815. To maintain authority for collection of a fee for telephone appearances, this proposal would amend rule 10.815 to add “telephone appearance services” to the list of fees that a court may charge. This would bring the framework for telephone appearance fees into parity with that of video appearance fees. Both are required to relate to the actual costs of providing the service. Rule 10.815 also provides for transparency and accountability in setting the amount of a fee.<sup>21</sup> Bringing the fee setting for telephone and video appearances into alignment is also consistent with the intent of SB 233, in that it further dissolves the disparate administrative treatment for remote appearances. This amendment will authorize the continued collection of fees for telephone appearances, at least until the Legislature acts on this matter.

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<sup>19</sup> Rule 3.672(b) (“Subdivisions (c) through (i) of this rule are suspended from January 1, 2022, to July 1, 2023, during which time the provisions in rule 3.672 apply in their place”).

<sup>20</sup> Gov. Code, § 70631.

<sup>21</sup> Rule 10.815(c)–(g), which provides a definition of “reasonableness,” guidelines for determining costs, public notice, and reporting to the Judicial Council.

### **Policy implications**

The amendments to rules 3.55 and 3.670 make the rules consistent with the changes in statute resulting from the enactment of SB 233. To the extent there are policy implications (eliminating the disparate treatment of telephone appearances as compared with other remote technologies), these are the result of legislative action, not the rule amendments.

The amendment to rule 10.815 is intended to continue existing legal authority and be consistent with SB 233 by treating the fees for telephone appearances the same as fees for remote appearances.

### **Comments**

The proposal was not circulated for comment because it involves minor substantive changes that are unlikely to create controversy as they would make existing rules consistent with recent statutory changes that become effective on January 1, 2023.<sup>22</sup> The changes related to telephone appearances in civil proceedings parallel existing practices and procedures for remote appearances using video technology in civil proceedings. In addition, the amendments are urgently needed by January 1, 2023, to continue legal authority for a reasonable fee not to exceed the costs for providing telephone appearances in civil proceedings.

### **Alternatives considered**

Staff considered recommending no action, but concluded the proposed amendments are necessary to make the rules consistent with recent statutory changes and to assure there is continuity in the legal authority to charge a fee for telephone appearances.

### **Fiscal and Operational Impacts**

There are likely to be fiscal and operational impacts on trial courts, but these are the result of statutory changes.

### **Attachments and Links**

1. Cal. Rules of Court, rules 3.55, 3.670, and 10.815, at pages 7–12

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<sup>22</sup> Cal. Rules of Court, rule 10.22(d)(2).

Rules 3.55, 3.670, and 10.815 of the California Rules of Court are amended, effective January 1, 2023, to read:

1 **Rule 3.55. Court fees and costs included in all initial fee waivers**

2  
3 Court fees and costs that must be waived upon granting an application for an initial fee  
4 waiver include:

5  
6 (1)–(6) \* \* \*

7  
8 (7) The court fee for a telephone appearance ~~under Code of Civil Procedure section~~  
9 ~~367.5;~~

10  
11 (8)–(10) \* \* \*

12  
13  
14 **Rule 3.670. Telephone appearance**

15  
16 **(a) Policy favoring telephone appearances**

17  
18 The intent of this rule is to promote uniformity in the practices and procedures  
19 relating to telephone appearances in civil cases. To improve access to the courts  
20 and reduce litigation costs, courts should permit parties, to the extent feasible, to  
21 appear by telephone at appropriate conferences, hearings, and proceedings in civil  
22 cases.

23  
24 **(b) Application**

25  
26 Subdivisions (c) through (i) of this rule are suspended from January 1, 2022, to July  
27 1, 2023, during which time the provisions in rule 3.672 apply in their place. This  
28 rule applies to all general civil cases as defined in rule 1.6 and to unlawful detainer  
29 and probate proceedings.

30  
31 **(c)–(i) \* \* \***

32  
33 ~~**(j) Provision of telephone appearance services**~~

34  
35 ~~A court may provide for telephone appearances only through one or more of the~~  
36 ~~following methods:~~

37  
38 ~~(1) An agreement with one or more vendors under a statewide master agreement~~  
39 ~~or agreements.~~

40  
41 ~~(2) The direct provision by the court of telephone appearance services. If a court~~  
42 ~~directly provides telephone services, it must collect the telephone appearance~~

1 fees specified in (k), except as provided in (l) and (m). A judge may, at his or  
2 her discretion, waive telephone appearance fees for parties appearing directly  
3 by telephone in that judge's courtroom.  
4

5 **(k) Telephone appearance fee amounts; time for making requests**  
6

7 The telephone appearance fees specified in this subdivision are the statewide,  
8 uniform fees to be paid by parties to a vendor or court for providing telephone  
9 appearance services. Except as provided under (l) and (m), the fees to be paid to  
10 appear by telephone are as follows:

11  
12 (1) The fee to appear by telephone, made by a timely request to a vendor or court  
13 providing telephone appearance services, is \$94 for each appearance.  
14

15 (2) An additional late request fee of \$30 is to be charged for an appearance by  
16 telephone if the request to the vendor or the court providing telephone  
17 services is not made at least two days before the scheduled appearance,  
18 except:

19  
20 (A) When an opposing party has provided timely notice under (h)(4) on an  
21 ex parte application or other hearing, conference, or proceeding, no late  
22 fee is to be charged to that party;  
23

24 (B) When the court, on its own motion, sets a hearing or conference on  
25 shortened time, no late fee is to be charged to any party;  
26

27 (C) When the matter has a tentative ruling posted within the two day  
28 period, no late fee is to be charged to any party; and  
29

30 (D) When the request to appear by telephone is made by a party that  
31 received notice of another party's intent to appear and afterward  
32 decides also to appear by telephone under (h)(2), no late fee is to be  
33 charged to that party if its request is made to the vendor or the court  
34 providing the service by noon on the court day before the hearing or  
35 conference.  
36

37 (3) A fee of \$5 is to be charged instead of the fees under (1) and (2) if a party  
38 cancels a telephone appearance request and no telephone appearance is made.  
39 A hearing or appearance that is taken off calendar or continued by the court is  
40 not a cancellation under this rule. If the hearing or appearance is taken off  
41 calendar by the court, there is no charge for the telephone appearance. If the  
42 hearing or appearance is continued by the court, the appearance fee must be

1 refunded to the requesting party or, if the party agrees, be applied to the new  
2 hearing or appearance date.

3  
4 **~~(d)~~(i) Fee waivers**

5  
6 (1) *Effect of fee waiver*

7  
8 A party that has received a fee waiver must not be charged the fees for  
9 telephone appearances provided under (k), subject to the provisions of Code  
10 of Civil Procedure section 367.6(b).

11  
12 (2) *Responsibility of requesting party*

13  
14 To obtain telephone services without payment of a telephone appearance fee  
15 from a vendor or a court that provides telephone appearance services, a party  
16 must advise the vendor or the court that he or she has received a fee waiver  
17 from the court. If a vendor requests, the party must transmit a copy of the  
18 order granting the fee waiver to the vendor.

19  
20 (3) *Lien on judgment*

21  
22 If a party based on a fee waiver receives telephone appearance services under  
23 this rule without payment of a fee, the vendor or court that provides the  
24 telephone appearance services has a lien on any judgment, including a  
25 judgment for costs, that the party may receive, in the amount of the fee that  
26 the party would have paid for the telephone appearance. There is no charge  
27 for filing the lien.

28  
29 **~~(m)~~(k) Title IV-D proceedings**

30  
31 (1) *Court-provided telephone appearance services*

32  
33 If a court provides telephone appearance services in a proceeding for child or  
34 family support under Title IV-D of the Social Security Act brought by or  
35 otherwise involving a local child support agency, the court must not charge a  
36 fee for those services.

37  
38 ~~(2) Vendor-provided telephone appearance services~~

39  
40 ~~If a vendor provides for telephone appearance services in a proceeding for~~  
41 ~~child or family support under Title IV-D, the amount of the fee for a~~  
42 ~~telephone appearance under (k)(1) is \$74 instead of \$94. No portion of the~~  
43 ~~fee received by the vendor for a telephone appearance under this subdivision~~

1 is to be transmitted to the State Treasury under Government Code section  
2 72011.

3  
4 ~~(3)~~(2) *Responsibility of requesting party*

5  
6 When a party in a Title IV-D proceeding requests telephone appearance  
7 services from a court or a vendor, the party requesting the services must  
8 advise the court or the vendor that the requester is a party in a proceeding for  
9 child or family support under Title IV-D brought by or otherwise involving a  
10 local child support agency.

11  
12 ~~(4)~~(3) *Fee waivers applicable*

13  
14 The fee waiver provisions in ~~(4)~~(j) apply to a request by a party in a Title IV-  
15 D proceeding for telephone appearance services from a vendor.

16  
17 ~~(n)~~(l) **Audibility and procedure**

18  
19 The court must ensure that the statements of participants are audible to all other  
20 participants and the court staff and that the statements made by a participant are  
21 identified as being made by that participant.

22  
23 ~~(o)~~(m) **Reporting**

24  
25 All proceedings involving telephone appearances must be reported to the same  
26 extent and in the same manner as if the participants had appeared in person.

27  
28 ~~(p)~~(n) **Conference call vendor or vendors**

29  
30 A court, by local rule, may designate the conference call vendor or vendors that  
31 must be used for telephone appearances.

32  
33 ~~(q)~~(o) **Information on telephone appearances**

34  
35 The court must publish notice providing parties with the particular information  
36 necessary for them to appear by telephone at conferences, hearings, and  
37 proceedings in that court under this rule.

38  
39 **Advisory Committee Comment**

40  
41 This rule does not apply to criminal or juvenile matters, and it also does not apply to family law  
42 matters, except in certain respects as provided in rule 5.324 relating to telephone appearances in  
43 proceedings for child or family support under Title IV-D of the Social Security Act. (See Cal.



1 Rules of Court, rule 3.670(b) [rule applies to general civil cases and unlawful detainer and  
2 probate proceedings]; rule 5.324(j) [subdivisions (j)–(q) of rule 3.670 apply to telephone  
3 appearances in Title IV-D proceedings].)

4  
5 **Subdivision (d) \* \* \***

6  
7 **Subdivision (h) \* \* \***

8  
9 ~~**Subdivision (j).** Under subdivision (j)(3) of this rule and Government Code section 72010(c),  
10 even for proceedings in which fees are authorized, the fees may be waived by a judicial officer, in  
11 his or her discretion, for parties appearing directly by telephone in that judicial officer's  
12 courtroom.~~

13  
14  
15 **Rule 10.815. Fees to be set by the court**

16  
17 **(a) Authority**

18  
19 Under Government Code section 70631, a superior court may charge a reasonable  
20 fee for a service or product not to exceed the costs of providing the service or  
21 product, if the Judicial Council approves the fee.

22  
23 **(b) Approved fees**

24  
25 The Judicial Council authorizes courts to charge a reasonable fee not to exceed  
26 costs for the following products and services unless courts are prohibited by law  
27 from charging a fee for, or providing, the product or service:

28  
29 (1)–(15) \* \* \*

30  
31 (16) Training programs for attorneys who serve as court-appointed temporary  
32 judges, including the materials and food provided to the participants; ~~and~~

33  
34 (17) Other training programs or events, including materials and food provided to  
35 the participants; and

36  
37 (18) Telephone appearance services.

38  
39 **(c) Guidelines for determining costs**

40  
41 The fee charged for any product or service listed in (b) may not exceed the court's  
42 cost in providing the product or service. In determining the costs of a product or  
43 service, the court must:

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- (1) Identify the specific product or service; and
- (2) Prepare an analysis of the direct and indirect costs on which the fee is based.

**(d) Reasonableness**

In deciding what specific fee or fees, if any, to charge for a product or service under (b), the court must determine that the fee charged is reasonable considering relevant factors such as the benefits to the court and the public from providing the product or service and the effects of charging the fee on public access to the court.

**(e) Reporting requirement**

Each court that charges a fee under this rule must provide Judicial Council staff with a description of the fee, how the amount of the fee was determined, and how the fee is applied.

**(f) Public notice**

The court must notify the public of any fee that it charges under this rule by providing information concerning the fee in a conspicuous place such as the court's fee schedule.

**(g) Procedure for adoption of fee**

If a court proposes to change any fee authorized under (b) that it is already charging or to charge any new fee authorized under (b), the court must follow the procedures for adopting or amending a local rule under rule 10.613 of the California Rules of Court.

**Closed Session Materials  
Emailed Separately**