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January 26, 2011

ALL COUNTY LETTER NO. 11-12

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS  
IN-HOME SUPPORTIVE SERVICES PROGRAM MANAGERS

SUBJECT: CRIMINAL BACKGROUND CHECKS FOR IN-HOME SUPPORTIVE SERVICES PROGRAM PROVIDERS; EXPANSION OF EXCLUSIONARY CRIMES; INDIVIDUAL WAIVERS AND GENERAL EXCEPTIONS OF EXCLUSIONS

REFERENCES: ACL NO. 09-52, DATED OCTOBER 1, 2009  
ACL NO. 09-70, DATED OCTOBER 31, 2009  
ACL NO. 09-78, DATED NOVEMBER 25, 2009  
ACL NO. 10-05, DATED FEBRUARY 17, 2010  
ACL NO. 10-35, DATED JULY 16, 2010  
ACL NO. 10-51, DATED NOVEMBER 12, 2010

This All County Letter (ACL) provides counties with information and instructions for implementing sections of Assembly Bill (AB) 1612 (Chapter 725, Statutes of 2010) relating to criminal background checks for individuals seeking to become service providers in the In-Home Supportive Services (IHSS) Program. AB 1612 added Welfare & Institutions Code (W&IC) section 12305.87 which expands the list of crimes for which a conviction, or incarceration following a conviction, within the last ten years would exclude an individual from being enrolled as an IHSS provider. The legislation also establishes provisions which will permit an individual, under certain circumstances, to be enrolled as an IHSS provider in spite of a conviction for an exclusionary crime.

**EFFECTIVE DATE**

Pursuant to W&IC section 12305.87, the policies being implemented through this ACL shall become effective February 1, 2011, and shall apply to the following individuals:

- 1) All new provider applicants as of February 1, 2011, and
- 2) Any applicant who previously was denied enrollment as a provider on the basis of a criminal conviction and for whom an appeal of the denial decision is pending on February 1, 2011.

A new provider applicant shall be defined as an individual who has not completed all of the provider enrollment requirements and has not been enrolled as a provider prior to February 1, 2011. An individual who has completed some but not all of the enrollment requirements by February 1, 2011, shall be subject to the new provisions outlined in this ACL. For example, an individual who submitted fingerprints prior to February 1, 2011, but whose criminal background check results are received and evaluated by the county after February 1, 2011, shall be subject to the expanded list of disqualifying criminal convictions.

## **BACKGROUND**

Previously enacted legislation (ABX4 19 [Chapter 17, Statutes of 2009]) established expanded enrollment requirements for existing and prospective IHSS providers. Among the expanded requirements was the prerequisite that each provider submit fingerprints and undergo and pass a criminal background check conducted by the California Department of Justice (DOJ). In order to pass the criminal background check, an individual must not have been convicted of, or incarcerated following a conviction for, a disqualifying crime within the last ten years. Prior to AB 1612, the only disqualifying crimes were those specified in W&IC section 12305.81, namely:

- Specified abuse of a child (Penal Code (PC) section 273a(a));
- Abuse of an elder or dependent adult (PC section 368); and
- Fraud against a government health care or supportive services program.

An individual who, within the last ten years, has been convicted of, or incarcerated following a conviction for, one of the above crimes is ineligible to be enrolled as an IHSS provider.

## **TIER 1 AND TIER 2 EXCLUSIONARY CRIMES**

W&IC sections 12305.81 and 12305.87 define two different categories of crimes for which a conviction, or incarceration following a conviction, within the last ten years excludes an individual from being an IHSS provider. For simplicity, the two categories will be referred to as Tier 1 and Tier 2 exclusionary crimes.

- Tier 1 exclusionary crimes are those specified in W&IC section 12305.81 and identified above.
- Tier 2 exclusionary crimes are specified in W&IC section 12305.87 and include the following:
  - A violent or serious felony, as specified in PC section 667.5(c), and PC section 1192.7(c);
  - A felony offense for which a person is required to register as a sex offender, pursuant to PC section 290(c); and
  - A felony offense for fraud against a public social services program, as defined in W&IC section 10980(c)(2) and (g)(2).

Attachment A provides a complete listing of Tier 2 exclusionary crimes, which includes the specific code section and title as well as “plain English” descriptions of the crimes.

In addition to expanding the list of exclusionary crimes, the new statute establishes provisions for the granting of individual waivers and general exceptions of exclusions based on a conviction for a Tier 2 crime, under certain circumstances. W&IC section 12305.87 does not permit an individual waiver or general exception of an exclusion based on a conviction for a Tier 1 crime.

### **INDIVIDUAL WAIVER PROVISIONS**

An applicant provider who has been found ineligible to be a provider on the basis of a conviction(s) for a Tier 2 crime, but who otherwise meets all of the provider enrollment requirements, may be permitted to provide services to a specific IHSS recipient(s) if the recipient(s) who chooses to hire the individual as his/her provider in spite of the criminal conviction(s) submits a request to the county/Public Authority (PA)/Non-Profit Consortium (NPC) for an individual waiver of the exclusion.

Upon determining that an applicant provider is ineligible because of a conviction for a Tier 2 crime, the county/PA/NPC shall inform both the applicant and any recipient(s) for whom the applicant provider is providing or wishes to provide services of the applicant’s ineligibility. (See Pages 8-11 of this letter, and Attachments E-R, for information about and copies of new and revised state-developed notices to recipients and providers.)

The county/PA/NPC shall enclose with the notice of ineligibility to the recipient(s) the IHSS Recipient Request for Provider Waiver form (SOC 862) (Attachment B) with information about the specific conviction(s) that makes the applicant ineligible to be an

IHSS provider. Counties/PAs/NPCs shall use the “plain English” descriptions of criminal convictions (Attachment A) on the SOC 862 and on all recipient and provider notices. The SOC 862, and all other notices to recipients which contain information about the provider applicant’s criminal background, inform recipients that they are required by law to keep the criminal background information strictly confidential.

Counties are not authorized under state law to disclose any other criminal conviction information to the recipient beyond those listed under the Tier 1 and Tier 2 categories.

If after reviewing the notice of ineligibility, the recipient wishes to hire the applicant to be his/her provider despite the applicant’s criminal conviction, he/she (or his/her authorized representative) shall complete and sign the SOC 862 and return it to the county/PA/NPC in person or by mail within ten days. In accordance with W&IC section 12305.87(d)(7), by signing the SOC 862, the recipient accepts responsibility for hiring the individual, and agrees to hold the state and county/PA/NPC harmless from any liability which may result from the granting of the individual waiver.

When the completed SOC 862 is received by the county/PA/NPC, county/PA/NPC staff shall review it to ensure it is complete and has been signed by the recipient or his/her authorized representative. If so, the county/PA/NPC staff will send the recipient notice (Notice to Recipient of Provider Eligibility County/PA/NPC Acknowledgement of Receipt of Waiver (SOC 857) (Attachment L) that the waiver has been accepted. The county shall retain the original SOC 862 along with the provider applicant’s criminal offender record information (CORI) that the county/PA/NPC received from DOJ. The county/PA/NPC shall retain this information until the date that the convictions that are the subject of the waiver are no longer within the ten-year period.

Once a waiver has been requested by the recipient and accepted by the county/PA/NPC, the provider will be allowed to provide services only for the recipient who requested the waiver. He/she may provide services to an additional recipient(s) only when each and every recipient who chooses to hire him/her as a provider submits a separate waiver request to the county/PA/NPC.

A waiver is valid only for the conviction(s) specified in the waiver. If the county/PA/NPC learns that an individual who is providing services under a waiver is subsequently convicted of another Tier 2 crime(s), the county/PA/NPC shall inform the recipient(s) of the individual’s new convictions. If the recipient(s) wishes to continue to receive services from the individual, he/she (or his/her authorized representative) must request a new waiver of the exclusion created by the new conviction(s).

## **GENERAL EXCEPTION PROVISIONS**

An individual who has been found ineligible to be enrolled as a provider based on a conviction for a Tier 2 exclusionary crime but who wishes to be listed on a provider registry or to provide services for a recipient who has not requested an individual waiver, may apply for a general exception of the exclusion.

Upon determining that an applicant provider is ineligible to be an IHSS provider based on a conviction for a Tier 2 crime, the county/PANPC shall utilize the following state-developed notices/forms to inform the applicant of his/her ineligibility and the reason for the ineligibility:

- Notice to Provider Applicant of Provider Ineligibility Due to Tier 2 Crimes (SOC 852A) (Attachment H),
- To Request An Appeal (SOC 856) (Attachment M), and
- IHSS Applicant Provider Request for General Exception form (SOC 863) (Attachment C).

If an ineligible applicant chooses to request a general exception, he/she shall complete the SOC 863 and mail it to the California Department of Social Services (CDSS). The following documentation must be submitted along with the SOC 863:

- 1) A copy of the Notice to Provider Applicant of Provider Ineligibility Due to Tier 2 Crimes (SOC 852A).
- 2) A copy of IHSS Program Provider Enrollment Form (SOC 426), which the individual previously completed and submitted to the county.
- 3) Documentation (Minute Order, Court-Issued Judgment of Conviction, or a letter from the Probation Department) showing that the individual's current or last probation period was informal, if applicable.
- 4) A description of and, if available, verification of any training, classes, treatment, counseling, or community service activities the individual has completed that would indicate rehabilitation or changed behavior.
- 5) Evidence of an official pardon by the Governor, if applicable.
- 6) Employment history for the last ten years.

- 7) Copies of all police reports involving the disqualifying crime(s) for which the individual was convicted or a letter from law enforcement stating that a report no longer exists.
- 8) Three signed character reference statements, obtained and dated after the date of the denial notice, from current or former employers, or other persons the individual chooses (but limited to a single reference from a family member).
- 9) A signed personal statement including the following information:
  - A description of the events surrounding the disqualifying crime(s) for which the individual was convicted, including what happened, why it happened, how it happened, and any other relevant information about the disqualifying crime(s) or any related crimes; and
  - A description of what the individual has done since the conviction(s) to ensure he/she will not be involved in any criminal activity again.

The Caregiver Background Check Bureau (CBCB), which is part of the Community Care Licensing Division and is responsible for managing the background check process for licensed community care facilities, is the organization within CDSS that has been designated to receive and evaluate all requests for general exceptions.

W&IC section 12305.87(e)(3) requires the CBCB to consider the following factors when determining whether to grant a general exception:

- The number of convictions and the time elapsed since the convictions;
- The nature and seriousness of the crime the individual was convicted of, and how closely the crime relates to the duties and responsibilities of an IHSS provider;
- The circumstances surrounding the commission of the crime that would demonstrate unlikelihood of repetition;
- The extent to which the individual has complied with the terms of parole, probation, restitution, and any other sanctions;
- The individual's activities since conviction that would demonstrate a change in behavior, such as, participation in therapy, community service, etc.;
- Evidence of rehabilitation, including character references;

- The individual's employment history and recommendations of current and/or former employers, especially those from persons for whom the individual has provided supportive services, or who wish to have the individual provide supportive services; and
- The granting of a full and unconditional pardon by the Governor.

To assist in making the determination of whether to grant a general exception, the CBCB is authorized by statute (W&IC section 12305.87(e)(2)) to request from the county/PA/NPC a copy of an applicant's CORI that the county/PA/NPC received from DOJ. In response to such a request, the county/PA/NPC is required to provide the unaltered CORI to the CBCB in a manner which safeguards the confidentiality and privacy of the information.

As required by W&IC section 12305.87(f), when CBCB makes a determination to deny a request for a general exception, it will notify the individual who submitted the request by registered mail. The notice of denial will provide the specific reasons for the denial, and a copy of the applicant's CORI as it was received from the county/PA/NPC.

Upon receipt of the denial determination, the applicant may request an administrative hearing of the decision by mailing a written request for a hearing to the CBCB within fifteen (15) business days. The Department of General Services' Office of Administrative Hearings has been designated as the entity that will conduct administrative hearings on CBCB's general exception denial determinations.

The attached flow chart (Attachment D) provides a visual representation of the IHSS provider applicant criminal background check process as outlined in this ACL.

### **EXPUNGEMENT EXCEPTIONS**

In accordance with W&IC section 12305.87(c), if an applicant provider who has been convicted of a Tier 2 exclusionary crime, and has obtained a certificate of rehabilitation (under Chapter 3.5 [commencing with section 4852.01] of Title 6 of Part 3 of the PC), or the information or accusation against him/her has been dismissed pursuant to PC section 1203.4, he/she is eligible to be enrolled as a provider if the other provider enrollment requirements have been met. In short, a criminal record that has been expunged pursuant to PC section 1203.4 cannot be used to exclude an applicant provider from being enrolled as an IHSS provider.

Expungement pursuant to PC section 1203.4 does not, however, apply to certain crimes, and therefore, a conviction for any of the Tier 2 crimes listed below shall exclude an applicant provider from being enrolled as a provider.

<u>PC Section</u>	<u>Crime</u>
286(c)	Sodomy of a child under 14 and who is more than ten years younger than the attacker
288	Lewd or lascivious acts with a child
288a(c)	Oral copulation
288.5	Continuous sexual abuse of a child
289(j)	Sexual penetration of a child under 14 and who is more than ten years younger than the attacker
261.5(d)	Person 21 year of age or older engaging in unlawful sex with a minor under 16 years of age

An applicant provider who has been convicted of, or incarcerated following a conviction for, a Tier 1 crime within the last ten years, shall not be eligible to be enrolled as a provider, regardless of whether or not the conviction has been expunged pursuant to PC section 1203.4.

### **NOTICES TO PROVIDERS AND RECIPIENTS**

As a result of the new statute, several new notices to provider applicants and recipients have been developed and existing notices have been modified. The following notices have been newly developed or modified:

- Notice to Applicant Provider of Provider Eligibility (SOC 848) (Attachment E): This notice informs the provider applicant that he/she has been officially enrolled as an IHSS provider. It also informs the individual that he/she may be eligible to receive retroactive pay for any authorized services provided prior to receiving the notice of eligibility.
- Notice to Applicant Provider of Provider Ineligibility—Incomplete Provider Process (SOC 851) (Attachment F): This notice informs the applicant provider that he/she has been denied eligibility due to a failure to complete the four required steps of the IHSS provider enrollment process. It informs the applicant provider which of the steps he/she failed to complete and provides contact information if the applicant provider believes he/she has completed all of the necessary steps.
- Notice to Applicant Provider of Provider Ineligibility Due to Tier 1 Crimes (SOC 852) (Attachment G): This notice informs the provider applicant of his/her denial of eligibility to be an IHSS provider due to conviction for a Tier 1 crime(s). It also informs the individual that a conviction of any of these crimes strictly prohibits him/her from acting as an IHSS provider.



- Notice to Applicant Provider of Provider Ineligibility Due to Tier 2 Crimes (SOC 852A) (Attachment H): This notice informs the provider applicant of his/her denial of eligibility to be an IHSS provider due to conviction for a Tier 2 crime(s). It also informs the individual who has been convicted of any of these crimes that he/she may still be an IHSS provider if his/her recipient submits the signed waiver form or if the provider applicant applies for and receives a general exception. The SOC 863 shall be included with this form so that the applicant provider may begin the process for requesting a general exception if he/she wishes.
- Notice to Recipient of Provider Eligibility (SOC 854) (Attachment I): This notice informs the recipient that his/her chosen provider has been officially enrolled as an IHSS provider and can now begin providing services to him/her.
- Notice to Recipient of Provider Ineligibility Due to Incomplete Provider Process (SOC 855) (Attachment J): This notice informs the recipient of his/her provider applicant's denial of eligibility to be an IHSS provider due to the fact that the provider failed to complete one or more of the required steps of the provider enrollment process. The notice informs the recipient which of the steps the provider failed to complete and indicates that the recipient shall choose a different person to provide IHSS services or bear the responsibility for paying that individual if he/she continues to receive services from him/her.
- Notice to Recipient of Provider Ineligibility Due to Tier 1 Crimes (SOC 855A) (Attachment K): This notice informs the recipient of his/her provider applicant's denial of eligibility to be an IHSS provider due to conviction of a Tier 1 crime(s). It also informs the recipient that this person cannot be his/her provider. This form does not provide specific details regarding the nature of the criminal conviction.
- Notice to Recipient of Provider Ineligibility Due to Tier 2 Crimes (SOC 855B) (Attachment L): This notice informs the recipient of his/her provider applicant's denial of eligibility to be an IHSS provider due to conviction of a Tier 2 crime(s). It also informs the recipient that he/she may complete and sign an enclosed SOC 862 waiver form which would allow the provider applicant to provide IHSS services for him/her. Unlike the SOC 855A, which does not specify the exact nature of the crime for which the provider applicant has been convicted, this notice will specifically inform the recipient of the exact nature of the provider applicant's criminal conviction and will inform the recipient that, if the recipient wishes to sign the waiver to allow the provider applicant to be his/her provider, he/she accepts all responsibilities and risks of that decision. The SOC 862 shall be included with this form so that the recipient may begin the process for requesting an individual waiver if he/she wishes.

- To Request An Appeal (SOC 856) (Attachment M): This form allows the provider applicant to request an appeal of the denial of eligibility. The instructions contained with the form indicate the documentation necessary to submit with the request and gives a brief description of the appeals process.
- Notice to Recipient of Provider Eligibility County/PA/NPC Acknowledgement of Receipt of Waiver (SOC 857) (Attachment N): This notice informs the recipient who has submitted a waiver for his/her provider that the waiver has been received and processed by county/PA/NPC. It also informs him/her that the chosen provider has been approved to work and receive payment from the IHSS program as his/her provider. This waiver receipt notice reiterates that the recipient has approved this person to be his/her provider with full knowledge of the person's criminal conviction(s) and that neither the state nor the county are liable for any actions the individual takes while in the recipient's employ as an IHSS provider.
- Notice to Provider of Provider Ineligibility—Tier 1 Crimes Ineligibility—Subsequent Conviction (SOC 858A) (Attachment O): This notice informs the provider that he/she is no longer eligible to be an IHSS provider due to a subsequent conviction for a Tier 1 crime(s). It also informs the individual that a conviction of any of these crimes strictly prohibits him/her from being an IHSS provider.
- Notice to Provider of Provider Ineligibility—Tier 2 Crime Ineligibility—Subsequent Conviction (SOC 858B) (Attachment P): This notice informs the provider that he/she is no longer eligible to be an IHSS provider due to a subsequent conviction for a Tier 2 crime(s). It also informs the provider that his/her recipient may submit an SOC 862 waiver form that would allow the provider to continue to provide IHSS services to that recipient only. It also includes information on applying for a general exception which would allow the provider to be an IHSS provider for multiple recipients. The SOC 863 shall be included with this form so that the applicant provider may begin the process for requesting a general exception if he/she wishes.
- Notice to Recipient of Provider Ineligibility—Tier 1 Crimes Ineligibility—Subsequent Conviction (SOC 859A) (Attachment Q): This notice informs the recipient that his/her provider is no longer eligible to be an IHSS provider due to a subsequent conviction for a Tier 1 crime. The notice also informs the recipient that he/she must choose a different individual to be his/her provider and warns that if he/she continues to use his/her current, ineligible provider, he/she will have to pay for the services out of his/her own money. This notice does not provide specific details regarding the nature of the criminal conviction.

- Notice to Recipient of Provider Ineligibility—Tier 2 Crimes Ineligibility—Subsequent Conviction (SOC 859B) (Attachment R): This notice informs the recipient that his/her provider is no longer eligible to be an IHSS provider due to a subsequent conviction for a Tier 2 crime. It also informs the recipient that he/she may complete and sign an enclosed SOC 862 waiver form which would allow the provider to continue to provide IHSS services for him/her. The notice also informs the recipient that, without a filed waiver, he/she must choose a different individual to be his/her provider and warns that if he/she continues to use his/her current, ineligible provider, he/she will have to pay for the services out of his/her own money. Unlike the SOC 859A, which does not specify the exact nature of the crime for which the provider has been convicted, this notice will specifically inform the recipient of the exact nature of the provider's criminal conviction and will inform the recipient that, if the recipient wishes to sign the waiver to allow the provider to continue to be his/her provider, he/she accepts all responsibilities and risks of that decision. The SOC 862 shall be included with this form so that the recipient may begin the process for requesting an individual waiver if he/she wishes.

As previously stated, all provider and recipient notices with criminal conviction information emphasize that criminal background information is highly sensitive and privileged information, that it shall be kept strictly confidential, and that the recipient is prohibited by law from sharing any part of it with any other individual or entity.

Counties/PAs/NPCs are reminded that a copy of the DOJ applicant response, (i.e. applicant provider's criminal offender record information (CORI)) shall be provided to the disqualified applicant provider when they are notified of their disqualification (W&IC section 12305.86(c)(3)). When the county/PA/NPC provides a copy of the DOJ applicant response to the applicant provider, he/she should be advised that it cannot be provided to another person or agency for immigration, visa, employment, licensing, or certification purposes since the CORI contained in the response is only authorized for the county/PA/NPC. The DOJ policy which authorizes release of the CORI to the subject of the record is contained in Information Bulletin 10-02-BCIA, dated March 10, 2010.

### **REVISED SOC 426**

The SOC 426 (Attachment S) has been revised to reflect the provisions of all current and previously enacted legislation. The revised SOC 426 includes questions in which each provider applicant shall disclose whether, within the past ten years, he/she has been convicted of, or incarcerated following a conviction for, a Tier 1 or Tier 2 crime, and if he/she has been convicted of a Tier 2 crime, whether he/she has obtained a

certificate of rehabilitation or had the conviction expunged. If the applicant responds that he/she has obtained a certificate of rehabilitation or expungement, he/she shall submit a copy of the certificate of rehabilitation or documentation of the expungement to the county/PA/NPC along with the completed SOC 426. The county/PA/NPC shall maintain a copy of such documentation in the provider's file.

The IHSS Program California Code Sections (SOC 426C) (Attachment T) is a newly created form developed to accompany the SOC 426. The SOC 426C provides the text of various PC and W&IC sections that the SOC 426 is required to include pursuant to W&IC sections 12305.81(b) and 12305.87(h)(1). The county/PA/NPC shall provide the SOC 426C as a supplement to all individuals to whom a SOC 426 is provided.

Counties shall begin using the revised SOC 426 and SOC 426C for all new provider applicants as of February 1, 2011.

The information sheet for prospective providers, Important Information For Prospective Providers About The IHSS Program Provider Enrollment Process (SOC 847) (Attachment U), has also been revised to reflect the latest program changes. The SOC 847 may be provided to any individual inquiring about the requirements for becoming an IHSS provider.

### **AVAILABILITY OF FORMS AND NOTICES**

Counties/PAs/NPCs are advised that all of the forms and notices referenced in this ACL are designated as "Required – No Substitutes Permitted." Forms in this category shall be used and they may not be modified or reconstructed.

Camera-ready copies of the English versions of the forms and notices referenced in this ACL are available on the CDSS Forms/Brochures web page at:

<https://www.cdss.ca.gov/inforesources/forms-brochures>.

Spanish, Armenian, and Chinese translations of the forms and notices are being developed. Camera-ready copies of the translations shall be made available upon completion on the CDSS Translated Forms and Publications web page at:

<https://www.cdss.ca.gov/inforesources/translated-forms-and-publications>.

Your County Forms Coordinator shall distribute translated forms to each program and location. Each county shall provide bilingual/interpretive services and written translations to non-English or limited-English proficient populations, as required by the

Dymally-Alatorre Bilingual Services Act (Government Code section 7290 et seq.) and/or by state regulation (MPP Division 21, Civil Rights Nondiscrimination, section 115).

Questions about accessing the forms may be directed to the Forms Management Unit at [fmudss@dss.ca.gov](mailto:fmudss@dss.ca.gov); questions about translations may be directed to the Language Services Unit at [LTS@dss.ca.gov](mailto:LTS@dss.ca.gov).

### **CASE MANAGEMENT, PAYROLLING AND INFORMATION SYSTEM (CMIPS) MODIFICATIONS**

In order to implement the program changes resulting from the enactment of AB 1612, CDSS and HP, the contractor responsible for CMIPS programming, have created a new screen, the Provider Conviction and Waiver Tracking (PCAW) screen. The PCAW screen will be linked to the PELG screen, can be directly accessed from the PELG using an identified function key, and will track and display criminal convictions by tier including any corresponding general exception or waivers specific to the provider/recipient relationship.

Additionally, the ENRL screen will be modified to track and display provider eligibility and conviction(s) and general exception information at the provider level. The DOJ County user will be responsible for manually entering initial and all subsequent conviction information and case specific waiver information on the ENRL and PCAW screens. (The DOJ COUNTY field will be automatically populated with the county code of the user who inputs a "Y" in the DOJ RESULTS RECEIVED field.)

**Screens**

**ENRL Screen**

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THIS ENRL I XXXXXXXXXX (ssn)
NEXT ENRL C XXXXXXXXXX (ssn)

                                IHSS PROVIDER ENROLLMENT

LAST NAME: XXXXXXXXXXXXXXXXXXXX      FIRST NAME: XXXXXXXXXXXXXX MI: X

ENROLLMENT STATUS:      X              STATUS EFFECTIVE DATE: MM/DD/YYYY
TERMINATION REASON:     XX             APPEALS: X          DATE: MM/DD/CCYY
                                ADMIN HEARING X   DATE: MM/DD/CCYY

426 ENROLLMENT FORM:     X
846 PROV AGREEMENT FORM: X
ORIENTATION:             X
FINGERPRINTS/BI:        X              DOJ COUNTY: XX

CORI          CONVICTION          TIER          GENERAL          GENERAL EXCEPTION
DATE          DATE                DATE          EXCEPTION        TERM DATE

MM/DD/YYYY   MM/DD/YYYY          XX   MM/DD/YYYY      MM/DD/YYYY
MM/DD/YYYY   MM/DD/YYYY          XX   MM/DD/YYYY      MM/DD/YYYY
MM/DD/YYYY   MM/DD/YYYY          XX   MM/DD/YYYY      MM/DD/YYYY
MM/DD/YYYY   MM/DD/YYYY          XX   MM/DD/YYYY      MM/DD/YYYY

OPERATOR ID: JZ55ER              LAST UPDATING COUNTY: 01-ALAMEDA

ENT=ENTER F03=EXIT F08=NEXT

```

On the ENRL screen the user will enter the conviction DATE and the TIER, either 01 or 02 depending on the conviction. This information will create and populate the PCAW screen automatically. The TERMINATION REASON codes on the ENRL screen will be updated to include the following:

- Tier I Conviction
- Tier II Conviction
- On Suspended and Ineligible List
- Subsequent Tier I Conviction
- Subsequent Tier II Conviction
- SSN Unverified
- Inactive/No payroll activity for 1 year
- Death

When a provider is deemed ineligible based on their initial background check information the DOJ County user will indicate a “Tier I Conviction” or “Tier II Conviction” as the TERMINATION REASON code, which will automatically populate the PCAW screen associated with each PELG for the provider. If the provider receives a “General Exception” associated with a specific conviction, the user will enter the date of the

exception in the GENERAL EXCEPTION field. If the provider has been inactive (no payroll activity) for 12 consecutive months the GENERAL EXCEPTION TERM DATE will be automatically populated by CMIPS.

When the county is notified of a subsequent conviction they will indicate the conviction on the ENRL screen using either the "Subsequent Tier I" or "Subsequent Tier II" reason code. Once the county indicates ineligibility, CMIPS will automatically terminate eligibility on all associated PELG screens with a future end date of 20 days from the date the conviction was recorded in CMIPS to allow the county adequate time to notice the provider, all affected recipients and any other county where the provider is actively working. The PCAW screen will be automatically updated to reflect the new information.

Providers with no payroll activity for one year will have their eligibility to provide services automatically terminated by CMIPS and will be required to recomplete all provider enrollment requirements. For those providers whose eligibility has been terminated because of no payroll activity for one year, CMIPS will automatically change their ENRL status to "I" (ineligible) with the reason code "Inactive/No payroll activity for one (1) year". All ENRL flags will be reset to "N" (no), all conviction and general exception information will be blanked out, and the provider will have to reapply for eligibility. In addition, the GENERAL EXCEPTION TERM DATE will reflect the date the provider was deemed ineligible, and CMIPS will automatically update all PELG screens to "T" (terminated) status for all associated recipient cases. If the provider returns to work the county can update the GENERAL EXCEPTION TERM DATE as needed.

Counties will receive a monthly report of providers who are ineligible due to no payroll activity for one year. This report will be included in the current "On-Line Reports" web site. Once a provider is deemed ineligible due to no payroll activity for one year, the DOJ County is required to notify DOJ when this determination occurs, so that DOJ no longer sends subsequent arrest notifications/conviction reports for that provider. The DOJ County shall complete the No Longer Interested (NLI) Notification, (Form CIA 8302) which may be accessed on the DOJ website at: <https://oag.ca.gov/sites/all/files/agweb/pdfs/fingerprints/forms/nli.pdf>.

PCAW Screen

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THIS PCAW I XXXXXXXXXXXXXXXXXXXX (16 digit case number)
NEXT PCAW C XXXXXXXXXXXXXXXXXXXX (16 digit case number)

          PROVIDER CONVICTION AND WAIVER TRACKING

LAST NAME: Default from PELG          FIRST NAME: XXXXXXXXXXXXX MI: X

ACT      CORI      CONVICTION      GENERAL      WAIVER      WAIVER/GE      TERM
DATE     DATE      DATE      TIER      EXCEPTION      DATE      TERM DATE      REASON

X  MM/DD/YYYY  MM/DD/YYYY  XX  MM/DD/YYYY  MM/DD/YYYY  MM/DD/YYYY  XX
X  MM/DD/YYYY  MM/DD/YYYY  XX  MM/DD/YYYY  MM/DD/YYYY  MM/DD/YYYY  XX
X  MM/DD/YYYY  MM/DD/YYYY  XX  MM/DD/YYYY  MM/DD/YYYY  MM/DD/YYYY  XX
X  MM/DD/YYYY  MM/DD/YYYY  XX  MM/DD/YYYY  MM/DD/YYYY  MM/DD/YYYY  XX

ENT=ENTER F03=EXIT F08=NEXT F11=PELQ
  
```

The PCAW screen is pre-populated with detail data from the ENRL screen and is case specific. If a provider works for multiple recipients a separate PCAW screen will be created for each specific case. Once a waiver is received by the county, the user will update the WAIVER DATE field on the PCAW screen. If the county is notified that a recipient chooses to no longer waive the provider’s conviction, the user will enter the WAIVER/GE TERM DATE and TERM REASON. The TERM REASON values include:

- Recipient Request
- Terminated Provider
- Inactive Provider
- Recipient Deceased

If a user changes the status on the PELG to “T” the WAIVER/GE TERM DATE and TERM REASON will need to be manually updated by the user on the PCAW screen. If a provider is inactivated due to no payroll activity for 12 months the PCAW will be automatically updated.



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Should you have questions regarding the CMIPS modifications, please contact the Adult Programs Fiscal, Administration and Systems Bureau at (916) 651-1069. Should you have any other questions, please contact the Adult Programs Policy Bureau at (916) 651-5350.

Sincerely,

***Original Document Signed By:***

EILEEN CARROLL  
Deputy Director  
Adult Programs Division

Attachments

**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.

<b>CODE SECTION</b>	<b>TITLE</b>	<b>PLAIN ENGLISH</b>	<b>STATUTE SOURCE</b>
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)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
	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)

<b>CODE SECTION</b>	<b>TITLE</b>	<b>PLAIN ENGLISH</b>	<b>STATUTE SOURCE</b>
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)

<b>CODE SECTION</b>	<b>TITLE</b>	<b>PLAIN ENGLISH</b>	<b>STATUTE SOURCE</b>
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)

<b>CODE SECTION</b>	<b>TITLE</b>	<b>PLAIN ENGLISH</b>	<b>STATUTE SOURCE</b>
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)

<b>CODE SECTION</b>	<b>TITLE</b>	<b>PLAIN ENGLISH</b>	<b>STATUTE SOURCE</b>
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)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
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)



CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
	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.	<p>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).</p> <p>PC 12022.5: When a person uses a firearm while committing, or trying to commit, a felony crime.</p> <p>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.</p>	
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)

CODE SECTION	TITLE	PLAIN ENGLISH	STATUTE SOURCE
	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)

The following attachments have been removed from this letter. Updated, accessible versions can be found at the department's [Forms page, Q-T](#). Future revisions will be found at that link.

- SOC 426
- SOC 426C
- SOC 847
- SOC 848
- SOC 851
- SOC 852
- SOC 852A
- SOC854
- SOC 855
- SOC 855A
- SOC 855B
- SOC 856
- SOC 857
- SOC 858A
- SOC 858B
- SOC 859A
- SOC 859B
- SOC 862
- SOC 863
- SOC 848