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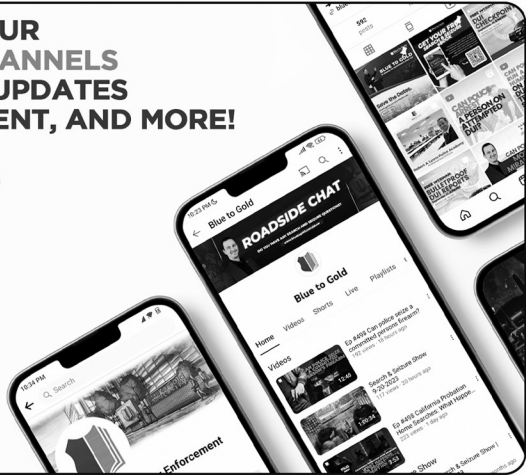


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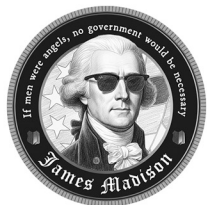


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PENAL CODE OF CRIMES AND PUNISHMENTS

SIMPLIFIED STATUTES

CALIFORNIA LAWS MADE EASY

TITLE 5 OF CRIMES BY AND AGAINST THE EXECUTIVE POWER OF THE STATE

CHAPTER 2921 | OFFENSES AGAINST JUSTICE AND PUBLIC ADMINISTRATION

Section 71 – Threatening Public Officers or School Employees

Wobbler (Misdemeanor or Felony)

Purpose: Punishes threats made against public officers or school employees with intent to deter the performance of duties, protecting government and education functions from coercion.

Articulate the following:

1. Describe that the victim was an officer or employee of a public or private educational institution, or a public officer or employee, who was performing official duties at the time of the incident.
2. Explain how the defendant acted with the intent to cause, attempted to cause, or caused the victim to do an act or to refrain from doing an act in the performance of their official duties.
3. Describe the threat made by the defendant to inflict an unlawful injury on a person or property (injury not authorized or permitted by law).
4. Document that the threat was directly communicated to the victim (e.g., in person, by telephone,

letter, or other direct communication).

5. Explain how the threat was used as the means to influence the victim's actions or inaction in their official duties.
6. Describe facts showing that it reasonably appeared to the victim that the threat could be carried out (e.g., seriousness of the threat, defendant's proximity, prior conduct, or circumstances surrounding the communication).
7. Explain the defendant's intent at the time of the threat (e.g., willfully intending to influence, interfere with, or retaliate against the victim's performance of official duties).

Definition/s:

- **“Directly communicated”** means a communication made to the recipient of the threat, including but not limited to communication by telephone, telegraph, or letter.

Section 76 – Threatening Public Officials or Their Families

Wobbler (Misdemeanor or Felony)

Purpose: Punishes threats of violence directed at high-ranking public officials or their immediate family, protecting senior officials from coercion tied to their public service.

Articulate the following:

1. Describe that the victim was an elected public official, county

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public defender, county clerk, exempt appointee of the Governor, judge, Deputy Commissioner of the Board of Prison Terms, or the staff or immediate family of one of those persons.

2. Describe that the defendant knowingly and willingly made a threat to the life of the victim or threatened serious bodily harm to the victim.
3. Explain that the defendant made the threat with the specific intent that the statement be taken as a threat (intended the recipient to perceive it as a real threat).
4. Describe facts showing the defendant had the apparent ability to carry out the threat by any means (including at a future date, if applicable).
5. Explain how the threat would cause a reasonable person to fear for their safety or the safety of their immediate family.
6. Describe how the threat was communicated (e.g., verbal, written, implied by conduct, or a combination of statements and conduct).
7. If the victim was staff or immediate family of staff, explain how the threat directly related to the official duties of the staff member.
8. If the victim was a Deputy Commissioner of the Board of Prison Terms, explain how the threat directly related to the

official duties of the Deputy Commissioner.

Definition/s:

- **“Apparent ability to carry out that threat”** includes the ability to fulfill the threat at some future date, including when the person making the threat is incarcerated with a stated release date.
 - **“Serious bodily harm”** means serious physical injury or a serious traumatic condition.
 - **“Immediate family”** means a spouse, parent, or child, or anyone who has regularly resided in the household for the past six months.
 - **“Staff of a judge”** means court officers and employees, including commissioners, referees, and retired judges sitting on assignment.
 - **“Threat”** means a verbal or written threat, or a threat implied by a pattern of conduct or a combination of verbal or written statements and conduct, made with the intent and apparent ability to carry out the threat so as to cause the target to reasonably fear for their safety or the safety of their immediate family.
-

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TITLE 7 OF CRIMES AGAINST PUBLIC JUSTICE

CHAPTER 4 – FORGING, STEALING, MUTILATING, AND FALSIFYING JUDICIAL AND PUBLIC RECORDS AND DOCUMENTS

Section 112 – False Government Documents

Misdemeanor

Purpose: Punishes the manufacture or sale of false government documents, protecting the integrity of credentials issued by government agencies.

Articulate the following:

1. Describe how the defendant manufactured or sold a document.
2. Explain that the document was a false government document (not genuine, altered, or fraudulently created).
3. Explain how the defendant acted with the intent to conceal the true citizenship or resident status of another person.
4. Describe that the purpose of concealing the citizenship or resident status was for immigration-related purposes.
5. Document the number of false government documents manufactured or sold (each document may constitute a separate violation).

Definition/s:

- “Government document” means any document issued by the United States government or any state or local government, including but not limited to a passport, immigration visa, employment authorization card, birth certificate, driver’s license, identification card, or social security card.

Section 113 – False Citizenship Documents (Manufacture/Sale)

Felony

Purpose: Punishes the manufacture or sale of false citizenship documents, addressing document fraud that enables unlawful immigration status claims.

Articulate the following:

1. Describe how the defendant manufactured, distributed, or sold documents.
 2. Explain that the documents were false (not genuine, altered, or fraudulently created).
 3. Explain how the defendant acted with the intent to conceal the true citizenship or resident status of another person.
 4. Describe that the concealment of citizenship or resident status was for immigration-related purposes.
 5. Document the involvement of another person whose citizenship or resident status was concealed.
-

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Section 114 – Use of False Citizenship Documents

Felony

Purpose: Punishes the use of false citizenship documents, reaching the end-use stage of citizenship document fraud.

Articulate the following:

1. Describe how the defendant used documents.
2. Explain that the documents were false (not genuine, altered, or fraudulently created).
3. Explain how the defendant acted with the intent to conceal their true citizenship or resident status.
4. Describe that the concealment of citizenship or resident status was for immigration-related purposes.

Section 115 – Filing False or Forged Instruments

Felony

Purpose: Punishes the filing of false or forged instruments in public records, protecting the accuracy and legal reliability of recorded documents.

Articulate the following:

1. Describe how the defendant knowingly procured or offered an instrument.
2. Explain that the instrument was false or forged (not genuine, altered, or fraudulently created).

3. Describe that the defendant procured or offered the instrument to be filed, registered, or recorded.
4. Explain that the instrument was offered to a public office within the State of California.
5. Describe that the instrument, if genuine, was of a type that could legally be filed, registered, or recorded under California or United States law.
6. Explain the defendant's knowing and willful intent at the time of procuring or offering the false or forged instrument.
7. Document each separate act of procuring or offering a false or forged instrument (each act constitutes a separate violation).

Definition/s:

- “**Prosecuting agency**” means a city attorney, a district attorney, the Attorney General, or another state or local agency actively prosecuting a case under this section.

CHAPTER 5 – PERJURY AND SUBORNATION OF PERJURY

Section 118.1 – Peace Officers; False Report

Wobbler (Misdemeanor or Felony)

Purpose: Punishes peace officers who file false reports of investigations or crimes, protecting the integrity of police records on which prosecutions and decisions rely.

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Articulate the following:

1. Describe that the defendant was a peace officer acting in their official capacity at the time of the incident.
2. Explain how the defendant knowingly and intentionally made, or caused to be made, a statement.
3. Describe that the statement was made in a peace officer report or made to another peace officer and then included in a peace officer report.
4. Explain that the statement related to the commission or investigation of a crime.
5. Describe that the statement was material (significant or relevant to the investigation or report).
6. Explain that the defendant knew the statement was false at the time it was made or caused to be made.
7. If the false statement was attributed to another person, explain that the defendant knew the statement was false and included it to present it as true.

Section 126 – Punishment

Perjury is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three or four years.

Section 129 – False Return Required to be Under Oath

Felony

Purpose: Punishes the failure to make required false-return statements under oath, supporting the truthfulness of formal returns required by law.

Articulate the following:

1. Describe that the defendant was required by law to make a return, statement, or report.
2. Explain that the return, statement, or report was required to be made under oath (or purported to be under oath).
3. Describe how the defendant willfully made and delivered the return, statement, or report.
4. Explain that the defendant knew the return, statement, or report was false in at least one particular at the time it was made.
5. Describe the defendant's willful intent in making and delivering the false return, statement, or report under oath.

CHAPTER 6 – FALSIFYING EVIDENCE, AND BRIBING, INFLUENCING, INTIMIDATING OR THREATENING WITNESSES

Section 132 – Offering Forged Evidence

Felony

Purpose: Punishes the offering of forged evidence in legal proceedings,

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protecting the integrity of judicial fact-finding from corruption.

Articulate the following:

1. Describe that the defendant was involved in a trial, proceeding, inquiry, or investigation that was authorized or permitted by law.
2. Explain how the defendant offered a book, paper, document, record, or other written instrument into evidence.
3. Describe that the defendant offered the item as genuine or true.
4. Explain that the item had been forged, fraudulently altered, or ante-dated.
5. Describe that the defendant knew the item was forged, fraudulently altered, or ante-dated at the time it was offered.
6. Explain the defendant's knowing and willful intent in offering the false or forged item as genuine evidence.

Section 132.5 – Receiving Money for Crime Information Misdemeanor

Purpose: Punishes those who receive money in exchange for crime-related information involved in judicial proceedings, addressing payments that distort witness conduct.

Articulate the following:

Receiving money for crime information (knowledge of crime required)

1. Describe that the defendant was a witness to an event or occurrence or had personal knowledge of facts.
2. Explain that the defendant knew the event or occurrence was a crime or knew or reasonably should have known the facts could require the defendant to be called as a witness in a criminal prosecution.
3. Describe how the defendant accepted or received money or its equivalent.
4. Explain that the payment was accepted directly or indirectly.
5. Describe that the payment was given in consideration for providing information obtained from witnessing the event or occurrence or from having personal knowledge of the facts.
6. Explain the defendant's knowing and intentional intent in accepting or receiving the payment.

Receiving money for crime information (reasonable knowledge of crime)

1. Describe that the defendant was a witness to an event or occurrence.
2. Explain that the defendant reasonably should have known the event or occurrence was a crime.

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3. Describe how the defendant accepted or received money or its equivalent.
4. Explain that the payment was accepted directly or indirectly.
5. Describe that the payment was given in consideration for providing information obtained from witnessing the event or occurrence.

Definition/s:

- **“Information”** does not include a photograph, videotape, audiotape, or any other direct recording of an event or occurrence.
- **“Victims of crimes”** is or means persons construed consistent with Section 28 of Article I of the California Constitution, and includes victims as defined in subdivision (3) of Section 136.

Section 133 – Deceiving Witness to Affect Testimony

Misdemeanor

Purpose: Punishes the deception of witnesses to influence their testimony, protecting the truth-seeking function of legal proceedings.

Articulate the following:

1. Describe that the victim was a witness or a person about to be called as a witness in a trial, proceeding, inquiry, or investigation authorized by law.
2. Describe how the defendant practiced fraud or deceit, or

knowingly made or exhibited a false statement, representation, token, or writing.

3. Explain that the defendant directed the fraud, deceit, false statement, representation, token, or writing to the witness or prospective witness.
4. Explain that the defendant acted with the intent to affect the testimony of the witness.
5. Describe the defendant’s knowing and willful intent in attempting to influence the witness’s testimony.

Section 134 – Preparing False Documentary Evidence

Felony

Purpose: Punishes the preparation of false documentary evidence with intent to use it in proceedings, reaching the fabrication stage before falsified evidence is introduced.

Articulate the following:

1. Describe how the defendant prepared a book, paper, record, instrument in writing, or other matter or thing.
2. Explain that the item prepared was false or ante-dated.
3. Describe that the defendant acted with the intent to produce the item or allow it to be produced.
4. Explain that the defendant intended the item to be produced as genuine or true.

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5. Describe that the defendant intended the item to be used for a fraudulent or deceitful purpose.
6. Explain that the item was intended to be produced in a trial, proceeding, or inquiry authorized by law.
7. Describe the defendant's knowing and willful intent in preparing the false or ante-dated item for use as genuine evidence.

Section 135 – Destroying or Concealing Evidence

Misdemeanor

Purpose: Punishes the destruction or concealment of evidence in legal proceedings, protecting the availability of evidence on which courts depend.

Articulate the following:

1. Describe that the item was a book, paper, record, instrument in writing, digital image, video recording owned by another, or other matter or thing.
2. Explain that the defendant knew the item was about to be produced as evidence in a trial, inquiry, or investigation authorized by law.
3. Describe how the defendant willfully destroyed, erased, or concealed the item.
4. Explain that the defendant acted with the intent to prevent the item or its contents from being produced as evidence.

5. Describe the defendant's knowing and willful intent to interfere with the production of evidence.

Section 135.5 – Evidence Tampering (Disciplinary Case)

Misdemeanor

Purpose: Punishes the alteration or destruction of evidence in disciplinary cases, extending evidence-tampering protection to professional disciplinary proceedings.

Articulate the following:

1. Describe that there was a disciplinary proceeding against a public safety officer.
2. Explain that the evidence involved was relevant to the disciplinary proceeding.
3. Describe how the defendant altered, tampered with, concealed, or destroyed the evidence.
4. Explain that the defendant acted knowingly at the time of altering, tampering with, concealing, or destroying the evidence.
5. Describe that the defendant acted for the purpose of harming the public safety officer.

Section 136.1 – Witness/Victim Intimidation

Wobbler (Felony if aggravating circumstances apply)

Purpose: Punishes the intimidation of witnesses or victims, protecting those

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who testify or report crimes from coercion designed to silence them.

Articulate the following:

Preventing or dissuading testimony

1. Describe that the victim was a witness or victim in a trial, proceeding, or inquiry authorized by law.
2. Explain how the defendant knowingly and maliciously prevented or dissuaded the witness or victim from attending or giving testimony.
3. Describe the defendant's malicious intent to interfere with the justice process.

Attempting to prevent or dissuade testimony

1. Describe how the defendant knowingly and maliciously attempted to prevent or dissuade a witness or victim from attending or giving testimony.
2. Explain that the attempt occurred regardless of whether it was successful.
3. Describe the defendant's malicious intent at the time of the attempt.

Preventing or dissuading reporting, arrest, or prosecution

1. Describe that the victim was a crime victim or a witness to a crime.
2. Explain how the defendant attempted to prevent or dissuade the victim or witness from doing one or more of the following:

- o Making a report to a peace officer, law enforcement agency, probation, parole, correctional officer, prosecutor, or judge.
 - o Causing a complaint, indictment, information, or probation or parole violation to be sought or prosecuted.
 - o Assisting in the prosecution of the offense.
 - o Arresting, causing, or seeking the arrest of any person related to the victimization.
3. Describe the defendant's knowing and malicious intent to interfere with reporting, arrest, or prosecution.

Felony aggravating circumstances

1. Describe that the defendant committed any of the acts listed above knowingly and maliciously under one or more of the following circumstances:
 - o The act was accompanied by force or an express or implied threat of force or violence to a witness, victim, third person, or property.
 - o The act was committed in furtherance of a conspiracy.
 - o The defendant had a prior conviction for preventing or dissuading a witness or victim.

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- o The act was committed for pecuniary gain, other consideration, or at the request of another person.

Attempt liability

1. Describe that the defendant attempted to commit any act listed above, regardless of whether the attempt succeeded.
2. Explain that the absence of physical injury or actual intimidation does not negate the offense.

Family member presumption

1. If applicable, describe whether the defendant was a family member who interceded to protect the witness or victim.
2. Document facts relevant to whether the defendant's conduct was with or without malice.

Section 137 – Influencing Testimony or Information

Felony or Misdemeanor (depending on conduct)

Purpose: Punishes the influencing of testimony or information through bribery or threat, addressing the corruption of witnesses outside ordinary intimidation.

Articulate the following:

Bribing a witness or informant

1. Describe that the victim was a witness, a person about to be called as a witness, or a person about to give material information

pertaining to a crime to a law enforcement official.

2. Describe how the defendant gave, offered, or promised to give something of value to that person.
3. Explain that the item offered or promised was a bribe (money, benefit, or thing of value).
4. Describe that there was an understanding or agreement that the testimony or information would be influenced by the bribe.
5. Explain the defendant's knowing and intentional intent to influence testimony or information.

Using force, threats, or fraud to influence testimony or information

1. Describe how the defendant attempted to induce a person to give false testimony, withhold true testimony, give false material information, or withhold true material information pertaining to a crime.
2. Explain that the defendant used force, a threat of force, or fraud to influence the person.
3. Describe how the conduct was directed toward influencing testimony or information given to a law enforcement official.
4. Explain the defendant's knowing and intentional intent to interfere with truthful testimony or information.

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Knowingly inducing false testimony or withholding true testimony

1. Describe how the defendant knowingly induced another person to give false testimony or withhold true testimony not privileged by law.
2. Explain that the conduct involved testimony or material information pertaining to a crime.
3. Describe that the testimony or information was intended to be given to, or withheld from, a law enforcement official.
4. Explain the defendant's knowing intent to influence the truthfulness of testimony or information.

Definition/s:

- **"Threat of force"** means a credible threat of unlawful injury to a person or damage to the property of another, communicated for the purpose of inducing a person to give false testimony, withhold true testimony, give false material information, or withhold true material information.
 - **"Law enforcement official"** means any district attorney, deputy district attorney, city attorney, deputy city attorney, the Attorney General or any deputy attorney general, or any peace officer included in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.
-

Section 138 – Bribing a Witness

Felony

Purpose: Punishes the bribery of witnesses, protecting truthful testimony from being purchased.

Articulate the following:

Bribing a witness to prevent attendance

1. Describe that the victim was a witness or a person about to be called as a witness in a trial or other judicial proceeding.
2. Describe how the defendant gave, offered, or promised to give a bribe.
3. Explain that there was an understanding or agreement that the witness would not attend the trial or judicial proceeding.
4. Describe that the bribe was offered or promised for the purpose of dissuading the witness from attending.
5. Explain the defendant's knowing and intentional intent to prevent the witness's attendance.

Witness receiving or offering to receive a bribe

1. Describe that the defendant was a witness or a person about to be called as a witness.
2. Explain how the defendant received, or offered to receive, a bribe.
3. Describe that there was an understanding or agreement that the defendant's testimony would

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be influenced, or that the defendant would be absent from the trial or proceeding.

4. Explain the defendant's knowing and intentional intent to influence testimony or avoid appearing as a witness.

5. Explain that the threat was credible (intended to be taken seriously and reasonably caused fear).

6. Describe facts showing that the defendant had the apparent ability to carry out the threat.

7. Explain the defendant's malicious intent at the time the threat was communicated.

Section 139 – Threats Against Witnesses or Victims

Wobbler (Misdemeanor or Felony)

Purpose: Punishes the making of threats against witnesses or victims because of their participation in legal proceedings, protecting their participation from retaliation.

Articulate the following:

Credible threat against a witness or victim

1. Describe that the defendant had previously been convicted of a felony offense specified in Chapter 3 (commencing with Section 29900).
2. Describe that the victim was a witness to, or a victim of, the crime for which the defendant was previously convicted.
3. Explain how the defendant willfully and maliciously communicated a threat to the witness or victim.
4. Describe that the threat involved the use of force or violence against the witness or victim, or their immediate family.

Subsequent credible threat after conviction

1. Describe that the defendant was previously convicted of violating this section.
2. Explain that the defendant later made another credible threat.
3. Describe that the subsequent threat was against the life of, or threatened to cause great bodily injury to, a witness or victim described above.

Incarcerated status

1. If applicable, describe that the defendant was incarcerated at the time the threat was made.
2. Explain that incarceration did not prevent the defendant from making or communicating the threat.

Definition/s:

- **“A credible threat”** is a threat made with the intent and the apparent ability to carry out the threat so as to cause the target of the threat to reasonably fear for their safety or the safety of their immediate family.

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