

MEMORANDUM

FROM: J. RICHARD COUZENS
Judge of the Placer County Superior Court (Ret.)

RE: Revision of the maximum term of probation [AB 1950][AMENDED]

DATED: November 18, 2020

Assembly Bill No. 1950 (2019-2020 Reg. Sess.) (AB 1950) amends Penal Code section 1203a¹ to set the maximum term of probation for most misdemeanor crimes at one year. It also amends section 1203.1 to set the maximum term of probation for most felonies at two years.

I. Misdemeanor Offenses

Prior to the enactment of AB 1950, section 1203a specified the maximum term of probation for a misdemeanor offense was three years, or if the term of imprisonment on a particular crime was greater than three years, up to the maximum term of imprisonment. Effective January 1, 2021, section 1203a, subdivision (a), provides, in relevant part: “The court may suspend the imposition or execution of the sentence and make and enforce the terms of probation for a period not to exceed one year.” The amendment deleted any authority to set the term of probation based on the maximum sentence.

Section 1203a, subdivision (b), provides: “The one-year probation limit in subdivision (a) shall not apply to any offense that includes specific probation lengths within its provisions.” Appendix I is a list of the crimes that specify a length of probation if the court grants probation. Section 273a, child endangerment, for example, specifies a person convicted of the crime who is granted probation is subject to a “mandatory minimum period of probation of 48 months.” (§ 273a, subd. (c)(1).) Except for certain DUI offenses,² all of the listed statutes express the term of probation by reference to a “minimum term” without designating a specific maximum term. Prior to the enactment of AB 1950, section 1203a specified the maximum term was three years, or the maximum sentence, whichever was greater. Since the Legislature expressly repealed a calculation of the maximum term of probation based on the maximum sentence, it is unlikely the court has the authority to fix the length of probation for an excluded offense based on the maximum sentence. Likely the proper maximum term of probation is the minimum term

¹ Unless otherwise indicated, all statutory references are to the Penal Code.

² Vehicle Code sections 23152 and 23153 specify the term of probation in most cases shall be not less than three years or more than 5 years.

of probation specified in the statute to the extent it exceeds the one-year limit now required by section 1203a, subdivision (a). Accordingly, as noted in Appendix I, for most excluded misdemeanor offenses, the maximum term of probation is three years, which is also the minimum term.

Nothing in the amended statute would prohibit the court from initially granting probation for up to one year, then impose up to the maximum custody sentence based on a violation of probation.

II. Felony Offenses

A. The basic rule

Prior to the enactment of AB 1950, section 1203.1, subdivision (a), specified the maximum term of probation for a felony offense could be “for a period of time not exceeding the maximum possible term of the sentence.” If the maximum possible term of the sentence was five years or less, the period of probation could be up to five years. Effective January 1, 2021, section 1203.1, subdivision (a), with certain exceptions, provides: “The court . . . in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding two years” As with misdemeanor crimes, AB 1950 deleted the ability of the court to fix the maximum term of probation for felony offenses based on the maximum possible sentence for the crime.

B. Exceptions to the basic rule

Section 1203.1, subdivision (m), provides the two-year limit on the term of probation shall not apply to the following offenses:

1. Any violent offense listed in section 667.5, subdivision (c). (§ 1203.1, subd. (m)(1).) See Appendix II for a complete list of “violent” offenses which will be excluded from the new probation limits.
2. Any offense “that includes specific probation lengths within its provisions.” (§ 1203.1, subd. (m)(1).) See Appendix I for a complete list of crimes that specify a minimum term of probation.
3. Any felony conviction of section 487, subd. (b)(3) [theft by servant, agent or employee], if the total value of the property taken exceeds \$25,000. (§ 1203.1, subd. (m)(2).)
4. Any felony conviction of section 503 [embezzlement], if the total value of the property taken exceeds \$25,000. (§ 1203.1, subd. (m)(2).)
5. Any felony violation of section 532a [false financial statements], if the total value of the property taken exceeds \$25,000. (§ 1203.1, subd. (m)(2).)

For crimes listed in paragraphs (1) and (2), the maximum term of probation may be up to the maximum possible term of the sentence. (§ 1203.1, subd. (m)(1).) For the crimes listed in paragraphs (3), (4) and (5), the maximum term of probation is three years. (§ 1203.1, subd.

(m)(2).) For a complete list of all excluded offenses and the maximum terms of probation, see Appendix I and II.

Domestic violence offenses

Care must be taken in the application of the new statute to crimes of domestic violence. Section 1203.097, subdivision (a), for example, provides in relevant part: “If a person is granted probation for a crime in which the victim is a person defined in Section 6211 of the Family Code, the terms of probation shall include all of the following: (1) A minimum period of probation of 36 months, which may include a period of summary probation as appropriate.” Clearly a conviction of a crime covered by section 1203.097 is an offense “that includes [a] specific probation length[] within its provisions” for the purposes of the exception under section 1203.1, subdivision (m)(1). The underlying crime, however, may not normally carry a minimum probationary term. For example, probation for a violation of section 245, subdivision (a)(4) [assault by means of force likely to produce great bodily injury], does not normally have a minimum term of probation – which means felony probation would be limited to two years. But if the victim is a person included in Family Code section 6211, the minimum probation period is three years, and the maximum period of probation is four years.

III. Effective Date of AB 1950

A. Application to crimes on or after January 1, 2021

Unquestionably the changes made by AB 1950 will apply to all crimes committed on or after January 1, 2021, the effective date of the legislation.

B. Application to crimes occurring prior to January 1, 2021

Likely the new limits on probation terms will apply to all cases not final as of January 1, 2021. Whether a legislative change applies to crimes committed prior to its effective date depends on the application of the seminal case of *In re Estrada* (1965) 63 Cal.2d 740 (*Estrada*). *Estrada* stands for the principle that: “When the Legislature has amended a statute to reduce the punishment for a particular criminal offense, we will assume, absent evidence to the contrary, that the Legislature intended the amended statute to apply to all defendants whose judgments are not yet final on the statute's operative date.” (*People v. Brown* (2012) 54 Cal.4th 314, 323, citing *Estrada*, at pp. 742-748.) “When the Legislature amends a statute so as to lessen the punishment it has obviously expressly determined that its former penalty was too severe and that a lighter punishment is proper as punishment for the commission of the prohibited act. It is an inevitable inference that the Legislature must have intended that the new statute imposing the new lighter penalty now deemed to be sufficient should apply to every case to which it constitutionally could apply.” (*Estrada*, at p. 76.) “The rule in *Estrada* has been applied to statutes governing penalty enhancements, as well as to statutes governing substantive offenses.” (*People v. Nasalga* (1996) 12 Cal.4th 784, 792.) *Estrada* has also been applied to circumstances where there is no *actual* reduction of a penalty, but only the *possibility* of such a

reduction. (See, e.g., *People v. Francis* (1969) 71 Cal.2d 66 [crime changed from straight felony to a “wobbler”; possibility of a lesser sentence triggered *Estrada* (*Francis*, at p. 75)]; *People v. Superior Court (Lara)*(2018) 4 Cal.5th 299 [Proposition 57 for juvenile cases creates a potential of less punishment, making *Estrada* applicable].) *Estrada* has been applied to the newly granted authority of trial courts to strike weapons enhancements under sections 12022.5 and 12022.53. (*People v. Robbins* (2018) 19 Cal.App.5th 660; *People v. Woods* (2018) 19 Cal.App.5th 1080; *People v. Chavez* (2018) 21 Cal.App.5th 971.) AB 1950 contains no “savings clause” which would specify a particular and more limited effective date. (See *People v. Nasalga* (1996) 12 Cal.4th 784, 793-794.) There is nothing in the enactment of AB 1950 that suggests there will be any different treatment of the changes to the maximum term of probation. As observed in *People v. McKenzie* (2020) 9 Cal.5th 40, 45 (*McKenzie*), a case becomes final only after it reaches a final disposition in the highest court authorized to review it.

McKenzie considered the application of *Estrada* to a legislative change that occurred long after the defendant’s judgment of probation became final. In the course of its analysis, *McKenzie* discussed *People v. Chavez* (2018) 4 Cal.5th 771: “In [*Chavez*], four years after successfully completing probation, the defendant asked the trial court to dismiss his action and expunge his record in furtherance of justice under Penal Code section 1385. [Citation.] We concluded that the trial court could not dismiss the action under that statute because there was no longer an action to dismiss: the criminal action had ended when the defendant’s probation had expired. [Citation.] [¶] In the course of so holding, we noted that ‘[u]nder well-established case law, a court may exercise its dismissal power under [Penal Code] section 1385 at any time before judgment is pronounced — but not after judgment is final.’ [Citation.] At the same time, however, we expressly rejected the argument that in such cases, the ‘criminal action terminates’ when ‘the court orders a grant of probation.’ [Citation.] We therefore concluded that Penal Code section 1385’s dismissal ‘power may be exercised until judgment is pronounced or when the power to pronounce judgment runs out.’ [Citation.] As particularly relevant here, we explained that the ‘criminal action’ — and thus the trial court’s jurisdiction to impose a final judgment — ‘continues into and throughout the period of probation’ and expires only ‘when th[e] [probation] period ends.’ [Citation.] *Chavez* thus confirms that a criminal proceeding ends only once probation ends if no judgment has issued in the case.” (*McKenzie, supra*, 9 Cal.5th at pp. 46-47.)

Cases pending sentencing as of January 1, 2021

With any legislation that reduces the consequences of a criminal offense, there is an understandable effort by defense counsel to continue any pending sentencing to the effective date of the new law. Counties have reported experiencing such requests. In a number of these counties the justice partners have agreed to observe the new probation limits even though the sentencing occurs prior to January 1, 2021. Such agreements make good sense. The new statute will clearly apply to cases sentenced in the few months leading up to its effective date. Cases sentenced under the old law using the existing limits on probation would later need to be recalled and resentenced with the new limitations. Continuing cases until after the effective date simply jams the courts with unnecessary work once the law takes effect. All these

problems can be avoided by simply applying the new sentencing proceedings going forward, even though they are being held prior to the official effective date of AB 1950.

Defendants sentenced to probation prior to January 1, 2021

In light of *McKenzie* and *Chavez*, it is likely a defendant's sentence is not final for the purposes of *Estrada* and the application of AB 1950 so long as the defendant is subject to an existing grant of probation, even though the appeal period on the original sentence has expired. Accordingly, it is likely AB 1950, by operation of law, has amended existing terms of probation in accordance with the new limits for all included crimes, without the need of the court to specifically order the modified terms. Persons on probation for excluded crimes will have terms of probation as specified in sections 1203a, subdivision (b), and 1203.1, subdivision (m). While it may not be necessary for probation departments or the courts to calendar all existing probation cases for amendment of the length of probation, no further action should be taken in cases where the term of probation has run longer than authorized by AB 1950. Certainly, if a defendant requests an order terminating probation because of the changes made by AB 1950, it would be appropriate to grant such relief.

Cases in warrant status as of January 1, 2021

It is unlikely the court and probation departments have any duty to actively review and recall warrants issued prior to January 1, 2021, for a violation of probation. It is accepted procedure that courts summarily revoke probation contemporaneously with the issuance of either a bench or arrest warrant based on a violation of probation. Such action is intended to freeze the defendant's status on probation for the purpose of later prosecution of any alleged violation of probation. As made clear in *People v. Leiva* (2013) 56 Cal.4th 498 (*Leiva*), the tolling language in section 1203.2, subdivision (a)³, was adopted by the Legislature to preserve the court's jurisdiction to adjudicate violations that occur within the original term of probation. "[W]e conclude summary revocation of probation preserves the trial court's authority to adjudicate a claim that the defendant violated a condition of probation during the probationary period. As noted, the purpose of the formal proceedings 'is not to revoke probation, as the revocation has occurred as a matter of law; rather, the purpose is to give the defendant an opportunity to require the prosecution *to prove the alleged violation occurred and justifies revocation.*' [Citation.] We therefore agree with the court in (*People v. Tapia* (2001) 91 Cal.App.4th 738,) that 'the [authority] retained by the court is to decide *whether* there has been a violation during the period of probation and, if so, *whether* to reinstate or terminate probation.' (*Tapia, supra*, 91 Cal.App.4th at pp. 741–742.) [Footnote omitted.] Accordingly, a trial court can find a violation of probation and then reinstate and extend the terms of probation 'if, and only if, probation is reinstated based upon a violation that occurred during the unextended period of probation.' (*Tapia, supra*, 91 Cal.App.4th at p. 741.) This result fairly gives the defendant, if he prevails at the formal violation hearing, the benefit of the finding that there was no violation of

³ Section 1203.2, subdivision (a), provides, in relevant part: "The revocation [of probation], summary or otherwise, shall serve to toll the running of the probationary period."

probation during the probationary period. [Footnote omitted.] [¶] On the other hand, if the prosecution, at the formal violation hearing held after probation normally would have expired, is able to prove that the defendant did violate probation before the expiration of the probationary period, a new term of probation may be imposed by virtue of section 1203.2, subdivision (e), and section 1203.3. This result fairly gives the prosecution, if it prevails at the formal violation hearing, the benefit of the finding that there was a violation of probation during the probationary period.” (*Leiva, supra*, 56 Cal.4th at pp. 515-516; italics in original.)

Based on *Leiva*, it appears likely the court and probation will be able to pursue violations of probation occurring within the original grant of probation or authorized extensions up to the maximum permitted term, and where the court summarily revoked probation while the probation term was in effect. This will be so even if the original period of probation has expired as of the defendant’s return on the warrant, and even if the violation occurred during a period of probation which would have exceeded the limits of probation established by AB 1950 had its language been then in effect. To apply AB 1950 under such circumstances would give the statute a retroactive application not authorized by the legislation. In the absence of contrary intent expressed by the Legislature, statutory changes to the Penal Code are presumed to be prospective and not retroactive. (*Estrada, supra*, 63 Cal.2d at p. 746.) It is also important to stress that when probation was summarily revoked and the warrant was issued, such actions were authorized and valid under then-existing law.

If the court finds a violation of probation after the defendant’s return on a warrant, likely the court will have the following potential options:

- The court could reinstate the defendant on the existing terms of probation, provided there is time remaining on the term of probation under the standards established by AB 1950. Time during which probation was summarily revoked would not be counted against the available time. Reinstatement could occur with or without a modification of the conditions of probation, including a custody sanction.
- The court could reinstate on probation, impose a custody sanction, after which probation would terminate without imposition of judgment pursuant to section 1203.3. (*Leiva, supra*, 56 Cal.4th at pp. 515-516.)
- The court could permanently revoke probation and impose judgment to state prison or county jail for a term authorized for the underlying crime.
- If the original probationary period has expired, the court could set aside the order of revocation and again place the defendant on probation in accordance with section 1203.2, subdivision (e).⁴ (*Leiva, supra*, 56 Cal.4th at pp. 515-516.) The maximum term of the new grant of probation, however, would be as set by AB 1950. Neither the time served on probation under the original grant of probation, nor the time during which

⁴ Section 1203.2, subdivision (e), provides, in relevant part: “If an order setting aside . . . the revocation of probation . . . is made after the expiration of the probationary period, the court may again place the person on probation for that period and with those terms and conditions as it could have done immediately following conviction.”

probation was summarily revoked would be charged against the new grant of probation. To charge this time against the new grant of probation would constitute an unauthorized retroactive application of AB 1950. (*Estrada, supra*, 63 Cal.2d at p. 746.)

Extension of term of probation

Under the law prior to the enactment of AB 1950, the court could extend a grant of probation up to the authorized limit. For example, if a defendant was placed on felony probation for a period of three years, but violated a condition of probation, including the failure to pay restitution, the court could extend the probationary term for up to an additional two years, for a total probationary term of five years. If a defendant has been granted probation for three years and the sentence is not final as of January 1, 2021, the court does not have the power to extend the probationary period an additional two years. Nothing in AB 1950 expressly authorizes the extension of probation beyond the new probation limits.⁵ In extending the term of probation the court would be exercising discretion expressly removed by the Legislature.

IV. Imposition of custody as a condition of probation

Nothing in AB 1950 changed the ability of the court to impose custody as a condition of probation. Section 1203.1, subdivision (a), provides, in relevant part: “The court . . . in the order granting probation and as a condition thereof, may imprison the defendant in a county jail for a period not exceeding the maximum time fixed by law for the case.” The statutory scheme and traditional practice contemplate that if the court grants probation, the defendant usually receives a term in the jail of up to one year as a condition of probation. Section 1203.1, subdivision (a), however, permits the application of a term of custody as a condition of probation which could significantly exceed the period of probation itself.

⁵ The court will have the authority to extend probation up to the maximum term of the sentence or other specified term for the excluded offenses.

APPENDIX I: CRIMES EXCLUDED FROM THE ONE-YEAR OR TWO-YEAR LIMIT ON PROBATION DUE TO SPECIFIC PROBATION LENGTHS (Pen. Code, §§ 1203a(b), 1203.1(m)(1))

Code Section	Crime	Specific Probation Length	Max. probation term (felonies only)	Authority for Exception
PENAL CODE				
136.1(a), (b) (M)	Witness intimidation	Max./Min. of 36 months	3 years	If § 1203.097 applies ⁶
136.1(a), (b) (F)	Witness intimidation	Min. of 36 months	3 years	If § 1203.097 applies
136.1(c) (F)	Witness intimidation - prevent testimony with threat of violence or force	Min. of 36 months	4 years	If § 1203.097 applies
140 (M)	Witness intimidation – use of force or threat of force or violence	Max./Min. of 36 months		If § 1203.097 applies
140 (F)	Witness intimidation – use of force or threat of force or violence	Min. of 36 months	4 years	If § 1203.097 applies
166(c) (M)	Violation of protective or stay away order	Max./Min. of 36 months		§ 166(e)(1); § 1203.097
166(d)(1) (M)	Persons restricted from purchasing, receiving, owning, or possessing firearm by court order	Max./Min. of 36 months		§ 29825(c); § 1203.097
166(d)(1) (F)	Persons restricted from purchasing, receiving, owning, or possessing firearm by court order	Min. of 36 months	3 years	§ 29825(c); § 1203.097
243(e)(1) (M)	Simple battery on spouse, cohabitant, or fellow parent	Max./Min. of 36 months		§ 1203.097
245(a)(1) (M)	Assault with a deadly weapon other than firearm	Max./Min. of 36 months		If § 1203.097 applies

⁶ If a person is granted probation for a crime in which the victim is a person defined in Section 6211 of the Family Code, the minimum period of probation is 36 months. (Pen. Code, § 1203.097(a)(1).)

245(a)(1) (F)	Assault with a deadly weapon other than firearm	Min. of 36 months	4 years	If § 1203.097 applies
245(a)(4) (M)	Assault by any means of force likely to produce great bodily injury	Max./Min. of 36 months		If § 1203.097 applies
245(a)(4) (F)	Assault by any means of force likely to produce great bodily injury	Min. of 36 months	4 years	If § 1203.097 applies
273a(a) (M)	Child abuse likely to produce great bodily harm or death	Max./Min. of 48 months		§ 273a(c)(1)
273a(a) (F)	Child abuse likely to produce great bodily harm or death	Min. of 48 months	6 years	§ 273d(c)(1)
273a(b) (M)	Child abuse	Max./Min. of 48 months		§ 273a(c)(1)
273d(a) (M)	Inflicting physical punishment on child	Max./Min. of 36 months		§ 273d(c)(1)
273d(a) (F)	Inflicting physical punishment on child	Min. of 36 months	6 years	§ 273d(c)(1)
273.5 (M)	Inflicting injury on spouse, cohabitant, or fellow parent resulting in traumatic condition	Max./Min. of 36 months		§ 273.5(g); § 1203.097
273.5 (F)	Inflicting injury on spouse, cohabitant, or fellow parent resulting in traumatic condition	Min. of 36 months	4 years	§ 273.5(g); § 1203.097
273.6 (M)	Violation of protective or stay away order	Max./Min. of 36 months		§ 273.6(h); § 1203.097
278 (M)	Child abduction	Max./Min. of 36 months		If § 1203.097 applies
278 (F)	Child abduction	Min. of 36 months	4 years	If § 1203.097 applies
278.5 (M)	Child abduction in violation of custody order	Max./Min. of 36 months		If § 1203.097 applies
278.5 (F)	Child abduction in violation of custody order	Min. of 36 months	3 years	If § 1203.097 applies
368 (M)	Elder/dependent adult abuse	Max./Min. of 36 months		If § 1203.097 applies

368 (F)	Elder/dependent adult abuse	Min. of 36 months	4 years	If § 1203.097 applies
422 (M)	Criminal threats	Max./Min. of 36 months		If § 1203.097 applies
422 (F)	Criminal threats	Min. of 36 months	3 years	If § 1203.097 applies
502(c)(1)-(2), (4)-(5) (M)	Unauthorized computer access	Max./Not less than 3 years ⁷		§ 1203.047
502(c)(1)-(2), (4)-(5) (F)	Unauthorized computer access	Not less than 3 years ⁸	3 years	§ 1203.047
502(c)(3), (6), (7), (8) (felony only)	Unauthorized computer access	Not less than 3 years ⁹	3 years	§ 1203.047
502.7(b) (M)	Telephone fraud	Max./Not less than 3 years ¹⁰		§ 1203.047
502.7(b) (F)	Telephone fraud	Not less than 3 years ¹¹	3 years	§ 1203.047
594 (M)	Vandalism	Max./Min. of 36 months		If § 1203.097 applies
594 (F)	Vandalism	Min. of 36 months	3 years	If § 1203.097 applies
647(j)(4) (M)	Intentional and nonconsensual distribution of the image of the intimate body part or parts of another identifiable person, or an image of the person depicted engaged in a sexual act	Max./Min. of 36 months		If § 1203.097 applies
646.9(a) (M)	Stalking	Max./Min. of 36 months		If § 1203.097 applies

⁷ Except in unusual cases where the ends of justice would be better served by a shorter period (Pen. Code, § 1203.047).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

646.9(a) (F)	Stalking	Min. of 36 months	3 years	If § 1203.097 applies
646.9(b) (F)	Stalking in violation of court order	Min. of 36 months	4 years	If § 1203.097 applies
653m (M)	Telephone or electronic communication with intent to annoy or harass	Max./Min. of 36 months		If § 1203.097 applies
29825(a), (b) (M)	Persons restricted from purchasing, receiving, owning, or possessing firearm by court order	Max./Min. of 36 months		§ 29825(c); § 1203.097
29825(a), (b) (F)	Persons restricted from purchasing, receiving, owning, or possessing firearm by court order	Min. of 36 months	3 years	§ 29825(c); § 1203.097
VEHICLE CODE				
23152 (M/F)	Driving under the influence	Not less than 3 nor more than 5 years, unless max sentence exceeds 5 years state prison; then up to max sentence	Not less than 3 nor more than 5 years, unless max sentence exceeds 5 years state prison; then up to max sentence	§ 23600(b)(1)
23153 (M/F)	Driving under the influence causing injury	Not less than 3 nor more than 5 years, unless max sentence exceeds 5 years state prison; then up to max sentence	Not less than 3 nor more than 5 years, unless max sentence exceeds 5 years state prison; then up to max sentence	§ 23600(b)(1)

APPENDIX II: CRIMES EXCLUDED FROM THE TWO-YEAR LIMIT ON PROBATION DUE TO INCLUSION IN PENAL CODE SECTION 667.5(c) OR SECTION 1203.1(m)(2)

Code Section	Crime	Maximum Probation Term	Authority for Exception
PENAL CODE			
37	Treason	Life	§ 667.5(c)(7); § 1203.1(m)(1)
128	Perjury resulting in execution of innocent person	Life	§ 667.5(c)(7); § 1203.1(m)(1)
136.1/186.22	Intimidation of witness if a felony violation of § 186.22	§ 186.22(4)(A) (c): 7 years - life	§ 667.5(c)(20); § 1203.1(m)(1)
187	Murder	§ 190(a): first degree, 25 years-life; second degree, 15 years-life; § 190(b): 25 years-life; § 190(d): 20 years-life	§ 667.5(c)(1), (7); § 1203.1(m)(1)
187/664	Attempted murder	§ 664(a): 9 years; § 664(f): 15-life	§ 667.5(c)(7), (12); § 1203.1(m)(1)
192(a)	Voluntary manslaughter	11 years	§ 667.5(c)(1); § 1203.1(m)(1)
203	Mayhem	8 years	§ 667.5(c)(2); § 1203.1(m)(1)
205	Aggravated mayhem	Life	§ 667.5(c)(2), (7); §1203.1(m)(1)
206	Torture	Life	§ 667.5(c)(7); § 1203.1(m)(1)
207	Kidnapping	8 years; 11 years if victim under 14	§ 667.5(c)(14); § 1203.1(m)(1)
209	Kidnapping for gain or robbery	Life	§ 667.5(c)(7), (14)
209.5	Kidnapping in course of carjacking	Life	§ 667.5(c)(7), (14); § 1203.1(m)(1)

211	Robbery	1 st degree under § 213(a)(1)(A): 9 years; 1 st degree under § 213(a)(1)(B): 6 years; 2 nd degree: 5 years	§ 667.5(c)(9); § 1203.1(m)(1)
214	Train robbery	3 years	§ 667.5(c)(9); § 1203.1(m)(1)
215	Carjacking	9 years	§ 667.5(c)(17); § 1203.1(m)(1)
217.1(b)	Attempted murder of government official	15-life	§ 667.5(c)(7), (12); § 1203.1(m)(1)
218	Train wrecking	Life	§ 667.5(c)(7); § 1203.1(m)(1)
219	Train derailing	Life	§ 667.5(c)(7); § 1203.1(m)(1)
220	Assault with intent to commit mayhem, rape, sodomy, or oral copulation	§ 220(a)(1): 6 years; § 220 (a)(2): 9 years; § 220(b): life	§ 667.5(c)(7), (15); § 1203.1(m)(1)
236.1(c)(2)	Causing minor to engage in commercial sex act – with force or fear	§ 236.1(c)(2): with force or fear, 15-life	§ 667.5(c)(7); § 1203.1(m)(1)
262(a)(1), (4)	Spousal rape	8 years	§ 667.5(c)(3); § 1203.1(m)(1)
273ab	Assault on child with GBI resulting in death	§ 273ab(a): 25-life; § 273ab(b): life	§ 667.5(c)(7); § 1203.1(m)(1)
286(c)(1)	Sodomy with person under 14 and more than 10 years younger	8 years	§ 667.5(c)(4); § 1203.1(m)(1)
287(c)(1)	Oral copulation with person under 14 and more than 10 years younger	8 years	§ 667.5(c)(5); § 1203.1(m)(1)
288(a)	Lewd act on child under 14	8 years	§ 667.5(c)(6); § 1203.1(m)(1)
288.5	Continuous sexual abuse of a child	16 years	§ 667.5(c)(16); § 1203.1(m)(1)
289(j)	Sexual penetration by foreign object of a child under the age of 14	8 years	§ 667.5(c)(11); § 1203.1(m)(1)

451(a), (b)	Arson	§ 451(a): 9 years; § 451(b): 8 years	§ 667.5(c)(10); § 1203.1(m)(1)
452(a)	Arson causing GBI	6 years	§ 667.5(c)(8); § 1203.1(m)(1)
487(b)(3)	Theft by employee or agent [if the total value of the property taken exceeds \$25,000]	3 years	§ 1203.1(m)(2)
503	Theft by embezzlement [if the total value of the property taken exceeds \$25,000]	3 years	§ 1203.1(m)(2)
518	Extortion [if in violation of Penal Code section 186.22]	§ 186.22(4)(A)(c) : 7 years-life	§ 667.5(c)(7), (19); § 1203.1(m)(1)
532a	False financial statement [if the total value of the property taken exceeds \$25,000]	3 years	§ 1203.1(m)(2)
11418(b)	Possession, use, or manufacture of weapon of mass destruction	12 years	§ 667.5(c)(23); § 1203.1(m)(1)
11418(c)	Possession, use, or manufacture of weapon of mass destruction	6 years	§ 667.5(c)(23); § 1203.1(m)(1)
12022.3(a)	Sex offense with use of firearm or deadly weapon	10 years	§ 667.5(c)(8); § 1203.1(m)(1)
12022.5(a)	Use of firearm	10 years	§ 667.5(c)(8); § 1203.1(m)(1)
12022.53	Use or discharge of firearm in specified felonies	§ 12022.53(b): 10 years; § 12022.53(c): 20 years; § 12022.53(d): 25-life	§ 667.5(c)(22); § 1203.1(m)(1)
12022.55	Discharging firearm from vehicle	10 years	§ 667.5(c)(8); § 1203.1(m)(1)
12022.7	Personal infliction of GBI	§ 12022.7(a): 3 years; § 12022.7(b)-(e): 5 years	§ 667.5(c)(8); § 1203.1(m)(1)
12022.9	Personal infliction of GBI resulting in termination of pregnancy	5 years	§ 667.5(c)(8); § 1203.1(m)(1)
18745	Exploding destructive device with intent to murder	Life	§ 667.5(c)(7), (13); § 1203.1(m)(1)

18750	Exploding destructive device causing injury	9 years	§ 667.5(c)(13); § 1203.1(m)(1)
18755	Exploding destructive device causing mayhem or GBI	§ 18755(b): Life	§ 667.5(c)(7), (13); § 1203.1(m)(1)
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1670	Sabotage resulting in death or GBI	§ 1672(a): life	§ 667.5(c)(7); § 1203.1(m)(1)
1671	Making defects or omitting defects resulting in death or GBI	§ 1672(a): life	§ 667.5(c)(7); § 1203.1(m)(1)