

**Non-Exemptible Crimes**  
**Revised 4/10**

- (1) Penal Code section 37 – Treason
- (2) Penal Code Section 128 - Perjury resulting in the execution of an innocent person
- (3) Penal Code section 136. 1 with 186.22 —Felony Intimidation of Witnesses and Victims/ Gang Related
- (4) Penal Code sections 187, 190-190.4 and 192(a) — Any Murder/ Attempted Murder/Voluntary Manslaughter
- (5) Penal Code section 203, 505 etc. — Any Mayhem
- (6) Penal Code section 206 —Torture
- (7) Penal Code sections 207, 208, 209, 209.5 — Kidnapping
- (8) Penal Code section 211, 212, 212.5, 213, 214 — Any Robbery
- (9) Penal Code section 215 — Carjacking
- (10) Penal Code section 218 or 219 – Train Wrecking
- (11) Penal Code section 220 — Assault with intent to commit mayhem, rape, sodomy or oral copulation, etc.
- (12) Penal Code section 243.4 — Sexual Battery and attempted
- (13) Penal Code section 261(a)(1)(2)(3)(4) or (6) — Rape and attempted
- (14) Penal Code section 262(a)(1) or (4) Rape of Spouse
- (15) Penal Code section 264.1 — Rape in concert and attempted
- (16) Penal Code section 266 — Enticing minor into prostitution and attempted
- (17) Penal Code section 266c — Induce to sexual intercourse, etc. by fear or consent through fraud
- (18) Penal Code section 266h(b) — Pimping a minor
- (19) Penal Code section 266i(b) — Pandering a minor

- (20) Penal Code section 266j — Providing a minor under 16 for lewd or lascivious act
- (21) Penal Code section 267 — Abduction for prostitution and attempted
- (22) Penal Code section 269 — Aggravated assault of a child
- (23) Penal Code section 272 — Contributing to delinquency of a minor and attempted
- (24) Penal Code section 273a(a) [or 273a(1) if the conviction was prior to January 1, 1994] — Willfully causing or permitting any child to suffer under circumstances or conditions likely to produce great bodily harm or death.
- (25) Penal Code section 273d — Willfully inflicting any cruel or inhuman corporal punishment or injury on a child
- (26) Penal Code section 285 — Incest and attempted
- (27) Penal Code section 286 — Sodomy
- (28) Penal Code section 288 — Lewd or lascivious act upon a child under 14 and attempted
- (29) Penal Code section 288a — Oral copulation
- (30) Penal Code section 288.2 — Distributing lewd material to children and attempted
- (31) Penal Code section 288.3 - Contact with a minor to commit sexual offense
- (32) Penal Code section 288.4 – Meeting with minor for sexual purpose
- (33) Penal Code section 288.5 — Continuous sexual abuse of a child and attempted.
- (34) Penal Code section 288.7 — Sexual conduct with child 10 years or younger
- (35) Penal Code section 289 — Genital or anal penetration by foreign object and attempted
- (36) Offenses listed at Penal Code section 290(c) — Registration of sex offenders (All such offenses are included in this list)

- (37) Penal Code section 311.1— Sent or brought into state for Possession, or distribution: child-related pornography and attempted
- (38) Penal Code section 311.2(b), (c) or (d) — Sending or bringing into state, Possessing for distribution: child-related pornography and attempted
- (39) Penal Code section 311.3 — Sexual exploitation of a child and attempted
- (40) Penal Code section 311.4 — Using a minor to assist in making or distributing child pornography and attempted
- (41) Penal Code section 311.10 — Advertising or distributing child pornography and attempted
- (42) Penal Code section 311.11 — Possessing child pornography and attempted
- (43) Penal Code section 314(1) or (2) — Lewd or obscene exposure of private parts and attempted
- (44) Penal Code section 347(a) — Poisoning or adulterating food, drink, medicine, pharmaceutical products, spring, well, or reservoir
- (45) Penal Code section 368 — Elder or dependent adult abuse
- (46) Penal Code section 417(b) — Drawing, Exhibiting, or Using Firearm or Deadly Weapon on the grounds of a day care center
- (47) Penal Code section 451(a) — Arson with great bodily injury
- (48) Penal Code section 451(b) — Arson of an inhabited structure or property – Applies to Family Child Care Homes, Child Care Centers and TrustLine Registry only
- (49) Penal Code sections 518 with 186.22— Extortion/gang related
- (50) Penal Code section 647.6 or prior to 1987 former section 647a — Annoy, molest child under 18 and attempted
- (51) Penal Code section 653f(c) — Solicit another to commit rape, sodomy etc. and attempted
- (52) Penal Code section 664/187 — Any Attempted Murder

- (53) Penal Code section 667.5(c)(7) - Any Felony punishable by death or imprisonment in the state prison for life without possibility of parole but not for an indeterminate sentence.
- (54) Penal Code section 667.5(c)(8) — Enhancement for any felony which inflicts great bodily injury
- (55) Penal Code sections 12308, 12309, 12310 — exploding or igniting or attempting to explode or ignite any destructive device or explosive with the intent to commit murder
- (56) Penal Code section 12022.53 —Enhanced sentence for listed felonies where Use of Firearm
- (57) Penal Code section 11418(b)(1) or (b)(2) — Weapons of Mass Destruction
- (58) Business and Professions Code section 729 — Sexual Exploitation by Physicians, Surgeons, Psychotherapists, or Alcohol and Drug abuse Counselors