

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MISDEMEANOR SENTENCE RECOMMENDATION**

For Court Use Only

CASE NUMBER _____ PEOPLE VS _____

- Count(s) _____ dismissed on motion of People.
- Count(s) _____ sentence suspended.
- Count(s) _____ stayed pursuant to Penal Code 654.

TERMS

- Imposition Execution of sentence is suspended. _____ years
 Formal Informal PROBATION as to Count(s) _____.
- Violate no laws Obey all orders and rules of Court, Probation Department & Jail.
- Submit your person and property, any residence, premises, container or vehicle under your control including electronic devices not including electronic devices, to search and seizure at any time of the day or night by any law enforcement officer, probation officer, or mandatory supervision officer, with or without a warrant, probable cause, or reasonable suspicion.
- Consume no alcoholic beverages and do not be present in any establishment where alcohol is the primary item of sale.
- Do not drive with a measurable amount of alcohol in the blood system.
- Submit to a chemical test of blood on demand of any peace officer or probation officer.
- Use no unauthorized drugs, narcotics or controlled substances and submit to chemical testing on demand of probation officer or police officer.
- Cooperate with the Probation Department in any plan for counseling or treatment.
- Seek training, schooling, employment and maintain residence as approved by the Probation Department.
- Do not associate with anyone disapproved of by your probation officer.
- Do not own, purchase, receive, possess or have under your custody or control any type of dangerous or deadly weapon, firearm, ammunition, and ammunition feeding devices, including but not limited to magazines for 10 years.
Relinquishment hearing set on _____.
- Court orders weapon destroyed.
- Do not drive without a valid driver's license in your possession.
- Do not drive without valid insurance.
- Use TRUE NAME and Date of Birth at all times.
- Carry a valid government-issued identification card at all times.
- Provide the Court with your current address, telephone number, employer's name, address, and telephone number. Immediately notify the Court of any changes.
- Disclose probation terms upon request of Probation or Law Enforcement Officer.

FINES AND FEES

- Pay a fine of \$ _____ plus penalty assessment on count _____.
- Pay a fine of \$ _____ plus penalty assessment on count _____.
- Credit of \$ _____ given towards fine of \$ _____ as to count _____ for time already served in custody.
- Pay \$ _____ Court Costs on count(s) _____.
- Pay \$50 Alcohol Abuse Education Fee. (Vehicle Code 23645)
- Pay \$50 Alcohol Testing Penalty. (Penal Code 1463.14)
- Pay \$100 Alcohol Assessment Fee. (Vehicle Code 23649)
- Pay \$50 Lab Fee for each specified drug offense.
 plus penalty assessment. (Penal Code 1463.14/Health and Safety Code 11372.5)
- Pay \$150 Drug Program Fee for each specified drug offense.
 plus penalty assessment. (Health and Safety Code 11372.7)

(optional)

- Pay \$ _____ Domestic Violence Discretionary Fee for all Orange County Domestic Violence Shelters. (Penal Code 1203.097)
- Pay \$ _____ Domestic Violence Prevention Fund. (Penal Code 1203.097(a)(5))

THE FOLLOWING FEES ARE NOT CONDITIONS OF PROBATION:

- Pay \$ _____ State Restitution Fine (minimum of \$150.00). (Penal Code 1202.4(b)(1))
- Pay \$ _____ Probation Revocation Restitution Fine (minimum of \$150.00). Restitution fine stayed. Effective upon revocation of probation. (Penal Code 1202.44)
- Pay the following fees:
 - Criminal Conviction Assessment Fee(s) \$30/misdemeanor; \$35/infraction (per convicted count) (Government Code 70373(a)(1))
 - \$40 Court Operations Fee (per convicted count) (Penal Code 1465.8)
 - Additional fees as required by law
- Pay Local Crime Prevention Fund Fee \$10 plus penalty assessment (Penal Code 1202.5).
- Pay Booking Fees as ordered by the Court.
- Fines/Fees to be paid forthwith.
- Fines/Fees to be paid through Court Collections
 forthwith by _____.
- Pay costs of formal probation as directed by Probation Officer.
- Fines/Fees to be paid through Probation.

Additional program fees may be applicable and paid through the program.

JAIL

- Serve _____ days Orange County Jail on Count _____.
- Serve _____ days Orange County Jail on Count _____.
- Serve _____ days jail in lieu of fine on Count _____.
- Jail to be served through the City of _____.
 Credit for _____ actual + _____ = total _____.
- Work release denied Electronic Confinement denied
- County Work Program denied
- JAIL STAYED to _____ at _____ am pm.
Report to Theo Lacy Orange County Jail-Intake Release Center.
- May be released to an authorized representative of the _____
_____ program to serve remainder of jail sentence.
- Serve _____ weekends at _____ Jail (no good time or work time to be applied to original sentence).
- Sentence(s) to run consecutive concurrent to each other
 any other sentence / Case No: _____.
- Jail stayed pending successful completion of:
 - DUI Court (except any statutory minimum term which may be served on SEC during the term of DUI Court as imposed by the Court)
 - Probation Community Service Cal Trans/Physical Labor
 - _____.
- To be served in State Prison concurrently.
- Book and Release due to the Clerk's Office by _____.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
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CASE NUMBER _____

PEOPLE VS _____

COMMUNITY SERVICE / OTHER PROGRAMS

- Complete _____ hours days of
 - Community Service Cal Trans Cal Trans/Physical Labor
 - in lieu of fines in lieu of jail
- Complete Graffiti Removal as to count(s) _____.
- Proof of completion due to the Clerk's Office by _____.

ALCOHOL & DRUG PROGRAMS/DRIVER'S LICENSE

- Complete Program:
- 3 month 6 month 9 month
 - Multiple Offender – 18 month
 - 12 hour program
 - Attend Victim Impact Counseling. Proof of completion due to the Clerk's Office by _____.
 - May complete program out of county out of state.
 - Attend and complete _____ Self Help and/or Alcoholics Anonymous meetings Self Help and/or Narcotics Anonymous meetings per day per week per month. Proof due by _____.
 - Attend and complete a _____ day/month probation approved:
 - residential outpatient drug/alcohol treatment program;
 - with a _____ day/month aftercare program.
 - No day for day credit will be given if the defendant fails to complete program. Full jail sentence to be imposed.
 - Court designates defendant a Habitual Offender. (VC 13350(b))
 - Court orders the installation of an Ignition Interlock Device (IID) on all vehicles operated by defendant for _____ months. Proof of installation or non-ownership of vehicle due by _____.
 - Driving privilege suspended for up to 3 years pursuant to:
 - VC 13202 (Vehicle conviction with controlled substance) – 3 years
 - VC 13202.5 (Alcohol / Drugs under the age of 21) – 1 year
 - VC 13202.6 (Vandalism) – 2 years
 - Driving privilege suspended for _____ year(s) pursuant to Vehicle Code 13352(a)(3) (2nd DUI conviction within 10 years)
 - Driving privilege revoked for _____ year(s) pursuant to Vehicle Code 13352(a)(5).
 - Complete Youthful Drug & Alcohol Deterrence Program and show proof to the Clerk's Office by _____.
 - Enroll and complete Penal Code 1210 program. Proof of enrollment due by _____.
Refer to Penal Code 1210 Addendum.
 - Register with local law enforcement within 5 days from today or within 5 days upon release from custody pursuant to:
 - Health and Safety Code 11590 (narcotics offense)
 - Penal Code 186.30 (gang related offense)
 - Penal Code 457.1 (arson offense) – Lifetime
 - Penal Code 290 (sex offense) Term of probation Lifetime
 - Penal Code 290.024 (sex offense – internet identifiers)
 - Submit to AIDS testing. Proof due to Department _____ by _____.
 - Attend and complete AIDS Prevention Education. Proof of completion due to the Clerk's Office by _____.

DOMESTIC VIOLENCE

- Complete Batterer's Treatment Program (52 weeks of active participation required)
 - Alcohol/Drug Component
 - Total abstinence from alcohol and drugs
 - Test alcohol and drugs (blood or urine only)
 - Parenting component
- One year Child Abuser's Program.
- Health Care Agency Perinatal Program.
- May complete program out of county out of state.
- Other program(s) _____ active participation required.
 - weeks months years
- Proof of Enrollment due to the Court by _____.
- Comply with Court protective order.
- Surrender all firearms within 24 hours as required by law and file proof of surrender form within 48 hours with the Court.
- Relinquishment hearing set on _____.

RESTITUTION

- Make restitution in the amount of \$ _____ or as determined through Victim Witness Probation, with interest at the rate of 10% from the date of sentencing from the date of loss.
- Pay cost of counseling to the victim and/or children in the amount of \$ _____.
- Submit a new financial disclosure form if money is still owing on a restitution order or fine 120 days before the scheduled release from probation. File the form with the court at least 90 days before the scheduled release from probation.
- Complete and return Statement of Assets form by _____.

ADDITIONAL TERMS & CONDITIONS

- Have no contact with _____.
- Stay _____ yards away from _____.
- Provide a state DNA sample, prints and photographs if not already provided pursuant to DNA Addendum.
- Obey all rules of Court ordered program. Do not leave the program without Court approval.
- Probation to terminate be modified to "Informal" status upon _____.

ADDENDUMS

- Penal Code 1210 with Disclosure DEJ Addendum DUI Court
- Gang Terms Tagger/Graffiti Terms Street Terms
- _____

REPORT forthwith by stay date to:

- Collections Clerk's Office Probation
- OneOC Alcohol Liaison _____
- District Attorney Victim Witness

OTHER: _____

NOTICE TO DEFENDANT: After successful completion of probation, or if not placed on probation, any time after the lapse of one year from the date of pronouncement of judgment, you may petition the court to dismiss the charges under Penal Code 1203.4. This notice does not apply to any protective orders.

I have read, I understand, and I accept these terms and conditions of probation.

Date: _____ Defendant's Signature: _____ D.A. / C.A. Signature: _____

Defense Counsel Signature: _____