

## COURT MISDEMEANOR DIVERSION (“CMD”) GUIDELINES

### PENAL CODE

#### PC 69

Presumptive no diversion

- 1-year diversion
- 20 hrs. CWS
- Apology letter/Restorative Justice Component

#### PC 148(a)

Presumptive no diversion

- 1-year diversion
- 20 hrs. CWS
- Apology letter/Restorative Justice Component

#### PC 148.9

- 6-month diversion
- 20 hrs. CWS

#### PC 166

Presumptive no diversion

#### PC 240 (non DV)

**Any prior conviction for violence** = Presumptive no diversion

**Consider victim impact, if significant** = Presumptive no diversion

**Other:**

- 1-year diversion
- 20 hrs. CWS
- Apology letter/Restorative Justice Component
- Restitution
- No guns
- Search terms

**PC 242 (non DV)**

**Any prior conviction for violence** = Presumptive no diversion

**Consider victim impact, if significant** = Presumptive no diversion

**Other:**

- 1-year diversion
- 20 hrs. CWS
- Apology letter/Restorative Justice Component
- Restitution
- No guns
- Search terms

**PC 243(b)** Presumptive no diversion

**PC245(a)(1) or (a)(4)** Presumptive no diversion

**PC 273a(a), 273a(b)** Presumptive no diversion

**PC 369i (Trespassing on Railroad)**

- 6 months diversion
- 10 hrs. CWS

**PC 370/372 Public Nuisance**

- 6 months diversion
- 10 hrs. CWS

**PC 374.4 Littering**

- 6 months diversion
- 10 hrs. CWS

**PC 415**

- 6 months diversion
- 10 hrs. CWS

**PC 417** Presumptive no diversion

**PC 422** Presumptive no diversion

**PC 476(a)**

- 1-year diversion
- Restitution
- DABCP
- No checking acct. until DABCP completed

**PC 484/490.5**

**Any prior conviction for theft = Presumptive no diversion**

**Other:**

- 1-year diversion
- Restitution
- SA store/victim
- Search terms
- 10 hrs. CWS

**PC 487/496**

**Any prior conviction for theft = Presumptive no diversion**

**Other:**

- 1-year diversion
- Restitution
- SA store/victim
- Search terms
- 20 hrs. CWS

**PC 537(a)(1) Defrauding Innkeeper (not over \$400)**

- 1-year diversion
- Restitution
- SA store/victim
- Search terms
- 20 hrs. CWS

**PC 594 (non DV, non-gang related)**

- 1-year diversion
- Restitution
- SA victim
- 20 hrs. CWS

**PC 602 (Trespassing)**

- 6 months diversion
- SA location
- 10 hrs. CWS

**PC 647(a) or (b) Solicitation/Prostitution**

**Buyers:**

- DA Diversion Program

**Sellers:**

- 6-month diversion
- SA from location
- Attend AIDS Education Program

**PC 647e (Illegal Camping/Lodging)**

- 6 months diversion
- SA location

**PC 647(f)**

- 6-month diversion
- 20 AAs (or)
- Contact Drug and Alcohol – follow directives

**PC 647 (h) Loitering**

- 6 months diversion
- SA location
- 10 hrs. CWS

**PC 21310 (Dirk or Dagger)**

Presumptive no diversion

**All Gun Possession Offenses**

Presumptive no diversion

## VEHICLE CODE

### VC 31

- 6 months diversion
- 20 hrs. CWS

VC 2800.1            Presumptive no diversion

VC 2800.2            Presumptive no diversion

### VC 4462.5

- 6 months diversion
- Proof of registration

### VC 10851(a)

- 1-year diversion
- Restitution
- 20 hrs. CWS
- Search Terms

### VC 12500(a)

- 6 months diversion
- Don't drive unless licensed and insured
- Obtain CDL

### VC 14601.1(a)

- 1-year diversion (w/ up to 3 alleged priors)
- Don't drive unless licensed and insured
- Obtain CDL

**VC 14601.2** Presumptive no diversion

- 1-year diversion (w/ no priors)
- Don't drive unless licensed and insured
- Obtain CDL
- Install IID (proof in 30 days)
- If deft. is on DUI probation – require admission and 10 days in CJ in probation case

**VC 14601.5** Presumptive no diversion

- 1-year diversion (w/ up to 3 alleged priors)
- Don't drive unless licensed and insured
- Obtain CDL

**VC20001** Presumptive no diversion

**VC 20002**

- 1-year diversion
- Restitution
- 20 hrs. CWS

**VC23103(a) Reckless Driving**

- 6 months diversion
- 20 hrs. CWS

**VC 23152(a) & (b) & (f)** Not eligible

**VC 23153(a) & (b) & (f)** Not eligible

## **BUSINESS & PROFESSIONS CODE**

### **BP 4141 (Furnish Hypo or Syringe)**

- 6-month diversion (Presumptive) or PC1000
- Violate no Law
- 10 NA Meetings or DAS Treatment or Private Therapy

### **BP 25658(a) (Sale of Alcohol to Minor)**

- Prior Conviction or on Diversion = PND (Presumptive no diversion)
- 1-year diversion (Presumptive)
- Violate no Law
- 20hrs CWS

### **BP 25661 (MIP)**

- 6-month diversion (Presumptive)
- Violate no Law
- 10hrs CWS or 10 AA Meetings

### **BP 25661 (Fake ID)**

- Prior Conviction or on Diversion = PND
- 6-month diversion (Presumptive)
- Violate no Law
- 10hrs CWS or 20 AA Meetings

## **WELFARE & INSTITUTIONS CODE**

### **WI 10980 (Welfare Fraud)**

- Prior Conviction or on Diversion = PND
- 18-months diversion
- Restitution or Payment Plan
- 10 hrs. CWS / month of fraud



## **HEALTH & SAFETY CODE**

### **HS 11357(B) (Possess 1oz of MJ)**

- 1-year diversion (Presumptive) or PC1000
- Violate no Law
- Search & Testing Terms
- 20 NA Meetings or 20hour CWS or DAS Treatment

### **HS 11364 (Possess Drug Paraphernalia)**

- 6-months diversion (Presumptive) or PC1000
- Violate no Law
- Search & Testing Terms
- 10 NA Meetings or 10hour CWS or DAS Treatment

**HS 11377, HS11350, HS11550** - *PND due to existing PC1000 & Prop 36 Programs*