

Table of Computer (Property) Crimes

Penal Code § 502: Computer Access Crimes		Forgeries, Frauds & Access Card Thefts	
502(c)(1)	Knowing access or use to defraud (WOB)	113	Making/selling false citizenship docs (5 yrs.)
502(c)(2)	Knowing access to take/use data (WOB)	350	Counterfeit TM (>1000 items or \$950 = WOB)
502(c)(3)	Use of services (1st or <\$950=MISD; 2nd or >\$950=WOB)	368(d)	Elder fraud (2-3-4 > \$950)
502(c)(4)	Knowing access to tamper with data (WOB)	470	Document forgery w/ fraudulent intent (WOB)
502(c)(5)	Knowing disruption of services (WOB)	470a	DL or ID forgery to commit 470 (WOB)
502(c)(6)	Help unauth. user (1st=I; 2nd or <\$5000= MISD; >\$5000 =WOB)	470b	Possession of forged DL to commit 470 (WOB)
502(c)(7)	Simple access (1st=I; 2nd or <\$5000= MISD; >\$5000 =WOB)	472	Counterfeit public seal (WOB)
502(c)(8)	Knowing intro of contaminant (MISD; BUT (c)(1) = FEL)	474	Deceptive fake phone message (WOB)
502(c)(9)	Knowing use of other's domain to email (MISD)	475	Possession of fake check for fraud (WOB)
502(c)(10)	Knowing disruption of govt. system(WOB)	476	Making/passing fake check (WOB>\$950)
502(c)(11)	Knowing access to disrupt pub. safety infrastructure (WOB)	478	Counterfeit currency (2-3-4)
502(c)(12)	Knowing disruption of pub safety infrastructure (WOB)	480	Computer to make counterfeit \$ (2-3-4)
502(c)(13)	Knowing assist access pub safety (I; MISD<5K;>5K=WOB)	483.5	Deceptive ID document (WOB)
502(c)(14)	Knowing intro of contaminant to public safety system (<5K=MISD;>5K=WOB)	484e	Acquiring access cards (WOB) 484e(a) Selling; 484e(b) 4+ /yr.; 484e(d) Info w/ intent 484e(c) Intent to use (MISD)
Penal Code § 530.5: Identity Thefts		484f	Forging card or signature (WOB)
530.5(a)	Obtains & uses PII for any unlawful purpose (WOB)	484g	Using access card/acct info (WOB per value)
530.5(b)	Court records shall reflect innocence of ID theft victim		
530.5(c)(1)	Acquires PII w/ fraudulent intent (MISD)		
530.5(c)(2)	Acquires PII w/ fraudulent intent w/ prior (WOB)	484i	Incomplete access card 484i(a) Possession w/ intent to use (MISD) 484i(b) Modification of card (WOB) 484i(c) Making/selling card/equipment (WOB)
530.5(c)(3)	Acquires 10 + w/ fraudulent intent (WOB)		
530.5(d)	Sells PII with fraudulent intent (WOB)		
530.5(e)	Mail theft, as defined by 18 USC 1708 (MISD)		
530.6	Officer must take a report of ID theft		
530.7	DOJ database of ID theft victims	484j	Publication of access card number (MISD)
530.8	Victim's Rights (e.g., entitled to receive info related to ID theft within 10 days)		
Procedural Statutes		Miscellaneous Penal Code §§ for Computer-Related Crimes	
786(b)	Jurisdiction for 530.5 is county where theft occurred or county where info used, or joinder in any one		
803.5	SOL for 530.5 or 115 begins upon discovery of crime	350	Counterfeit media/mark (WOB if >1000 or \$950 value)
923	AG may convene special statewide grand jury when fraud/theft involves 2+ counties with statewide jurisdiction	499c	Theft of trade secrets (WOB)
1275	Identity thieves are a FLIGHT RISK , so set bail accordingly	502.6	Possession/use of scanner/re-encoder (MISD)
1275.1	Hold release on bail until clean source of bail is shown	502.7	Telephone service fraud (WOB) – no min. amt.
1524(j)	Judge can issue S/W in an ID theft victim's county	502.8	Cellular phone fraud (WOB if > 10 or prior)
1524.2	S/W for any ISP doing business in CA	520	Extortion (2-3-4)
1785.11.1*	Security alerts on credit reports	524	Attempted extortion (16-2-3)
1798 *	Civil remedies for ID theft victims	528.5	Online impersonation to harm or defraud (MISD)
7480**	Bank pics must be produced at law enforcement request	529	False personation (WOB)
Penal Code Enhancements & Additional Terms		529a	Making/selling false birth certificate (WOB)
186.11	(2-3-5) if 2+ felonies & pattern > \$500,000 (plus 12022.6)	529.5	Making/selling false govt. ID (MISD)
502.01	Forfeiture of equipment used in commission of crime	529.7	Obtaining DMV document via fraud (MISD)
1170(h)	Except 290 or prior/current strike, WOB = 16-2-3 in Cty Jail [REALIGNMENT]	535	Mock auction (WOB)
1203.045	PSP >\$100,000 loss to victim (includes costs incurred)	538.5	Public utility fraud (WOB)
1203.047	3 yr. min. prob; no employment w/ connected computer if 502(c) conviction	593d/e	Satellite & TV fraud (MISD; manufacture or sales = FEL)
1203.048	PSP if > \$100,000 loss in 502(c) conviction	638	Pretexting for phone calling pattern record (MISD)
12022.6	1 yr. if aggregate losses > \$65,000; 2 yrs. > \$200,000; 3 yrs. > \$1,300,000; 4 yrs. > \$3,200,000	648	Making/passing counterfeit bill/ticket (1st=MISD)
2702	Prisoner convicted of 502 shall not have any computer access	653w	Selling pirated DVDs or CDs (FEL>100 DVD or CDs)

Prepared by Johnette Jauron, Deputy Attorney General, eCrime Unit, July 2015 / Special thanks to Law Clerk Lilibeth Clelo for her help in updating this guide.

*Civ Code **Govt Code

<http://oag.ca.gov/cyberexploitation>



Table of Computer (Persons) Crimes

Penal Code §§ For Computer-Related Sex Crimes

236.1	Human Trafficking (5-8-12) [if for sex crime or extortion 8-14-20; if minor with force/fear 15- Life]
288.2(a)(1)	Distributing Lewd Matter (cp) over Internet to Minor (2-3-5) <u>not 290</u>
288.2(a)(2)	Distributing Lewd Matter (adult) over Internet to Minor (wobbler) <u>not 290</u>
288.4(a)	Internet Luring/arranging to meet a minor for a lewd act (misd) [if by a 290 registrant = S/P] <u>290</u>
288.4(b)	Internet Luring/showing up at meet (2-3-4) <u>290</u>

Penal Code §§ For Child Sexual Exploitation

311.1	Possession w/ Intent to Distribute CP (wobbler) [2 nd offense = 2-4-6] <u>290</u>
311.2(a)	Possession w/ Intent to Distribute "Obscene" (1 st =misd.) [2 nd offense = felony] <u>NOT CP & not 290</u>
311.2(b)	Possession of CP w/ Commercial Intent (2-3-6) [2 nd offense = same] <u>290</u>
311.2(c)	Possession w/ Intent to Distribute CP to Adult** (wobbler) [2 nd offense = straight felony] <u>290</u>
311.2(d)	Possession w/ Intent to Distribute CP to Minor (straight felony) [2 nd offense = same] <u>290</u>
311.3	Exchanging Film of CP** (misd.) [2 nd offense = straight felony] <u>290</u>
311.4(a)	Using a Minor to Distribute CP** (wobbler) [2 nd offense = S/P & \$50K fine] <u>290</u>
311.4(b)	Posing a Minor for CP Commercially* (3-6-8) [2 nd offense = same] <u>290</u>
311.4(c)	Posing Minor for CP (straight felony & 1203.065=S/P; 2 nd offense = same) <u>290</u>
311.5	Advertising Obscenity (misd.) [2 nd offense = felony] <u>NOT CP & not 290</u>
311.6	Participation in Obscene Live Conduct (misd.) <u>NOT CP & not 290</u>
311.7	Requiring Rect of Obscen. (misd.) [2 nd offense = 1 year misd; 3 rd offense = felony] <u>NOT CP & not 290</u>
311.8	Defenses to Chapter
311.9	Enumerated Penalties
311.10	Advertising CP For Sale/Distrib (2-3-4) [2 nd offense = same] <u>290</u>
311.11(a)	Simple Possession of CP (wobbler) [2-4-6 if prior or 290] <u>290</u>
311.11(c)	Agg. Possession of CP (16-2-5 if >600 pics or S&M) [1 video = 50 pics] <u>290</u>
312.3	Forfeiture of computer equipment containing matter
314	Indecent Exposure (misd; if entry into dwelling = wobbler) [2 nd offense or w/ prior 288 = S/P] <u>290</u>
647.6	Annoy/Molest Child** (misd; if in dwelling = wobbler) [2 nd offense = S/P; w/ prior V <14 = 2-4-6] <u>290</u>
*	SOL is 10 years from production per 801.2
**	2 nd offense conflicts with 311.11(b) = 2-4-6 so charge both

Note: 290 offenses are not subject to 1170(h)

Penal Code §§ For Computer-Related Misc. Crimes

422	Terrorist Threats (wobbler) [NOT 1170(h)]
591.5	Destruction of Wireless Device Used to Call Police (misd.)
632	Recording/Eavesdropping Confidential Communication (wobbler) [NOT 1170(h) – prob error]
632.5	Intercepting Cellular Phone Calls (wobbler) [NOT 1170(h) – prob error]
632.6	Intercepting Cordless Phone Calls (wobbler) [NOT 1170(h) – prob error]
636.5	Interception of Public Safety Radio to Assist Criminal Offense (misd)
637.7	Tracking/Invasion of Privacy By Electronic Device (misd.)
646.9	Stalking (wobbler; w/ TRO = 4 yrs) [w/ prior = 5 yrs] NOT 1170(h)
647(a)	Lewd Conduct in Public Place (misd)
647(j)	Camera to Invade Privacy (misd) AND [NEW] Distribution of pic of intimate body part (misd)
653f	Solicitation to Commit Felony (as per enumerated felony; <u>290 if for sex crime</u>)
653m	Harassing Phone Calls/Email/Text with Intent to Annoy (misd.)
653.2	Online Publication of PII with Intent to Cause Fear/Unwanted Contact (misd)

Additional Enhancements

502.01	Forfeiture of computer equipment used in commission of crime
1203.065	Presumptive state prison for violation of 311.4(c) {but not (b)}

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