

TIER 2 EXCLUSIONARY CRIMES

Violent or Serious Felonies, Offenses Requiring Registration as a Sex Offender and Felony Offenses for Fraud Against a Public Social Services Program Pursuant to Welfare and Institutions Code (WIC) Section 12305.87

- The statutes cited in WIC 12305.87 are Penal Code (PC) 290(c), PC 667.5(c), PC 1192.7(c), WIC 10980(c)(2) and WIC 10980(g)(2).
- The column “CODE SECTION” refers to PC sections referenced in the PC statutes listed above.
- If two or more PC sections list an offense, only the offense with the broader application is referenced in the “code section” column.

| CODE SECTION | TITLE | PLAIN ENGLISH | STATUTE SOURCE |
|-------------------------------------|---|--|----------------|
| PC 136.1 | Intimidation of victims or witnesses. | Preventing or trying to convince a witness not to testify at any legal proceeding or not to make any reports or act in any way that leads to an arrest or prosecution of the person. | PC 1192.7(c) |
| PC 182 with any PC 290(c) crimes | Conspiracy to commit any of the crimes set forth in PC 290(c); PC 182 with: PC 220 (except assault to commit mayhem) ; PC 243.4; PC 261(a)(1), (2), (3), (4), or (6); PC 262(a)(1) involving force or violence for which the person is sentenced to state prison; PC 264.1; PC 266; PC 266c; PC 266h(b); PC 266i(b); PC 266j; PC 267; PC 269; PC 285; PC 286; PC 288; PC 288a; PC 288.3; PC 288.4; PC 288.5; PC288.7; PC 289; PC 311.1; PC 311.2(b), (c), or (d); PC 311.3; PC 311.4; PC 311.10; PC 311.11; PC 314(1) or (2); PC 647.6; former PC 647a; PC 653f(c); any offense involving lewd or lascivious conduct under PC 272; any felony violation of PC 288.2; any statutory predecessor that includes all of the elements of one of the above-listed offenses; or any person who, since that date, has been or is convicted of the attempt or conspiracy to commit any of the above-listed offenses. | Agreeing with one or more people to commit a crime that would require the person who commits the crime to register as a sex offender. | PC 290(c) |
| PC 182 with any PC 1192.7(c) crimes | Conspiracy to commit any of the crimes set forth in PC 1192.7(c); PC 182 with: PC 136.1; PC 186.22 (if a | Agreeing with one or more people to commit a specified violent or serious felony. | PC 1192.7(c) |

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|-------------------------|--|--|-----------------------------|
| | felony); PC 187; PC 190-190.4; PC 192(a); PC 203; PC 205; PC 207; PC 208; PC 209; PC 209.5; PC 211; PC 212.5; PC 213; PC 215; PC 220 (with intent to commit PC 261 or PC 211); PC 220(a) (with intent to commit mayhem, rape, sodomy, or oral copulation); PC 244; PC 245(c) or (d); PC 245.2; PC 245.3; PC 245.5; PC 246; PC 261; PC 264.1; PC 286 (c)(2) or (3); PC 288; PC 288a(c)(2); PC 288.5; PC 289(a)(1); PC 422; PC 451; PC 460(a); PC 461; PC 487(d)(2); PC 4500 (only if on a non-inmate); PC 4501; PC 4503; PC 11418(b) or (c); PC 12022.53; PC 12034(c); PC 12308; PC 12309; or PC 12310. | | |
| PC 186.22 | Participation in a criminal street gang. | Any felony crime that is committed while a person is acting as part of a criminal street gang. | PC 1192.7(c) |
| PC 187, PC 190-190.4 | Murder. | Murder is when one person kills another while acting recklessly or intending to kill the person, commit a felony crime or cause severe physical harm. | PC 667.5(c) PC 1192.7(c) |
| PC 192(a) | Voluntary Manslaughter. | When a person kills another person but has an excuse, such as "heat of passion." | PC 667.5(c) PC 1192.7(c) |
| PC 203 PC 205 | Mayhem. | Removing, disabling, or disfiguring a body part of a person or cutting certain parts of a person's head. | PC 667.5(c) PC 1192.7(c) |
| PC 207 PC 208 | Kidnapping. | Taking, holding, or keeping another person by force or fear and moving the person to a different place; or the person taken is under 14 years old; or when a person talks a child into going with them to another place. | PC 667.5(c) PC 1192.7(c) |
| PC 209 | Kidnapping for Ransom. | Taking another person and intending to hold the victim for ransom, reward or to intimidate. If someone helps another person to commit this crime they are also guilty of kidnapping for ransom. | PC 667.5(c) PC 1192.7(c) |

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| PC 209.5 | Kidnapping During a Carjacking. | Taking a person who is not involved in the carjacking and moving that person to a place away from the carjacking that causes an increased risk of harm to the victim. | PC 667.5(c) PC 1192.7(c) |
| PC 211 PC 212.5 PC 213 | Robbery. | Taking property from someone by force or fear and against their will. | PC 667.5(c) PC 1192.7(c) |
| PC 214 | Train Robbery. | Taking property from any passenger or person on a train; interfering with anything related to the train and railroad; placing dynamite on anything having to do with the train; or stopping or attempting to stop a train with the intent to rob a person on the train. | PC 667.5(c) |
| PC 215 | Carjacking. | Taking a vehicle from another person against their will by force or fear intending to leave the person without the vehicle. | PC 1192.7(c) |
| PC 220 | Assault with intent to commit mayhem, rape, sodomy, oral copulation, rape in concert, lewd or lascivious acts on a child under 14 and genital or anal penetration by a foreign object. | Intentionally causing violent injury to another person while intending to commit mayhem or certain sex offenses listed in PC 220. | PC 667.5(c) |
| PC 243.4 | Sexual battery and attempted sexual battery. | Touching the private parts of a person for sexual purposes without permission while the victim is restrained; is a patient receiving medical care and is seriously disabled or seriously ill; or the perpetrator wrongly believes that the touching is for a professional purpose. | PC 290(c) |
| PC 244 | Throwing acid or flammable substances at another person. | Intentionally trying to disfigure a person by throwing a specified chemical that could injure or disfigure the person. | PC 1192.7(c) |
| PC 245(c) or (d) | Assault with a deadly weapon or instrument against a peace officer or firefighter. | Intentionally using a deadly weapon to cause violent injury (assault) on a peace officer or firefighter. | PC 1192.7(c) |
| PC 245.2 | Assault with a deadly weapon against a public transit employee. | Intentionally using a deadly weapon to cause violent injury to a person. | PC 1192.7(c) |
| PC 245.3 | Assault with a deadly weapon against a custodial officer. | Intentionally using a deadly weapon to cause violent injury to a person employed by a law enforcement agency as a public officer who is not a peace officer. | PC 1192.7(c) |

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| PC 245.5 | Assault with a deadly weapon against a school employee. | Intentionally using a deadly weapon to cause violent injury to a school employee. | PC 1192.7(c) |
| PC 246 | Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft. | Intentionally shooting at a building, vehicle or aircraft when a person or persons are inside. | PC 1192.7(c) |
| PC 261 | Rape. | Sex with a person, not a spouse, without that person's consent and: against the person's will; the person is unconscious or unaware; or the person cannot consent because of a mental disorder or developmental or physical disability. | PC 667.5(c) PC 1192.7(c) |
| PC 262 | Rape of a spouse. | When a person has sex with their spouse and it is either against the spouse's will, the spouse is unconscious or the spouse is prevented from resisting due to intoxication that the person should have known about. | PC 1192.7(c) |
| PC 264.1 | Rape or penetration of genital or anal openings by a foreign object; acting in concert by force or violence. | When 2 or more people have sex with or sexually penetrate a person without that person's consent and against the person's will; when the person is unconscious or unaware; or when the person cannot consent because of a mental disorder or developmental or physical disability. | PC 290(c) PC 667.5(c) PC 1192.7(c) |
| PC 266 | Enticing a minor into prostitution; aiding and abetting. | Convincing, or helping someone convince, a female younger than 18 years old to become a prostitute. | PC 290(c) |
| PC 266c | Inducing sexual intercourse by fear or consent through fraud. | Having sex, sexual penetration, oral sex or anal sex by misrepresentations to the person or through fear. | PC 290(c) |
| PC 266h(b) | Pimping a minor. | Sharing in or taking the money earned by a prostitute who is younger than 18 years old. | PC 290(c) |
| PC 266i(b) | Pandering a minor. | Convincing by threats, violence, or promises, a person younger than 18 years old to become or remain a prostitute. | PC 290(c) |
| PC 266j | Providing a minor under 16 for lewd or lascivious act. | Intentionally giving, providing, or making available a person younger than 16 years old for an obscene, indecent, or lustful act. | PC 290(c) |
| PC 267 | Abduction of person under 18 for prostitution. | Taking a person younger than 18 years old from their parent or guardian without permission for prostitution. | PC 290(c) |

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|---------------------|--|--|--|
| PC 269 | Aggravated sexual assault of a child. | Raping, having anal sex, having oral sex, or sexually penetrating a person younger than 14 years old who is 7 or more years younger than the attacker. | PC 290(c) |
| PC 285 | Incest. | Having sexual relations with family members or close relatives. | PC 290(c) |
| PC 286 | Sodomy. | Anal-penile sexual contact (anal sex). | PC 290(c) |
| PC 288 | Lewd or lascivious act upon a child under 14. | Intentionally doing, or trying to do, an obscene, indecent, or lustful act with a person younger than 14 years old. | PC 290(c) PC 1192.7(c) |
| PC 288a | Oral copulation. | Applying the mouth of one person to the genitals or anus of another person (oral sex). | PC 290(c) |
| PC 288.2 | Felony distribution of lewd material to children. | Intentionally sending inappropriate material to seduce a person younger than 18 years old. | PC 290(c) |
| PC 288.3 | Contact with a minor to commit sexual offense. | Contacting or communicating with a person younger than 18 years old for a specified sexual purpose. | PC 290(c) |
| PC 288.4 | Meeting with a minor for a sexual purpose. | Arranging to meet with a minor younger than 18 years old to expose the genitals or anal area of the minor or the perpetrator; or to do obscene, indecent or lustful acts with the minor. | PC 290(c) |
| PC 288.5 | Continuous sexual abuse of a child. | Abusing a child younger than 14 years old at least 3 times over a period of at least 3 months through sexual contact or obscene, indecent, or lustful acts. | PC 290(c) PC 667.5(c) PC 1192.7(c) |
| PC 288.7 | Sexual conduct with a child 10 years old or younger. | Sexual intercourse, anal-penile sexual contact (anal sex), oral-genital or oral-anal contact (oral sex) with a person younger than 10 years old. | PC 290(c) |
| PC 289 | Sexual penetration by foreign object. | Sexual penetrating against a victim's will by force, violence, or fear when the victim cannot consent because of a mental disorder or developmental or physical disability, or the victim is unconscious or unaware. | PC 290(c) |
| PC 311.1 | Child-related pornography. | Having any connection to images showing a minor younger than 18 years old doing, or pretending to do, sexual acts. | PC 290(c) |

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|---|--|---|-----------------------|
| PC 311.2(b) PC 311.2(c) PC 311.2(d) | Child-related pornography. | Possessing or distributing images showing a person younger than 18 years old doing, or pretending to do sexual acts for profit. | PC 290(c) |
| PC 311.3 | Sexual exploitation of a child. | Possessing any image showing a minor younger than 18 years old engaging in sexual acts. | PC 290(c) |
| PC 311.4 | Using a minor to assist in making or distributing child pornography. | Knowingly employing a minor younger than 18 years old to make an image or video showing sexual acts. | PC 290(c) |
| PC 311.10 | Advertising or distributing child pornography. | Knowingly advertising for sale or distributing obscene material that shows a minor younger than 18 years old doing, or pretending to do, sexual acts. | PC 290(c) |
| PC 311.11 | Possessing child pornography. | Knowingly possessing or controlling any image showing a person younger than 18 years old doing, or pretending to do sexual acts. | PC 290(c) |
| PC 314 (1) PC 314 (2) | Lewd or obscene exposure of private parts. | Exposing or getting another minor to expose private parts in an obscene or indecent way in public or where others are present. | PC 290(c) |
| PC 422 | Criminal threats. | Communicating a threat to commit a crime that causes death or serious physical harm to another person and intending this statement to be understood as a threat. | PC 1192.7(c) |
| PC 451 | Arson. | Intentionally setting fire to or burning any structure, forest land or property. | PC 1192.7(c) |
| PC 460(a) | First Degree Burglary. | Entering a building or a vehicle occupied by people with the intent to steal. | PC 1192.7(c) |
| PC 487 with PC 664 | Grand theft involving a firearm. | Using a firearm to take the property of a person that is worth a certain amount of money or more as listed in the PC 487. | PC 1192.7(c) |
| PC 518 only if committed as a felony violation of PC 186.22 | Extortion when committed in participation with a criminal street gang. | Acting as part of a criminal street gang when taking property from a person by using force or fear or pretending that they have an official right to take the property. | PC 667.5(c) |
| PC 647.6 | Annoy or molest a child under 18 years old. | Harassing or making indecent sexual offers to a minor younger than 18 years old. | PC 290(c) |
| PC 647a (Former) | Annoy or molest a child under 18 years old. | Harassing or making indecent sexual offers to a minor younger than 18 years old. | PC 290(c) |

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| PC 653f(c) | Solicit another to commit rape, sodomy. | Asking another person to commit rape, anal-penile sexual contact (anal sex), or oral-genital or oral-anal contact (oral sex) by force or violence or other specified sexual offenses. | PC 290(c) |
| PC 664 with PC 187 | Attempted murder. | Trying and failing to kill a person while: acting recklessly; intending to kill a person; intending to commit a felony; or intending to cause bodily injury. | PC 667.5(c) PC 1192.7(c) |
| PC 664 with any PC 290(c) crime | Attempt to commit any of the PC 290(c) crimes; PC 664 with: PC 220 (except assault to commit mayhem) ; PC 243.4; PC 261(a)(1), (2), (3), (4), or (6); PC 262(a)(1) involving force or violence for which the person is sentenced to state prison; PC 264.1; PC 266; PC 266c; PC 266h(b); PC 266i(b); PC 266j; PC 267; PC 269; PC 285; PC 286; PC 288; PC 288a; PC 288.3; PC 288.4; PC 288.5; PC288.7; PC 289; PC 311.1; PC 311.2(b), (c), or (d); PC 311.3; PC 311.4; PC 311.10; PC 311.11; PC 314(1) or (2); PC 647.6; former PC 647a; PC 653f(c); any offense involving lewd or lascivious conduct under PC 272; any felony violation of PC 288.2; any statutory predecessor that includes all of the elements of one of the above-listed offenses; or any person who, since that date, has been or is convicted of the attempt or conspiracy to commit any of the above-listed offenses. | Trying and failing to commit a crime that would require a person to register as a sex offender if the crime has been committed. | PC 290(c) |
| PC 664 with any PC 1192.7(c) crime, except for assault | Attempt to commit any of the PC 1192.7(c) crimes except for assault; PC 664 with: PC 136.1; PC 186.22 (if a felony); PC 187; PC 190-190.4; PC 192(a); PC 203; PC 205; PC 207; PC 208; PC 209; PC 209.5; PC 211; PC 212.5; PC 213; PC 244; PC 246; | When a person tries and fails to commit any felony that is punishable by life in prison or death. | PC 1192.7(c) |

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| | PC 261; PC 264.1; PC 286 (c)(2) or (3); PC 288; PC 288a(c)(2); PC 288.5; PC 289(a)(1); PC 422; PC 451; PC 460(a); PC 461; PC 487(d)(2); PC 4503; PC 11418(b) or (c); PC 12022.53; PC 12034(c); PC 12308; PC 12309; or PC 12310. | | |
| PC 4500 (only if on a non-inmate) | Assault on a non-inmate by a prisoner sentenced to life. | When a person who is in prison with a life sentence threatens violent injury to a person who is not an inmate. | PC 1192.7(c) |
| PC 4501 | Assault with a deadly weapon by an inmate. | When a person who is confined in prison uses a deadly weapon to threaten violent injury (assault) on another person. | PC 1192.7(c) |
| PC 4503 | Holding of a hostage by a person confined in a state prison. | When person in state prison holds another person against their will. | PC 1192.7(c) |
| PC 11418 (b) PC 11418 (c) | Weapons of mass destruction used: (b) against a person, drinking water, or animals, crop seed or seed stock; or (c) in a form causing damage to public natural resources. | When a person uses a weapon of mass destruction against a person, drinking water, or animals, crop seed or seed stock or in a form causing damage to public natural resources. | PC 667.5(c) PC 1192.7(c) |
| PC 12022.7 PC 12022.8 PC 12022.9 (Before July 1, 1977 PC 213, PC 264, and PC 461) | A felony crime wherein defendant inflicts great physical harm to someone other than an accomplice or where great physical harm is committed in attempted commission of certain sex offenses or injury occurs resulting in termination of a pregnancy. | PC 12022.7: When a person intentionally causes serious physical harm to a person while committing, or attempting to commit a felony. If the victim has certain characteristics or is injured in a certain way, the penalty may be higher. PC 12022.8: When a person inflicts serious physical harm on a person while committing, or attempting to commit, certain sex offenses that are listed in PC 12022.8. PC 12022.9: When a person, knowing that a woman is pregnant, personally injures the woman so that the pregnancy is terminated. | PC 667.5(c) |
| PC 12022.3(a) PC 12022.5 PC 12022.55 | Firearm offenses, including PC 12022.5 the use of a firearm in the commission of any felony, 12022.3(a) use of a firearm in the commission of rape, rape of spouse, rape in concert, sodomy, lewd or | PC 12022.3(a): When a person uses a firearm or deadly weapon while committing: rape (PC 261), rape of a spouse (262), rape in concert and attempted rape in concert (PC 264.1), sodomy (PC 286), lewd or lascivious act | PC 667.5(c) |

| CODE SECTION | TITLE | PLAIN ENGLISH | STATUTE SOURCE |
|--|--|--|-----------------------------|
| | lascivious acts upon a child under 14, oral copulation, or Genital or anal penetration by foreign object 12022.55 causing death by discharging firearm into a motor vehicle. | upon a child under 14 and attempted lewd or lascivious act upon a child under 14 (PC 288), oral copulation (PC 288a) or Genital or anal penetration by foreign object and attempted genital or anal penetration by a foreign object (PC 289). PC 12022.5: When a person uses a firearm while committing, or trying to commit, a felony crime. PC 12022.55: When a person shoots a gun into another car while committing, or attempting to commit, a felony and causes injury or death to a person. | |
| PC 12022.53 | Use of firearm in the commission of a specified felony. | Personal use of a firearm while committing a felony that is listed in the statute. | PC 667.5(c) PC 1192.7(c) |
| PC 12034(c) | Shooting from a vehicle. | When someone shoots a gun from a vehicle at a person in a vehicle. | PC 1192.7(c) |
| PC 12308 | Explosion with intent to commit murder. | When a person explodes, ignites or attempts to explode anything with the intent to kill another person while either acting recklessly or intending to either kill the person, commit a felony or cause bodily injury to a person. | PC 667.5(c) |
| PC 12309 | Explosion that causes great physical harm. | When a person explodes or ignites anything which causes physical harm to a person. | PC 667.5(c) |
| PC 12310 | Explosion causing death. | When a person explodes or ignites anything that causes death, mayhem or serious physical harm to a person. | PC 667.5(c) |
| WIC 10980(c)(2) | Felony Welfare Fraud. | Intentionally and wrongly receiving CalWORKS/welfare aid worth more than \$950. | PC 12305.87(b)(2) |
| WIC 10980(g)(2) | Felony Food Stamps Fraud. | Intentionally using food stamps or EBT worth more than \$950 in an illegal way. | PC 12305.87(b)(2) |
| Any felony punishable by death or life imprisonment. | | The person has committed a felony that has a punishment of death or life in prison | PC 1192.7(c) |

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|--------------|---|--|----------------|
| | Any felony in which the defendant personally inflicts GBI on another person other than an accomplice or any felony in which the defendant personally uses a firearm. | When a person has committed a felony and caused serious physical harm to a person who is not involved in the crime or the person uses a firearm while committing any felony. | PC 1192.7(c) |
| | Any felony in which the defendant personally used a dangerous or deadly weapon. | When the person used a dangerous or deadly weapon while committing a felony. | PC 1192.7(c) |
| | Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine, or any methamphetamine-related drug as specified in 11055(d) of the Health and Safety Code or any of the precursors of methamphetamines as described in Health and Safety Code Section 11055(f) or 11100(a). | | PC 1192.7(c) |